

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

WEDNESDAY, APRIL 17, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Miriam Greenwald, Lay Leader
Jewish Community Congregation Ohr Shalom

APPOINTMENTS

APPOINTMENT TO THE PLANNING COMMISSION

SCHEDULED CITIZEN COMMENTS

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

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

Action: Approve the Summary of the April 3, 2002 Workshop and the Minutes of the April 3, 2002 Regular Meeting

2. **Supplemental Budget Appropriations for 2002** [Attach 3](#)

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.
Proposed Ordinance Making Supplemental Appropriations to the 2002 Budget of the City Of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Setting a Hearing for May 1, 2002

Staff presentation: Ron Lappi, Administrative Services Director

3. **Downtown Sidewalk Permits** [Attach 4](#)

These changes to the ordinance will allow the issuance of sidewalk permits or those restaurants and cafes fronting on Main Street, between 1st and 7th streets. The 1981 ordinance has been updated, and the new provisions have been included.

Proposed Ordinance Amending Part of Chapter 32 of the City Of Grand Junction Code of Ordinances Relating to Downtown Sidewalk Permits

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 1, 2002

Staff presentation: Bruce Hill, Downtown Development Authority
Dan Wilson, City Attorney

4. **2002 New Sidewalk Construction Contract**

[Attach 6](#)

Bids were received and opened on April 2, 2002 for the 2002 New Sidewalk Construction.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
BPS Concrete	Grand Junction	\$182,551.28
Precision Paving	Grand Junction	\$178,093.00
G and G Paving	Grand Junction	\$149,437.00
Vista Paving Corporation	Grand Junction	\$136,383.10
Reyes Construction	Grand Junction	\$129,565.70
Engineer's Estimate		\$141,657.57

Action: Authorize the City Manager to Execute a Construction Contract for the 2002 New Sidewalk Construction with Reyes Construction Inc. in the Amount of \$129,565.70

Staff presentation: Tim Moore, Public Works Manager

5. **Seasons Outfall Sewer Construction Contract**

[Attach 7](#)

Bids were received and opened on April 2, 2002 for Seasons Outfall Sewer. The low bid was submitted by M.A. Concrete Construction, Inc. in the amount of \$76,748.00.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction	Grand Jct	\$76,748.00
Skyline Construction	Grand Jct	\$84,452.80
Taylor Constructors	Grand Jct	\$96,266.00
Oldcastle SW Group (dba United Companies)	Grand Jct	\$131,254.00
Engineer's Estimate		\$77,688.00

Action: Authorize the City Manager to Execute a Construction Contract for the Seasons Outfall Sewer to M.A. Concrete Construction, Inc. in the Amount of \$76,748.00

Staff presentation: Mark Relph, Public Works and Utilities Director

6. **Growth Plan Amendment for the Lewis Property Located at 2258 S. Broadway** [File #GPA-2001-178] [Attach 8](#)

At its January 16, 2002 meeting City Council considered a request to redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½-2 acres per dwelling unit to Commercial. The resolution affirms Council's action.

Resolution No. 30-02 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Redesignate .93 acres of the Lewis Property Located at 2258 South Broadway from Residential Low, ½ -2 Acres Per Dwelling Unit, to Commercial

**Action: Adopt Resolution No. 30-02*

Staff presentation: Lisa Gerstenberger, Senior Planner

7. **Vacation of Easement for the Kinderhaus Subdivision** [File #VE-2002-012] [Attach 9](#)

The applicant proposes to vacate a utility and irrigation easement in conjunction with a request for approval of a Conditional Use Permit to allow an expansion of an existing day care facility in an RMF-8 zone district. At its hearing of March 26, 2002 the Planning Commission recommended approval.

Resolution No. 31-02 – A Resolution Vacating a Utility/Irrigation Easement Located on the West Side of the Parcel Known as 2880 Elm Avenue

**Action: Adopt Resolution No. 31-02*

Staff presentation: Ronnie Edwards, Associate Planner

8. **Setting a Hearing for Rezoning Valley Meadows North Located at the North End of Kapota Street** [File #RZP-2002-019] [Attach 10](#)

First reading of the rezoning ordinance to rezone the Valley Meadows North property located at the north end of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Proposed Ordinance Rezoning the Valley Meadows North Property Located at the North End of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 1, 2002

Staff presentation: Lisa Gerstenberger, Senior Planner

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

9. **Juvenile Accountability Incentive Block Grant** [Attach 11](#)

In 1999, the City, along with the City of Fruita, Town of Palisade and Mesa County were awarded the Juvenile Accountability Incentive Block Grant. The total grant amount is \$83,350, with \$33,032 allocated to the City and \$50,318 allocated to Mesa County, the City of Fruita, and the Town of Palisade. These three entities have waived their award to the City, who then passes the award on to the Partners program. Since this grant consists of federal dollars, this money will not be calculated as part of TABOR.

