

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

**WEDNESDAY, MARCH 6, 2002, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Gary Cake, More Than Words Ministry

**PROCLAMATIONS**

PROCLAMATION DECLARING THE WEEK OF MARCH 3-9, 2002 AS "2002 WOMEN IN CONSTRUCTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MARCH 8, 2002 AS "CLUB 20 DAY" IN THE CITY OF GRAND JUNCTION

**\*\*\*APPOINTMENTS**

APPOINTMENT TO THE PARKS AND RECREATION ADVISORY BOARD

**PRE-SCHEDULED CITIZENS AND VISITORS**

STEVE SHEEHY WITH MESA COUNTY SAFETY COUNCIL TO ADDRESS CITY COUNCIL ON PLANS FOR A SAFETY VILLAGE

MIKE AND ALANA BELL TO ADDRESS CITY COUNCIL ON A DENIED SEWER BACKUP CLAIM

**CITIZEN COMMENTS**

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

1. **Minutes of Previous Meetings** [Attach 1](#)  
*Action: Approve the Summary of the February 18, 2002 Workshop and the Minutes of the February 20, 2002 Regular Meeting*
2. **Sole Source Purchase Request of Computer Software for the Police Department** [Attach 2](#)

The Police Department is seeking approval for a sole source purchase of a CADMine program and service. This program is provided through Corona Solutions and is compatible with existing software. Corona Solutions is the only provider of this type of service. CADMine is a program that imports data from the computer aided dispatch system which is then used to compute crime trends and detailed reports on call load, workload, response times, counts by type of event, unit ID and area.

*Action: Authorize the Sole Source Purchase of CADMine from Corona Solutions for the Police Department*

Staff presentation: Robert Knight, Police Lieutenant

**3. Setting a Hearing on the Zoning the Gunn Annexation #1 & #2**

[File #ANX-2002-014]

[Attach 3](#)

First reading of the Zone of Annexation Ordinance for the Gunn Annexation located at 2981 Gunnison Ave. The 0.688-acre Gunn Annexation consists of one parcel of land.

Proposed Ordinance Zoning for the Gunn Annexation #1 & 2 to I-1(Light Industrial), Located at 2981Gunnison Avenue

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002*

Staff presentation: Senta Costello, Associate Planner

**4. Setting a Hearing on Zoning the Cimarron Mesa Annexation Located at 225 Linden Avenue** [File #ANX-2001-161]

[Attach 4](#)

The applicant proposes a zone of annexation from County RSF-4 to City RSF-4 for the 32.567 acre Cimarron Mesa Annexation. A Preliminary Plan to subdivide the parcel into 109 single-family lots was approved by the Planning Commission at its February 19, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Proposed Ordinance Zoning the Cimarron Mesa Subdivision Annexation Residential Single Family – Four (RSF-4) Located at the Southwest Corner of Linden Avenue and B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002*

Staff presentation: Bill Nebeker, Senior Planner

5. **Setting a Hearing on the Rinderle Annexation located at the SE Corner of 28 Road and B ½ Road** [File #ANX-2002-027] [Attach 5](#)

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rinderle Annexation located at the southeast corner of 28 Road and B ½ Road. The 11.575-acre Rinderle Annexation consists of one parcel of land.

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

Resolution No. 15-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rinderle Annexation, Located at the Southeast Corner of 28 Road and B ½ Road

*Action: Adopt Resolution No. 15-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rinderle Annexation, Approximately 11.575 acres, Located at the Southeast Corner of 28 Road and B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

Staff presentation: Bill Nebeker, Senior Planner

6. **Setting a Hearing on the Staton Annexation Located at 2673 ½ B ½ Road** [File # ANX-2002-028] [Attach 6](#)

Resolution for referral of petition to annex and first reading of the annexation ordinance and exercising land use jurisdiction immediately for the Staton Annexation, Located at 2673 ½ B ½ Road.

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

Resolution No. 16-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Staton Annexation, Located at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-way and Including a Portion of the Linden Avenue Right-of-way

*Action: Adopt Resolution No. 16-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Staton Annexation, Approximately 17.329 acres, Located at 2673 ½ B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

Staff presentation: Ronnie Edwards, Associate Planner

**7. Setting a Hearing on the Dettmer Annexation located at 2916 D ½ Road**

[File #ANX-2002-013]

[Attach 7](#)

Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Dettmer Annexation located at 2916 D-1/2 Road. This 0.861-acre (37,506.2 square feet) annexation consists of a single parcel of land.

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

Resolution No. 17-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, the Dettmer Annexation, Located at 2916 D ½ Road

*\*Action: Adopt Resolution No. 17-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Dettmer Annexation, Approximately 0.861 acres, Located at 2916 D ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

Staff presentation: Kristen Ashbeck, Senior Planner

**8. Setting a Hearing on the Traver No. 3 Annexation Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads** [File #ANX-2001-011] [Attach 8](#)

Resolution for Referral of Petition to Annex, First Reading of the annexation ordinance and exercising land use jurisdiction immediately for the Traver Annexation No. 3, a parcel of land lying along the Grand Valley Irrigation Company Canal situated north of the Traver Annexation No. 2 and east of D and 30 Roads.

This 0.2407 acre (10,484.9 square feet) annexation consists of a single parcel of land.

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

Resolution No. 18-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Traver Annexation No. 3, Located along the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

*\*Action: Adopt Resolution No. 18-02*

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

Proposed Ordinance Annexing Territory to the City Of Grand Junction, Colorado, Traver Annexation No. 3, Approximately 0.2407 Acres, Located at the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

Staff presentation: Kristen Ashbeck, Senior Planner

**9. Setting a Hearing on Rezoning the Paul B. Boyd Subdivision, Located at 838 26 ½ Road, 2660 Catalina Drive and 2662 Catalina Drive [File #RZ-2002-015]**

[Attach 9](#)

The Petitioner is requesting a rezoning from RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre). The rezone request is the result of a minor subdivision. Two lots were reconfigured into 3 lots, leaving a split zoning on the newly created lot. This proposal will rezone the new lot and the lot to the west to RSF-4. This request is in conformance with the Growth Plan, which suggests a density of residential medium, 4 to 8 units per acre.

Proposed Ordinance Zoning 3 Parcels of Land Located in the Paul B. Boyd Subdivision, 838 26 ½ Road, 2662 Catalina Drive and 2660 Catalina Drive

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002*

Staff presentation: Lori V. Bowers, Associate Planner

**10. Sale of City Right-of-Way at Horizon Drive, G Road and 27 ½ Road Intersection to Pizza Hut**

[Attach 10](#)

Adjacent to the Pizza Hut property on Horizon Drive and G Road, is an area of City right-of-way that is not used because of the reconstruction of the Horizon Drive, G Road and 27 ½ Road intersection. This agreement will convey the City property to the adjacent landowner. In exchange, the business owner agrees to pay for, develop and maintain the property.

*Action: Authorize the City Manager to Execute an Agreement Conveying City Right-of-Way and Providing Details of the Conveyance*

Staff presentation: Tim Moore, Public Works Manager

11. **Contract Amendment #2 to ICON Engineering Contract for Leach Creek and Horizon Drive Drainage Plans** [Attach 11](#)

Original contract with ICON was for the investigation of alternatives, and preparation of Letter of Map Revision (LOMR) for Horizon Drive Channel/ Independent Ranchmen's Ditch (HC/IRD) Basin around Mesa Mall. Amendment #2 proposes to complete the study to reduce or eliminate the potential for flooding between Mesa Mall and 25 ½ Road.

*Action: Authorize the City Manager to Sign Amendment #2 to the Existing Contract with ICON Engineering for \$30,685 to Fund the Additional Work*

Staff presentation: Trent Prall, Utilities Engineer

12. **Recommendations from the Grand Junction Commission on Arts and Culture for Funding Support to Organizations for Art and Cultural Events, Projects, and Programs** [Attach 12](#)

On February 26 and 27, 2002 the Commission reviewed requests and presentations from 23 organizations and agencies, totaling \$57,836, for financial support, per Commission goals, criteria, and guidelines. The Commission recommends funding the following:

Art Center art exhibit series	\$2,500
Bookcliff Barbershop Chorus nursing home tour	\$1,000
David Taylor Dance Theatre (Denver) performance	\$2,000
Downtown Association Art & Jazz Festival	\$2,000
Grand Junction Symphony opening concert	\$1,000
Grand Valley Blacksmith Guild workshop	\$500
Grand Valley Community Theater musical	\$1,000
KAFM Public Radio calendar underwriting	\$2,000
KRMJ-TV "Western Bounty" underwriting	\$2,000
Mesa Co. Library/New Emerson Artist-in-Residence	\$1,500
Mesa State Foundation Art Educators' Conference	\$600

Mesa State Summer Dance workshop	\$1,500
Museum of Outdoor Arts (Englewood) Design & Build	\$836
Museum of Western Colo. Apple Jubilee	\$1,000
Performing Arts Conservatory musical	\$1,500
Schumann Singers concerts	\$500
SD#51 Art Heritage Artists-in-Residence	\$4,000
St. Andrews Grand Valley Renaissance Faire	\$1,000
VSA Arts Festival for the Disabled	\$1,200
West. Colo. Botanical Garden Amphitheater	\$1,000
Western Colorado Chorale concert tickets	\$500
TOTAL	\$29,136

*Action: Approve Commission Recommendations for Arts and Cultural Events and Programs*

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

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

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

**\*\*\*13. Funding Policies for Outside Organizations**

[Attach 13](#)

The City Council has developed guidelines to help with funding decisions for outside groups. This resolution will adopt the guidelines developed by the Council.

Resolution No. 19-02 - Adopting Guidelines for Funding Outside Organizations

*\*Action: Adopt Resolution No. 19-02*

Staff presentation: David Varley, Assistant City Manager

**14. Public Hearing - Vacation of Right-of-Way, Eagle Subdivision, Cheyenne Drive and Vernon Lane [File #VR-2002-009]**

[Attach 15](#)

The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane in the Eagle Subdivision.

Ordinance No. 3400 - An Ordinance Vacating the Portion of the Right-of-Way on the South Side of Cheyenne Drive between 27 3/8 Road and Mountain View Street and the Right-of-Way for Vernon Lane in the Eagle Subdivision

*\*Action: Adopt Ordinance No. 3400 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

**15. Public Hearing - Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System [Attach 16](#)**

City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000, includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Ordinance No. 3403 – A Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying prior Determinations of the Council; and Prescribing Other Details in Connection Therewith

*\*Action: Adopt Ordinance No. 3403 on Second Reading*

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

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

**17. OTHER BUSINESS**

**18. ADJOURNMENT**



**Attach 1**  
**Minutes of 2/18 Workshop and 2/20 Council**

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

**February 18, 2002**

The City Council of the City of Grand Junction, Colorado, met on Monday, February 18, 2002 at 7:03 p.m. in the City Auditorium to discuss workshop items. Those present were Harry Butler, Bill McCurry, Jim Spehar, Reford Theobold and President of the Council Cindy Enos-Martinez. Councilmembers Dennis Kirtland and Janet Terry were absent.

**Summaries and action on the following topics:**

1. **SOLID WASTE COLLECTION IN ANNEXED AREAS:** Staff (Mark Relph and Greg Trainor) updated Council on options for this issue. Areas annexed after April, 1994 are not served by the City yet many customers are requesting service. The City could serve another 700 customers without increasing staff or equipment. City Attorney Dan Wilson distributed a memo and stated that as a Home Rule City, the statute does not apply and Council actually has several options.

**Action summary:** Council did not see there is a problem with trash collection. Councilmember Theobold suggested that areas encircled by served areas (enclaves) be looked at for serving for efficiencies. Staff agreed that setting priorities and making a plan to increase capacity would be the best method to go forward. A follow-up report under those guidelines will be provided for further discussion.

2. **CABLE TELEVISION FRANCHISE:** Council discussed options for developing a franchise agreement.

Councilmember Theobold excused himself from the discussion and left the dais.

**Action summary:** Council agreed to look at some of the model franchises that would modernize the relationship with the cable company, including preserving an option for the City of Grand Junction's own channel in the future. City Administration will start discussions with the cable company using the models and bring it back to Council. They decided that the appropriate time frame would be to aim for the regular election in 2003.

**ADJOURNED** at 8:47 p.m.

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

**FEBRUARY 20, 2002**

The City Council of the City of Grand Junction convened into regular session the 20th day of February 2002, at 7:33 p.m. in the City Auditorium. Those present were Harry Butler, Reford Theobold, Bill McCurry, Janet Terry, Jim Spehar, and President of the Council Cindy Enos-Martinez. Councilmember Dennis Kirtland was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

Council President Enos-Martinez called the meeting to order and Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the Invocation by Rocky Shrable, Sonrise Church of God.

**PROCLAMATION**

PROCLAMATION DECLARING FEBRUARY 25, 2002 AS "BILL FANNING DAY" IN THE CITY OF GRAND JUNCTION

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Theobold, seconded by Councilmember McCurry and carried to approve the Consent Calendar Items #1 through 5.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the February 4, 2002 Workshop, the Minutes of the February 6, 2002 Special Meeting, and the Minutes of the February 6, 2002 Regular Meeting*

2. **Setting a Hearing on the Vacation of Right-of-Way, Eagle Subdivision, Cheyenne Drive and Vernon Lane** [File #VR-2002-009]

The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane.

Proposed Ordinance Vacating the Portion of the Right-of-Way on the South Side of Cheyenne Drive between 27 3/8 Road, and Mountain View Street, and the Right-of-Way for Vernon Lane

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 6, 2002*

3. **Urban Trails Master Plan Revisions** [File #PLN-2001-191]

**Resolution adopting the 2001 Urban Trails Master Plan for those areas located within the City limits and including those areas that will be annexed in the future.**

**Resolution No. 13-02 – A Resolution Adopting Amendments to the Urban Trails Master Plan**

*Action: Adopt Resolution No. 13-02*

4. **Award of Construction Contract for 25 & G Road Intersection and Storm Drainage Improvements**

Bids were received and opened on February 7, 2002, for 25 and G Road Intersection and Storm Drainage Improvements. The low bid was submitted by MA Concrete Construction, Inc. in the amount of \$391,178.38. This project consists of the replacement of the existing bridge at 25 Road with twin 84" pipes and the construction of a roundabout at 25 & G Road.

Work is scheduled to begin on or about March 18 and continue for 12 weeks with an anticipated completion date of June 8, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
MA Concrete Construction, Inc.	Grand Junction	\$391,178.38
Skyline Contracting, Inc.	Grand Junction	\$447,208.85
Mays Concrete, Inc.	Grand Junction	\$457,168.00
United Companies of Mesa County	Grand Junction	\$512,058.00
Engineer's Estimate		\$422,983.00

*Action: Authorize the City Manager to Execute a Contract for the 25 & G Road Intersection and Storm Drainage Improvements to M. A. Concrete in the Amount of \$391,178.38*

5. **Setting a Hearing on the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System**

City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000 includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing

the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith.

*Action: Adopt Proposed Ordinance on First Reading, Set a Hearing for March 6, 2002, and Authorize Publication in Pamphlet Form*

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

**Public Hearing – Approval of a Growth Plan Consistency Review and Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue** [File#RZ-2001-226] (Continued from January 16, 2002)

Request for Approval of: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second Reading of the Rezoning Ordinance to Rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

Mayor/Council President Enos-Martinez excused herself from the room as Jose Martinez and she are the owners of the property. Mayor Pro-Tem Terry presided over this portion of the meeting.

The public hearing was opened at 7:41 p.m.

Mike Joyce, Development Concepts, Inc., 2764 Compass Drive, represented the petitioner. He reviewed the request and the history of the property, which is currently developed with an existing non-residential building and a single-family residence. The existing non-residential building was constructed in 1911 as a grocery store. The grocery store was in business from 1911 until 1984, when the Baptist Church purchased the building to use for Sunday school classrooms. A neighborhood meeting on the current proposal was held and was well attended. Some of the concerns raised by the neighbors in attendance were: the eventual purchase of the church; any expansion of the current building; any serving of liquor on the premises; and potential competition with City Market and/or Albertson's. The neighbors were assured at the meeting that the church property would not be bought, the building would not be expanded, nor would liquor be served, and there would be no competition with the large grocery stores. A petition supporting the reopening of the "neighborhood grocery store" was also presented at the meeting and was largely supported by the neighborhood. Mr. Joyce explained that off-street parking is not available at the site. The grocery market is intended to serve the Riverside community and will primarily be accessed by pedestrian traffic. Mr. Joyce compared this proposal to the "This Is It" grocery store.

Mr. Joyce stated that the application complies with Chapter 5 regarding The Planned Development Districts and the Rezoning Criteria of Section 2.6.A. of the Zoning and Development Code. He also stated that the plan complies with the Growth Plan. Approval was recommended by the Planning Commission and Staff.

Lisa Gerstenberger, Senior Planner, then briefly reviewed the proposal. She identified the issues for Council to consider, and listed some of the policies that might be applicable in the Growth Plan. She then listed the Rezoning Criteria that had been satisfied, and some of the Planned Development Criteria that also had been met. She concluded that the request is consistent with the Growth Plan, and that it meets the Rezoning Criteria and the Planned Development intent.

Councilmember Terry requested clarification of a Growth Plan Consistency Review versus a Growth Plan Amendment. Ms. Gerstenberger replied that a Growth Plan Amendment requires a change to the Growth Plan Map, a Growth Plan Consistency Review does not. This request by the petitioner is just confirming consistency.

Councilmember Spehar asked if the use of a grocery store located in a Planned Development district is allowed in a residential category. Ms. Gerstenberger confirmed that it is.

There were no public comments.

The public hearing was closed at 8:11 p.m.

Councilmember Theobald supported the request due to the historic use as well as the need for a small retail outlet. Councilmembers Spehar and Butler agreed.

Resolution No. 14-02 – A Resolution Finding the Redevelopment of the Neighborhood Market Located at 215 Chuluota Avenue To Be Consistent with the Growth Plan

Ordinance No. 3399 – An Ordinance Rezoning 215 Chuluota Avenue from the Residential Multi-Family-8 (RMF-8) Zone District to Planned Development with Neighborhood Business (B-1) as the Default Zone

Upon motion made by Councilmember Theobald, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 14-02 and Ordinance No. 3399 were adopted on Second Reading and ordered published.

Mayor/Council President Enos-Martinez returned to the meeting and took her seat at the dais.

**Public Hearing - Appeal of the Planning Commission's Recommendation of Denial for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50 [File #RZ-2001-227]**

The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001, hearing recommended denial of the rezoning request to the City Council.

The public hearing was opened at 8:15 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. He noted that the petitioner was not in the audience. He advised that the Planning Commission recommended denial of the request. Mr. Cecil explained the reason the petitioner is requesting the change is to develop a large-scale retail development.

Mr. Cecil then reviewed the rezoning criteria. He stated that the petitioner did not meet all of the criteria. The development is not inconsistent with surrounding uses, but the proposed development might create a bad mix of traffic.

Councilmember Theobold noted that the Planning Commission stated there is a move to remove industrial uses from main arterial roads. Mr. Cecil said this property only has a small frontage on that road and the development standards will prevent it from presenting adverse visual impacts. Mr. Cecil thought that perhaps commercial zoning was a better choice, since the property is bordered on the east and west by commercial uses. Councilmember Theobold noted conflicting arguments in the materials that he received for review.

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

The public hearing was closed at 8:32 p.m.

Dan Wilson, City Attorney, stated that if the Planning Commission's denial was upheld then the ordinance would not be adopted.

Councilmember Terry asked for the differences between I-1 (Light Industrial) and I-2 (General Industrial) be differentiated. Kathy Portner, Planning Manager, listed some of the different uses allowed in I-2, the very heaviest industrial use.

Kathy Portner, Planning Manager, listed some of the different uses allowed in I-1 (Light Industrial), which would allow for retail sales, if approved in conjunction with a Conditional Use Permit. The I-2 (General Industrial) zone district does not permit many of the retail and restaurant type uses that commercial zone districts permit, and is designed to accommodate the heavy industrial and manufacturing oriented uses.

Councilmember Theobold noted that even with a rezoning a Conditional Use Permit would still be required. Councilmember Terry agreed.

Councilmember Butler disagreed, stating that a rezoning would have a ripple effect to the surrounding area.

Councilmember Spehar agreed with the recommendation of the Planning Commission and Staff due to the shortage of industrial zoned areas.

Ordinance No. 3400 - An Ordinance Zoning the Midwest Commercial Subdivision, 35.8 Acres of Land Located at 2295 Highway 6 & 50

Upon motion made by Councilmember Spehar, seconded by Councilmember Butler, and carried by a roll call vote, with Councilmembers Theobold and Councilmember

McCurry voting NO, the Planning Commission's Recommendation of Denial was upheld for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50.

**Public Hearing - Zoning for Webb Crane Annexation from County PC & AFT to City PD (Planned Development) Located at 761 23 ½ Road [File #ANX-2000-158]**

Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT (Agricultural Forestry Transitional) to City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

The public hearing was opened at 8:45 p.m.

Mike Joyce, Development Concepts, Inc., 2764 Compass Drive, was representing the petitioner. He reviewed the proposal and the history of the property. He stated that it has been 24 months since the property was annexed by the City of Grand Junction. The zoning delay was due to a request to consider a detention area on the property for the City. That request was determined to be unfeasible due to the high water table. Mr. Joyce continued and outlined the development proposal, timing issues, and storage encroachment.

Under the development proposal, Webb Crane is requesting only to expand its storage area at some future date and has no plans to construct any buildings in the storage area. Webb Crane plans to construct 2 additional Single Family Residences on 23 ½ Road to act as a buffer for the existing residential structures along 23 ½ Road. They would be built at some future date, when the total property is needed for storage.

Mr. Joyce pointed out that the 6 to 18 months completion requirement for the homes and landscape plan is not reasonable due to current economic conditions. Mr. Joyce assured Council that Webb Crane is committed to continue to work on the landscaping as shown in the plan. He explained that the storage encroachment is 35 feet wide and outside the 1999 issued Mesa County Conditional Use Permit. Mr. Joyce said since the property was annexed to the City of Grand Junction in 2000, the Conditional Use Permit issued by Mesa County is no longer in effect, and a temporary berm was constructed in 2000.

Councilmember Spehar wanted to verify if the Conditional Use Permit was still valid. City Attorney Wilson said due to the deferred zoning, and annexing to the City, the Mesa County Conditional Use Permit did not follow the property and therefore is no longer valid.

Councilmember Theobald asked why the request is before Council when they do not need it. Mr. Joyce replied that the application was submitted prior to the economic downturn, and the application has now been processed, and is ready to be presented to Council. The property also needs to be zoned.

Councilmember Terry asked Mr. Joyce, that since Webb Crane cannot meet the 18-month deadline, what alternative is Webb Crane proposing. Mr. Joyce requested Kevin Williams of Webb Crane to reply directly to Councilmember Terry's question.

Kevin Williams of Webb Crane, Inc. said there is no point in building employee housing when it is not needed. He detailed some of their activities and how they have tried to communicate their plans by having a meeting with the neighbors, but nobody came. He offered to relocate some of their equipment back into the Conditional Use Permit area if the current storage is a problem.

Pat Cecil, Development Services Supervisor, Community Development Department, reviewed this item. He detailed the outcome of the Planning Commission's discussions. Mr. Cecil stated that Webb Crane's proposals are not as originally presented, but that the Planning Commission still recommends approval of the zoning.

Councilmember Spehar asked if Council has the ability to impose additional requirements on the proposal. Mr. Cecil replied yes since the property is located in a Planned Development zone.

City Attorney Wilson noted that the last sentence ("It may be necessary to generate a HGL profile of the downstream systems.") in the revised Ordinance No. 3401 Section 5 (a) 7 should be deleted.

Wade Bretey, 771 23 ½ Road, opposed the project. He noted the property shown with all the cars is not his property. He inquired about the closed irrigation system, and asked if his driveway is torn up for the development, who would pay for it. He stated he did not receive a notice of the neighborhood meeting. He thought the project would lower his property value.

Doug Murphy, 768 23 ½ Road, informed City Council that he doesn't like looking at heavy equipment and cranes. Unless Webb Crane does what they say they would, the value of his property will drop. He wanted to see the berms built, and stated that there is also a noise problem. The current proposal is fine with him, as long as Webb Crane does what its proposal states.

Dick Pennington, 780 23 7/10 Road, said he did not receive a notice for any neighborhood meeting. The extension of Webb Crane's storage is not compatible with the neighbors. It has been two years since Webb Crane made certain promises. He said the berm is the same height as the road on the east side of 23 ½ Road therefore it needs to be much higher. He repeated that Webb Crane now says the 2 new houses won't be built until the entire storage area will be utilized. He also complained about the noise and diesel smells. He would like the berm on the east side of 23 ½ Road raised and for Council to require a deadline on building the two houses to be used for a buffer.