Resolution No. 32-02 - A Resolution Accepting the Juvenile Accountability Incentive Block Grant

*Action: Adopt Resolution No. 32-02

Staff presentation: Stephanie Rubinstein, Staff City Attorney

10. **Public Hearing - Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Sewer Improvements** [Attach 22](#)

City Council and County Commissioners have determined that in the best interest of the Joint Sewer Fund and its customers, the sewer system requires line replacement for the combined sewer elimination project. The cost estimate of approximately \$9,500,000, includes design, engineering, legal, financing and administrative costs. The second project funded through this borrowing and totaling \$4,600,000 is the Septic System Elimination Project. Approval of this ordinance would allow the joint system to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Ordinance No. 3421 - An Ordinance Authorizing a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the

Joint Sewer 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. 3421 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director
Mark Relph, Public Works and Utilities Director

11. **Design Contract for Phase II of Canyon View Park** [Attach 5](#)

These design services will complete the schematic design of Canyon View Park, including the approximately 36 acres east of Phase I and the area around the baseball field. The current conceptual master plan for this area includes the addition of trails, open turf sport fields, tennis complex, playgrounds, shelters, vehicle circulation and parking and needed infrastructure. Currently, funds are not available to complete the entire project. Current funding should allow for the development of construction/bidding documents and installation of infrastructure and utilities, as well as some limited surface improvements. The exact extent of the improvements possible with current funding will be determined following the completion of the schematic design.

Action: Authorize the City Manager to Negotiate Fees and Enter into Contract for Schematic Design Services for Phase II Master Plan of Canyon View Park

Staff presentation: Joe Stevens, Director of Parks and Recreation
Shawn Cooper, Parks Planner

12. **Public Hearing – Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road** [File #ANX-2002-027] [Attach 12](#)

Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance 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. Accepting Petition

Resolution No. 33-02 - A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Rinderle Annexation is Eligible for Annexation Located at the Southeast Corner of 28 Road and B ½ Road

**Action: Adopt Resolution No. 33-02*

b. Annexation Ordinance

Ordinance No. 3411 - 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

**Action: Adopt Ordinance No. 3411 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

13. **Public Hearing – Zoning Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road** [File #ANX-2002-027] [Attach 13](#)

Annexation. A preliminary plan to subdivide the parcel into 39 single-family lots was approved by the Planning Commission at its March 26, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Ordinance No. 3412 – An Ordinance Zoning the Rinderle Annexation Residential Single Family-Four (RSF-4), Located at the Southeast Corner of 28 Road and B ½ Road

**Action: Adopt Ordinance No. 3412 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

14. **Public Hearing – Vacation of Right-of-Way and Multi-Purpose Easements, Fountainhead Blvd, Located in the Fountain Greens Subdivision between 24 ¾ Road and 25 Road North of G Road** [File #FPP-2002-029] [Attach 14](#)

The applicant requests to vacate a portion of Fountainhead Blvd. right-of-way and multi-purpose easements paralleling this right-of-way that was dedicated to provide curb returns to future public streets in Filing 3. These streets are now proposed to be private and the public right-of-way is no longer necessary. The Planning Commission recommends approval.

a. Vacating Ordinance

Ordinance No. 3413 - An Ordinance Vacating a Portion of Fountainhead Blvd. in Conjunction with Fountain Greens Filing 3 Subdivision Located Between 24 ¾ and 25 Roads, North of G Road

**Action: Adopt Ordinance No. 3413 on Second Reading*

b. Vacating Resolution

Resolution No. 34-02 – Vacating a portion of a Multi-Purpose Easement Paralleling Fountainhead Blvd, in Conjunction with Fountain Greens Filing 3 Subdivision located between 24 ¾ and 25 Roads, North of G Road

Action: Adopt Resolution No. 34-02

Staff presentation: Bill Nebeker, Senior Planner

15. **Public Hearing – Vacating a Portion of 25 Road Right-of-Way, Located Adjacent to Fountain Greens Filing 3 Subdivision at the North Side of Fountainhead Blvd.** [File #FPP-2002-029] [Attach 15](#)

The applicant requests to vacate a 17-foot wide strip of 25 Road right-of-way adjacent to Fountain Greens Filing 3. The previous developer of this site (Fountainhead Subdivision) had tried to vacate this right-of-way by replat. Adoption of an ordinance is required to vacate the right-of-way correctly. The Planning Commission recommends approval.

Ordinance No. 3414 - An Ordinance Vacating a Portion of 25 Road Adjacent to Fountain Greens Filing 3 Subdivision Located between 24 ¾ and 25 Roads, North of G Road

*Action: Adopt Ordinance No. 3414 on Second Reading

Staff presentation: Bill Nebeker, Senior Planner

16. **Public Hearing – Staton Annexation Located at 2673 ½ B ½ Road** [File #ANX-2002-028] [Attach 16](#)

Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Staton Annexation located at 2673 ½ B ½ Road. The 17.329-acre Staton Annexation consists of one parcel of land.

a. Accepting Petition

Resolution No. 35-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Staton Annexation is Eligible for Annexation Located at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-Way

*Action: Adopt Resolution No. 35-02

b. Annexation Ordinance

Ordinance No. 3415 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado Staton Annexation Approximately 17.329 Acres Located at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-Way

**Action: Adopt Ordinance No. 3415 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

17. **Public Hearing – Zoning the Staton Annexation Located at 2673 ½ B ½ Road** [File #ANX-2002-028] [Attach 17](#)

The 17.329-acre Staton Annexation area located at 2673 ½ B ½ Road consists of one parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of conforms to the Growth Plan Future Land Use map and is a lesser density than the existing Mesa County zoning of RSF-4. The Petitioner and Staff find that the land configuration would not support higher density.

Ordinance No. 3416 – An Ordinance Zoning the Staton Annexation to Residential Single Family with a Density Not to Exceed Two Units per Acre (RSF-2) Located at 2673 ½ B ½ Road

**Action: Adopt Ordinance No. 3416 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

18. **Public Hearing – Dettmer Annexation Located at 2916 D ½ Road** [File #ANX-2002-013] [Attach 18](#)

Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance 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. Accepting Petition

Resolution No. 36-02 - A Resolution Accepting a Petition to Annex, Making Certain Findings, Determining that Property Known as Dettmer Annexation Located at 2916 D-1/2 Road Is Eligible for Annexation

**Action: Adopt Resolution No. 36-02*

b. Annexation Ordinance

Ordinance No. 3417 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dettmer Annexation Approximately 0.861 Acres Located at 2916 D-1/2 Road

**Action: Adopt Ordinance No. 3417 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

19. **Public Hearing – Zoning the Dettmer Annexation Located at 2916 D ½ Road**
[File #ANX-2002-013] [Attach 19](#)

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use Map and recommendation for Residential Medium Low, with residential land uses between 2 and 4 units per acre for this area.

Ordinance No. 3418 – An Ordinance Zoning the Dettmer Annexation to Residential Single Family with a Maximum Density of 4 Units per Acre (RSF-4) Located at 2916 D ½ Road

**Action: Adopt Ordinance No. 3418 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

20. **Public Hearing – Traver Annexation No. 3 Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads** [File #ANX-2001-011] [Attach 20](#)

Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance 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. Accepting Petition

Resolution No. 23-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Traver Annexation No. 3 Located at the Grand Valley Irrigation Canal, Northeast of D And 30 Roads is Eligible for Annexation

**Action: Adopt Resolution No. 23-02*

b. Annexation Ordinance

Ordinance No. 3419 - 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, NE of D and 30 Roads

**Action: Adopt Ordinance No. 3419 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

21. **Public Hearing – Zoning the Traver Annexation No. 3 Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads** [File #ANX-2001-011]
[Attach 21](#)

State law requires the City to zone newly annexed areas within 90 days of the Annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use Map and recommendation for Residential Medium with residential land uses between 4 and 8 units per acre for this area. The remainder of the Westland Estates subdivision was zoned RSF-4 when it was annexed in 2001.

Ordinance No. 3420 - Zoning the Traver Annexation No. 3 to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) Located at the Grand Valley Canal, Northeast of 30 and D Roads

**Action: Adopt Ordinance No. 3420 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

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

23. **OTHER BUSINESS**

24. **ADJOURNMENT**

Attachment 1
Minutes of Previous Meetings

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

April 3, 2002

The City Council of the City of Grand Junction, Colorado, met on Wednesday, April 3, 2002 at 6:09 p.m. in the City Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobald, Janet Terry and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

Consent Calendar and placed as the first item under Individual Consideration.