Alan Pennington, 782 23 7/10 Road, reiterated the original agreement that Webb Crane made with the neighbors. He also stated that he is afraid his properties will lose value.



Sean Norris, 778 23 Road, described the berms being proposed. He stated by not changing the topography, they will not change the drainage. He said it was the same plan Webb Crane presented to the neighborhood and it was agreed to. He felt Webb Crane has been a good neighbor.

Sean Norris, also president of the Appleton ML 350 Irrigation Company, said Webb Crane approached the district to see how Webb Crane can make the irrigation system more efficient. A closed system, not a pressurized system, was discussed. Several options were also discussed to ensure that none of the users would be adversely impacted. He explained that Webb Crane would use less water than an agricultural user.

Councilmember Terry asked for clarification on the request, and that Webb Crane is only requesting a time frame, not total relief from the requirements. Mr. Joyce replied that this was the request, except that the berm length only be 300 feet along the north property line.

Councilmember Terry asked if a fence would be erected at the end of the berm. Mr. Joyce replied that for security reasons a screen fence would be installed.

Councilmember Terry asked when the homes would be built and when the berms would be completed. Mr. Joyce answered the completion should be within three years, and that if not done by then, the request would be presented to Council for a re-review.

Councilmember Spehar asked about surrounding zoning. Mr. Joyce said the hay fields are zoned AFT but if ever developed, the zoning would become RSF-R.

Councilmember Theobald asked if there are two separate tax parcels. Mr. Williams replied that there is one northern metes and bounds parcel, which has been used since 1998. He noted that this property was developed for off-road trucks 20 years ago. There is an existing easement for wastewater through the property.

The public hearing was closed 10:07 p.m.

Councilmember Spehar said economics should not alter the conditions. He suggested no storage on the north parcel until the conditions are met. He disagreed with the screen fencing for security due to the probability of residential development on the north. Instead he would prefer a berm topped with trees.

Councilmember Theobald and Council President Enos-Martinez generally agreed. Councilmember Terry stated that the proposal meets the intent of the original approval.

Ordinance No. 3401 - An Ordinance Zoning the Webb Crane Annexation Approximately 20 Acres of Land Located at 761 23 ½ Road

City Attorney Wilson suggested changing Section 2. (c) 2. and change "18 months" to "must be built when the use of the northern parcel occurs".

Mr. Williams said the berm materials are “real slop” and have to dry out before they can be used, but he would like to continue using the encroachment. He also would like to start building the berm this summer and said he is willing to build a 5-foot berm.

Mark Relph, Public Works Director, does not know the time frame for supplying the material for the berm.

Alan Pennington complained that Webb Crane is using 2/3 of the property without being required to do anything.

Upon motion made by Councilmember Theobold, and seconded by Councilmember Spehar, and carried by a roll call vote, Ordinance No. 3401, with the below listed amendments, was adopted on Second Reading and ordered published.

Approved Amendments to Ordinance No. 3401:

1. Section 2. (c) 2.: 2 Single Family Residences must be built before the use of the balance of the northern parcel can be used.
2. Section 5. (a) 1.: A landscaped and irrigated earth berm, a minimum of three feet in height, location as shown in Exhibit “A-1”, shall be five feet high on the eastern location, and three feet high on the full length on the northern location.
3. Section 5. (a) 7.: Delete last sentence : “It may be necessary to generate a HGL profile of the downstream system”
4. Section 5. (a) 10.: Use of the northern parcel beyond the 1998 County Conditional Use Permit boundary cannot occur until the building permits for the two houses have been issued and the two berms have been built.

### **Public Hearing – Setting the City Manager’s Salary**

Article VII, Section 57 of the Charter states the City Manager’s salary is to be fixed by the Council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager.

The public hearing was opened at 10: 24 p.m.

There were no public comments.

The public hearing was closed at 10:25 p.m.

Ordinance No. 3402 – An Ordinance Amending Ordinance 3387, Section 3, Setting the Salary of the City Manager

Upon motion made by Councilmember Theobold, and seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3402 was adopted on Second Reading and ordered published.

## **Authorization of Final Expenditures for Cornerstones of Law and Liberty**

The Cornerstones of Law and Liberty Plaza has been completed and all final charges have been submitted for payment.

A motion was required to approve an additional \$7,716 for the final payment for the Cornerstones of Law and Liberty Plaza. In June of 2001, Council had approved \$50,000 for the project.

Councilmember Spehar moved to approve the additional \$7,716 for the "Cornerstones of the Law and Liberty Plaza", exceeding Council's approved expenditure of \$50,000 set in June of 2001. Councilmember Theobald seconded. Motion carried.

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

There were none.

## **OTHER BUSINESS**

There was none.

## **EXECUTIVE SESSION**

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
2. To discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal or other Property Interest under C.R.S. Section 24-6-402(4)(a) on two separate properties
3. To receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Water Issues (City of Golden case)
4. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) in regards to the relationship with DDA

It was moved by Councilmember Spehar, seconded by Councilmember McCurry, with Council President Enos-Martinez excusing herself, and Councilmember Terry voting NO, to go into executive session for the discussion of the following items for the purpose of determining positions relative to two matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) specifically instructing negotiators relative to the sale and/or purchase of real estate with the seller offering to sell its property to the City and to buy City property

for which it has a right of first refusal and for the purpose of a conference with legal counsel to receive legal advice and direction on two specific legal questions under C.R.S. Section 24-6-402(4)(b) to wit the City's participation as amicus in a Colorado Supreme Court water law case and the City's relationship with the DDA. Motion carried.

### **ADJOURNMENT**

The City Council adjourned into executive session in the Administration Conference Room at 10:29 p.m.

Stephanie Tuin, CMC  
City Clerk

**Attach 2**  
**Computer Software Police Department**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
<b>Subject:</b>		<b>Sole Source Purchase Request</b>	
<b>Meeting Date:</b>		<b>March 6, 2002</b>	
<b>Date Prepared:</b>		<b>February 25, 2002</b>	
<b>Author:</b>		<b>Robert Knight</b>	<b>Title: Police Lieutenant</b>
<b>Presenter Name:</b>		<b>Robert Knight</b>	<b>Title: Police Lieutenant</b>
<b>X</b>	<b>Workshop</b>		<b>Formal Agenda</b>

**Subject:** Sole Source Purchase request

**Summary:** The Police Department is seeking approval for a sole source purchase of a CADMine program and service. This program is provided through Corona Solutions and is compatible with existing software. Corona Solutions is the only provider of this type of service.

CADMine is a program that imports data from the computer aided dispatch system which is then used to compute crime trends and detailed reports on call load, workload, response times, counts by type of event, unit ID and area. The program will build work schedules based upon time consumed per call that will provide the Police Department the ability to manage its call load more efficiently.

This program also has the ability to send out e-mail alerts when a predetermined number of calls are exceeded in any one given area. This will enable the Police Department to readily identify recurring problems which is a key component of community oriented policing.

**Budget:**

The cost of this product and service is \$47,000. Money has been allocated in the 2002 capital budget for the police department for this product.

**Action Requested/Recommendation:**

The Police Department recommends Council grant approval for the sole source purchase of CADMine from Corona Solutions

<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>

**Attach 3**  
**Gunn Annexation #1 & #2 Zoning**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
<b>Subject:</b>	<b>Gunn Annexations #1 &amp; 2</b>		
<b>Meeting Date:</b>	<b>March 6, 2002</b>		
<b>Date Prepared:</b>	<b>December 16, 2011</b>		
<b>Author:</b>	<b>Senta Costello</b>	<b>Associate Planner</b>	
<b>Presenter Name:</b>	<b>Senta Costello</b>	<b>Associate Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Zone of Annexation for the Gunn Annexations #1 & 2, #ANX-2002-014

**Summary:** First reading of the Zone of Annexation Ordinance for the Gunn Annexations located at 2981 Gunnison Ave (#ANX-2002-014). The 0.688-acre Gunn Annexation consists of one parcel of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the zone of annexation ordinance for the Gunn Annexations #1 & 2 and set a hearing for March 20, 2002.

<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>	
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<b>Placement on Agenda:</b>	<b>X</b>	<b>Consent</b>	<b>Indiv. Consideration</b>	<b>Workshop</b>
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<b>BACKGROUND INFORMATION</b>	
<b>Location:</b>	2981 Gunnison Ave

<b>Applicants:</b>		<b>Daniel Gunn</b>	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		Generator Service Business	
<b>Surrounding Land Use:</b>	<b>North</b>	Grand Valley Sheet Metal	
	<b>South</b>	<b>Residential</b>	
	<b>East</b>	<b>Storage</b>	
	<b>West</b>	<b>Vacant</b>	
<b>Existing Zoning:</b>		<b>County I-2</b>	
<b>Proposed Zoning:</b>		<b>City I-1</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	I-1	
	<b>South</b>	<b>I-2/RSF-R</b>	
	<b>East</b>	I-2	
	<b>West</b>	I-2	
<b>Growth Plan Designation:</b>		<b>Commercial Industrial</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 0.688 acres of land. Owners of the property have signed a petition for annexation as part of their request to construct a new building for their generator service business, pursuant to the 1998 Persigo agreement with Mesa County.

**ZONE OF ANNEXATION:**

**Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Growth Plan’s Future Land Use Map. This proposed zoning of I-1 conforms to the City’s Growth Plan’s Future Land Use Map.**

**I-1 ZONE DISTRICT**

- This property is currently zoned I-2 (Heavy Industrial) in Mesa County which does not conform to the Future Land Use Map.
- The I-1 does conform to the recommended intensity found on the Growth Plans Future Land Use Map. The site is currently designated as Commercial/Industrial.
- Zoning this annexation with the I-1 Zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is surrounded by other Heavy Commercial/Light Industrial uses such as Grand Valley Sheet Metal and a gymnastics facility.

**Zoning and Development Code criteria:**

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

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

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

<b><u>GUNN ANNEXATIONS #1 &amp; 2 SUMMARY</u></b>		
<b>File Number:</b>	<b>ANX-2002-014</b>	
Location:	2981 Gunnison Ave	
Tax ID Number:	2943-171-07-004	
Parcels:	<b>1</b>	
Estimated Population:	0	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	0	
Acres land annexed:	<b>.688 acres for annexation area</b>	
Developable Acres Remaining:	.688 acres	
Right-of-way in Annexation:	0, See Map	
Previous County Zoning:	I-2	
Proposed City Zoning:	I-1	
Current Land Use:	<b>Vacant</b>	
Future Land Use:	Generator Service Business	
Values:	Assessed:	= \$ 12,200
	Actual:	= \$ 42,080
Census Tract:	<b>8</b>	



Address Ranges:		2981 Gunnison Ave
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51

### **ANNEXATION/ZONING SCHEDULE**

<b>Feb 6, 2002</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>Feb 12, 2002</b>	Planning Commission considers Zone of Annexation
<b>March 6, 2002</b>	First Reading on Zoning by City Council
<b>March 20, 2002</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>April 21, 2002</b>	Effective date of Annexation and Zoning

**Planning Commission Recommendation:** Recommended that City Council approve the zoning of I-1 for Gunn Annexations #1 & 2.

Attachments:

1. Annexation Maps
2. Zone of Annexation Ordinance

Staff Report 2nd CC.doc

# GUNN ANNEXA NO. 1 & 2

TELLER AVE

City Limits  
Annexation  
Boundary

GUNNISON AVE

#1

#2



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

D 1/2 RD

CITY OF GRAND JUNCTION, COLORADO

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

ZONING THE GUNN ANNEXATION #1 and #2  
TO I-1 (Light Industrial)

LOCATED AT 2981 Gunnison Ave

Recitals.

**After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-1 zone district to this annexation.**

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district be established for the following reasons:

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

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

**The following property shall be zoned the I-1 (Light Industrial) zone district**

Includes the following tax parcel 2943-171-07-004

Lot 4, Banner Industrial Park, situate in the SE ¼ NE ¼ Section 17, T1S, R1E, Ute Meridian, County of Mesa, State of Colorado.

Introduced on first reading this 6<sup>th</sup> day of March, 2002.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

Attest:

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

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

**Attach 4**  
**Cimarron Mesa Annexation Zoning**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i><b>CITY COUNCIL</b></i>		
<b>Subject:</b>	<b>Zone of Annexation - Cimarron Mesa</b>	
<b>Meeting Date:</b>	<b>March 6, 2002</b>	
<b>Date Prepared:</b>	<b>February 21, 2002</b>	
<b>Author:</b>	<b>Bill Nebeker</b>	<b>Senior Planner</b>
<b>Presenter Name:</b>	<b>Bill Nebeker</b>	<b>Senior Planner</b>
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/> <b>Formal Agenda</b>

**Subject:** Zone of Annexation - Cimarron Mesa, #ANX-2001-161.

**Summary:** The applicant proposes a zone of annexation from county RSF-4 to city RSF-4 for the 32.567 acre Cimarron Mesa Annexation. A preliminary plan to subdivide the parcel into 109 single-family lots was approved by the Planning Commission at its February 19, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt ordinance on first reading and schedule a hearing for March 20, 2002.

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

<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<b>When:</b>	
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<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
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BACKGROUND INFORMATION			
<b>Location:</b>		SW corner of Linden Ave and B ½ Rd	
<b>Applicants:</b>		<b>Darren Davidson</b>	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		Single family residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant and elementary school (Dos Rios)	
	<b>South</b>	<b>Low density residential</b>	
	<b>East</b>	<b>Medium and low density residential</b>	
	<b>West</b>	Vacant	
<b>Existing Zoning:</b>		<b>County RSF-4</b>	
<b>Proposed Zoning:</b>		<b>RSF-4</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>City &amp; County RSF-4 (RSF-4 = Residential Single Family with density not to exceed 4 dwellings per acre)</b>	
	<b>South</b>	<b>City RSF-4</b>	
	<b>East</b>	<b>City RMF-16 &amp; County RSF-4 (RMF-16 = Residential Multi-Family with density not to exceed 16 dwellings per acre)</b>	
	<b>West</b>	<b>City CSR &amp; County RSF-4 (CSR = Community Services &amp; Recreational)</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium Low (2 to 4 du/acre)</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

### Zone of Annexation

The applicant is requesting a zone of annexation from County to City RSF-4. This zoning is consistent with the Future Land Use Map of 2 to 4 dwellings per acre. The 2 to 4 designation surrounds this property except for the designation of "Public" for Dos Rios Elementary School located to the north and east.

At its hearing of February 19, 2002 the Planning Commission found the proposed rezone in compliance with Section 2.6.A of the Zoning and Development Code as follows. Staff's comments are in italicized text.

1. The existing zoning was **not** in error at the time of adoption. *This criterion is not applicable since the only change is from county to city zoning.*
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. *There has been a change in character in the area due to the construction of an elementary school to the north and east and increased urbanization particularly on the east side of Linden. However the zone change is not an increase over the existing county zoning of RSF-4.*
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 rezone does not constitute an increase in density over the zoning allowed in the county, hence the zone change in and of itself will have no impact on adjacent properties. The proposed plat will have an impact on the neighborhood simply due to the change in land use from vacant to urbanized, particularly since this property abuts lower density rural parcels, some which will likely not redevelop in the future. See preliminary plan discussion for further information on impacts.*
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines. *Yes, the plan is in conformance with the Future Land Use plan and several goals and policies of the Growth Plan.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. *Sewer service is not available to Phase II development until an easement is obtained over adjoining property. Phase II shall not developed until this easement and additional road access to Aspen Street is provided. Other public facilities and services are available or will be constructed and extended with Phase I development.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *Not applicable.*
7. The community or neighborhood will benefit from the proposed zone. *Not applicable – the only change in zoning is from County to City jurisdiction.*

**PLANNING COMMISSION RECOMMENDATION:** Approval of the Zone of Annexation to RSF-4 with a finding that it complies with the Growth Plan and Section 2.6.A of the Zoning and Development Code.

**ATTACHMENTS:**

1. Vicinity map/Aerial photo
2. Annexation map
3. Cimarron Mesa Subdivision preliminary subdivision
  - a. phase 1
  - b. phase 2

**CITY OF GRAND JUNCTION, COLORADO**

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

**ZONING THE CIMARRON MESA SUBDIVISION ANNEXATION  
RESIDENTIAL SINGLE FAMILY – FOUR (RSF-4),  
LOCATED AT THE SOUTHWEST CORNER  
OF LINDEN AVENUE AND B ½ ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a Residential Single Family - Four (RSF-4) zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district be established for the following reasons:

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

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

**The following property shall be zoned Residential Single Family - Four (RSF-4) zone district, and includes the following tax parcel 2945-261-26-002.**

**ALL of Lot 2, Plat of Miles Craig Minor Subdivision as same is recorded in Plat Book 16, Page 38, Reception No. 1819902, Public Records of Mesa County, State of Colorado.**

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Attest:**

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



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City Clerk



UNAWEEP AVE

UNAWEEP AVE

U.S. HIGHWAY 50

U.S. HIGHWAY 50

2945-261-26-002

SOUTHERN PACIFIC  
26 3/8 RD



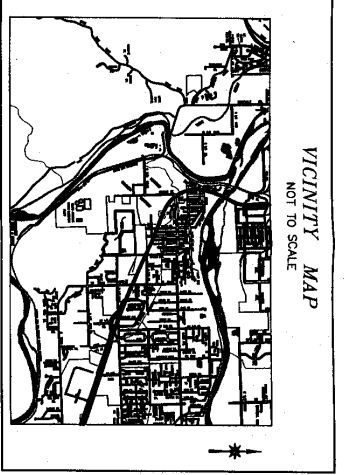
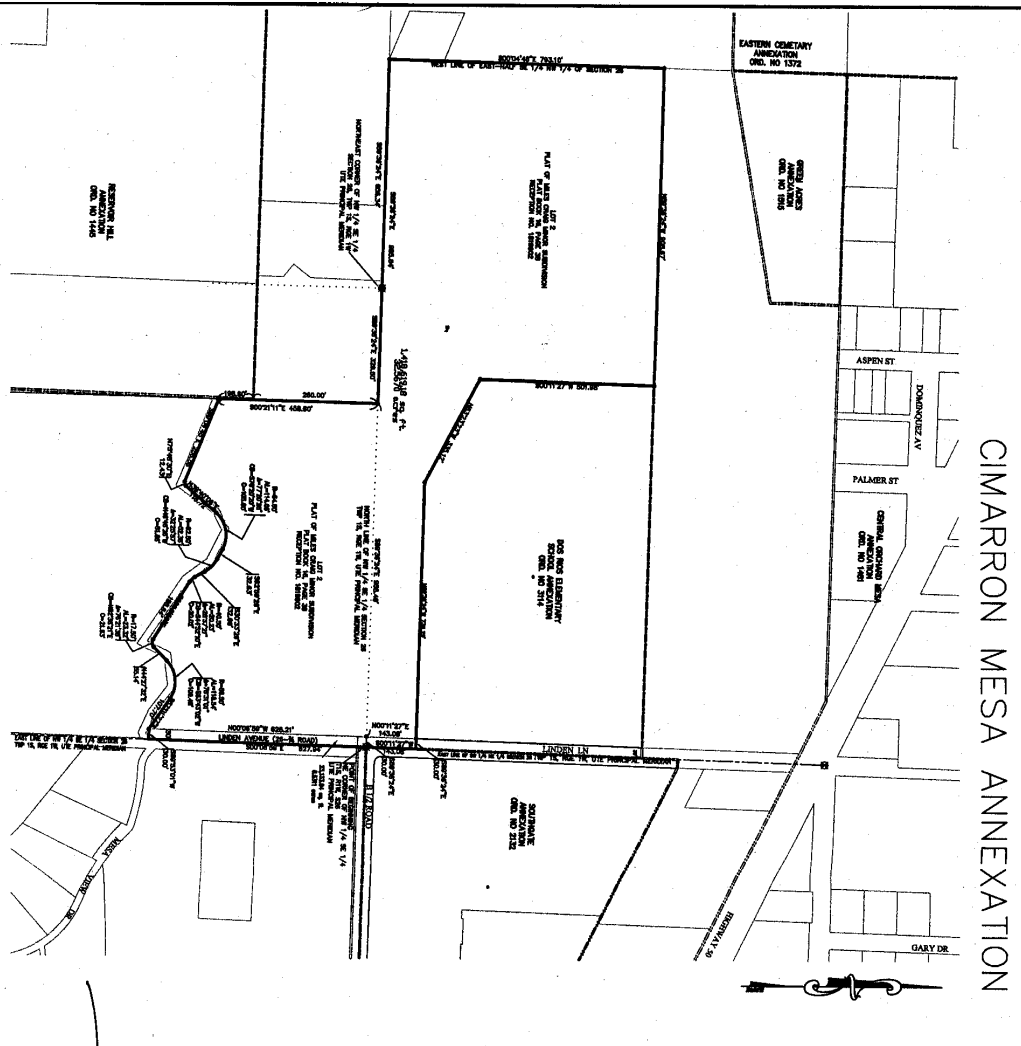
# CIMARRON MESA ANNEXATION

DRAWN BY: JMB, JTE, DATE 23 MAR 01  
 DESIGNED BY: JTE, DATE \_\_\_\_\_  
 CHECKED BY: JTE, DATE \_\_\_\_\_  
 APPROVED BY: JTE, DATE \_\_\_\_\_

SCALE  
 1" = 150'

DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING AND TECHNICAL SERVICES DIVISIONS  
 CITY OF GRAND JUNCTION, COLORADO

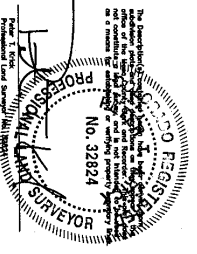
CIMARRON MESA ANNEXATION



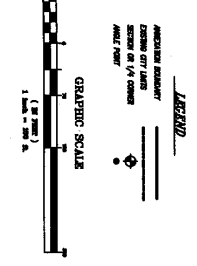
### DESCRIPTION

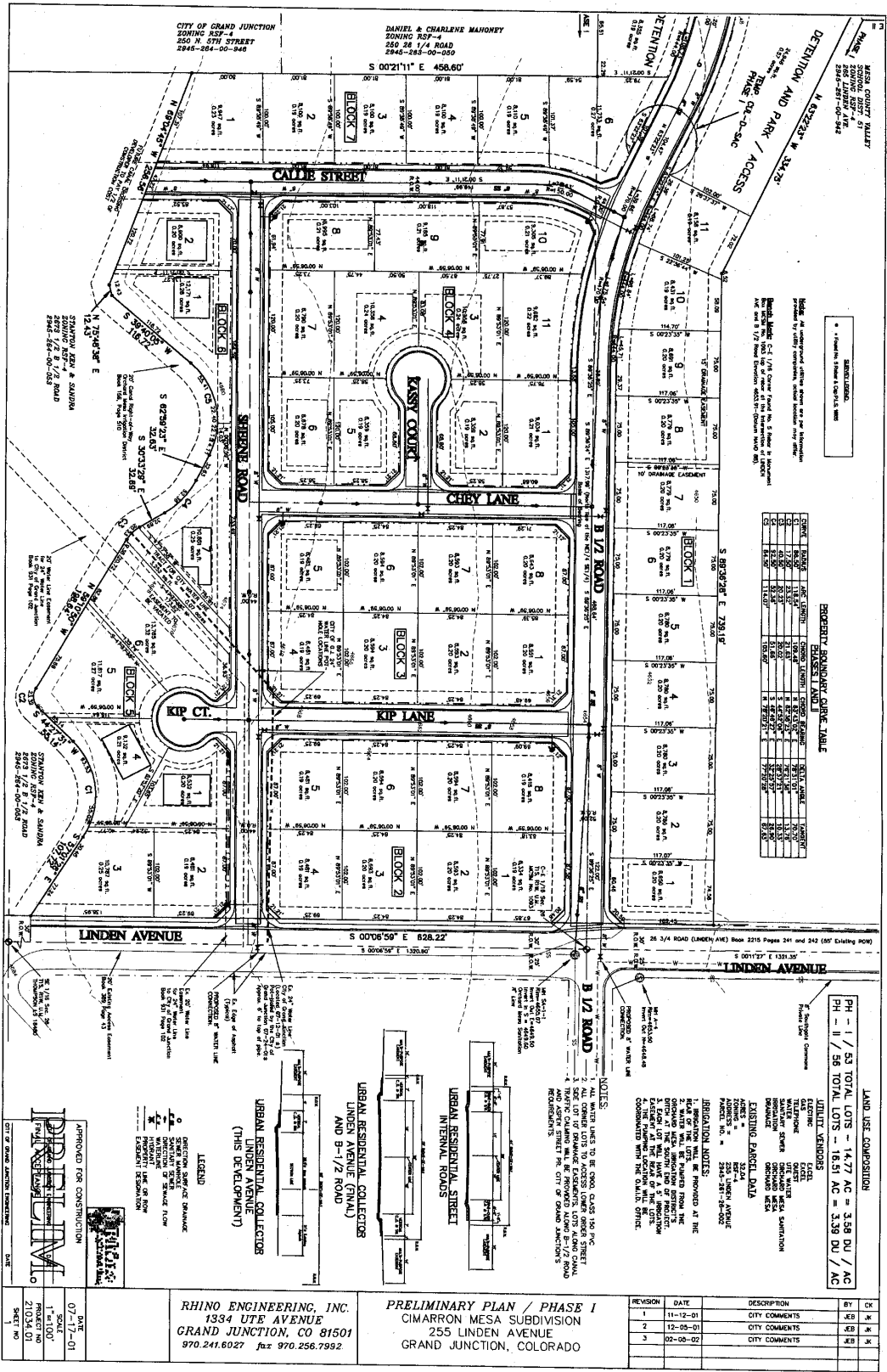
A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SE 1/4) of the Northwest Quarter (SE 1/4 NW 1/4) of Section 36, Township 37 South, Range 1 West of Canon City and Meridian, in Grand County, Colorado, is hereby being described as follows:

All of Lot 2, said Plat of Union City Water Subdivision, TOGETHER with the following described parcel of land, BEGINNING at the northeast corner of the NW 1/4 SE 1/4 of said Section 26, and considering the East line of the NW 1/4 SE 1/4 of said Section 26, E with all bearings contained therein being, thence S 07°06'59" E, a distance of 30.00 feet to a point being the Southeast corner of said Lot 2; thence S 07°06'59" W, along a line 30.00 feet West of and parallel with the East line of the NW 1/4 SE 1/4 of said Section 26, being the East line of said Lot 2, a distance of 143.08 feet to a point on the East line of said Lot 2, N 07°17'27" E, along a line 30.00 feet West of and parallel with the East line of the SW 1/4 NE 1/4 of said Section 26, a distance of 143.08 feet to a point on the East line of the SW 1/4 NE 1/4 of said Section 26; thence S 07°17'27" W, along the East line of the SW 1/4 NE 1/4 of said Section 26, a distance of 743.08 feet, more or less, to the POINT OF BEGINNING. Containing 1,418,618.2 square feet or 32,587 acres, more or less, as described.