1. **Colorado River Corridor Transportation Project:** Mark Relph, Tim Moore, and Bob Hazlett of Kimley-Horn, presented an update to Council on the progress of this project (CRCT). Tim Moore gave a brief history of the process involved in working with Kimley-Horn and the community on the project and a proposed schedule for the completion of the project:

May 1, 2002	Form a Community Design Action Committee (DAC)
August, 2002	Public Forum (more if required)
September, 2002	Adopt Roadway Centerline-Council approval needed
December, 2002	Council update
January, 2003	Complete Preliminary Design
	Conceptual approval from federal agencies
	investigated-“Show Stoppers” critical issues
December, 2003	Community DAC final report-Council update
January, 2004	Complete final design
February, 2004	Begin ROW acquisition
Spring, 2005	Begin construction
Fall, 2007	Complete construction, Hwy 340 to Hwy 50

Five alternative routes have were examined along with associated costs:

1. 2025 Travel Demand for CRCT with a 25 Road Connection; South of Railroad Corridor Alternatives with 2 different end points along 29 Road with different cross-sections considered.
2. SH-70 alternatives which would use portions of existing business routes, to be located on either D Road or C ½ Road corridors, and consideration was given to a full interchange at First Street and Grand Avenue.
3. South of Railroad corridor with alternatives within the selected corridor;

4. A combination of alternatives-with either a cross in the First Street corridor or;
5. A cross in the 25 or 25 ½ Road corridors.

Mark Relph suggested asking John Elmer, former Planning Commission Chair, to head the Design Action Committee (DAC). Councilmembers concurred that he would be an excellent choice. Council directed Public Works to continue examining the alternatives and to come back in the near future to update them on the status.

4. **Airport Name Change:** Norm Franke, Chairman of the Chamber of Commerce, and Barbie Miller, Chamber Board member, requested Council to consider changing the name of the Walker Field Airport to the Grand Junction Regional Airport to order to facilitate travelers searching the web for airports in this area and to reflect a more regional hub status. Mr. Franke suggested naming the terminal after Walter Walker. Councilmembers did not want to lose the historical significance of the current name and suggested the Chamber of Commerce try to find a different alternative where 'Walker' would be left in the name.

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

APRIL 3, 2002

The City Council of the City of Grand Junction convened into regular session the 3rd day of April 2002, at 7:33 p.m. in the City Auditorium. Those present were Dennis Kirtland, Harry Butler, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Deputy City Clerk Christine English.

President Enos-Martinez called the meeting to order and Councilmember Butler led in the pledge of allegiance. The audience remained standing for the Invocation by Reverend Michael Torphy, Grand Junction Church of Religious Science.

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING APRIL 18, 2002 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF APRIL, 2002 AS "NATIONAL CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 7-13, 2002 AS "WEEK OF THE YOUNG CHILD" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 11, 2002 AS "ALTRUSA AWARENESS DAY" IN THE CITY OF GRAND JUNCTION

**PRESENTATION OF CERTIFICATES OF APPOINTMENT
TO COMMISSION ON ARTS AND CULTURE MEMBERS**

Doug Clary, Priscilla Mangnall, and Jack Delmore were present and received their Certificates of Appointment

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Kirtland and carried by a roll call vote, to approve the Consent Calendar items #1 through 20, with item #4 being moved to Individual Consideration.

1. Minutes of Previous Meetings

***Action:** Approve the Summary of the March 18, 2002 Workshop and the Minutes of the March 20, 2002 Regular Meeting*

2. **Setting a Hearing on Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Sewer Improvements**

City Council and County Commissioners have determined that in the best interest of the Joint Sewer Fund and its customers, the sewer system requires line replacement for the combined sewer elimination project. The cost estimate of approximately \$9,500,000, includes design, engineering, legal, financing and administrative costs. The second project funded through this borrowing and totaling \$4,600,000 is the Septic System Elimination Project. Approval of this ordinance would allow the joint system to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Authorizing a Loan From the Colorado Water Resources and Power Development Authority to Finance Improvements to the Joint Sewer 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 and Set a Hearing for April 17, 2002

3. **Amending the 2002 Meeting Schedule**

In January, the Council adopted a resolution setting the meeting schedule for 2002 as required by the City's Code of Ordinances, Sec. 2-26. This resolution amends that action by canceling the June 19th and July 3rd formal meetings and sets a meeting for June 26th. The accompanying workshops will also be rescheduled accordingly.

Resolution No. 22-02 - A Resolution of the City of Grand Junction Amending the City Council 2002 Meeting Schedule

Action: Adopt Resolution No. 22-02.

4. **Ethical Standards for Members of City Boards and Commissions**
[Moved to Individual Consideration]

The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of such groups rise to the level that their decisions are in some cases legally equivalent to City Council decisions in many arenas. Other City entities and City Council appointed groups would also benefit from having guidance and conflict of interest rules.

Proposed Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

Action: *Moved to Individual Consideration*

5. **Reappointment of Care' McInnis-Raaum as Associate Municipal Court Judge**

Judge Care' McInnis-Raaum was first appointed as an Associate Municipal Court Judge in 1995. She has been on the bench since that time. Because there is not a current resolution confirming her appointment, it is requested that that City Council adopt the resolution re-appointing Judge McInnis-Raaum and affirming her past service.

Resolution No. 24-02 – A Resolution Reappointing Care McInnis-Raaum as Associate Municipal Court Judge

Action: *Adopt Resolution No. 24-02*

6. **Setting a Hearing for Zoning the Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road** [File #ANX-2002-027]

The applicant proposes a zone of annexation of RSF-4 for the 11.575 acre Rinderle Annexation. A preliminary plan to subdivide the parcel into 39 single-family lots was approved by the Planning Commission at its March 26, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Proposed Ordinance Zoning the Rinderle Annexation Residential Single Family-4 (RSF-4) 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*

7. **Vacation of Easement – Independence Ranch Filing 9 Located at the Northeast Corner of 20 ½ Road and F ¾ Road** [File # VE-2002-008]

The applicant proposes to vacate a temporary storm water retention easement in conjunction with a request to develop Independence Ranch Filing 9. The Planning Commission recommends approval.

Resolution No. 25-02 – A Resolution Vacating a Temporary Stormwater Retention Easement in Conjunction with Independence Ranch Subdivision Filing 9 Located at 20 ½ and F ¾ Roads

Action: *Adopt Resolution No. 25-02*

8. **Setting a Hearing on the Vacation of Right-of-Way, Fountainhead Blvd. Located in the Fountain Greens Subdivision between 24 ¾ Road and 25 Road North of G Road** [File # FPP-2002-029]

The applicant requests to vacate a portion of Fountainhead Blvd. right-of-way that was dedicated to provide curb returns to future public streets in Filing 3. These streets are now proposed to be private and the public right-of-way is no longer necessary. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of Fountainhead Blvd. in Conjunction with Fountain Greens Filing 3 Subdivision Located Between 24 ¾ and 25 Roads, North of G Road

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

9. **Setting a Hearing on Vacating a Portion of 25 Road Right-of-Way, Located Adjacent to Fountain Greens Filing 3 Subdivision at the North Side of Fountainhead Blvd.** [File # FPP-2002-029]

The applicant requests to vacate a 17-foot wide strip of 25 Road right-of-way adjacent to Fountain Greens Filing 3. The previous developer of this site (Fountainhead Subdivision) had tried to vacate this right-of-way by replat. Adoption of an ordinance is required to vacate the right-of-way correctly. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of 25 Road Adjacent to Fountain Greens Filing 3 Subdivision Located between 24 ¾ and 25 Roads, North of G Road

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

10. **Setting a Hearing on the Zambrano Annexation Located at 657 20 ½ Road** [File #ANX-2002-053]

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Zambrano Annexation located at the 657 20 ½ Road. The 11.282-acre Zambrano Annexation consists of one parcel of land.

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

Resolution No. 26-02 – A Resolution Referring 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 Zambrano Annexation Located at 657 20 ½ Road

Action: Adopt Resolution No. 26-02

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Zambrano Annexation Approximately 11.282-acres Located at 657 20 ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002

11. Setting a Hearing on the Larson Annexation Located at 2919 B ½ Road [File #ANX-2002-054]

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Larson Annexation located at the 2919 B ½ Road and including portions of the 29 Road, B Road and B ½ Road Rights-of-Way. The 13.562-acre annexation consists of three parcels of land.