AREA OF ANNEXATION	
ANNEXATION NUMBER	3288
COMMISSION NUMBER	
AREA IN SQUARE FEET	
AREA IN ACRES	
DATE	





Notes: All underground utilities shown are per the information provided by the engineer. Utility locations may vary. Easements: 5' - 10' (City of Grand Junction) Easement. All other easements are shown on the plan. Survey: 1/11/2001 Surveyed by: [Name]

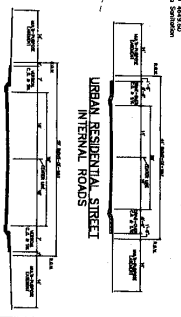
PROPERTY BOUNDARY CORNER TABLE

BLOCK	LOT	AREA (SQ. FT.)	AREA (SQ. AC.)
1	1	10,000	0.23
1	2	10,000	0.23
1	3	10,000	0.23
1	4	10,000	0.23
1	5	10,000	0.23
1	6	10,000	0.23
1	7	10,000	0.23
1	8	10,000	0.23
1	9	10,000	0.23
1	10	10,000	0.23
1	11	10,000	0.23
2	1	10,000	0.23
2	2	10,000	0.23
2	3	10,000	0.23
2	4	10,000	0.23
2	5	10,000	0.23
2	6	10,000	0.23
2	7	10,000	0.23
2	8	10,000	0.23
2	9	10,000	0.23
2	10	10,000	0.23
2	11	10,000	0.23
3	1	10,000	0.23
3	2	10,000	0.23
3	3	10,000	0.23
3	4	10,000	0.23
3	5	10,000	0.23
3	6	10,000	0.23
3	7	10,000	0.23
3	8	10,000	0.23
3	9	10,000	0.23
3	10	10,000	0.23
3	11	10,000	0.23
4	1	10,000	0.23
4	2	10,000	0.23
4	3	10,000	0.23
4	4	10,000	0.23
4	5	10,000	0.23
4	6	10,000	0.23
4	7	10,000	0.23
4	8	10,000	0.23
4	9	10,000	0.23
4	10	10,000	0.23
4	11	10,000	0.23
5	1	10,000	0.23
5	2	10,000	0.23
5	3	10,000	0.23
5	4	10,000	0.23
5	5	10,000	0.23
5	6	10,000	0.23
5	7	10,000	0.23
5	8	10,000	0.23
5	9	10,000	0.23
5	10	10,000	0.23
5	11	10,000	0.23
6	1	10,000	0.23
6	2	10,000	0.23
6	3	10,000	0.23
6	4	10,000	0.23
6	5	10,000	0.23
6	6	10,000	0.23
6	7	10,000	0.23
6	8	10,000	0.23
6	9	10,000	0.23
6	10	10,000	0.23
6	11	10,000	0.23
7	1	10,000	0.23
7	2	10,000	0.23
7	3	10,000	0.23
7	4	10,000	0.23
7	5	10,000	0.23
7	6	10,000	0.23
7	7	10,000	0.23
7	8	10,000	0.23
7	9	10,000	0.23
7	10	10,000	0.23
7	11	10,000	0.23

LAND USE COMPOSITION  
 PH - I / 53 TOTAL LOTS - 14.77 AC = 338 DU / AC  
 PH - II / 56 TOTAL LOTS - 16.51 AC = 338 DU / AC

LEGEND  
 1. 30' MIN. SIDEWALK  
 2. 10' MIN. SIDEWALK  
 3. 5' MIN. SIDEWALK  
 4. 10' MIN. SIDEWALK  
 5. 5' MIN. SIDEWALK  
 6. 10' MIN. SIDEWALK  
 7. 5' MIN. SIDEWALK  
 8. 10' MIN. SIDEWALK  
 9. 5' MIN. SIDEWALK  
 10. 10' MIN. SIDEWALK  
 11. 5' MIN. SIDEWALK

NOTES  
 1. ALL DIMENSIONS TO BE GIVEN CLASS 100 P.C.  
 2. ALL DIMENSIONS TO BE GIVEN CLASS 100 P.C.  
 3. ALL DIMENSIONS TO BE GIVEN CLASS 100 P.C.  
 4. ALL DIMENSIONS TO BE GIVEN CLASS 100 P.C.

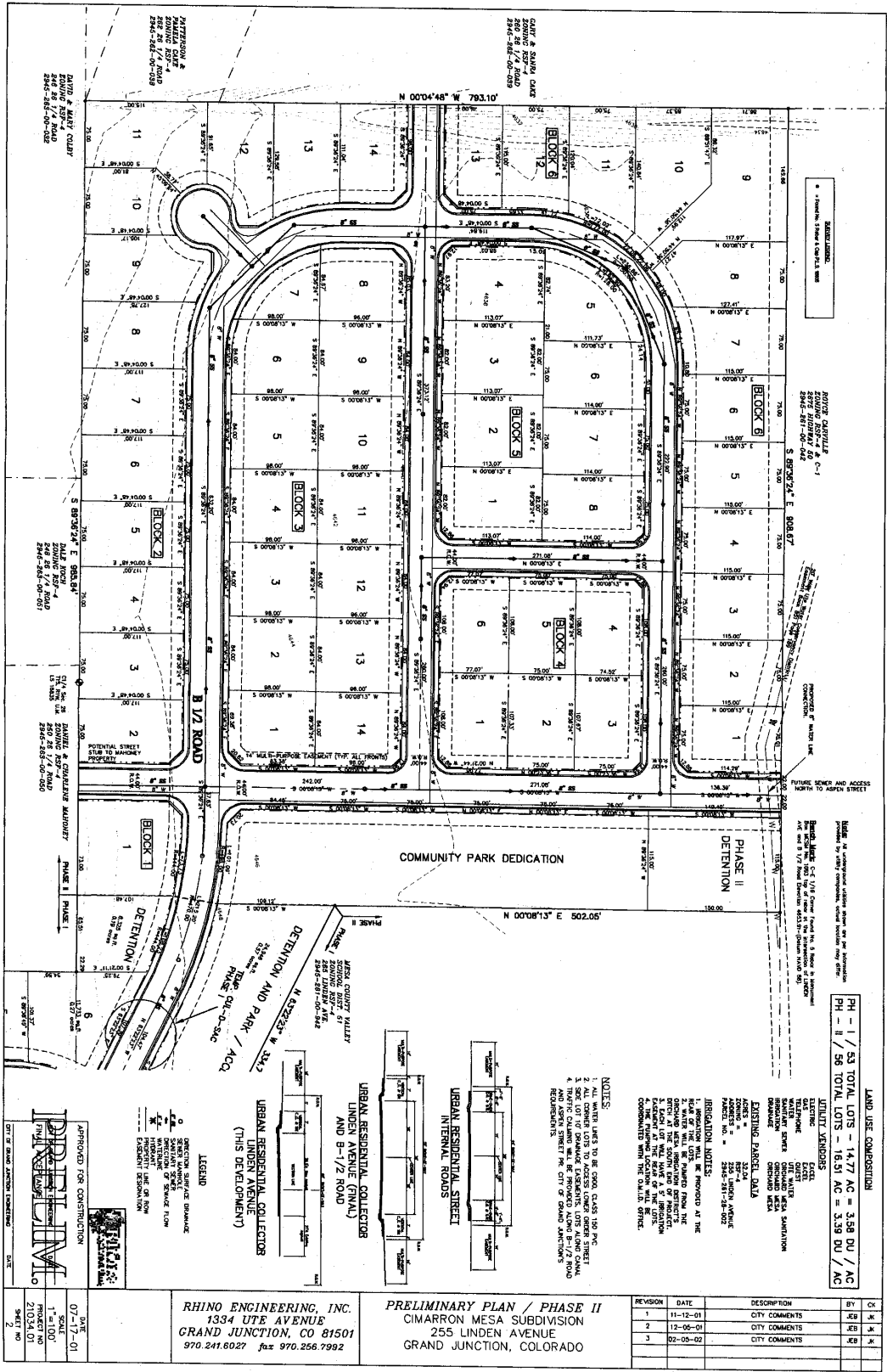


APPROVED FOR CONSTRUCTION  
**PRELIMINARY PLAN**  
 07-17-01  
 1. 30' MIN. SIDEWALK  
 2. 10' MIN. SIDEWALK  
 3. 5' MIN. SIDEWALK  
 4. 10' MIN. SIDEWALK  
 5. 5' MIN. SIDEWALK  
 6. 10' MIN. SIDEWALK  
 7. 5' MIN. SIDEWALK  
 8. 10' MIN. SIDEWALK  
 9. 5' MIN. SIDEWALK  
 10. 10' MIN. SIDEWALK  
 11. 5' MIN. SIDEWALK

RHINO ENGINEERING, INC.  
 1334 UTE AVENUE  
 GRAND JUNCTION, CO 81501  
 970.241.6027 fax 970.256.7992

PRELIMINARY PLAN / PHASE I  
 CIMARRON MESA SUBDIVISION  
 255 LINDEN AVENUE  
 GRAND JUNCTION, COLORADO

REVISION	DATE	DESCRIPTION	BY	CHK
1	11-12-01	CITY COMMENTS	AB	AB
2	12-05-01	CITY COMMENTS	AB	AB
3	02-03-02	CITY COMMENTS	AB	AB



PH - I / 53 TOTAL LOTS - 14.77 AC = 3.58 DU / AC  
 PH - II / 56 TOTAL LOTS - 16.51 AC = 3.39 DU / AC

LAND USE COMPARISON

PHASE II DETENTION

PHASE I DETENTION

URBAN RESIDENTIAL COLLECTOR

URBAN RESIDENTIAL COLLECTOR

URBAN RESIDENTIAL COLLECTOR

URBAN RESIDENTIAL COLLECTOR

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URBAN RESIDENTIAL COLLECTOR

**Attach 5**  
**Setting a Hearing – Rinderle Annexation**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Rinderle Annexation</b>		
<b>Meeting Date:</b>	<b>March 6, 2002</b>		
<b>Date Prepared:</b>	<b>February 21, 2002</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:** Rinderle Annexation for development of the Durango Acres Subdivision, #ANX-2002-027.

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rinderle Annexation located at the southeast corner of 28 Road and B ½ Road (#ANX-2002-027). The 11.575-acre Rinderle Annexation consists of one parcel of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adoption of resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Rinderle Annexation and set a hearing for April 17, 2002.

<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>	
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<b>Placement on Agenda:</b>	<b>X</b>	<b>Consent</b>	<b>Indiv. Consideration</b>	<b>Workshop</b>
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BACKGROUND INFORMATION			
<b>Location:</b>		SE corner of 28 Road and B ½ Road	
<b>Applicants:</b>		<b>A.C. Rinderle Trust – owner Jerry Slaugh – representative</b>	
<b>Existing Land Use:</b>		Vacant	
<b>Proposed Land Use:</b>		Single family residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential	
	<b>South</b>	<b>Vacant</b>	
	<b>East</b>	<b>Residential</b>	
	<b>West</b>	<b>Vacant</b>	
<b>Existing Zoning:</b>		<b>County RSF-4</b>	
<b>Proposed Zoning:</b>		<b>RSF-4</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>County PUD</b>	
	<b>South</b>	<b>County RSF-4</b>	
	<b>East</b>	<b>City RMF-5</b>	
	<b>West</b>	<b>City C-1</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium Low (2 to 4 du/acre)</b>	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:****ANNEXATION:**

This annexation area consists of annexing 11.575 acres of land. A portion of 28 Road adjacent to this parcel is also being annexed. Portions of B ½ Road were previously annexed. Owners of the property have signed a petition for annexation as part of their request to develop the Durango Acres Subdivision, pursuant to the 1998 Persigo agreement with Mesa County.

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

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>March 6, 2002</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>March 12, 2002</b>	Planning Commission considers Zone of Annexation
<b>April 3, 2002</b>	First Reading on Zoning by City Council
<b>April 17, 2002</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>May 19, 2002</b>	Effective date of Annexation and Zoning

**Action Requested/Recommendation:** It is recommended that City Council approve the Rinderle Annexation.

Attachments:

- Aerial Photo
- Vicinity Map
- Annexation Map
- Resolution of Referral of Petition/Exercising Land Use Immediately
- Annexation Ordinance



**RINDERLE ANNEXATION SUMMARY**

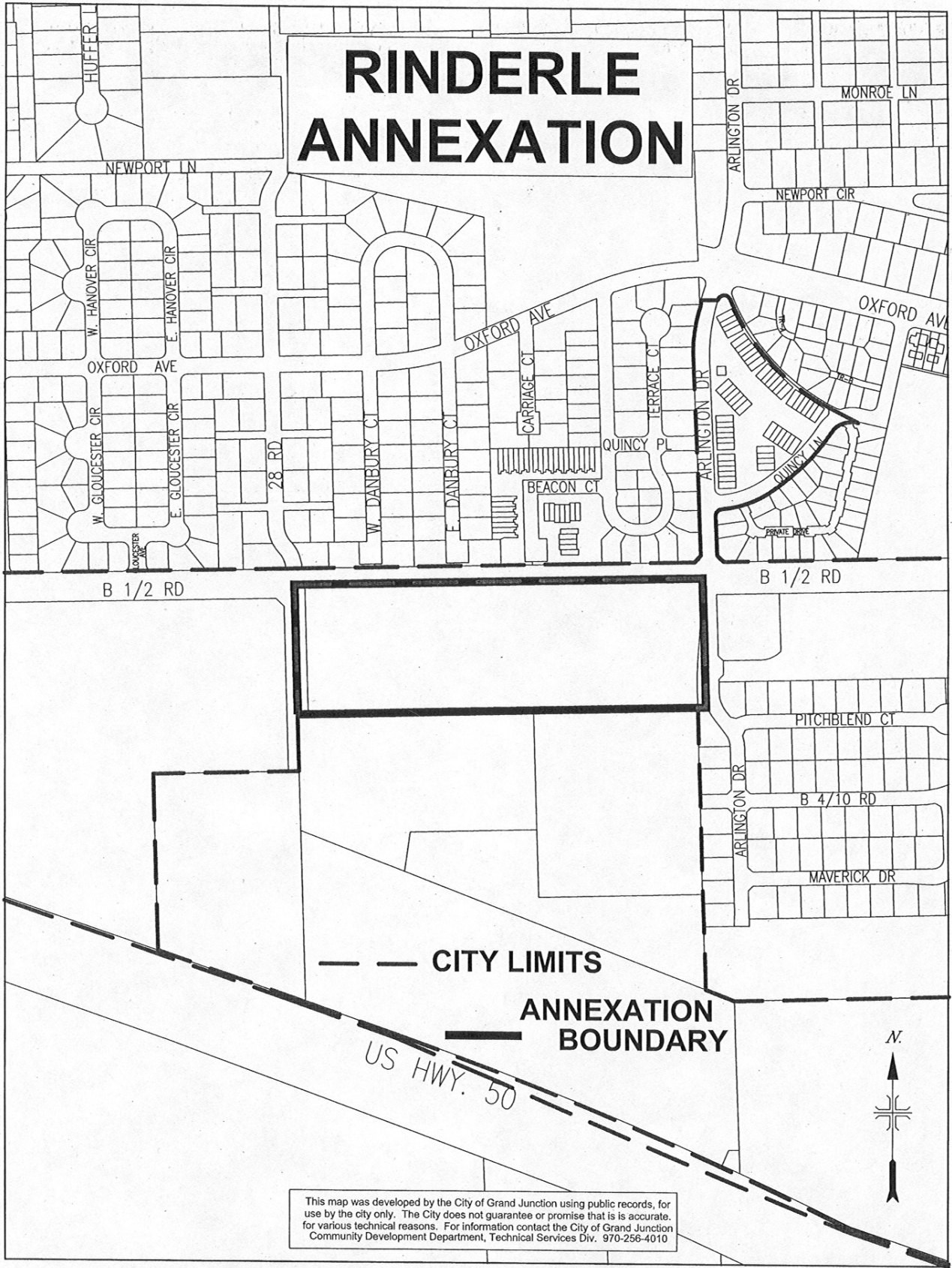
<b>File Number:</b>		<b>ANX-2002-027</b>
Location:		SE corner of 28 Road and B ½ Road
Tax ID Number:		2943-303-00-269
Parcels:		<b>1</b>
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		<b>11.575 acres for annexation area</b>
Developable Acres Remaining:		9.88 acres
Right-of-way in Annexation:		13,299 square feet (0.31 acres)
Previous County Zoning:		RSF-4
Proposed City Zoning:		(RSF-4) Residential Single Family 4 dwellings per acre
Current Land Use:		<b>Vacant</b>
Future Land Use:		SF residential (39 lots)
Values:	Assessed:	= \$ 1,470
	Actual:	= \$ 5,060
Census Tract:		<b>13</b>
Address Ranges:		Generally between 2801 and 2823 B ½ Road - all odd
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa
	Fire:	Grand Junction Rural Fire
	Drainage:	Orchard Mesa
	School:	District 51
	Pest:	

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6<sup>th</sup> day of March 2002, the following Resolution was adopted:



# RINDERLE ANNEXATION



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



**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**RINDERLE ANNEXATION**

**LOCATED AT THE SOUTHEAST CORNER OF 28 ROAD AND B ½ ROAD**

**WHEREAS**, on the 6<sup>th</sup> day of March, 2002, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian and being more particularly described as follows:**

COMMENCING at the West Quarter (W ¼) Corner of said Section 30, and considering the North line of the NW ¼ SW ¼ of said Section 30 to bear S 89°54'00" E with all bearings contained herein being relative thereto; thence S 89°54'00" E, along the North line of the NW ¼ SW ¼ of said Section 30, a distance of 2.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°54'00" E along the North line of the NW ¼ SW ¼ of said Section 30, a distance of 1260.45 feet to a point being the Northwest corner of Arrowhead Acres II, a subdivision within the City of Grand Junction, Colorado, as same is recorded in Plat Book 17, Pages 192 and 193, Public Records of Mesa County, Colorado; thence leaving said North line and traversing Southerly along the West line of said Arrowhead Acres II by the following five (5) numbered courses:

- 1.) S 00°04'00" W a distance of 61.67 feet to a point being the beginning of a 870.00 foot radius curve, concave to the West; thence...
- 2.) Southerly 75.21 feet along said curve, through a central angle of 04°57'13"; thence...
- 3.) S 05°01'13" W a distance of 125.89 feet to a point being the beginning of a 930.00 foot radius curve, concave to the East; thence...
- 4.) Southerly 80.41 feet along said curve, through a central angle of 04°57'13"; thence...

5.) S 00°04'00" W a distance of 60.48 feet, more or less, to a point 403.00 South of, as measured a right angle thereto, from the North line of the NW ¼ SW ¼ of said Section 30;

thence leaving the West line of said Arrowhead Acres II, N 89°54'00" W along a line parallel with and 403.00 feet South of the North line of the NW ¼ SW ¼ of said Section 30, a distance of 1242.03 feet; thence N 00°03'05" W along a line 2.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 30, a distance of 403.00 feet, more or less, to the Point of Beginning.

**WHEREAS**, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 17<sup>th</sup> day of April, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

**ADOPTED** this 6th day of March, 2002.

Attest:

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

---

City Clerk



**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

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

<i><b>PUBLISHED</b></i>
<b>March 8, 2002</b>
<b>March 15, 2002</b>
<b>March 22, 2002</b>
<b>March 29, 2002</b>

CITY OF GRAND JUNCTION, COLORADO

**ORDINANCE NO.**

AN ORDINANCE ANNEXING TERRITORY TO THE

**CITY OF GRAND JUNCTION, COLORADO**

**RINDERLE ANNEXATION**

**APPROXIMATELY 11.575 ACRES**

**LOCATED AT THE SOUTHEAST CORNER OF 28 ROAD AND B ½ ROAD**

**WHEREAS**, on the 6<sup>th</sup> day of March, 2002, 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 17th day of April, 2002; and

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

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

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

**A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian and being more particularly described as follows:**

COMMENCING at the West Quarter (W ¼) Corner of said Section 30, and considering the North line of the NW ¼ SW ¼ of said Section 30 to bear S 89°54'00" E with all bearings contained herein being relative thereto; thence S 89°54'00" E, along the North line of the NW ¼ SW ¼ of said Section 30, a distance of 2.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°54'00" E along the North line of the NW ¼ SW ¼ of said Section 30, a distance of 1260.45 feet to a point being the Northwest corner of Arrowhead Acres II, a subdivision within the City of Grand Junction, Colorado, as same is recorded in Plat Book 17, Pages 192 and 193, Public

Records of Mesa County, Colorado; thence leaving said North line and traversing Southerly along the West line of said Arrowhead Acres II by the following five (5) numbered courses:

- 1.) S 00°04'00" W a distance of 61.67 feet to a point being the beginning of a 870.00 foot radius curve, concave to the West; thence...
- 2.) Southerly 75.21 feet along said curve, through a central angle of 04°57'13"; thence...
- 3.) S 05°01'13" W a distance of 125.89 feet to a point being the beginning of a 930.00 foot radius curve, concave to the East; thence...
- 4.) Southerly 80.41 feet along said curve, through a central angle of 04°57'13"; thence...
- 5.) S 00°04'00" W a distance of 60.48 feet, more or less, to a point 403.00 South of, as measured a right angle thereto, from the North line of the NW ¼ SW ¼ of said Section 30;

thence leaving the West line of said Arrowhead Acres II, N 89°54'00" W along a line parallel with and 403.00 feet South of the North line of the NW ¼ SW ¼ of said Section 30, a distance of 1242.03 feet; thence N 00°03'05" W along a line 2.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 30, a distance of 403.00 feet, more or less, to the Point of Beginning,

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

**INTRODUCED** on first reading on the 6<sup>th</sup> day March, 2002.

**ADOPTED** and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2002.

Attest:

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

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

**Attach 6**  
**Setting a Hearing – Staton Annexation**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
<b>Subject:</b>	<b>Staton Annexation</b>		
<b>Meeting Date:</b>	<b>March 6, 2002</b>		
<b>Date Prepared:</b>	<b>December 16, 2011</b>		
<b>Author:</b>	<b>Ronnie Edwards</b>	<b>Associate Planner</b>	
<b>Presenter Name:</b>	<b>Ronnie Edwards</b>	<b>Associate Planner</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Annexation of the Staton Annexation, #ANX-2002-028

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Staton Annexation located at 2673 ½ B ½ Road (#ANX-2002-028). The 17.329-acre Staton Annexation consists of one parcel of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Staton Annexation and set a hearing for April 17, 2002.