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

Resolution No. 27-02 – A Resolution Referring 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 Larson Annexation – A Serial Annexation Comprising of Larson Annexation No.'s 1, 2, and 3

Action: Adopt Resolution No. 27-02

b. Set a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 1 approximately 0.015-acres Located in the B Road and 29 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 2 Approximately 1.921-acres, a Portion of the 29 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 3 Approximately 11.626-acres Located at 2919 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for May 15, 2002

12. Setting a Hearing for Zoning the Traver Annexation No. 3 Located at Grand Valley Canal, Northeast of 30 and D Roads [File # ANX-2001-011]

This annexation area consists of 0.2407 acres (10,484.9 square feet) of land along the northeastern boundary of the Westland Subdivision. State law requires the City to zone newly annexed areas within 90 days of annexation.

An Ordinance Zoning the Traver Annexation No. 3 to Residential Single Family with the Maximum Density of 4 units per acre (RSF-4) located at the Grand Valley Canal, Northeast of 30 and D Roads

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

13. Setting a Hearing for Zoning the Dettmer Annexation Located at 2916 D ½ Road [File # ANX-2002-013]

This annexation area consists of annexing 0.861 acres (37,506.2 square feet) and is located at 2916 D ½ Road. 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.

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use Map and recommendation for Residential Medium Low, with residential land uses between 2 and 4 units per acre for this area.

An Ordinance Zoning the Dettmer Annexation to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) Located at 2916 D ½ Road

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

14. Setting a Hearing on the ISRE Annexation Located at 2990 D ½ Road [File #ANX-2002-049]

Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the ISRE Annexation, a parcel of land located at 2990 D-1/2 Road. This 14.149-acre annexation consists of a single parcel of land.

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

Resolution No. 28-02 – A Resolution Referring 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 ISRE Annexation Located at 2990 D ½ Road

Action: Adopt Resolution No. 28-02

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado ISRE Annexation Approximately 14.149 Acres Located at 2990 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002

15. Setting a Hearing for Zoning the Staton Annexation Located at 2673 ½ B ½ Road [File # ANX-2002-028]

The 17.329-acre Staton Annexation area located at 2673 ½ B ½ Road consists of one parcel of land. Owners of the property have signed a petition for annexation as part of proposed development for construction of a telecommunications tower. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of (RSF-2) conforms to the Growth Plan Future Land Use map and is a lesser density than the existing Mesa County zoning of RSF-4. The Petitioner and Staff find that the land configuration would not support higher density.

Proposed Ordinance Zoning the Staton Annexation to Residential Single Family with a Density not to Exceed Two Units per Acre (RSF-2) Located at 2673 ½ B ½ Road

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

16. Purchase of Bucket Truck for the Traffic Division

This request is to replace one Aerial Bucket Truck per City of Grand Junction minimum specifications. The current unit will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager and the City Purchasing Manager agree that the City will receive more value for the old unit than the trade-in price offered by the bidders.

Teague Equip. Phoenix, AZ	2003 Ford F-750 w/Versalift	\$101,225.00
Altec Equip. St. Joseph, MO	2003 International w/Altec	\$99,451.00

The International chassis and all warranty/service work will be provided through Hanson Equipment, Grand Junction, Colorado.

Action: Authorize the City Purchasing Manager to Procure one International Chassis with Altec TA37M Aerial Lift Bucket for the Amount of \$99,451.00 from Altec Equipment, St. Joseph, Missouri

17. **Purchase of 3 Service Trucks for Parks Department**

This request is to replace 3 one-ton service trucks per City of Grand Junction minimum specifications. The current units will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager and the City Purchasing Manager agree that the City will receive more value for the old units than the trade-in price offered by the bidders.

Hellman Motor Co., Delta, CO	Ford F-350 w/utility body	\$97,920.00
Western Slope Auto Co. Grand Junct.	Ford F-350 w/utility body	\$67,722.00
Fuoco Motor Co., Grand Junction	Non-responsive – Does not meet specifications	

Action: Authorize the City Purchasing Manager to Procure Three 2002 Ford F-350 Trucks with T-6080 Rawson-Koenig Service Bodies for the Amount of \$67,722.00 from Western Slope Auto Co., Grand Junction, Colorado

18. **Sole Source Purchase of a Paging Terminal for Fire Department**

The Fire Department is seeking approval for the single source purchase of a Zetron Paging Terminal. The paging terminal will be used for numeric, alphanumeric and voice paging.

The single source procurement is required for compatibility issues with the Printrak CAD system. All paging systems in the Communications Center are Zetron brand. Legacy Communications is the local Zetron Distributor and is our local service center.