<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>	
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<b>Placement on Agenda:</b>	<b>X</b>	<b>Consent</b>		<b>Indiv. Consideration</b>		<b>Workshop</b>
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<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		2673 ½ B ½ Road			
<b>Applicants:</b>		<b>Kenneth &amp; Sandra Staton</b>			
<b>Existing Land Use:</b>		Single Family Residence			
<b>Proposed Land Use:</b>		Single Family Residence and Cell Tower			
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant			
	<b>South</b>	<b>Vacant</b>			
	<b>East</b>	<b>Single Family Residences</b>			
	<b>West</b>	<b>Vacant</b>			
<b>Existing Zoning:</b>		<b>County RSF-4</b>			
<b>Proposed Zoning:</b>		<b>City RSF-2</b>			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4 (proposed zone of annexation)			
	<b>South</b>	<b>County RSF-4</b>			
	<b>East</b>	<b>City RMF-16</b>			
	<b>West</b>	<b>County RSF-R</b>			
<b>Growth Plan Designation:</b>		<b>Residential Medium-Low (2-4 du/ac)</b>			
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 17.329 acres of land. Owners of the property have signed a petition for annexation as part of their request for a conditional use permit for the construction of a telecommunications facility, pursuant to the 1998 Persigo agreement with Mesa County.

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

<b><u>STATON ANNEXATION SUMMARY</u></b>		
<b>File Number:</b>		<b>ANX-2002-028</b>
Location:		2673 ½ B ½ Road
Tax ID Number:		2945-264-00-053
Parcels:		<b>1</b>
Estimated Population:		7
# of Parcels (owner occupied):		1
# of Dwelling Units:		3
Acres land annexed:		<b>17.329 acres for annexation area</b>
Developable Acres Remaining:		17.329 acres
Right-of-way in Annexation:		184' of 30' ROW of Linden Avenue, See Map
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-2
Current Land Use:		<b>Single Family Residence</b>
Future Land Use:		Single Family Residence
Values:	Assessed:	= \$ 20,670
	Actual:	= \$ 200,500
Census Tract:		<b>13</b>
Address Ranges:		2673 ½ B ½ Road
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Fire District
	Drainage:	Orchard Mesa Drainage District
	School:	District 51

The following annexation and zoning schedule is being proposed.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>March 6, 2002</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>March 26, 2002</b>	Planning Commission considers Zone of Annexation
<b>April 3, 2002</b>	First Reading on Zoning by City Council
<b>April 17, 2002</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>May 19, 2002</b>	Effective date of Annexation and Zoning

**Action Requested/Recommendation:** It is recommended that City Council approve the Staton Annexation.

Attachments:

3. Resolution of Referral of Petition/Exercising Land Use Immediately
4. Annexation Ordinance
5. Annexation Map

Staff Report 1st CC.doc

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6th day of March, 2002, the following Resolution was adopted:



CITY OF GRAND JUNCTION, COLORADO

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

A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL

STATON ANNEXATION

LOCATED AT 2673 1/2 B 1/2 ROAD AND

INCLUDING A PORTION OF THE LINDEN AVENUE RIGHT-OF-WAY

**WHEREAS**, on the 6th day of March, 2002, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**A certain parcel of land being the East Three-Quarters (E 3/4) of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, lying South of the South right of way line of Canal No. 1 of Orchard Mesa Irrigation District as conveyed in Book 156, Page 510, Public Records of Mesa County, Colorado, all said lands lying in Mesa County, Colorado and being more particularly described as follows:**

COMMENCING at the Northeast corner of the NW 1/4 SE 1/4 of said Section 26, and considering the East line of the NW 1/4 SE 1/4 of said Section 26 to bear S 00°06'59" E with all bearings contained herein being relative thereto; thence S 00°06'59" E along the East line of the NW 1/4 SE 1/4 of said Section 26, a distance of 627.94 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°06'59" E along the East line of the NW 1/4 SE 1/4 of said Section 26, a distance of 692.84 feet to a point being the Southeast corner of the NW 1/4 SE 1/4 of said Section 26; thence N 89°36'24" W along the South line of the NW 1/4 SE 1/4 of said Section 26, a distance of 983.04 feet to a point being the Southwest corner of the E 3/4 of the NW 1/4 SE 1/4 of said Section 26; thence N 00°21'11" W, along the West line of the E 3/4 of the NW 1/4 SE 1/4 of said Section 26, a distance of 840.79 feet to a point on the South right of way line of Canal No. 1 of the Orchard Mesa Irrigation District as conveyed in Book 156, Page 510, Public Records of Mesa County, Colorado; thence along said Southerly canal right of way the following fourteen (14) courses:

1.) S 69°04'45" E a distance of 255.10 feet to a point; thence...

- 2.) N 75°48'30" E a distance of 25.28 feet to a point; thence...
- 3.) N 39°40'06" E a distance of 123.24 feet to a point being the beginning of a 64.50 foot radius curve, concave Southerly; thence...
- 4.) 87.07 feet along the arc of said curve, through a central angle of 77°20'28", having a chord bearing of N 78°20'20" E with a chord length of 80.60 feet; thence...
- 5.) S 62°59'26" E a distance of 32.63 feet to a point being the beginning of a 72.50 foot radius curve, concave Southeast; thence...
- 6.) 41.04 feet along the arc of said curve, through a central angle of 32°25'57", having a chord bearing of N 46°46'27" E with a chord length of 40.49 feet; thence...
- 7.) S 30°33'29" E a distance of 32.69 feet to a point being the beginning of a 60.50 foot radius curve, concave Northeast; thence...
- 8.) 30.22 feet along the arc of said curve, through a central angle of 28°37'21", having a chord bearing of S 44°52'09" E with a chord length of 29.91 feet; thence...
- 9.) S 59°10'50" E a distance of 198.64 feet to a point being the beginning of a 37.50 foot radius curve, concave North; thence...
- 10.) 49.98 feet along the arc of said curve, through a central angle of 76°21'39", having a chord bearing of N 82°38'21" E with a chord length of 46.36 feet; thence...
- 11.) N 44°27'32" E a distance of 55.14 feet to a point being the beginning of a 66.50 foot radius curve, concave South; thence...
- 12.) 91.13 feet along the arc of said curve, through a central angle of 78°31'01", having a chord bearing of N 83°43'02" E with a chord length of 84.17 feet; thence...
- 13.) S 57°01'27" E a distance of 110.28 feet; thence...
- 14.) S 69°19'32" E a distance of 9.38 feet to a point on the West right of way for 26 ¾ Road (Linden Avenue) as described in Quit Claim Deeds recorded in Book 2207, page 110 and Book 2215, Page 241, Public Records of Mesa County, Colorado; thence N 00°06'59" W, along said West right of way, said line being 30.00 feet West of and parallel to the East line of the NW ¼ SE ¼ of said Section 26, a distance of 21.49 feet; thence N 89°53'01" E a distance of 30.00 feet, more or less, to the Point of Beginning.

SUBJECT TO any easements, restrictions, reservations or rights of way of record, if any shall exist.

CONTAINING 17.329 Acres, more or less, as described.

**WHEREAS**, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 17<sup>th</sup> day of April, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado,

at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

**ADOPTED** this 6th day of March, 2002.

Attest:

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

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

**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

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

(\*NOTE USE FIRST FOUR FRIDAYS FOLLOWING REFERRAL OF PETITION)

<i>PUBLISHED</i>
<b>March 8, 2002</b>
<b>March 15, 2002</b>
<b>March 22, 2002</b>
<b>March 29, 2002</b>

CITY OF GRAND JUNCTION, COLORADO

**ORDINANCE NO.**

AN ORDINANCE ANNEXING TERRITORY TO THE

**CITY OF GRAND JUNCTION, COLORADO**

**STATON ANNEXATION**

**APPROXIMATELY 17.329 ACRES**

**LOCATED A 2673 ½ B ½ ROAD AND  
INCLUDING A PORTION OF THE LINDEN AVENUE RIGHT-OF-WAY**

**WHEREAS**, on the 6<sup>th</sup> day of March, 2002, 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 17th day of April, 2002; and

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

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

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

**A certain parcel of land being the East Three-Quarters (E ¾) of the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, lying South of the South right of way line of Canal No. 1 of Orchard Mesa Irrigation District as conveyed in Book 156, Page 510, Public Records of Mesa County, Colorado, all said lands lying in Mesa County, Colorado and being more particularly described as follows:**

COMMENCING at the Northeast corner of the NW ¼ SE ¼ of said Section 26, and considering the East line of the NW ¼ SE ¼ of said Section 26 to bear S 00°06'59" E with all bearings contained herein being relative thereto; thence S 00°06'59" E along the East line of the NW ¼ SE ¼ of said Section 26, a distance of 627.94 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°06'59" E along the East line of the NW ¼ SE ¼ of said Section 26, a distance of 692.84 feet to a point being the Southeast corner of the NW ¼ SE ¼ of said Section 26; thence N

89°36'24" W along the South line of the NW ¼ SE ¼ of said Section 26, a distance of 983.04 feet to a point being the Southwest corner of the E ¾ of the NW ¼ SE ¼ of said Section 26; thence N 00°21'11" W, along the West line of the E ¾ of the NW ¼ SE ¼ of said Section 26, a distance of 840.79 feet to a point on the South right of way line of Canal No. 1 of the Orchard Mesa Irrigation District as conveyed in Book 156, Page 510, Public Records of Mesa County, Colorado; thence along said Southerly canal right of way the following fourteen (14) courses:

- 1.) S 69°04'45" E a distance of 255.10 feet to a point; thence...
- 2.) N 75°48'30" E a distance of 25.28 feet to a point; thence...
- 3.) N 39°40'06" E a distance of 123.24 feet to a point being the beginning of a 64.50 foot radius curve, concave Southerly; thence...
- 4.) 87.07 feet along the arc of said curve, through a central angle of 77°20'28", having a chord bearing of N 78°20'20" E with a chord length of 80.60 feet; thence...
- 5.) S 62°59'26" E a distance of 32.63 feet to a point being the beginning of a 72.50 foot radius curve, concave Southeast; thence...
- 6.) 41.04 feet along the arc of said curve, through a central angle of 32°25'57", having a chord bearing of N 46°46'27" E with a chord length of 40.49 feet; thence...
- 7.) S 30°33'29" E a distance of 32.69 feet to a point being the beginning of a 60.50 foot radius curve, concave Northeast; thence...
- 8.) 30.22 feet along the arc of said curve, through a central angle of 28°37'21", having a chord bearing of S 44°52'09" E with a chord length of 29.91 feet; thence...
- 9.) S 59°10'50" E a distance of 198.64 feet to a point being the beginning of a 37.50 foot radius curve, concave North; thence...
- 10.) 49.98 feet along the arc of said curve, through a central angle of 76°21'39", having a chord bearing of N 82°38'21" E with a chord length of 46.36 feet; thence...
- 11.) N 44°27'32" E a distance of 55.14 feet to a point being the beginning of a 66.50 foot radius curve, concave South; thence...
- 12.) 91.13 feet along the arc of said curve, through a central angle of 78°31'01", having a chord bearing of N 83°43'02" E with a chord length of 84.17 feet; thence...
- 13.) S 57°01'27" E a distance of 110.28 feet; thence...
- 14.) S 69°19'32" E a distance of 9.38 feet to a point on the West right of way for 26 ¾ Road (Linden Avenue) as described in Quit Claim Deeds recorded in Book 2207, page 110 and Book 2215, Page 241, Public Records of Mesa County, Colorado; thence N 00°06'59" W, along said West right of way, said line being 30.00 feet West of and parallel to the East line of the NW ¼ SE ¼ of said Section 26, a distance of 21.49 feet; thence N 89°53'01" E a distance of 30.00 feet, more or less, to the Point of Beginning.

SUBJECT TO any easements, restrictions, reservations or rights of way of record, if any shall exist.

CONTAINING 17.329 Acres, more or less, as described.

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

**INTRODUCED** on first reading on the 6<sup>th</sup> day March, 2002.

**ADOPTED** and ordered published this 17<sup>th</sup> day of April, 2002.

Attest:

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

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

# STATON ANNEXATION

— City Limits  
— Annexation Boundary

STATE HIGHWAY 50

18"  
Ute Water Lines

Sewer Lines



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 this is accurate for various technical reasons. For information contact the City of Grand Junction Community Development Department, Technical Services (Ur. 970-295-4010)



**Attach 7**  
**Setting a Hearing – Dettmer Annexation**

CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>			
<b>Subject</b>	Dettmer Annexation		
<b>Meeting Date</b>	March 6, 2002		
<b>Date Prepared</b>	February 22, 2002		
<b>Author</b>	Kristen Ashbeck	Senior Planner	
<b>Presenter Name</b>	Kristen Ashbeck	Senior Planner	
	<b>Workshop</b>	X	<b>Formal Agenda</b>

**Subject.** Annexation of the Dettmer Annexation - ANX-2002-013

**Summary.** Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Dettmer Annexation located at 2916 D-1/2 Road (ANX-2002-013). This 0.861-acre (37,506.2 square feet) annexation consists of a single parcel of land.

**Background Information.** See Attached

**Budget.** N/A

**Action Requested/Recommendation.** It is recommended that City Council approve the Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Dettmer Annexation and set a hearing for April 17, 2002.

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

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

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

BACKGROUND INFORMATION					
<b>Location</b>		<b>2916 D-1/2 Road</b>			
<b>Applicants</b>		Warren Dettmer			
<b>Existing Land Use</b>		<b>Single Family Residence</b>			
<b>Proposed Land Use</b>		<b>Same</b>			
<b>Surrounding Land Use</b>	<b>North</b>	<b>Vacant</b>			
	<b>South</b>	Large Lot Single Family Residential			
	<b>East</b>	Vacant			
	<b>West</b>	Vacant			
<b>Existing Zoning</b>		Industrial (I-2) in County			
<b>Proposed Zoning</b>		RSF-4			
<b>Surrounding Zoning</b>	<b>North</b>	<b>I-2 (Mesa County)</b>			
	<b>South</b>	RSF-R (Mesa County)			
	<b>East</b>	I-2 (Mesa County)			
	<b>West</b>	<b>Light Industrial (I-1 - City)</b>			
<b>Growth Plan Designation</b>		Residential with 2 to 4 units per acre			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

## STAFF ANALYSIS

**Annexation.** This annexation area consists of annexing 0.861 acres (37,506.2 square feet). The property owner has requested annexation into the City as the result of proposing to rezone the property so that the existing single family residence conforms to the zoning. Under the 1998 Persigo Agreement all such types of development require 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 Dettmer 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>ANNEXATION SCHEDULE</b>	
<b>Mar 6<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>Mar 12<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>April 3<sup>rd</sup></b>	First Reading on Zoning by City Council
<b>April 17<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>May 19<sup>th</sup></b>	Effective date of Annexation and Zoning

**Action Requested/Recommendation:** It is recommended that City Council approve the Dettmer Annexation.

Attachments:

1. Dettmer Annexation Summary
2. Resolution of Referral of Petition
3. Annexation Ordinance
4. Annexation Map

<b>DETTMER ANNEXATION SUMMARY</b>		
<b>File Number</b>	ANX-2002-013	
Location	<b>2916 D-1/2 Road</b>	
Tax ID Number	<b>2943-172-00-058</b>	
Parcels	1	
Estimated Population	<b>2</b>	
# of Parcels (owner occupied)	<b>0</b>	
# of Dwelling Units	<b>1</b>	
Acres Land Annexed	0.861 (37,506.2 square feet)	
Developable Acres Remaining	<b>NA</b>	
Right-of-way in Annexation	<b>D-1/2 Road: North half of existing roadway (right-of-way not dedicated)</b>	
Previous County Zoning	<b>Industrial – (I-2)</b>	
Proposed City Zoning	<b>Residential Single Family with a maximum density of 4 units per acre (RSF-4)</b>	
Current Land Use	1 Single Family Residence	
Future Land Use	<b>Same</b>	
Values	Assessed	<b>= \$ 71,340.00</b>
	Actual	<b>= \$ 6,530.00</b>
Census Tract	8	
Address Ranges	<b>2916 D-1/2 Road</b>	
Special Districts	Water	<b>Ute Water</b>
	Sewer	<b>Central Grand Valley</b>
	Fire	<b>Grand Junction Rural</b>
	Drainage	<b>Grand Junction Drainage District</b>
	School	<b>Mesa County Valley District 51</b>
	Pest	<b>N/A</b>

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6<sup>th</sup> day of March, 2002, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. \_\_\_\_-02**

**A RESOLUTION REFERRING A PETITION TO THE CITY COUNCIL FOR THE  
ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION, AND EXERCISING LAND USE  
CONTROL**

**DETTMER ANNEXATION  
LOCATED at 2916 D-1/2 Road**

WHEREAS, on the 6<sup>th</sup> day of March, 2002, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**DETTMER ANNEXATION**

**A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 17, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:**

COMMENCING at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of said Section 17, and considering the South line of the SW ¼ NW ¼ of said Section 17 to bear S 89°50'21" W with all bearings contained herein being relative thereto; thence S 89°50'21" W along said South line, a distance of 395.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'21" W a distance of 133.00 feet; thence leaving said South line, N 00°00'00" E along the Easterly line of the Southern Pacific Transportation Company right-of-way, a distance of 282.00 feet; thence N 89°50'21" E a distance of 133.00 feet; thence S 00°00'00" W a distance of 282.00 feet, more or less, to the Point of Beginning.

SUBJECT TO any easements, restrictions, reservations or rights-of-way of record, if any shall exist.

CONTAINING 0.861 Acres (37,506.2 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 17<sup>th</sup> day of April, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
  
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 6<sup>th</sup> day of March, 2002.

Attest:

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

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

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

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

<b><i>PUBLISHED</i></b>
March 8, 2002
March 15, 2002
March 22, 2002
March 29, 2002



CITY OF GRAND JUNCTION, COLORADO  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ANNEXING TERRITORY TO THE

**CITY OF GRAND JUNCTION, COLORADO**

**DETTMER ANNEXATION**

**APPROXIMATELY 0.861 ACRES  
LOCATED 2916 D-1/2 Road**

WHEREAS, on the 6<sup>th</sup> day of March, 2002, 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 17<sup>th</sup> day of April, 2002; and

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

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

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

**DETTMER ANNEXATION**

**A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 17, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:**

COMMENCING at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of said Section 17, and considering the South line of the SW ¼ NW ¼ of said Section 17 to bear S 89°50'21" W with all bearings contained herein being relative thereto; thence S 89°50'21" W along said South line, a distance of 395.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'21" W a distance of 133.00 feet; thence leaving said South line, N 00°00'00" E along the Easterly line of the Southern Pacific Transportation Company right-of-way, a distance of 282.00 feet; thence N 89°50'21" E a distance of 133.00 feet; thence S 00°00'00" W a distance of 282.00 feet, more or less, to the Point of Beginning.

SUBJECT TO any easements, restrictions, reservations or rights-of-way of record, if any shall exist.

CONTAINING 0.861 Acres (37,506.2 square feet), more or less, as described.

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

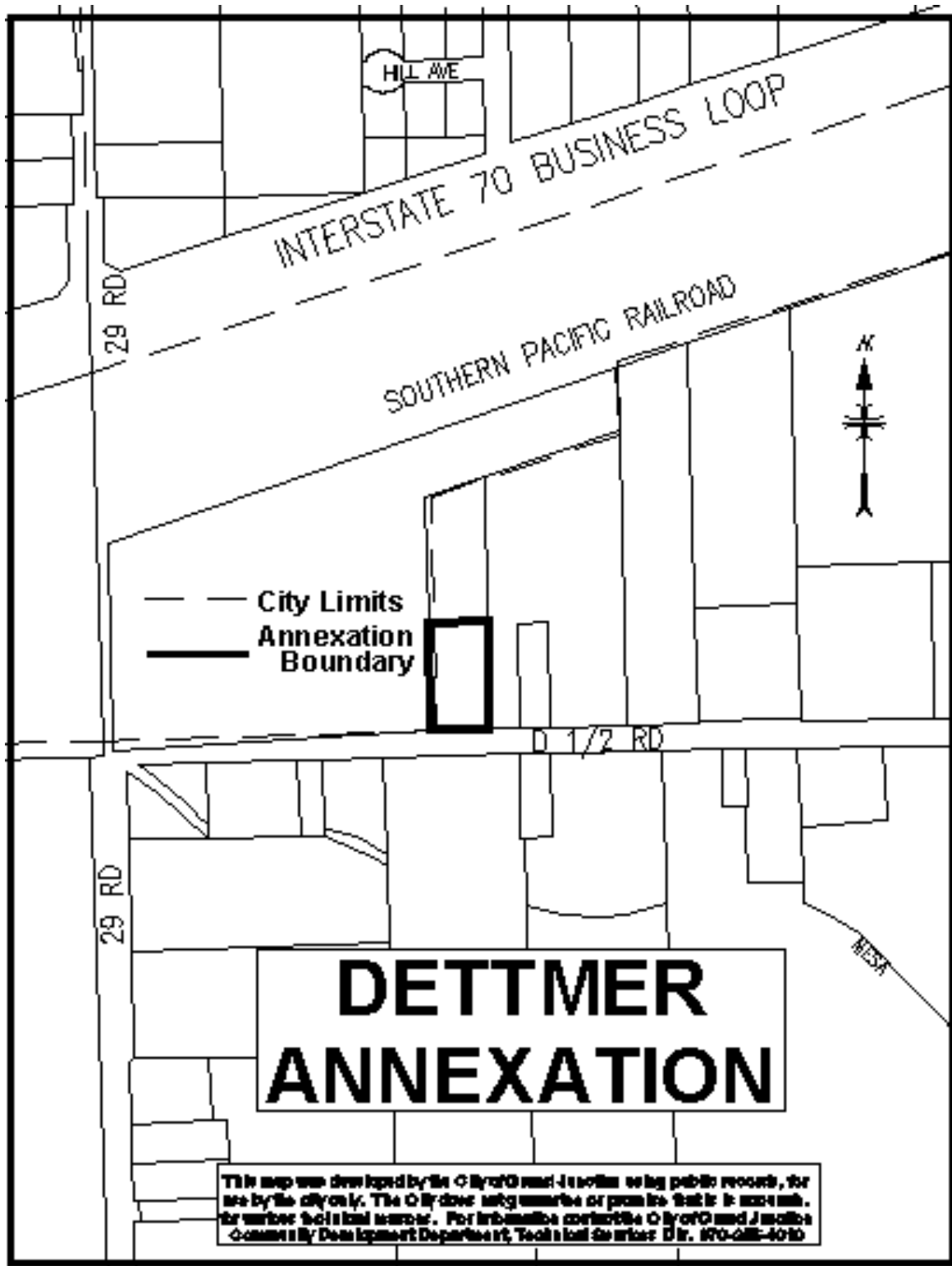
INTRODUCED on first reading on the 6<sup>th</sup> day of March, 2002.

ADOPTED and ordered published this     day of     , 2002.

Attest:

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

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



**Attach 8**  
**Setting a Hearing – Traver Annexation Rezone**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

CITY COUNCIL		
<b>Subject</b>	Traver Annexation No. 3	
<b>Meeting Date</b>	March 6, 2002	
<b>Date Prepared</b>	February 22, 2002	
<b>Author</b>	Kristen Ashbeck	Senior Planner
<b>Presenter Name</b>	Kristen Ashbeck	Senior Planner
<b>Workshop</b>	X	<b>Formal Agenda</b>

**Subject.** Annexation of the Traver Annexation No. 3 - ANX-2001-011

**Summary.** Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Traver Annexation No. 3, a parcel of land lying along the Grand Valley Irrigation Company canal situated north of the Traver Annexation No. 2 and east of D and 30 Roads (ANX-2001-011). This 0.2407-acre (10,484.9 square feet) annexation consists of a single parcel of land.

**Background Information.** See Attached

**Budget.** N/A

**Action Requested/Recommendation.** It is recommended that City Council approve the Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Traver Annexation No. 3 and set a hearing for April 17, 2002.

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

<b>Report results back to Council:</b>	X	No	Yes	<b>When:</b>	
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<b>Placement on Agenda:</b>	X	Consent	Indiv. Consideration	Workshop
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<b>BACKGROUND INFORMATION</b>					
<b>Location</b>		<b>Grand Valley Canal, Northeast of 30 and D Roads</b>			
<b>Applicants</b>		Richard and Marianne Traver			
<b>Existing Land Use</b>		<b>Grand Valley Canal</b>			
<b>Proposed Land Use</b>		<b>Same</b>			
<b>Surrounding Land Use</b>	<b>North</b>	<b>Vacant and Large Lot Single Family Residential</b>			
	<b>South</b>	Vacant			
	<b>East</b>	Large Lot Single family Residential			
	<b>West</b>	Vacant			
<b>Existing Zoning</b>		RSF-R (Mesa County)			
<b>Proposed Zoning</b>		RSF-4			
<b>Surrounding Zoning</b>	<b>North</b>	<b>PUD &amp; RSF-R (Mesa County)</b>			
	<b>South</b>	RSF-4 (City)			
	<b>East</b>	RSF-R (Mesa County)			
	<b>West</b>	<b>RSF-4 (City)</b>			
<b>Growth Plan Designation</b>		Residential Medium - 4 to 8 units per acre			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

## STAFF ANALYSIS

**Annexation.** This annexation area consists of annexing 0.2407 acres (10,484.9 square feet). The property owner has requested annexation into the City as the result of proposing to include the property in the Westland Estates Filing 1 Final Plat. Under the 1998 Persigo Agreement all such types of development require annexation and processing in the City.

Traver Annexations Nos. 2 and 3 did not include this parcel of land since the Preliminary Plan for Westland Estates represented that the ownership went only up to the south side of the Grand Valley Irrigation Canal. Further survey work and a legal determination made at the time of the first filing, concluded that the ownership actually went to the centerline of the canal. Thus, this strip of land (canal) needs to be annexed to be consistent to the boundary proposed on the Westland Estates Filing 1 Final Plat.

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 Traver Annexation No. 3 is eligible to be annexed because of compliance with the following:

- h) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- i) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- j) 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;
- k) The area is or will be urbanized in the near future;
- l) The area is capable of being integrated with the City;
- m) No land held in identical ownership is being divided by the proposed annexation;
- n) 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>ANNEXATION SCHEDULE</b>	
<b>Mar 6<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>Mar 12<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>April 3<sup>rd</sup></b>	First Reading on Zoning by City Council
<b>April 17<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>May 19<sup>th</sup></b>	Effective date of Annexation and Zoning

**Action Requested/Recommendation.** It is recommended that City Council approve the Traver Annexation No. 3.

Attachments:

- 5. Traver Annexation No. 3 Summary
- 6. Resolution of Referral of Petition
- 7. Annexation Ordinance
- 8. Annexation Map

<b>TRAVER ANNEXATION SUMMARY</b>		
<b>File Number</b>	ANX-2001-011	
Location	<b>Grand Valley Canal, Northeast of D and 30 Roads</b>	
Tax ID Number	<b>NA</b>	
Parcels	1	
Estimated Population	<b>0</b>	
# of Parcels (owner occupied)	<b>0</b>	
# of Dwelling Units	<b>0</b>	
Acres land annexed	0.2407 (10,484.9 square feet)	
Developable Acres Remaining	<b>NA</b>	
Right-of-way in Annexation	<b>NA</b>	
Previous County Zoning	<b>RSF-R</b>	
Proposed City Zoning	<b>Residential Single Family with a maximum density of 4 units per acre (RSF-4)</b>	
Current Land Use	Grand Valley Irrigation Canal	
Future Land Use	<b>Same</b>	
Values	Assessed	<b>NA</b>
	Actual	<b>NA</b>
Census Tract	8	
Address Ranges	<b>NA</b>	
Special Districts	Water	<b>Ute Water</b>
	Sewer	<b>Central Grand Valley</b>
	Fire	<b>Grand Junction Rural</b>
	Drainage	<b>Grand Junction Drainage District</b>
	School	<b>Mesa County Valley District 51</b>
	Pest	<b>N/A</b>

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6<sup>th</sup> day of March, 2002, the following Resolution was adopted:



**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. \_\_\_-02**

**A RESOLUTION REFERRING A PETITION TO THE CITY COUNCIL FOR THE  
ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION, AND EXERCISING LAND USE  
CONTROL**

**TRAVER ANNEXATION NO. 3**

LOCATED at the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

WHEREAS, on the 6<sup>th</sup> day of March, 2002, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**TRAVER ANNEXATION NO. 3**

**A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:**

**COMMENCING at the Southeast corner of said Section 17, and considering the South line of the SE ¼ SE ¼ of said Section 17 to bear S 89°57'32" W with all bearings contained herein being relative thereto; thence S 89°57'32" W, along the South line of the SE ¼ SE ¼ of said Section 17, a distance of 327.49 feet to a point on the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17; thence N 00°01'40" W, along the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17, a distance of 1059.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, N 84°09'52" W a distance of 67.43 feet; thence S 78°48'05" W a distance of 252.79 feet; thence S 79°21'59" W a distance of 138.86 feet; thence S 77°55'42" W a distance of 89.00 feet; thence S 81°10'14" W a distance of 57.58 feet; thence S 83°35'49" W a distance of 64.97 feet to its intersection with the Southerly extension of the East line of Lot 2, Brown's Minor Subdivision, as same is recorded in Plat Book 16, Page 36 of the Public Records of Mesa County, Colorado; thence N 00°03'36" W, along the Southerly extension of the East line of said Lot 2, a distance of 17.79 feet; thence leaving said East line, N 83°16'55" E a distance of 93.87 feet; thence N 79°29'58" E a distance of 314.67 feet; thence N 78°44'09" E a distance of 172.93 feet; thence N 85°23'06" E a distance of 61.27 feet; thence N 88°52'02" E a distance of 26.74 feet to a point on the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17; thence S 00°01'40" E, along said East line, a distance of 22.80 feet, more or less, to the Point of Beginning.**

**SUBJECT TO any easement, restrictions, reservations or rights-of-way of record, if any shall exist.**

**CONTAINING 0.2407 Acres, more or less, as described.**

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 17<sup>th</sup> day of April, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
  
3. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 6<sup>th</sup> day of March, 2002.

Attest:

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

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

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

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

<b><i>PUBLISHED</i></b>
March 8, 2002
March 15, 2002
March 22, 2002
March 29, 2002

CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING TERRITORY TO THE

CITY OF GRAND JUNCTION, COLORADO

TRAVER ANNEXATION NO. 3

APPROXIMATELY 0.2407 ACRES

LOCATED at the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

WHEREAS, on the 6<sup>th</sup> day of March, 2002, 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 17<sup>th</sup> day of April, 2002; and

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

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

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

TRAVER ANNEXATION NO. 3

**A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:**

**COMMENCING at the Southeast corner of said Section 17, and considering the South line of the SE ¼ SE ¼ of said Section 17 to bear S 89°57'32" W with all bearings contained herein being relative thereto; thence S 89°57'32" W, along the South line of the SE ¼ SE ¼ of said Section 17, a distance of 327.49 feet to a point on the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17; thence N 00°01'40" W, along the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17, a distance of 1059.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, N 84°09'52" W a distance of 67.43 feet; thence S 78°48'05" W a distance of 252.79 feet; thence S 79°21'59" W a**

distance of 138.86 feet; thence S 77°55'42" W a distance of 89.00 feet; thence S 81°10'14" W a distance of 57.58 feet; thence S 83°35'49" W a distance of 64.97 feet to its intersection with the Southerly extension of the East line of Lot 2, Brown's Minor Subdivision, as same is recorded in Plat Book 16, Page 36 of the Public Records of Mesa County, Colorado; thence N 00°03'36" W, along the Southerly extension of the East line of said Lot 2, a distance of 17.79 feet; thence leaving said East line, N 83°16'55" E a distance of 93.87 feet; thence N 79°29'58" E a distance of 314.67 feet; thence N 78°44'09" E a distance of 172.93 feet; thence N 85°23'06" E a distance of 61.27 feet; thence N 88°52'02" E a distance of 26.74 feet to a point on the East line of the West 990.00 feet of the SE ¼ SE ¼ of said Section 17; thence S 00°01'40" E, along said East line, a distance of 22.80 feet, more or less, to the Point of Beginning.

**SUBJECT TO any easement, restrictions, reservations or rights-of-way of record, if any shall exist.**

**CONTAINING 0.2407 Acres, more or less, as described.**

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

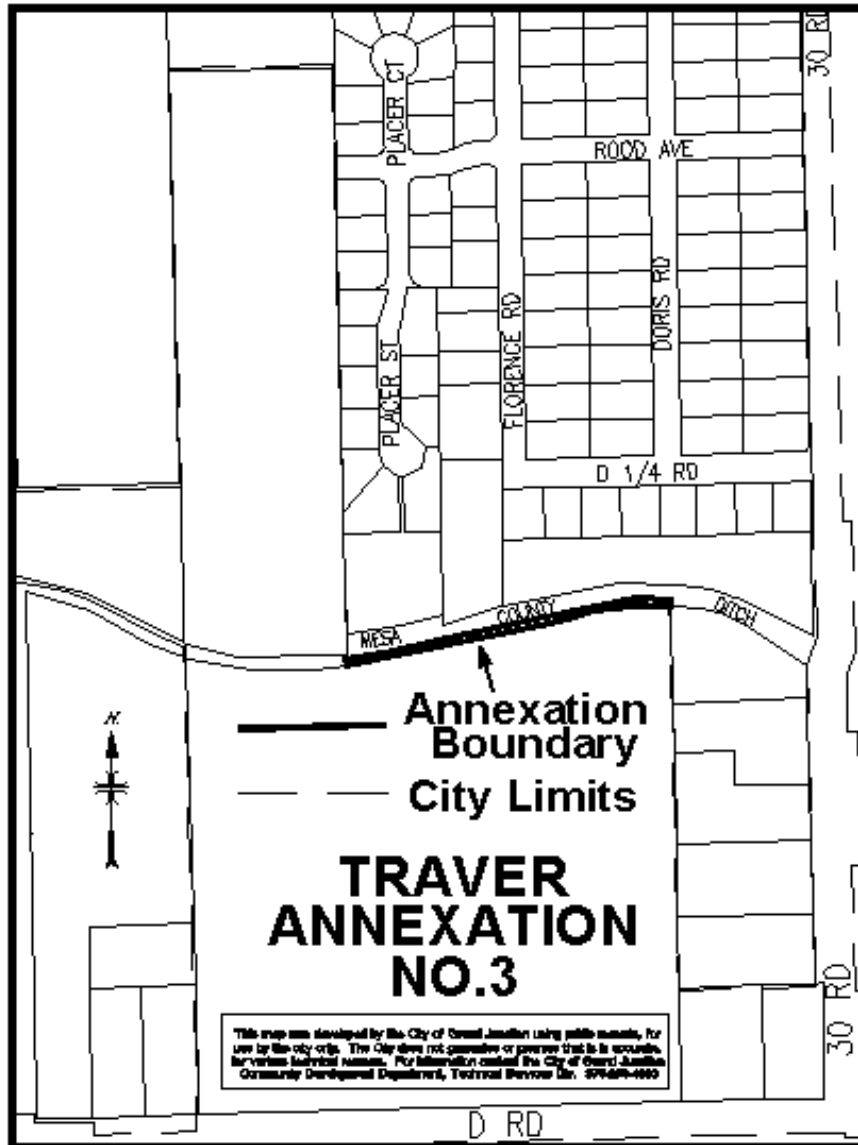
INTRODUCED on first reading on the 6<sup>th</sup> day of March, 2002.

ADOPTED and ordered published this      day of      , 2002.

Attest:

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

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



**Attach 9**  
**Setting a Hearing – Paul B. Boyd Subdivision**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	Paul B Boyd Subdivision Rezone		
Meeting Date:	March 6, 2002		
Date Prepared:	February 26, 2002		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers	Associate Planner	
	Workshop	X	Formal Agenda

**Subject:** First Reading of the ordinance to rezone the Paul B Boyd Subdivision, located at 838 26 ½ Road, 2662 and 2660 Catalina Drive, file # RZ-2002-015.

**Summary:** The Petitioner is requesting a rezoning from RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre). The rezone request is the result of a minor subdivision. Two lots were reconfigured into 3 lots, leaving a split zoning on the newly created lot. This proposal will rezone the new lot and the lot to the west to RSF-4. This request is in conformance with the Growth Plan, which suggests a density of residential medium, 4 to 8 units per acre.

**Background Information:** Please see Staff Report

**Budget:** N/A

**Action Requested/Recommendation:** Approval of First Reading of the Rezone Ordinance.

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

Report results back to Council:	X	No	Yes	When:

Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop

**CITY OF GRAND JUNCTION  
CITY COUNCIL**

**MEETING DATE:** March 6, 2002  
**STAFF PRESENTATION:** Lori V. Bowers

**AGENDA TOPIC:** First reading of the Ordinance to rezone the Paul B. Boyd Minor Subdivision, located at 838 26 ½ Road, 2662 and 2660 Catalina Drive. File number RZ-2002-015.

**SUMMARY:** The Petitioner is requesting a rezoning from RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre). The rezone request is the result of a minor subdivision. Two lots were reconfigured into 3 lots, leaving a split zoning on the newly created lot. This proposal will rezone the new lot and the lot to the west to RSF-4. This request is in conformance with the Growth Plan, which suggests a density of residential medium, 4 to 8 units per acre.

**ACTION REQUESTED:** First reading of the Ordinance by City Council for approval of the rezoning request to RSF-4, for the newly created lot and rezone of the existing lot in the Paul B. Boyd Minor Subdivision.

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		838 26 ½ Road, 2662 and 2660 Catalina Drive			
<b>Applicants:</b>		Greg Bailey, representative Rodney & Susan Martinez, owners Glen & Karen McClelland, owners			
<b>Existing Land Use:</b>		Single family residential			
<b>Proposed Land Use:</b>		Single family residential			
<b>Surrounding Land Use:</b>	<b>North</b>	Single family residential and vacant land			
	<b>South</b>	Single family residential			
	<b>East</b>	Single family residential			
	<b>West</b>	Planned Development			
<b>Existing Zoning:</b>		RSF-4 and RMF-5*			
<b>Proposed Zoning:</b>		RSF-4*			
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-5 *			
	<b>South</b>	RSF-4*			
	<b>East</b>	RSF-4*			
	<b>West</b>	Planned Development			
<b>Growth Plan Designation:</b>		Residential Medium, 4 to 8 units per acre			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

\*RSF – Residential Single Family



RMF – Residential Multi-Family

4, 5 – denotes the number of dwelling units (not to exceed) per acre.

**Project Analysis:** The Paul B. Boyd Subdivision received administrative approval in January. The resulting additional lot had two zonings on it. The request to rezone the newly created lot and the lot to the west is in conformance with the Growth Plan and Section 2.6 of the Zoning and Development Code. This rezoning will make the lots contiguous to Paradise Hills Subdivision consistent with the zoning designation of the Paradise Hills Subdivision. (Lot 3 remains in the Paradise Hills Homeowners Association, while Lots 1 and 2 are independent of this subdivision).

**Rezoning:** The petitioner is requesting first reading of the ordinance rezoning approximately 2.6 acres of land to RSF-4, (Residential Single-Family, not to exceed 4 units per acre). Part of this property is currently zoned RMF-5 (Residential Multi-Family, not to exceed 5 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 zoning at the time of adoption was not in error.
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;  
- There has not been a change in character in the neighborhood, although properties to the north were downzoned during the Growth Plan review process last year. The proposed rezone is a housekeeping issue to have the newly created lot and the lot to the west the same zoning as the adjacent neighborhood.
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 rezone is compatible and does not create any adverse impacts.
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 rezone does conform to the goals and polices of the City's regulatory guidelines.
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;  
- Utilities are existing in this neighborhood.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
7. The community or neighborhood will benefit from the proposed zone.
  - The rezone is a matter of consistency with the existing neighborhood.

**PLANNING COMMISSION RECOMMENDATION:**

At their regularly scheduled meeting of February 12, 2002, the Planning Commission recommend to the City Council the rezoning from RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) to RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre) for the Paul B Boyd Subdivision, finding that the rezone is consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code and adjacent property development.

Attachments:  
Ordinance  
Location Map  
Subdivision Final Plat

**CITY OF GRAND JUNCTION, COLORADO**

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

**ZONING 3 PARCELS OF LAND LOCATED IN THE PAUL B. BOYD SUBDIVISION,  
838 26 ½ Road, 2662 Catalina Drive and 2660 Catalina Drive**

Recitals.

A rezone from the RMF-5 zoning district to the RSF-4 zoning district has been requested for the properties located in the Paul B. Boyd Subdivision, the physical addresses for which are 838 26 ½ Road, 2662 Catalina Drive and 2660 Catalina Drive. 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 dwelling 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 February 12, 2002 hearing, recommended approval of the rezone request from the RMF-5 zoning district to the RSF-4 zoning 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 RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre) ZONING DISTRICT:

LOTS 1, 2 AND 3, PAUL B. BOYD SUBDIVISION

INTRODUCED for FIRST READING and PUBLICATION this     st day of     , 2002.  
PASSED on SECOND READING this     day of     , 2002.

ATTEST:

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

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





**Attach 10**

**Sale of City Right-of-Way, Horizon Dr, G Rd and 27 ½ Rd Intersection to Pizza Hut**

CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Sale of City Right-of-Way/Pizza Hut</b>		
<b>Meeting Date:</b>	<b>March 6, 2002</b>		
<b>Date Prepared:</b>	<b>February 27, 2002</b>		
<b>Author:</b>	<b>Tim Moore</b>	<b>Public Works Manager</b>	
<b>Presenter Name:</b>	<b>Tim Moore</b>	<b>Public Works Manager</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Sale of excess of City right-of-way to an adjacent land owner.

**Summary:** Adjacent to the Pizza Hut property on Horizon Drive and G Road is an area of City right-of-way that is not used because of the reconstruction of the Horizon Dr., G Road and 27 ½ Road intersection. This agreement will convey the City Property to the adjacent landowner. In exchange, the business owner agrees to pay for, develop and maintain the property.

**Background Information:** McGovern Enterprises leases property at the intersection of G Road and Horizon Drive from George Demos. This property is currently developed as the Horizon Drive Pizza Hut. McGovern Enterprises would like to purchase this right-of-way and develop it for additional parking. This agreement will convey the City property to the adjoining owner provided:

1. The sum of \$5,000 is paid to the City
2. The property will be developed and maintained in, accordance with city code, by December 31, 2002
3. No later than December 31<sup>st</sup>, the property shall be platted, re-platted or otherwise attached to the adjacent Pizza Hut property.

**Budget:** N/A

**Action Requested/Recommendation:** Authorize the City Manager to sign the attached agreement.

<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>	
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<b>Placement on Agenda:</b>	<b>X</b>	<b>Conse nt</b>		<b>Indiv. Consideration</b>		<b>Worksho p</b>
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THIS AGREEMENT is made and entered into as of the \_\_\_\_ day of March 2002 by and between McGovern Enterprises Incorporated by and through the \* (President/Chair of the Board of Directors), hereinafter referred to as "McGovern" and George Demos or his successor in title hereinafter referred to as "the Adjoining Owner" and the CITY OF GRAND JUNCTION, a Colorado home rule municipality and hereinafter referred to as "the City" collectively referred to as "the Parties."

Recitals:

McGovern leases property from the Adjoining Owner at the approximate intersection of G Road and Horizon Drive referred to herein as "the Pizza Hut Property."

Adjacent to the Pizza Hut Property is an area of former City right-of-way that is not presently used by the City because of the reconstruction of Horizon Drive, G Road and 271/2 Road, hereinafter referred to as "the City Property." McGovern desires to use and maintain the City Property in order to enhance the appearance of the Pizza Hut Property.

By this Agreement the City Property will be conveyed to the Adjoining Owner on condition that McGovern and/or the Adjoining Owner: 1) pay to the City the sum of money provided for in this agreement (\$5,000.00), 2) that McGovern and/or the Adjoining Owner improve and maintain the Property in a condition equivalent to or better than the City would and 3) no later than December 31, 2002 McGovern and/or the Adjoining Owner shall "attach" the City Property to the Pizza Hut property, all as further described or required by this Agreement. McGovern and/or the Adjoining Owner, for themselves, their successors and assigns agree that the City Property shall be platted, re-plated, vacated and/or otherwise lawfully attached to the Pizza Hut Property. McGovern and/or the Adjoining Owner shall bear any and all costs for the improvements, maintenance and attachment.

In consideration of the recitals, mutual covenants and other terms and conditions contained herein, the Parties agree as follows:

### Section One

#### Description of the Property

1.1 The City Property is described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit: Commencing at the Southwest Corner of the SE ¼ SW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the SE ¼ SW ¼ of said Section 36 to bear N 89°59'57" E with all bearings contained herein being relative thereto; thence N 89°59'57" E along the South line of the SE ¼ SW ¼ of said Section 36 a distance of 635.52 feet; thence leaving the South line of said SE ¼ SW ¼, N 00°00'03" W a distance of 1.31 feet to the True Point of Beginning;



thence N 36°59'12" E a distance of 48.45 feet;  
thence S 89°59'57" E a distance of 143.62 feet;  
thence S 00°13'00" W a distance of 16.01 feet;  
thence 99.21 feet along the arc of a non-tangent curve concave to the Northwest,  
having a radius of 1839.02 feet, a central angle of 03°05'28", and a long chord bearing  
S 41°43'47" W a distance of 99.20 feet;  
thence N 82°55'39" W a distance of 29.53 feet;  
thence N 46°12'13" W a distance of 8.17 feet;  
thence S 42°58'40" W a distance of 6.00 feet;  
thence 82.14 feet along the arc of a non-tangent curve concave to the Southwest,  
having a radius of 280.00 feet, a central angle of 16°48'28", and a long chord bearing N  
55°25'34" W a distance of 81.84 feet to the Point of Beginning,  
Containing 10,408.80 square feet, more or less (.239 acres, more or less), as described  
herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by  
reference.

Hereinafter referred to as "the City Property".

## Section Two Time

2.1 The Agreement shall become operative on approval, if at all by the City Council. The City Council is scheduled to consider the contract at its March 6, 2002 meeting. If the City Council approves this Agreement then McGovern and the Adjoining Owner may exercise the rights conferred by this Agreement to acquire the Property.

2.2 If McGovern performs pursuant to this Agreement then the City will deliver a Special Warranty deed to the Adjoining Owner upon payment of \$5,000.00 and satisfaction of the improvement and attachment conditions of this Agreement. The attachment condition specifically requires that the Adjoining Owner shall plat, re-plat, vacate, apply for zoning and/or otherwise lawfully attach the City Property to the Pizza Hut Property on or before December 31, 2002.

## Section Three Consideration

3.1 By this Agreement the City will convey the City Property to the Adjoining Owner on condition that McGovern and/or the Adjoining Owner: 1) pay to the City the sum of money provided for in this Agreement (\$5,000.00), 2) that McGovern and/or the Adjoining Owner improve and maintain the Property in a condition equivalent to or better than the City would and 3) no later than December 31, 2002 McGovern and/or the Adjoining Owner shall "attach" the City Property to the Pizza Hut property, all as further described or required by this Agreement.

## Section Four Use of the Property

4.1 McGovern and/or the Adjoining Owner agree to use and maintain the City Property as a parking and landscaped area adjacent to the Pizza Hut Property. The parking and landscaped area shall be exclusively for the use of the McGovern, the Adjacent Owner and their invitees, subject to any lease/use agreement between the McGovern and the Adjoining Owner.

4.2 Upon satisfaction of each and every provision of this Agreement McGovern and/or the Adjoining Owner may apply to develop the City Property in accordance with the Zoning and Development Code and other City regulations in effect at the time of application. If the City Property is redeveloped it shall minimally be landscaped in accordance with the requirements of the then existing Code.

4.3 Because the City Property and any conveyance of it is subject to certain rights, which are being/will be retained by the City, the City makes no representation either express or implied that any redevelopment application will be approved by it or that the City Property is redevelopable/developable for a specific use. The City Property is conveyed subject to any and all utility, drainage and other surface and subsurface encumbrances, easements and claims.

4.4 McGovern and the Adjoining Owner have investigated the title to the City Property, including but not limited to the easements and encumbrances of record and are aware that the City Property has been used as right of way and that the City has not vacated the same. McGovern and the Adjoining Owner acknowledge the existence of the same and take the City Property subject to the same.

4.5 If any of the City Property is used for parking, McGovern and/or the Adjoining Owner shall enforce parking restrictions made applicable by the design, layout, signing and/or striping of the City Property. The City shall not be responsible for any enforcement. McGovern and/or the Adjoining Owner are authorized to enforce only those laws, rules or regulations that are incident to ownership.