Action: Authorize the City Purchasing Manager to Purchase the Zetron Paging Terminal from Legacy Communications for \$37,639

19. **FEMA Grant for Purchase of Thermal Imaging Cameras**

The Fire Department has four older helmet mounted thermal imaging cameras. The technology of the cameras is dated. The vendor of the existing helmets no longer produces the helmet model and repair of current units is difficult and expensive. Current units are requiring an increasing amount of maintenance and repair with unit(s) out-of-service for prolonged periods of time. This technology provides fire fighters with the upper hand in low visibility conditions, which allows personnel to locate fire victims and identify hot spots.

Action: Approve the Grant Submittal for the Purchase of New Thermal Imaging Cameras, City's Amount is \$14,400

20. Award of Maintenance Contract with Colorado Department of Transportation (CDOT) for Traffic Signals, Striping and Markings within the City Limits

The current maintenance contract with CDOT has been in effect since 1991. This contract updates the costs and adds signal locations and responsibilities to the existing contract.

Resolution No. 29-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Perform Maintenance Services on State Highways

Action: Adopt Resolution No. 29-02

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

Ethical Standards for Members of City Boards and Commissions

The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of these groups rise to the level that their decisions are in some cases legally equivalent to City Council decisions in many arenas. Other City entities and City Council appointed groups will also benefit from having guidance and conflict-of-interest rules.

Resolution No. 23-02 – A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

City Attorney Dan Wilson reviewed this item. He explained that the purpose of the proposed resolution is to establish standards and rules for the City advisory boards and similar groups. He said that those rules should be more rigorous and the standards should be equivalent to those that apply to the City Councilmembers, especially for City groups with decision-making duties. He explained the two general types of boards as "Authoritative" and "Advisory" boards. Currently there are no rules for people who felt

they might have a conflict of interest, or where there might be the appearance of impropriety; especially in groups who make fiscal and final decisions for the City.

Mr. Wilson listed some of the duties and powers of an "Authoritative" board: spend money; make final decisions; adopt a budget; buy or sell land; make fiscal and final policy decisions. He mentioned the Planning Commission, the Walker Field Public Airport Authority (which is appointed by City Council), and the Visitor and Convention Bureau Board of Directors. He referred to a previous memo that gave the impression that an "advisory" board is of lesser importance. He said those boards are equally important, but have different duties. He went on to say that he would like a better word for "Authoritative", but doesn't have a better one to suggest. He would prepare a memo and asked for input of a better term.

Councilmember Theobold stated some members on an "Authoritative" board have appointees from other than the City.

Mr. Wilson affirmed that statement.

Councilmember Theobold used the Walker Field Public Airport Authority Board as an example. He wanted to know if the County appointed a member to the Walker Field Airport Authority Board if that member would then fall under the new restrictions and could not contract with the City?

Mr. Wilson stated that only those members who were appointed by the City Council could not contract with the City.

Councilmember Terry wanted to know which rules would apply to members of a board like the Riverview Technology Corporation, where City Council and the County jointly appoints the members.

A discussion between Mr. Wilson, Councilmembers Terry and Theobold followed. It was determined that Mr. Wilson would discuss the matter, for clarification purposes, with the County and the Riverview Technology Corporation and report their response to City Council.

After further debate of the various duties and types of appointees, it was decided to reclassify various boards and have the new standards under the proposed resolution apply to City Council appointees only.

Councilmember Terry requested a clarification and rewording of Section 4 (a)(c).

Councilmember Theobold agreed and suggested that due to all the proposed changes, a redraft of the proposed resolution should be prepared.

Mr. Wilson agreed. He said he would be back in two weeks with an updated resolution, including the outcome of his meetings with the County and the Riverview Technology Corporation.

Councilmember Terry stated that these new and stringent standards should be disclosed to anyone applying as a board member on any of the two types of board

The resolution will be modified and presented to City Council in two weeks. No action will be taken at this time.

Public Hearing – Rezoning the Heinbaugh Property Located at 513 28 ¼ Road [File # RZ-2002-024]

Petitioner is requesting to rezone a 12,500 square foot lot from PD (Planned Development) to RMF-8 (Residential Multi-Family not to exceed 8 units/acre).

The public hearing was opened at 8:13 p.m.

Ms. Senta Costello, Associate Planner, presented this item. She stated that the Applicant addressed and complied with all criteria of the Zoning and Development Code. The Planning Commission therefore recommends approval of the rezoning request.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 3409 – An Ordinance Rezoning the Heinbaugh Property Located at 513 28 ¼ Road to RMF-8 (Residential Multi-Family)

Upon motion made by Councilmember Theobald, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3409 was adopted on Second Reading and ordered published.