4.6 McGovern and/or the Adjoining Owner shall neither use nor permit the City Property to be used in any fashion or in any manner contrary to the laws, ordinances or regulations of the City or any governmental agency exercising jurisdiction over the City Property if other than the City.

4.7 With the approval of the City, which approval shall be granted if the sign(s) conform(s) to ordinances and zoning laws imposed by the City, McGovern and/or the Adjoining Owner may install and maintain appropriate sign(s) on the City Property associated with the operations conducted thereon.

## Section Five Improvements, Repairs and Maintenance

- 5.1 McGovern and/or the Adjoining Owner shall improve the City Property by the installation of landscaping and pavement together with the necessary or required irrigation lines, equipment and facilities, herein "Improvements" or "the Improvements". The Improvements shall include but are not limited to the extension of a waterline from the Pizza Hut property to the City Property. McGovern and/or Adjoining Owner shall pay the cost of all soil preparation, plantings, water lines and water reasonably necessary or make the Improvements. All improvements shall be in accordance with current City Codes.
- 5.2 The Improvements shall be made to City standards in existence at the time of execution of this Agreement. McGovern and the Adjoining Owner have reviewed the plans for the Improvements and agree with the same.
- 5.3 McGovern and/or the Adjoining Owner shall obtain any and all required development permits for the Improvements. If McGovern and/or the Adjoining Owner is (are) not reasonably able to obtain a permit and/or construct the Improvements on the Property on or before April 15, 2002, this Agreement shall be deemed null, void and of no effect.
- 5.4 McGovern and/or the Adjoining Owner shall maintain the Improvements and all aspects of the Property, including but not limited to the appearance and integrity of the Improvements and sign(s) all of which shall be maintained in good order, appearance and condition, similar to that of City property. As a part of maintenance of the Property, the Property shall be kept clean and in a safe condition in accordance with all-applicable laws, ordinances and regulations of the City.
- 5.5 In the event the Improvements on the Property become damaged, destroyed or injured by any means, McGovern and/or Adjoining Owner shall promptly restore the Improvements or the portion as may have been injured or destroyed.
- 5.6 McGovern and/or the Adjoining Owner shall pay the cost of utilities used on and for the benefit of the city Property, which include but are not limited to water and electricity.
- 5.7 If McGovern and/or the Adjoining Owner refuse or neglect to perform maintenance work required under the provisions hereof within fifteen (15) days after written demand the City may, without any obligation to do so, enter on the Property and make such repairs or perform maintenance without liability to the City's operations by reason thereof.

Section Six  
Liability

6.1 The City shall not be liable for any liability or damage claims of for injury to persons or property from any cause relating to the occupancy of the Property by McGovern and/or the Adjoining Owner, including those arising out of damages or losses occurring on sidewalks and other areas adjacent to the Property during the term of this Agreement.

6.2 McGovern and the Adjoining Owner shall indemnify the City from liability, loss or damage claims or obligations resulting from any damages, injuries or losses or claims of injury or loss, of any nature described in paragraph 6.1.

## Section Seven

### Insurance

7.1 For any period of time prior to the City Property being conveyed, McGovern and the Adjoining Owner shall provide public liability insurance and other coverage for protection against liability for damage claims through public use of, or arising out of damage or injuries occurring in and around the Property. Insurance in the amount of \$150,000 per claim/\$600,000 per occurrence or the statutory limits for the Governmental Immunity Act as it may be amended shall be continuous throughout the Term of the Agreement. In addition to these protections the City will avail itself of the protections of the Colorado Governmental Immunity Act (C.R.S. 24-10-101 *et.seq.*).

7.2 McGovern and the Adjoining Owner may designate the City as an additional insured under the terms of the premises liability coverage for the Pizza Hut Property or may provide a separate policy for the purposes of this Agreement.

## Section Eight

### Pledges and Assignments

8.1 McGovern and/or the Adjoining Owner shall not pledge or attempt to pledge or grant or attempt to grant as collateral or security its interest in the Property without the prior written consent of the City.

8.2 McGovern and/or the Adjoining Owner shall not assign the terms, benefits or obligations, of this Agreement without the prior written consent of the City which consent shall not be unreasonably withheld.

8.3 McGovern and/or the Adjoining Owner shall not assign any rights arising out of or hereunder to the Property without first obtaining the written consent of the City, which consent shall not be unreasonably withheld. Any consent given by the City shall not be consent to a subsequent assignment. The City reserves the right to reject assignees. The prohibition against assignment does not extend to the contractors hired to perform work on or concerning the Improvements or successors in interest to the Adjoining Owner.

**Section Nine**

Total Agreement; Applicable to Successors

9.1 This Agreement contains the entire agreement between the Parties and cannot be changed or terminated except by a written instrument subsequently executed by all the Parties hereto. The terms and conditions hereof apply to and are binding upon the heirs, successors and authorized assigns of both parties as limited by the provisions of section 8.

9.2 In order that the provisions of this Agreement are fully known and applicable to any successor in interest this Agreement or a memorandum thereof shall be recorded in the Mesa County land records.

Section Ten  
Applicable Law

10.1 This Agreement shall be governed by and construed in accordance with the laws of the City of Grand Junction, State of Colorado.

10.2 Any action arising out of or under this Agreement shall be brought in a court of competent jurisdiction in Grand Junction, Mesa County Colorado.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

MCGOVERN:

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ADJOINING OWNER:

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THE CITY OF GRAND JUNCTION, a  
Colorado home rule municipality

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**Attach 11**  
**Amendment #2, ICON Engineering Contract**

CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Amendment #2 for Engineering Contract with ICON Engineering, Inc. for Leach Creek and Horizon Drive Drainage Plans</b>		
<b>Meeting Date:</b>	<b>March 6, 2002</b>		
<b>Date Prepared:</b>	<b>February 27, 2002</b>		
<b>Author:</b>	<b>Trent Prall</b>	<b>City Utility Engineer</b>	
<b>Presenter Name:</b>	<b>Trent Prall</b>	<b>City Utility Engineer</b>	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Amendment #2 for engineering contract with ICON Engineering, Inc. for Leach Creek and Horizon Drive Channel / Independent Ranchmen’s Ditch drainage plans and CLOMR Applications to FEMA. Total requested revision is \$30,685.

**Summary:** Original contract with ICON was for the investigation of alternatives, and preparation of Letter of Map Revision (LOMR) for Horizon Drive Channel / Independent Ranchmen’s Ditch (HC/IRD) Basin around Mesa Mall. Amendment #1 provided additional hydrology and flood plain delineation in the Leach Creek and HC/IRD basins and preparation of CLOMR for these basins. Due to various issues outside of ICON’s control, Amendment #2 proposes to complete the study using up to date contour mapping as well as incorporate less expensive, City developed, infrastructure alternatives into the CLOMR to reduce or eliminate the potential for flooding between Mesa Mall and 25 ½ Road.

**Background Information:**

The original scope of work, approved by City Council on March 15, 2000, was for the investigation of alternatives, and preparation of Letter of Map Revision (LOMR) for HC/IRD basin around Mesa Mall. The cost of this work was \$52,467.

On August 16, 2000, City Council approved Amendment #1 that was intended to provide additional hydrology and flood plain delineation in the Leach Creek and HC/IRD basins; and preparation of CLOMR for these basins. The cost of this work was \$75,000.

Three factors, explained in more detail on Attachment 1, have inhibited completion of the project to date. They are 1.) Henz Rainfall information, 2.) Dated base mapping. 3.) Reanalysis of existing flood plains based on detention basins has found additional areas are subject to flooding.

Due to the above issues, staff is proposing that Amendment #2 be approved to complete the study using up to date, thus more accurate, contour mapping as well as incorporate less expensive, City developed, alternatives into the CLOMR. The final

product should show FEMA that with the proposed improvements in place that no private properties, including those in the 25 Road area as well as at Mesa Mall, are in jeopardy of flooding in the 100 year event.

**Budget:**

ICON Original Contract (approved March 15, 2000):

\$42,118

**Amendment #1 (approved August 16, 2000):**

**\$75,000**

**New work per amendment #2**

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**\$30,685**

Total revised contract:

\$147,803

Amendment #2 is unbudgeted. However staff is proposing the \$30,685 be allocated from the Ranchmen's Ditch Storm Drainage Improvements (Fund 202 / Activity Code F31800) which has \$100,000 budgeted for design in 2002. Most of ICON's work will be used in determining the size and effects of the proposed improvements in the basin.

**Action Requested/Recommendation:** Authorize the City Manager to sign Addendum #2 to the existing contract with ICON Engineering, for \$30,685 to fund the additional work.

<b>Citizen Presentation:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>If 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>Conse nt</b>	<input type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>	<b>Worksho p</b>



## Attachment #1 / Factors that have inhibited project completion to date.

- 1. Henz Rainfall information.** In 1992, the City and the County jointly funded a study to reduce the 100 year rainfall for the Grand Valley based on actual rainfall data at Walker Field. This study was never submitted to FEMA for approval, however the City and County Stormwater Management Manual and subsequent master plans were developed based on this lower rainfall depth. The consultant, Mr. John Henz, was contacted to update the rainfall analysis and get FEMA's approval prior to ICON proceeding. Due to Mr. Henz's non-responsiveness, ICON was asked to complete the work and get FEMA's concurrence which was finally accomplished June 19, 2001 after over a year of effort.
- 2. Dated base mapping.** The current hydraulic models of the basins utilize 1972 contour mapping. Many infrastructure projects and private developments have been constructed since the 1972 contour mapping that leads to inaccuracies in the models. Improvements such as Patterson Road and 25 Road have substantially altered the historical models. The City and the County are currently under contract to re-fly the valley and develop new contour mapping. New contour mapping for the Leach Creek and Horizon Channel / Independent Ranchmen's Ditch (HC/IRD) basin is to be completed by March 15, 2002.
- 3. Reanalysis of existing flood plains based on detention basins has found additional areas are subject to flooding.** Part of the scope of work in Amendment #1 included revisiting the original 1989 hydrology which had been pointed out during the 1996 Williams Engineering study as being technically flawed. ICON's work has resulted in more accurate, but higher flows.

During the analysis of the impacts of the proposed airport stormwater detention basins, ICON found that the basins did not have as large of impact on downstream areas, such as 25 Road and Mesa Mall, as originally led to believe by the Williams Engineering study. Based on the above, the CLOMR that would be submitted to FEMA if the project were to end today would actually have **additional properties in the floodplain in the 100 year event**

Submittal of the CLOMR to FEMA for the proposed airport detention basins at this time without remedies to prevent flooding in these additional areas would most likely lead to FEMA remapping the area. Remapping would put property owners, lenders and FEMA on notice that flood insurance should be purchased in order to be eligible for federal funds should flooding happen in those areas.

City staff is developing non-detention alternatives to try and fit within the existing budget so as to fix the problem within the next two to three years to avoid FEMA remapping the area to show the new areas in the floodplain.

**Attach 12**  
**Funding, Commission on Arts and Culture**

CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>		
<b>Subject:</b>	<b>Recommendations from the GJ Commission on Arts and Culture for funding support to organizations for art and cultural events, projects, and programs.</b>	
<b>Meeting Date:</b>	<b>March 6, 2002</b>	
<b>Date Prepared:</b>	<b>February 19, 2002</b>	
<b>Author:</b>	<b>Allison Sarmo</b>	<b>Cultural Arts Coordinator</b>
<b>Presenter Name:</b>	<b>Allison Sarmo</b>	<b>Cultural Arts Coordinator</b>
<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Recommendations from the GJ Commission on Arts and Culture for funding support to organizations for art and cultural events/projects/programs.

**Summary:** On February 26 and 27, 2002 the Commission reviewed requests and presentations from 23 organizations and agencies, totaling \$57,836, for financial support, per Commission goals, criteria, and guidelines. The Commission recommends funding the following:

Art Center art exhibit series	\$2,500
Bookcliff Barbershop Chorus nursing home tour	\$1,000
David Taylor Dance Theatre (Denver) performance	\$2,000
Downtown Association Art & Jazz Festival	\$2,000
Grand Junction Symphony opening concert	\$1,000
Grand Valley Blacksmith Guild workshop	\$500
Grand Valley Community Theater musical	\$1,000
KAFM Public Radio calendar underwriting	\$2,000
KRMJ-TV "Western Bounty" underwriting	\$2,000
Mesa Co. Library/New Emerson Artist-in-Residence	\$1,500
Mesa State Foundation Art Educators' Conference	\$600
Mesa State Summer Dance workshop	\$1,500
Museum of Outdoor Arts (Englewood) Design & Build	\$836
Museum of Western Colo. Apple Jubilee	\$1,000
Performing Arts Conservatory musical	\$1,500
Schumann Singers concerts	\$500
SD#51 Art Heritage Artists-in-Residence	\$4,000
St. Andrews Grand Valley Renaissance Faire	\$1,000
VSA Arts Festival for the Disabled	\$1,200
West. Colo. Botanical Garden Amphitheater	\$1,000
Western Colorado Chorale concert tickets	\$500
<b>TOTAL</b>	<b>\$29,136</b>

**Background Information:**

**Budget:** \$29,200 (\$26,000 City/Commission and \$3,200 from Colorado Council on the Arts)

**Action Requested/Recommendation:** City Council approval of Commission recommendations for arts and cultural events and programs.

<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>	
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<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>
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**Attach 13**  
**Outside Organizations Funding**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
<b>Subject:</b>	<b>OUTSIDE GROUP FUNDING</b>		
<b>Meeting Date:</b>	<b>MARCH 6, 2002</b>		
<b>Date Prepared:</b>	<b>FEBRUARY 27, 2002</b>		
<b>Author:</b>	<b>DAVID VARLEY</b>		
<b>Presenter Name:</b>	<b>DAVID VARLEY</b>		
	<b>Workshop</b>	<b>YES</b>	<b>Formal Agenda</b>

**Subject:** City funding for outside groups and organizations.

**Summary:** The City Council has developed guidelines to help with funding decisions for outside groups. This resolution will adopt the guidelines developed by the Council.

**Background Information:** City Council agreed that it would be helpful to adopt a set of guidelines to use when making decisions regarding funding requests from outside groups and organizations. Council reviewed these guidelines at a recent workshop. This resolution will adopt a set of guidelines for the City, an application form for outside groups and suggested guidelines which will help outside groups as they request City funds.

**Budget:** Funds that are awarded to outside groups under this process will be incorporated into the City's budget.

**Action Requested/Recommendation:** Request adoption of the attached resolution.

<b>Placement on Agenda:</b>	<b>X</b>	<b>Consent</b>	<b>Indiv. Consideration</b>	<b>Workshop</b>
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## OUTSIDE GROUP FUNDING

### ► CITY COUNCIL GUIDELINES ◀

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The following guidelines will assist the City Council when reviewing funding requests from outside groups and organizations.

- Applications will be accepted each year in the fall and they will be considered during the City's budget review process.
- Funds will be awarded for a one-year period. Multi year grants or funds will not be awarded.
- A group or organization may apply for funds every year.
- Funds may be requested for various purposes but preference will be given to capital projects.
- Preference will be given to projects that are within the City of Grand Junction.

# OUTSIDE GROUP FUNDING

## CITY OF GRAND JUNCTION



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### APPLICATION FORM

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The following information must be provided to ensure adequate review of your request. Please be thorough yet concise.

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1. **APPLICANT**

A. Agency: \_\_\_\_\_

B. Address: \_\_\_\_\_  
\_\_\_\_\_

C. Contact Person: \_\_\_\_\_

D. Telephone: \_\_\_\_\_

E. Email Address: \_\_\_\_\_

F. Is this a non-profit agency or organization?     Yes     No

2. **FUNDING REQUEST**

A. Total amount of City funds being requested: \$ \_\_\_\_\_

B. Period funding is requested: start date \_\_\_\_\_, end date \_\_\_\_\_

3. **PROJECT**

A. Project Name: \_\_\_\_\_

B. Is this service/project     New, or     Ongoing?

C. Describe the project in detail, including its history. Please attach a copy of the budget for this project including revenues and expenses. (For more help please see the attached list of suggested guidelines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# OUTSIDE GROUP FUNDING

## CITY OF GRAND JUNCTION

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### APPLICATION GUIDELINES

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The following items are provided as suggestions or guidelines that may help you as you fill out the application form for outside group funding. These items are not required as part of the City's application form but any additional information may help explain your project and request better.

- ✓ How will the requested City funds be spent? For example, will they be used for capital expenses, operating expenses, purchase of materials, services to clients, etc.?
- ✓ What are the current goals and past achievements and accomplishments of this project or service?
- ✓ How will the community benefit from this project or service?
- ✓ Do other agencies or organizations provide similar services or programs and how is your project different?
- ✓ Have you secured other funding sources for this project?
- ✓ Will City funds help you leverage other sources of funds for your project?
- ✓ What will happen if the requested City funding is not received?

**RESOLUTION NO.**

**ADOPTING GUIDELINES FOR FUNDING OUTSIDE ORGANIZATIONS**

**RECITALS:**

The Grand Junction City Council has discussed developing guidelines for funding, or making contributions toward funding outside groups and organizations

The City Council has developed guidelines to use when making funding decisions for outside groups.

The City Council having reviewed the proposed funding guidelines and application form, does hereby adopt the same.

The guidelines shall be used by groups as they request funds from the City and the City Council when it makes decisions for funding or contributions to agencies, organizations and groups that apply.

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

That the attached City Council Guidelines, Application Form and Application Guidelines are hereby adopted and will be used to assist with funding decisions for outside groups and organizations as defined in the documents.

Passed and adopted this 6th day of March, 2002

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

ATTEST:

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



**Attach 14**  
**Click Ranch Conservation Easement**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>		
<b>Subject:</b>	<b>Conservation Easement: Click Ranch</b>	
<b>Meeting Date:</b>	<b>March 6, 2002</b>	
<b>Date Prepared:</b>	<b>February 27, 2002</b>	
<b>Author:</b>	<b>Greg Trainor</b>	<b>Utilities Manager</b>
<b>Presenter Name:</b>	<b>Greg Trainor</b>	<b>Utilities Manager</b>
	<b>Workshop</b>	<b>x    Formal Agenda</b>

**Subject:** Conservation Easement on City Click Ranch

**Summary:** Request by the Catholic Sisters at the Whitewater Community (8250 Kannah Creek Road) for the City to grant a conservation easement on the City's Click Ranch in Kannah Creek.

**Background Information:** On August 22, 2001 the Catholic sisters of the Whitewater Community (8250 Kannah Creek Road), Sisters Glenn and Brost, approached the City about granting a conservation easement on the City's Click ranch to the Mesa Land Trust. (See attached map parcels designated as "A" and "A1") The Sisters have granted a conservation easement on their property (102 acres) with the Mesa Land Trust. (See attached map parcels designated as "B") The Click Ranch is adjacent to the Sister's property, both to the north and to the south. The Sisters are seeking a "wildlife corridor," free from future development, between the BLM on the north and the BLM on the south. An easement on the Click ranch would insure this corridor.

In 1972, the City sold the Whitewater Community 52 acres of the Click Ranch, which the City deemed not necessary for its water supply purposes.

The Click Ranch is leased by the City to Cliff and Judy Davis for grazing purposes. It includes a house, barns, corrals, the Kannah Creek Flowline, the Juniata Enlarged Ditch and the Highline Ditch.

Attached is a draft Deed of Conservation Easement.

The provisions of the Deed generally include the right of the City to remove, repair, replace, operate and maintain all existing structures, pipe lines, valves, canals, ditches, houses, fences, barns, and corrals. In addition, should it ever be necessary to add additional buried water pipelines across the property, this provision would be allowed.

Detailed provisions of the Deed include the ranch to remain forever in a combination of agricultural, scenic, natural and open space conditions and prevent any use of the property that would significantly impair or interfere with the conservation values of the property. Paragraph 2

of the attached Deed describes in detail the permitted uses of the property, which is compatible with what we do now. The water rights relative to the Click Ranch will continue to be used on the property until and unless the City transfers portions or all of the water for municipal uses.

Utility staff feels that a conservation easement would not impede the use of the property for water supply purposes.

**Budget:** Owners granting conservation easements normally pay a fee to who holds the easement. This pays for ongoing annual inspection and enforcement of the easement. This item would be subject to negotiation with the Trust.

**Action Requested:** City Council direction to Administration staff to proceed with final negotiations with the Mesa Land Trust and to return with a final Deed of Easement between the parties.

<b>Citizen Presentation:</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Yes, Maybe</b>
<b>Name:</b>	<b>Whitewater Community/Mesa Land Trust</b>			
<b>Purpose:</b>	<b>Review Request</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="checkbox"/>
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<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>
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**DEED OF CONSERVATION EASEMENT  
MESA COUNTY LAND CONSERVANCY**

**Click Ranch – City of Grand Junction, Colorado**

THIS DEED OF CONSERVATION EASEMENT is granted this \_\_\_\_ day of \_\_\_\_\_, 2002, by **The City of Grand Junction, Colorado**, (“**Grantor**”) to and for the benefit of the **MESA COUNTY LAND CONSERVANCY**, a Colorado nonprofit corporation, PO Box 1246, Palisade, Colorado, 81526 (the “**Conservancy**”), for the purpose of forever conserving the open space character, agricultural productivity, wildlife habitat, and scenic qualities of the subject property.

The following Exhibits are attached hereto and made a part of this Conservation Easement:

- Exhibit A - Map of Property
- Exhibit B - Water Rights

**RECITALS:**

- A. Grantor is the sole owner in fee simple of certain real property located in Mesa County, Colorado, consisting of 113 acres of land, more or less, more particularly described as follows (the “**Property**”):

Lots 6, 9 and 15 in Section 32, Township 12 South, Range 97 West of the 6th Principal Meridian, County of Mesa, State of Colorado, and Lot 2 of Section 5, Township 13 South, Range 97 West of the 6th Principal Meridian, County of Mesa, State of Colorado.

Beginning at a point on the West line of Tract 46 in Section 32, Township 12 South, Range 97 West of the 6th Principal Meridian, which is South 1052.40 feet from the Northwest Corner (Corner No. 2) of said Tract 46; thence along the centerline of the County Road (Purdy Mesa Road) S 81°16'30" E a distance of 132.74 feet; thence continuing along the centerline of said County Road, S 58°09'47" E a distance of 22.12 feet; thence South a distance of 1454.20 feet; thence S 89°51'55" W a distance of 150.00 feet; thence North a distance of 1486.36 feet along the West line of said Tract 46 to the Point of Beginning,

EXCEPT a parcel of land situated in Lots 9 and 15 of said Section 32 described as follows:

Beginning at the Southwest Corner of said Lot 15 (said point also being the North 1/4 Corner of Section 5, Township 13 South, Range 97 West), being S 89°45'26" E a distance of 66.00 feet from a 1908 witness corner brass cap in place; thence S 00°00'00" E a distance of 666.00 feet along the West line of Lot 2 in Section 5; thence S 89°45'26" E a distance of 659.26 feet; thence N 00°00'00" E a distance of 866.00 feet; thence N 73°20'46" E a distance of 688.13 feet to the East line of said Lot 15; thence S 64°51'00" W along a

fence line a distance of 1101.69 feet; thence S 62°21'00" W along a fence line a distance of 362.43 feet to the West line of said Lot 15; thence S 00°01'00" W along the West line of said Lot 15 a distance of 766.30 feet to the Point of Beginning of said Exception,

AND INCLUDING a parcel of land situated in Lot 15 of said Section 32 described as follows:

Beginning at the Southeast Corner of said Lot 15; thence S 00°00'00" E a distance of 666.00 feet; thence N 89°45'26" W a distance of 659.26 feet; thence N 00°00'00" E a distance of 866.00 feet; thence N 73°20'46" E a distance of 688.13 feet to the East line of said Lot 15; thence S 00°00'00" E a distance of 400.00 feet along the East line of said Lot 15 to the Point of Beginning of said Inclusion.

B. The agricultural and other characteristics of the Property, its current use and state of improvement, are described in a *Present Conditions Report* dated \_\_\_\_\_, which has been acknowledged in writing by both parties to be complete and accurate as of the date of this Deed. Both the Grantor and Conservancy shall keep signed copies of this report. It will be used by the Conservancy to assure that any future changes in the use of the Property will be consistent with the terms of this Deed. However, this report is not intended to preclude the use of other evidence to establish the present condition of the Property if there is a controversy over its use.

C. The Property possesses irrigated farmland including soils designated as "prime" by the Natural Resources Conservation Service, ranchland, wildlife habitat, natural, scenic, and open space values (collectively, "**Conservation Values**") of great importance to the Conservancy, the people of Mesa County, the people of the State of Colorado, and the people of the United States of America, which are worthy of protection. The Property is adjacent to Bureau of Land Management Lands, a 100-acre privately conserved Kannah Creek property, is visible from public roads, including Mesa County Roads \_\_\_\_\_, and provides important scenic and open vistas.

D. The Property was acquired by the City of Grand Junction, Colorado, in 197\_ for municipal water supply purposes, with the repair, maintenance, and operation of the attendant water works such as flow lines and irrigation ditches benefiting from the protection of this Property.

E. The conservation purposes of this Deed are recognized by, and the grant of this Deed will serve, the clearly delineated governmental conservation policies:

- The Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. &&4201, *et seq.*, whose purpose is "to minimize the extent to which Federal programs and policies contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government and private programs and policies to protect farmland;"
- The Colorado Department of Agriculture statutes, Colorado Revised Statutes Sec. 35-1-101, *et seq.*, which provide in part that "it is the declared policy of

the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products.”

- Colorado Revised Statutes Sec. 38-30.5-101, *et seq.*, providing for the establishment of conservation easements to maintain land “in a natural, scenic or open condition, or for wildlife habitat, or for agricultural ... or other use or condition consistent with the protection of open land having wholesome environmental quality or life-sustaining ecological diversity.”
- The Colorado Wildlife and Parks and Outdoor Recreation statutes, Colorado Revised Statutes Sec. 33-1-101, *et seq.*, which provide that “it is the policy of the State of Colorado that the wildlife and their environment and the natural, scenic, scientific, and outdoor recreation areas, of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors to this state.”
- Mesa Countywide Land Use Plan - Land Use Goal: “to protect ... the agricultural economy of Mesa County.”
- Mesa Countywide Land Use Plan - Agricultural Goal: “to encourage the conservation of agricultural and range lands capable of productive use.”
- Mesa Countywide Land Use Plan - Conservation Goal: “to encourage preservation of sustainable ecosystems.”
- Mesa Countywide Land Use Plan - Open Lands and Trails Goals: “to protect important open lands”, “new development should accommodate and protect wildlife habitats”, and “to assure that open land is recognized as a limited and valuable resource which must be conserved whenever possible.”

E. The Mesa County Land Conservancy is a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “**Code**”) and is a “qualified conservation organization” as defined in Section 170(h)(3) of the Code.

F. The Board of the Mesa County Land Conservancy accepts the responsibility of enforcing the terms of this Deed and upholding its conservation purposes forever.

NOW, THEREFORE, for reasons given, and in consideration of the above and mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Colorado, and in particular C.R.S. Sec. 38-30.5-101, *et seq.*, Grantor hereby voluntarily grants and conveys to the Conservancy, its successors and assigns a Conservation Easement in perpetuity, consisting of the rights and restrictions enumerated herein, over and across the Property (the “**Deed**” or the “**Easement**”), exclusively for the purpose of conserving and forever maintaining the open space character, agricultural productivity, wildlife habitat, and scenic qualities of the Property.

1. Purpose. It is the purpose of this Easement to assure that the Property will forever remain predominantly in a combination of its agricultural, scenic, natural, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. The parties intend that this Easement will confine the use of most of the Property to

agriculture uses (the “**Open Area**”), and permit one residential building area (the “**Building Area**”) within which the Grantor may have one single-family residence and associated outbuildings. It is also the purpose of this Easement to permit the continuation of agricultural operations, and to remove and preclude the right to develop and construct housing and buildings on the Property, except as provided herein.

2. Permitted Uses of Property. The following uses and practices by Grantor, though not an exhaustive recital, are consistent with this Easement. Certain of these consistent uses and practices are identified as being subject to specified conditions or to the requirement of and procedures for prior approval by the Conservancy. Procedures for prior approval are listed below. The remainder of these consistent uses shall not be precluded, prevented, or limited by this Easement.
  - 2.1. Building Area. One “**Building Area**” of not more than 5 (five) acres has been generally designated on the Property, as shown on **Exhibit A**. Within each Building Area the Grantor may construct and maintain one new single-family home (the “**Residence**”). Prior to construction the Grantor shall survey, describe and monument the Building Area and its exact location. The Grantor may also construct and maintain a garage, shop, shed, barn or other agricultural buildings within the Building Area.
  - 2.2. Open Area - Agricultural and Open Activities. The remainder of the Property outside of the Building Area, is referred to as the “**Open Area**”. It is the intention of the Grantor to preserve the ability of the Property to be agriculturally productive, including continuing farming and ranching activities, as well as to preserve the open space character and scenic qualities of the Property.
  - 2.3. Agricultural Structures. The Grantor may construct new corrals, fences and minor agricultural structures such as sheds, within the Open Area provided that new structures and improvements are intended for and are used solely for agricultural purposes which are consistent with the purposes of this Deed. Barns or other large agricultural buildings may be constructed within the Open Area subject to prior approval of the Conservancy.
  - 2.4. Fencing. All fencing on the Property (except within the Building Area), including all exterior boundary fencing, shall be compatible with the movement of wildlife across the Property as determined by the Colorado State Division of Wildlife. Fencing around haystack yards may be constructed to prevent loss of hay to wildlife.
  - 2.5. Grazing. Grantor may graze livestock on the Property provided that the reasonable grazing capacity of the Property shall not be exceeded, and provided that at all times Grantor shall utilize good grazing and range

management practices that prevent range deterioration and over-grazing and which protect the Conservation Values of the Property. In the event the Conservancy determines that the range is deteriorating, overgrazing is occurring, or the Conservation Values of the Property are not being protected, then the Grantor and the Conservancy shall promptly enter into an Agricultural Management Plan for the Property with the Natural Resources Conservation Service (“NRCS”) or other resource management agency or consultant mutually agreed upon by Grantor and Grantee. Thereafter, grazing, spraying, control of weeds, and other uses of the Open Area of the Property shall be conducted only in accordance with the Management Plan. The Management Plan shall be updated at least every five (5) years, each time after consultation with the Conservancy. A copy of the Management Plan, and any updates, shall be provided to the Conservancy.

2.6. Ponds. Grantor may construct and maintain ponds on the property.

2.7. Driveway and Utilities. The Grantor may construct, maintain and use a hardened surface dirt, gravel or rock driveway for the benefit of the Property. Within or adjacent to the driveway, utilities (including above-ground utilities) may be installed, constructed and maintained for the benefit of the Property. Grantor may maintain, replace, enlarge, and construct water works and public utilities as Grantor, in its reasonable discretion, determines necessary or convenient.

3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Deed is prohibited. In addition to the above statement, the following uses and activities are expressly prohibited:

3.1. Subdivision. The partition, division or subdivision of the Property, by physical or legal process, is prohibited, except as provided herein. This does not preclude sale of undivided interests in the Property; however, all co-owners are subject to the prohibition on subdivision in this Easement. The right to have the Property, or any portion of it, partitioned in kind is waived; the only relief available in a partition action shall be the sale of the co-owned Property, subject to the terms of this Easement, and division of the proceeds.

3.2. Buildings or Other Structures. No buildings or other similar structures, shall be erected or placed on the Property, except as provided in the “Permitted Uses” section of this Deed; however, minor agricultural structures, such as sheds and corrals may be allowed outside of the Building Area. Barns may be constructed outside the Building Area subject to reasonable prior approval of the Conservancy.

3.3. Commercial and Industrial Uses. The Property may not be used for industrial activities, nor for commercial activities other than ranching and

farming, but may be used for other open activities which are consistent with preservation of the Property and which are not prohibited by the terms of this Deed.

- 3.4. Signs and Billboards. With the exception of the Conservancy's right to place a sign on the perimeter of the Property as described below, no commercial signs, billboards, awnings, or advertisements shall be displayed or placed on the Property, except for an appropriate and customary ranch or pasture identification sign, a sign for the business use permitted on the Business/Residential Parcel, "for sale" or "for lease" signs alerting the public to the availability of the Property for purchase or for lease, "no trespassing" signs, and signs regarding the private leasing of the Property for recreational use. No signs shall materially adversely impact the Conservation Values of the Property.
- 3.5. Mining, Waste Dumping or Other Prohibited Uses. The mining or extraction of soil, sand, gravel, oil, natural gas, fuel, or any other mineral substance, is prohibited.
- 3.6. Trash. The dumping or uncontained accumulation of trash or refuse on the Property is prohibited.
- 3.7. Hazardous Materials. The storage, dumping or other disposal of toxic and/or hazardous materials (here taken in the broadest legal context) or of non-compostable refuse on the Property is prohibited. Notwithstanding anything in this Easement to the contrary, this prohibition does not make the Conservancy an owner of the Property, nor does it permit the Conservancy to control any use of the Property by the Grantor which may result in the storage, dumping or disposal of hazardous or toxic materials; provided, however, that the Conservancy may bring an action to protect the Conservation Values of the Property, as described in this Easement. (This prohibition does not impose liability on the Conservancy, nor shall the Conservancy be construed as having liability as a "responsible party" under CERCLA or similar federal or state statutes.)
- 3.8. Water. Grantor shall retain and reserve ownership and the right to use all water rights described on the attached **Exhibit B**, which are collectively defined as the "**Water Rights**", on the Property for agricultural production, livestock and livestock watering, irrigation, domestic, wildlife, piscatorial and recreational purposes and use. Grantor agrees to apply the Water Rights solely and continually to beneficial use on the Property to the full extent allowed, so as to avoid any claim of abandonment. In the event that the Grantor, in its reasonable discretion, determines it necessary or convenient, the Grantor may utilize water for municipal purposes and transfer water off the Property.



4. Rights to the Conservancy. To accomplish the purpose of this Easement the following rights are granted to the Conservancy:
  - 4.1. To preserve and protect the Conservation Values of the Property;
  - 4.2. To enter upon the Property (but not into the Buildings without the approval of the Grantor, which approval Grantor shall not unreasonably withhold) ordinarily not more than two inspection periods annually, at reasonable times and upon 48 hours notice to Grantor, in order to monitor compliance with and otherwise enforce the terms of this Deed. The Conservancy may utilize vehicles and other reasonable modes of transportation for access purposes. The access routes to the property shall be designated by the Grantor so as to minimize damage to farm operations;
  - 4.3. To prevent any activity on or use of the Property that is inconsistent with the purposes of this Deed, or which may be reasonably expected to have material adverse impact on the Conservation Values of the Property, and to require the restoration of such areas or features of the Property that are materially damaged by any inconsistent activity or use, and
  - 4.4. To place and maintain on the perimeter of the Property a sign indicating that a conservation easement is held by the Conservancy on the Property. The size of the sign and the location, design and content of such sign shall be determined through mutual agreement of the Grantor and the Conservancy.
5. Rights Retained by Grantor. Grantor reserves to itself and to its successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Deed.
6. Responsibilities of the Grantor and the Conservancy Not Affected. Other than as specified herein, this Deed is not intended to impose any legal or other responsibility on the Conservancy, or in any way to affect any existing obligation of the Grantor as owner of the Property. Among other things, this shall apply to:
  - 6.1. Taxes. The Grantor shall continue to be solely responsible for payment of all taxes and assessments levied against the Property, including any real estate or assessments imposed on or incurred as a result of this Deed of Conservation Easement.
  - 6.2. Upkeep and Maintenance. The Grantor shall continue to be solely responsible for the upkeep and maintenance of the Property, including weed control and eradication, to the extent it may be required by law. The Conservancy shall have no obligation for the upkeep or maintenance of the Property.

7. Enforcement.

7.1. The Conservancy shall have the right to prevent and correct violations of the terms of this Deed. If the Conservancy finds what it believes is a violation, it may at its discretion take appropriate legal action. Except when an ongoing or imminent violation could irreversibly diminish or impair the open space character, agricultural productivity, wildlife habitat or scenic qualities of the Property, the Conservancy shall give the Grantor sixty (60) days to correct it, before filing any legal action. If a court with jurisdiction determines that a violation may exist or has occurred, the Conservancy may obtain an injunction to stop it, temporarily or permanently. A court may also issue an injunction requiring the Grantor to restore the Property to its condition prior to the violation. In any case where a court finds that a violation has occurred, the Grantor shall reimburse the Conservancy for all its expenses incurred in stopping and correcting the violation, including but not limited to reasonable attorney's fees. The failure of the Conservancy to take immediate action shall not bar it from doing so at a later time.

7.2. Enforcement of the terms of this Deed shall be at the sole discretion of the Conservancy. Any forbearance by the Conservancy to exercise its rights under this Deed shall not be deemed or construed to be a waiver by the Conservancy of any term of this Deed or of any of the Conservancy's rights under this Deed. No delay or omission by the Conservancy in the exercise of any right or remedy upon any breach by the Grantor shall impair such right or remedy or be construed as a waiver. Grantor hereby waives the defenses of laches, estoppel and prescription in any action brought by the Conservancy to enforce this Deed. Grantor hereby waives any defense available to Grantor pursuant to C.R.S. Section 38-41-119.

8. Public Access. No right of access by the general public to any portion of the Property is conveyed by this Deed.

9. Acts Beyond Grantor's Control. Nothing contained in this Deed shall be construed to entitle the Conservancy to bring any action against the Grantor for any injury or change to the Property resulting from causes beyond Grantor's control, including, but not limited to, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

10. Transfer of Easement. This Deed is transferable, but the Conservancy may assign its rights and obligations under this Deed only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code. As a condition of such transfer, the Conservancy shall require that the Conservation Purposes that this grant is intended to advance continue to be carried out.

11. Transfer of Property. Any time the Property itself, or any interest in it, is transferred by the Grantor to any third party, the Grantor shall notify the Conservancy in writing at least twenty days prior to the transfer of the Property (this requirement does not apply to the initial transfer of the property at the time granting of this Easement). The document of conveyance shall expressly refer to this Deed of Conservation Easement. Upon any transfer of the Property, or any portion thereof, Grantor shall have no further liability or obligations under this Deed with respect to the portion of the Property which is transferred, except to the extent such liability arises from acts or omissions occurring prior to the date of transfer.
12. Amendment of Easement. This Easement may be amended only with the written consent of the Conservancy and Grantor by an instrument duly executed and recorded in the real property records of Mesa County, Colorado. Any such instrument shall be consistent with the purposes of this Deed, shall not permit uses inconsistent with the Conservation Values of the Property, and shall comply with Section 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section. Any such amendment shall also be consistent with Colorado Revised Statutes Sec. 38-30.5-101 *et seq.*, or any regulations promulgated pursuant to that law.
13. Hold Harmless. Grantor shall hold harmless, indemnify, and defend the Conservancy and its members, directors, officers, employees, agents, and contractors and their heirs, personal representatives, successor and assigns of each of them (collectively, "**Indemnified Parties**") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with injury or death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due to the negligence (in which case liability shall be apportioned in accordance with Colorado law) or intentional acts or omissions of any of the Indemnified Parties.
14. Termination of Easement.
  - 14.1. If it is determined that conditions on or surrounding the Property change such that it becomes impossible to fulfill its conservation purposes, a court with jurisdiction may, at the joint request of both the Grantor and the Conservancy, terminate the easement created by this Deed. If condemnation of a part of the Property or of the entire Property by public authority renders it impossible to fulfill any of these conservation purposes, the easement may be terminated through condemnation proceedings. If the easement is terminated and the Property is sold or taken for public use, then, as required by Treasury Regulation Sec. 1.170A-14(g)(6), the Conservancy shall be entitled to a percentage of the gross sale proceeds or condemnation award equal to the ratio of the

appraised value of this easement to the unrestricted fair market value of the Property, as these values are determined on the date of this Deed. The Conservancy shall use the proceeds consistently with the conservation purposes of this Deed.

- 14.2. In making this Grant the Grantor has considered the possibility that uses prohibited by the terms of this Deed may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. It is the intent of both the Grantor and the Conservancy that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Deed. In addition, the inability of the Grantor, or his heirs, successors, or assigns, to conduct or implement any or all of the uses permitted under the terms of this Deed, or the unprofitability of doing so, shall not impair the validity of this Deed or be considered grounds for its termination or extinguishment.
15. Interpretation. This Deed shall be interpreted under the laws of the State of Colorado, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its Conservation Purposes.
16. Perpetual Duration. The easement created by this Deed shall be a servitude running with the land in perpetuity. Every provision of this Deed that applies to the Grantor or Conservancy shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interest may appear.
17. Notices. Any notices required by this Deed shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, to the Grantor at the address shown above, and to the Conservancy at the following address, unless otherwise notified:  
  
The Mesa County Land Conservancy  
P.O. Box 1246  
Palisade, CO 81526
18. Grantor's Title Warranty. The Grantor warrants that it has good and sufficient title to the Property and hereby promises to defend the same against all claims from persons claiming by, through, or under the Grantor.
19. Grantor's Environmental Warranty. The Grantor warrants that it has no knowledge of a release or threatened release of hazardous substances or wastes on the Property and promises to defend and indemnify the Conservancy against all litigation, claims, demands, penalties, and damages, including reasonable attorney's fees, arising from breach of this warranty.

20. No Transfer of Development Rights. Grantor hereby grants to the Conservancy all development rights except as specifically reserved herein, for the limited purpose of insuring that such rights are forever terminated and extinguished, and may not be used by Grantor, the Conservancy or any other party, on or transferred off of the Property to any other property adjacent or otherwise. Under no circumstances shall the Property be used to for the purpose of calculating or giving credits which result in additional density of development, beyond what is allowed in this Easement, on or off of the Property.
21. Acceptance. As attested by the signature of its President affixed hereto, the Conservancy hereby accepts without reservation the rights and responsibilities conveyed by this Deed of Conservation Easement.
22. Recording. The Conservancy shall record this instrument in timely fashion in the official records of Mesa County, Colorado, and may re-record it at any time as may be required to preserve its rights in this Easement.
23. Non-Merger. Unless the parties expressly state that they intend a merger of estates or interests to occur, then no merger shall be deemed to have occurred hereunder or under any documents executed in the future affecting this Deed of Conservation Easement.
24. No Third-Party Beneficiary. This Easement is entered into by and between the Grantor and the Grantee, and except as provided herein, is solely for the benefit of the Grantor and the Grantee, and their respective successors in interest and assigns and does not create rights or responsibilities in any third parties.

TO HAVE AND TO HOLD this Deed of Conservation Easement unto the Conservancy, its successors and assigns forever.

IN WITNESS WHEREOF Grantor and the Conservancy have executed this Deed of Conservation Easement on this \_\_\_ day of \_\_\_\_\_, 2000.

GRANTOR:

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

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

\_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

(SEAL)

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



**Exhibit A - Legal Description**



**Exhibit B - Map of Property, Including Potential Parcels & Building Areas**  
(Attach)

**Exhibit C to Deed of Conservation Easement**

(form of amendment for designation of Residential Parcels and Building Areas)

**AMENDMENT  
TO DEED OF CONSERVATION EASEMENT**

THIS AMENDMENT TO DEED OF CONSERVATION EASEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, whose address is \_\_\_\_\_ (“Grantor”) to and for the benefit of the MESA COUNTY LAND CONSERVANCY, a Colorado nonprofit corporation, PO Box 1246, Palisade, Colorado, 81526 (the “Conservancy”), for the purpose of designating tracts as a separate parcels and building areas as permitted under the Deed of Conservation Easement granted by the Grantor, or its predecessor in title, to the Conservancy, and which Deed of Conservation Easement was recorded on \_\_\_\_\_, 20\_\_\_\_, at Film \_\_\_\_\_, Page \_\_\_\_\_ of the records of the Mesa County, Colorado (the “Deed of Conservation Easement”). The property which is subject to the terms of the Deed of Conservation Easement is described in the Deed of Conservation Easement.

The following Exhibits are attached hereto and made a part of this Conservation Easement:

- Exhibit A - Legal Description of the Designated Parcels and Building Areas.
- Exhibit B - Location Map of Property, including Designated Parcels and Building Areas.

For good and valuable consideration, the sufficiency of which is acknowledged, the Grantor and the Conservancy hereby amend the Deed of Conservation Easement as follows:

1. Designation of Separate Parcels. The tract of land described in the attached Exhibit A, and depicted on the attached Exhibit B, is hereby designated as a separate Parcels, as permitted under the Deed of Conservation Easement. These Parcel may hereafter be separately owned and conveyed, as permitted under the Deed of Conservation Easement. The parcels shall remain subject to the terms of the Deed of Conservation Easement.
2. Complete Agreement. Except as amended by this Amendment, and any other previously recorded amendments, the terms of the Deed of Conservation Easement shall remain in full force and effect. The Deed of Conservation Easement, together with any recorded amendments thereto and any documents referred to therein, are the complete agreements between the parties.

Done this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Grantor:

\_\_\_\_\_

---

The Conservancy:

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

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

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, the Grantor.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

(SEAL)

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

STATE OF COLORADO }  
COUNTY OF MESA } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of MESA COUNTY LAND CONSERVANCY, a Colorado non-profit corporation.

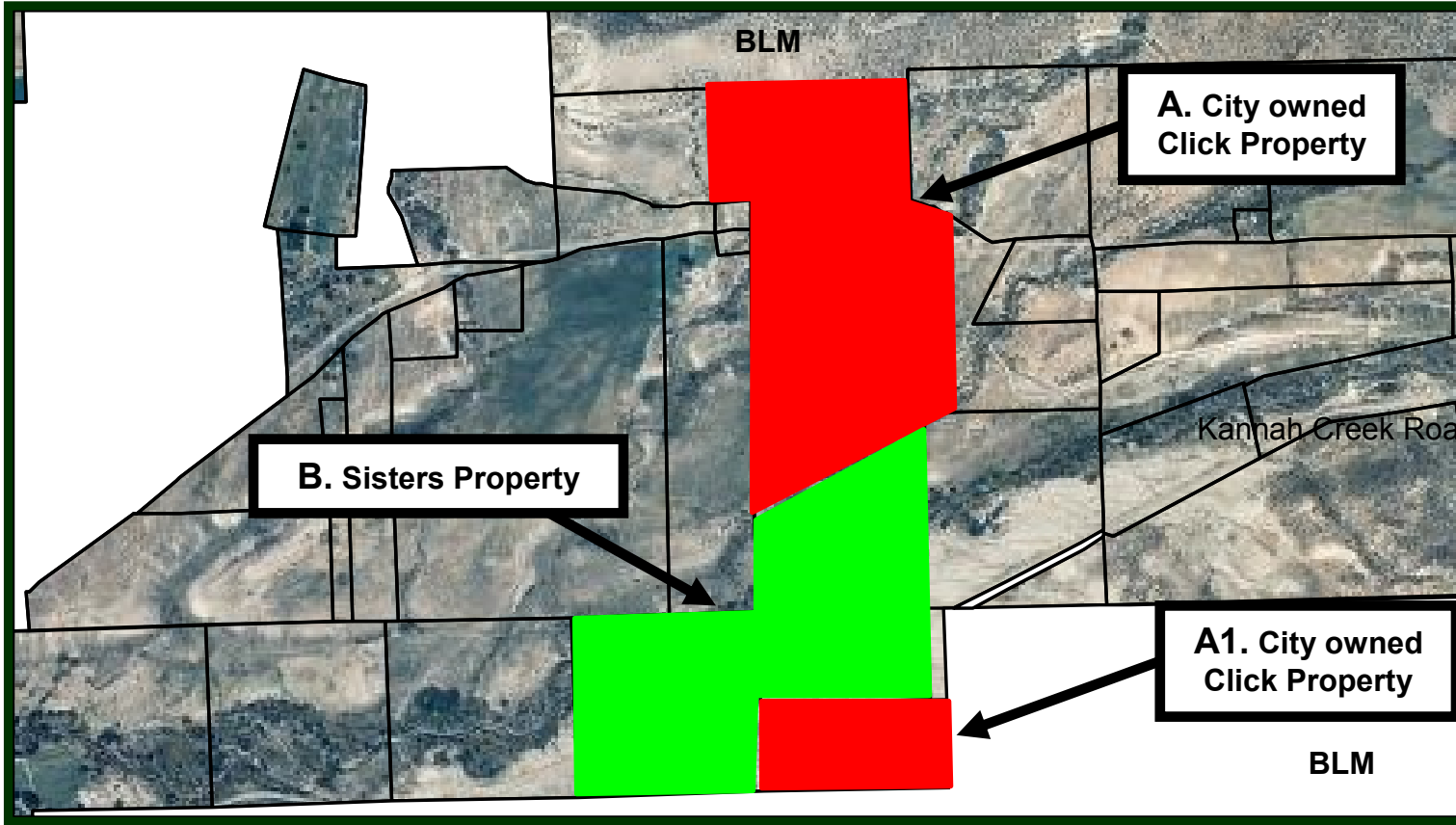
WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

(SEAL)

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

**Exhibit D- Description of Water Rights**  
(Attach)



**Attach 15**  
**Hearing, Eagle Subdivision Right-of-way Vacation**

CITY COUNCIL AGENDA  
 CITY OF GRAND JUNCTION

<b>CITY COUNCIL</b>			
<b>Subject:</b>	Vacation of Right-of-Way, Eagle Subdivision, VR-2002-009		
<b>Meeting Date:</b>	March 6, 2002		
<b>Date Prepared:</b>	February 25, 2002		
<b>Author:</b>	Pat Cecil	Development Services Supervisor	
<b>Presenter Name:</b>	Pat Cecil	Development Services Supervisor	
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>

**Subject:** Second reading of the ordinance to vacate a portion of the right-of-way for Cheyenne Drive and Vernon Lane.

**Summary:** The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane.

**Background Information:** The Planning Commission reviewed the vacation request on February 12, 2002, and recommends that the City Council approve the vacation request.

**Budget:** There are no budget impacts from the vacation.

**Action Requested/Recommendation:** Conduct the public hearing and adopt the vacation ordinance on second reading.

Citizen Presentation:	<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>	
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<b>Placement on Agenda:</b>		<b>Conse nt</b>	<b>X</b>	<b>Indiv. Consideration</b>		<b>Worksho p</b>
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**CITY OF GRAND JUNCTION  
CITY COUNCIL**

**MEETING DATE: March 6, 2002  
STAFF PRESENTATION: Pat Cecil**

**AGENDA TOPIC:** Vacation of Right-of-Way, Eagle Subdivision VR-2002-009.

**SUMMARY:** The Petitioner is requesting approval to vacate excess right-of-way on Cheyenne Drive and Vernon Lane.

**ACTION REQUESTED:** Approval of the vacation of right-of-way.

BACKGROUND INFORMATION					
<b>Location:</b>		2757 Cheyenne Drive			
<b>Applicants:</b>		Ernest Martin – Owner Northwest Plateau Development Inc. – Steve Hejl – Petitioner Rolland Engineering – Trevor Brown – Representative			
<b>Existing Land Use:</b>		A barn and shed exist on the site			
<b>Proposed Land Use:</b>		Residential subdivision			
Surrounding Land Use:	<b>North</b>	Residential			
	<b>South</b>	<b><u>Residential</u></b>			
	<b>East</b>	Residential			
	<b>West</b>	<b><u>Residential</u></b>			
<b>Existing Zoning:</b>		Residential Multiple Family-5 dwelling units per acre (RMF-5)			
<b>Proposed Zoning:</b>		Same			
Surrounding Zoning:	<b>North</b>	RMF-5			
	<b>South</b>	RMF-8			
	<b>East</b>	RMF-5			
	<b>West</b>	RMF-8			
<b>Growth Plan Designation:</b>		Residential Medium 4-8 dwelling units per acre			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Project Analysis:**

**Right-of-Way Vacation:** The petitioner is requesting approval of a right-of-way vacation that comprises of 4-feet of the southern side of Cheyenne Drive, and all of Vernon Lane which is an unimproved right-of-way located on the project site. The total square footage of the proposed vacated area is 8260 square feet.



There exist adequate right-of-way for Cheyenne Drive meeting TEDS (Traffic Engineering Design Standards) requirements after the vacation. The right-of-way for Vernon Lane is unnecessary since a road in this location would be in violation of TEDS requirements and the petitioner is proposing to create a new right-of-way to the west of the existing right-of-way at a location that complies with TEDS spacing requirements.

In order for a vacation to occur the following criteria required by Section 2.11 of the Zoning and Development Code must be addressed:

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

**Petitioners Response:** Vacating the rights-of-way as described meets the City of Grand Junction plans for street designations and right-of-way widths.

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

**Petitioners Response:** No parcel of land will be landlocked because of the vacation of these rights-of-way.

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:

**Petitioners Response:** Access to parcels will not be affected. The right-of-way vacations occur along the frontage of this development only.

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);

**Petitioners Response:** There will not be any adverse impacts on health, safety, or welfare of the community. This development will loop water lines for better fire protection safety. It will also continue half-road improvements along Cheyenne Drive, which will provide pedestrian sidewalks and improved surface drainage control.

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

**Petitioners Response:** Public facilities and services will not be inhibited by any part of the vacation of right-of-way.

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

**Petitioners Response:** The City will have less maintenance of right-of-way because of the reduced width. The creation of Laguna Circle that will connect to Laguna Drive will improve inter-neighborhood circulation.

Staff feels that the petitioner has satisfied the criteria necessary for the vacation of right-of-way to be approved.

***Drainage:*** *On-site drainage will be piped and transported across Cheyenne Drive to Mountain Shadow Court where it will be connected to an existing storm drain system which discharges to the Colorado River.*

**Findings and Conclusions:**

- The right-of-way vacation is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

**RECOMMENDATION:** The Planning Commission recommends that the City Council find the vacation of right-of-way consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code and approved the vacation.

- Attachments:**
- a. Ordinance**
  - b. Vacation Exhibit**
  - c. General location map**
  - d. Preliminary Plat map
  - e. General Project Report

CITY OF GRAND JUNCTION  
Ordinance No.

**VACATING THE PORTION OF THE RIGHT-OF-WAY ON THE SOUTH SIDE OF  
CHEYENNE DRIVE BETWEEN 27 3/8 ROAD AND MOUNTAIN VIEW STREET AND  
THE RIGHT-OF-WAY FOR VERNON LANE IN THE EAGLE SUBDIVISION**

**RECITALS:**

A vacation of a portion of the dedicated right-of-way for the south side of Cheyenne Drive located between 27 3/8 Road and Mountain View Street, and the dedicated right-of-way for Vernon Lane has been requested by the adjoining property owners. The existing dedicated right-of-way is presently undeveloped.

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

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

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

The following described dedicated right-of-way is hereby vacated as shown on "Exhibit A" as part of this vacation of right-of-way description;

**Dedicated right-of-way to be vacated:**

That part of Cheyenne Drive and Vernon Lane, which are public road rights-of-way as platted and dedicated by Kelley Subdivision, recorded in Plat Book 9 at Page 137 of the Mesa County real property records, the perimeter of which is described as follows:

Commencing at a Mesa County survey marker for the northwest corner of the SW1/4 SE1/4 of Section 24, Township One South, Range One West of the Ute Meridian, from whence a Mesa County survey marker for the South 1/4 of said Section 24 bears S00°03'20"W 1318.36 feet; thence S00°03'20"W 30.00 feet to the beginning; thence S89°53'30"E on the southerly right-of-way line of Cheyenne Drive, for a distance of 336.24 feet to the westerly right-of-way line of Vernon Lane; thence 39.24 feet on the arc of a 25 foot radius curve to the right (the central angle of which is 89°56'30" and the chord of which bears S44°55'15"E 35.34 feet); thence S00°03'00"W for a distance of 102.75 feet; thence N70°46'00"E for a distance of 52.97 feet to the easterly right-of-way line of Vernon Lane; thence N00°03'00"E for a distance of 85.15 feet; thence 39.30 feet on the arc of a 25 foot radius curve to the right (the central angle of which is 90°03'30" and the chord of which bears N45°04'45"E 35.37 feet); thence, on the southerly right-of-way line of Cheyenne Drive, S89°53'30"E for a distance of 74.97 feet; thence N00°03'00"E for a distance of 4.00 feet; thence N89°53'30"W, parallel with said southerly right-of-way line, for a distance of 511.21 feet; thence S00°03'20"W 4.00 feet to the beginning.

Introduced for first reading on this 20<sup>th</sup> day of February, 2002

PASSED and ADOPTED this 6th day of March, 2002.

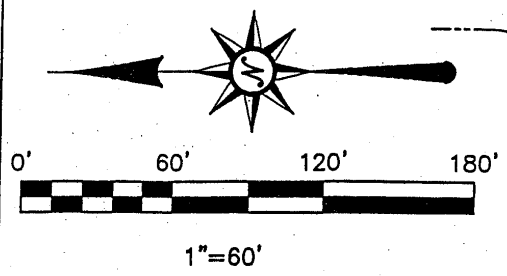
ATTEST:

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




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

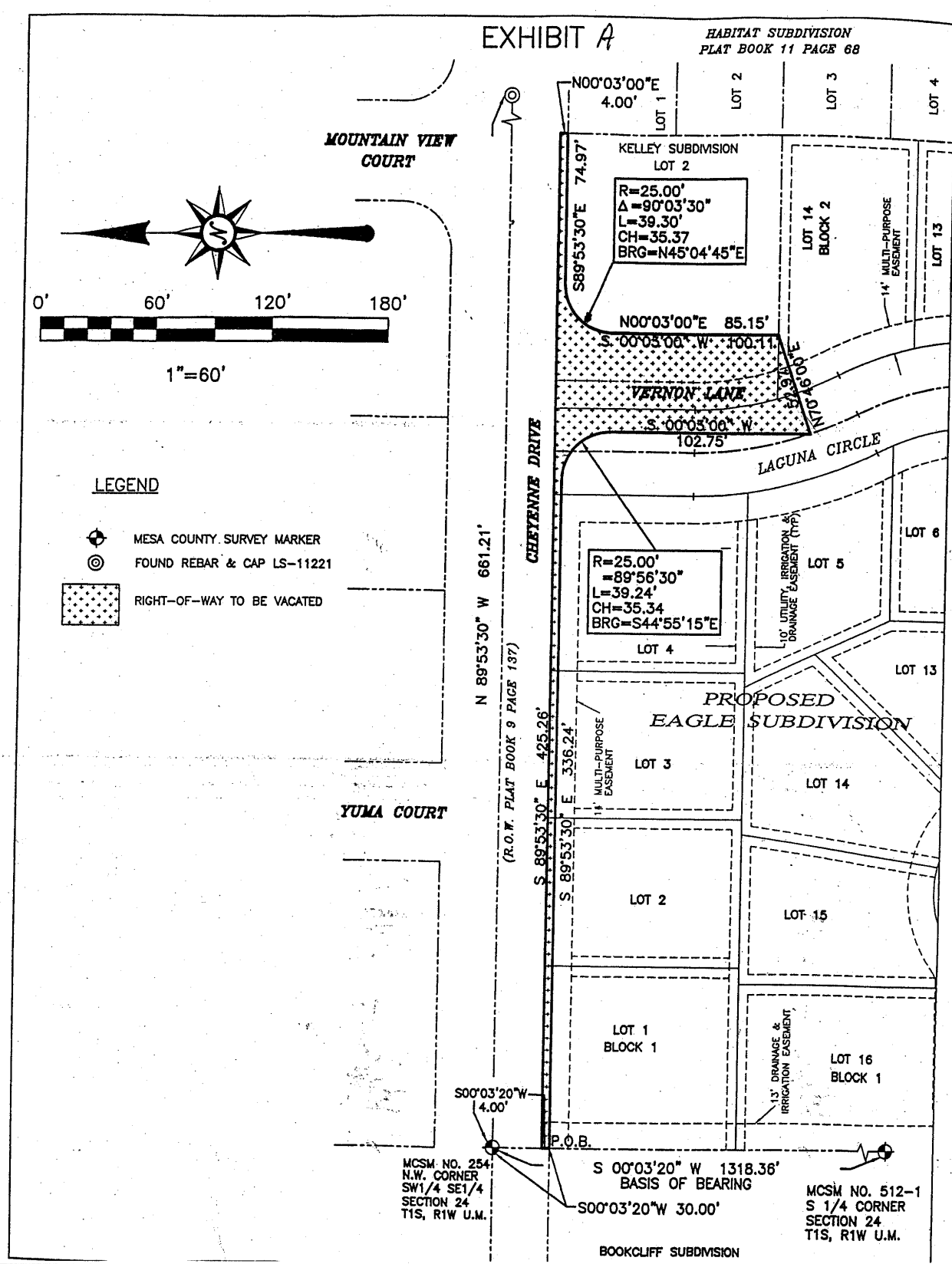
# EXHIBIT A

HABITAT SUBDIVISION  
PLAT BOOK 11 PAGE 68



## LEGEND

-  MESA COUNTY SURVEY MARKER
-  FOUND REBAR & CAP LS-11221
-  RIGHT-OF-WAY TO BE VACATED





INTERSTATE 70

INTERSTATE 70

06-001

05-002

2701-322-00-069

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GENERAL PROJECT REPORT  
FOR

**EAGLE  
SUBDIVISION**

Prepared for:

Northwest Plateau Development, Inc.  
Mr. Steve Hejl  
667 24-1/2 Road  
Grand Junction, CO 81505

Prepared by:

ROLLAND Engineering  
405 Ridges Blvd.  
Grand Junction, CO 81503

December 26, 2001



### **Project Description**

The proposed EAGLE SUBDIVISION is a thirty (30) lot subdivision on approximately 7.17 acres. The proposed subdivision is located near Eagle Rim Park at approximately 2757 Cheyenne Drive. The existing parcel is zoned RMF-5 (4 to 8 residential units per acre) in the City of Grand Junction. The proposed subdivision is approximately 4.18 units per acre. The proposal is for 30 single family residential lots.

### **Project Benefit**

The Project will not impact the infrastructure of the community. The infrastructure of the surrounding residential community will be improved by the looping of the water lines, improved storm drainage control, connection of a street between neighborhoods, and continuation of half-road improvements along Cheyenne Drive. The new subdivision will create 30 new single-family residential lots in an in-fill area surrounded by single family residences on all sides. The Property is zoned RMF-5 in the City of Grand Junction. The Project meets the existing zoning code in the City of Grand Junction and the future land use designation of 4-8 units per acre.

### **Project Compliance, Compatibility, and Impact**

We believe the Project complies with all existing plans and policies for this area. As stated above, the property is within the City with a zoning of RMF-5.

We are requesting a vacation of right-of-way at this time for two street areas. A legal description and exhibit have been provided with this subdivision submittal. The original Kelley Subdivision created a 50 foot wide right-of-way for approximately 100 feet into the parcel that is being subdivided into the Eagle Subdivision. We are requesting the vacation of this 50 foot right-of-way and it will be replaced with a 44 foot wide right-of-way for Laguna Circle. 44 feet is the present City of Grand Junction local street cross-section. The second area of right-of-way vacation is Cheyenne Drive. Cheyenne Drive is presently a 60 foot wide right-of-way. Cheyenne Drive is listed as a local street in the City Street Plan, which means its right-of-way should be 44 feet wide. We are continuing the curb, gutter, and sidewalk along Cheyenne to match the alignment of the curb, gutter, and sidewalk that ends to the west on Cheyenne Drive. We talked with the City Development Engineer regarding the Cheyenne Drive right-of-way. The consensus is that the right-of-way should be left at no less than 52 feet in width. A 52 foot wide right-of-way allows 4 feet of the Cheyenne Drive right-of-way to be vacated along the south side of Cheyenne Drive.

- Vacating the rights-of-way as described meets the City of Grand Junction plans for street designations and right-of-way widths.
- No parcel of land will be landlocked because of the vacation of these rights-of-way.
- Access to parcels will not be affected. The right-of-way vacations occur along the frontage of this development only.
- There will not be any adverse impacts on health, safety, or welfare of the community.

This development will loop water lines for better fire protection safety. It will also continue half-road improvements along Cheyenne Drive, which will provide pedestrian sidewalks and improved surface drainage control.

- Public facilities and services will not be inhibited by any part of the vacation of right-of-way.
- The City will have less maintenance of right-of-way because of the reduced width. The creation of Laguna Circle that will connect to Laguna Drive will improve inter-neighborhood circulation.

The surrounding properties are zoned RMF-5. Cheyenne Drive runs along the north property boundary. The east property boundary abuts the Kelly Subdivision and The Habitat Subdivision. The west and south boundary are immediately adjacent to an Orchard Mesa Irrigation Canal. The Bookcliff Subdivision is to the west with single family homes to the south of the irrigation canal.

The proposed lots conform to the City regulations for RMF-5 zoning.

Access to the lots will be from a new road through the subdivision, Laguna Circle, which will be constructed to the City of Grand Junction local street standard (44' wide right-of-way). Laguna Circle will access Cheyenne Drive to the north and will connect to the existing Laguna Drive to the west. All new roads will be constructed to the City standards with curb, gutter, and sidewalk. Cheyenne Drive will be improved to include all half-street improvements to bring the road up to a local street cross-section. Three of the lots are proposed to access directly to Cheyenne Drive.

All utilities are available to the site. Utility providers are as follows:

Fire -	City of Grand Junction Fire Department
Water (Domestic) -	City of Grand Junction
Sewer -	City of Grand Junction
Gas & Electric -	Public Service Company
Phone -	Qwest
Cable -	AT&T Communications
Irrigation -	Orchard Mesa Irrigation District
Drainage-	Orchard Mesa Irrigation District

The three lots that front Cheyenne will require water and sewer service laterals to be attached to the existing water and sewer lines in Cheyenne Drive. A sewer main runs in Cheyenne Drive. The new sewer main in Laguna Circle can service the balance of all lots within the subdivision. The water line will be an 8" water line that will be looped from Cheyenne Drive to Laguna Drive.

A Preliminary Drainage Report has been conducted for this subdivision. The report is part of this submittal. TRACT "A" has been created as a detention pond for control of stormwater discharge from the site. The site, at this time, will over-detain stormwater discharge.

There are no geologic hazards on the site. A geologic Report has been submitted with this narrative.

A 14 foot wide multi-purpose easement will be created along the frontage off all new lots. Drainage and irrigation easements will go between all lots. In addition, Tract "A" has been created for drainage detention purposes.

A 16 foot wide pedestrian Tract, Tract "B", has been created at the south edge of the property. A 10 foot wide concrete pedestrian path will be constructed that will go from this subdivision to Cherry Lane to the south. It will require a small pedestrian bridge over the irrigation canal.

#### **Development Schedule**

Construction of this subdivision is proposed to begin in the Spring of 2002.

**Attach 16**  
**Hearing, Colorado Water Resources and Power Development Authority**

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

<b>CITY COUNCIL</b>		
<b>Subject:</b>	An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith.	
<b>Meeting Date:</b>	March 6, 2002	
<b>Date Prepared:</b>	February 13, 2002	
<b>Author:</b>	Ron Lappi	<b>Title:</b> Director of Admin Svcs
<b>Presenter Name:</b>	Ron Lappi Dan Wilson	<b>Title:</b> Director of Admin Svcs <b>Title:</b> City Attorney
<b>Workshop</b>		<b>X</b> <b>Formal Agenda</b>

**Subject:** An Ordinance approving a loan from the Colorado Water Resources and Power Development Authority to finance improvements to the City's water system; authorizing the form and execution of the loan agreement and a governmental agency bond to evidence such loan; ratifying prior determinations of the Council; and prescribing other details in connection therewith.

**Summary:** City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000, includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

**Background Information:** Based on previous City Council approval, the City will be entering into a loan agreement with the CWRPDA for much needed improvements to the City's water system. The \$3.5 million dollar loan has qualified for the lowest possible interest rate based on the health related nature of the project. The City's repayment obligations under the loan agreement will be evidenced by a governmental agency bond to be issued by the City to CWRPDA. The City Water Fund loan will be part of a larger Authority Bond issue expected to be closed on April 17, 2002.

**Budget:** \$3,500,000 will be drawn down from the Authority as needed over the three years beginning in 2002, with a repayment over 20 years. The estimated true interest cost of this loan is approximately 4% annually.

**Action Requested/Recommendation:** Approval on second reading after a public hearing on March 6, 2002.

<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>	
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<b>Placement on Agenda:</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Indiv. Consideration</b>	<input type="checkbox"/>	<b>Workshop</b>
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ORDINANCE NO. \_\_\_\_

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; RATIFYING PRIOR DETERMINATIONS OF THE COUNCIL; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule City duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and Section 37-45.1-103, C.R.S.; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity demand and require improvements to the System, at a cost of approximately \$3,500,000, including design, engineering, legal, financing and administrative costs relating thereto, and any other costs incidental thereto (the "Project"); and

WHEREAS, the Council has determined that in order to finance a portion of the cost of the Project, it is necessary and advisable and in the best interests of the City to enter into a loan agreement (the "Loan Agreement") with the Colorado Water Resources and Power Development Authority ("CWRPDA"), a body corporate and political subdivision of the State of Colorado, pursuant to which CWRPDA shall loan the City an amount of not to exceed \$3,500,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City to CWRPDA; and

WHEREAS, pursuant to Article XII, Section 96 of the Charter, the City Council may, pursuant to an ordinance and without an election, borrow money and issue revenue bonds payable from the net revenue of the System; and

WHEREAS, such Loan and Bond shall be a revenue obligation of the City, payable from the Pledged Property (as defined in the Loan Agreement); and

WHEREAS, the Council hereby determines to use the proceeds of the Loan to finance the Project; and

WHEREAS, there have been presented to the Council the forms of the Loan Agreement and the Bond (collectively, the "Financing Documents"); and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Financing Documents presented at this meeting are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith. The President of Council and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting, with such changes as are hereafter approved by the City Manager or the Finance Director. The execution of any instrument or certificate or other document in connection with the matters referred to herein by the President of Council and City Clerk or by other appropriate officers of the City, shall be conclusive evidence of the approval by the City of such instrument.

Section 2. Election to Apply the Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S. (the "Supplemental Act") provides that a public entity, including the City, may elect in an act

of issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the Supplemental Act to this ordinance and the Financing Documents.

Section 3. Loan Details. The Loan shall be in the principal amount of not to exceed \$3,500,000, shall bear interest at a net effective interest rate not to exceed \_\_\_% per annum, and shall mature and bear annual interest over a term not to exceed \_\_\_ years, and shall be payable in the time and manner, and shall be subject to prepayment, as set forth in the Financing Documents. The City Council, pursuant to Article I, Section 2(f) and the Supplemental Act, delegates to the City Manager or the Finance Director the power to determine the principal amount, interest rate, maximum maturity, and amortization schedule, subject to the provisions of this ordinance. The City shall execute and deliver to CWRPDA the Bond pursuant to the Loan Agreement as evidence of the City's obligation to make Loan Repayments (as defined in the Loan Agreement).

Section 4. Limited Obligation; Special Obligation. The obligations of the City set forth in the Financing Documents are payable solely from the Pledged Revenues and the Financing Documents do not constitute a debt of the City within the meaning of any constitutional or statutory limitation or provision.

Section 5. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Bond shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 6. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced



more than thirty days after the issuance of the Bond.

Section 7. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

Section 8. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and reimbursement to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of financing therefor, and all other costs and expenses incident thereto, including without limitation the costs of obtaining the Loan. Neither CWRPDA nor any subsequent owner(s) of the Loan Agreement shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 9. City Representative. Pursuant to Exhibit B of the Loan Agreement, \_\_\_\_\_ is hereby designated as the Authorized Officer (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond or the Loan Agreement. A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 10. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than the maximum maturity of the Loan set forth in Section 3 hereof.

Section 11. Direction to Take Authorizing Action. The appropriate officers of the

City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to such certificates and affidavits as may reasonably be required by CWRPDA.

Section 12. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 13. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 14. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 15. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution or other measure enacted after the issuance of the Bond shall in any manner be construed as impairing the obligations of the City to keep and perform the covenants contained in this Ordinance.

Section 16. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the Council and City Clerk, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN PAMPHLET FORM, WITH NOTICE OF PUBLIC HEARING, this 20th  
day of February, 2002.

CITY OF GRAND JUNCTION, COLORADO

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President of the Council

Attest:

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City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND

ORDERED PUBLISHED IN PAMPHLET FORM this 6th day of March, 2002

CITY OF GRAND JUNCTION, COLORADO

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President of the Council

Attest:

\_\_\_\_\_

City Clerk

(SEAL)

STATE OF COLORADO )

)

COUNTY OF MESA ) SS.

)

CITY OF GRAND JUNCTION )

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado (the "City") do hereby certify:

1. The foregoing pages are a true, correct and complete copy of an ordinance (the "Ordinance") which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on February 20, 2002, and was duly adopted and ordered published in full by the City Council at a regular meeting thereof held on March 6, 2002, which Ordinance has not been revoked, rescinded or repealed and is in

full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of February 20, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

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Those Voting Nay:

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Those Absent:

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3. The Ordinance was duly moved and seconded and the Ordinance was finally passed, after a public hearing, at the meeting of March 6, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

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Those Voting Nay:

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Those Absent:

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4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of February 20,2002, and March 6, 2002, in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on February \_\_, 2002 and on March \_\_, 2002 as required by the City Charter. Notice of a public hearing was published once in The Daily Sentinel, a daily newspaper of general circulation in the City, on February \_\_, 2002. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of  
said

City this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
(SEAL)

City Clerk

EXHIBIT A  
(Attach Notice of Meeting)

EXHIBIT B  
(Attach Affidavits of Publication )