Public Hearing – Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details in Connection Therewith; and Declaring a Special Emergency

Previously adopted Ordinance No. 3403, approved by the City Council on March 6, 2002 needs to be amended to increase the principal amount of the Loan Agreement. The previous Ordinance provided that the maximum principal amount of the loan would not exceed \$3,500,000. The City's share of the costs of issuance of the Colorado Water Resources and Power Development Authority's bonds, issued in part to finance the loan, needs to be rolled into the Loan Agreement. The amended amount of the Loan Agreement would be \$3,566,521.69.

Proposed Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details In Connection Therewith; and Declaring A Special Emergency

The public hearing opened at 8:18 p.m.

Ron Lappi, Director of Administrative Services, reviewed this item. Mr. Lappi explained the different handling procedure in the issuance costs of the Colorado Water Resources and Power Development Authority Bonds by the issuer and the City. The issuance costs need to be added to the loan amount and therefore require an amended Loan Agreement in the amount of \$3,566,521.69.

There were no public comments.

The public hearing closed at 8:20 p.m.

Upon motion made by Councilmember Butler, seconded by Councilmember Spehar, and carried by a roll call vote, Emergency Ordinance No. 3410 was adopted and ordered published in pamphlet form.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS – PLAQUE AT TWO RIVERS PAZA

City Council President Enos-Martinez requested, prior to going into Executive Session, the need to discuss the Two Rivers Plaza Plaque. The ensuing discussion was about the issued plaque recognizing the \$600,000 contribution that was made by Tillie Bishop. Councilmember Terry suggested the issuance of a second plaque recognizing all contributors. After some debate, the Councilmembers agreed to the issuance of a second plaque, alphabetically recognizing all contributors, including contributions made prior to construction of Two Rivers Plaza.

Upon motion made by Councilmember Spehar and seconded by Councilmember Butler, the issuance of a second plaque was approved. Motion carried.

EXECUTIVE SESSION – PROPERTY NEGOTIATIONS

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.

- a. Click Property Conservation Easement
- b. Oil and Gas Leases on City Property on the Grand Mesa

It was moved by Councilmember Spehar, seconded by Councilmember Butler to go into executive session, 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; (a) Click Property Conservation Easement; and (b) Oil and Gas Leases on City Property on the Grand Mesa.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The City Council adjourned into executive session at 8:29 p.m.

Christine English
Deputy City Clerk

Attachment 3
 Supplemental Budget Appropriations

CITY COUNCIL AGENDA

CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:		Supplemental Appropriation Ordinance	
Meeting Date:		April 17, 2001	
Date Prepared:		April 10, 2001	
Author:		Lanny Paulson	Budget & Accounting Manager
Presenter Name:		Ron Lappi	Administrative Services Director
Workshop		X	Formal Agenda

Subject: Supplemental Appropriation Ordinance for the budget year 2002.

Summary: The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Background Information: A supplemental appropriation ordinance is adopted every year at this time to carry-forward, re-appropriate, amounts budgeted in the prior year that were unexpended at year-end. The standard carry-forward items are for equipment and capital improvement projects that were not purchased or completed by the end of the year. Additional appropriation amounts are also requested at this time for a few special situations. Such circumstances would include new grant awards and changes required by approved contracts.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$5,594,919. Included in this amount are the following new requests; \$93K in the General Fund, \$25K in the Sales Tax CIP Fund, \$188K in the Water Fund, and \$396K in the Communications Center Fund. The following provides a summary of the requests by fund.

General Fund \$520,305: Buffer Zone Development Rights Purchase, Council Contingency, Growth Plan Update, West Downtown Plan, Redlands Plan, Police Records Management System, Fire Records Management System, Dump Truck, Parks restroom security.

Enhanced-911 Fund \$464,705: Transfers to Communications Center Fund E-911 Equipment.

VCB Fund \$3,355: Exhibit upgrades.

Golf Course Expansion Fund \$36,000: Golf Course Management Software

Sales Tax CIP Fund \$1,946,366: Police Bldg. Air Conditioner, 29 Road Corridor Project, Independent Ave., Colo. River Footbridge, Phase I Signal Communications, Buck Oda Property, I-70 Corridor Study, and Capital Transfers to Two Rivers Convention Center.

Storm Drainage Fund \$1,447,313: Detention Basins, 25.5 Road Drainage Improvements.

Water Fund \$455,839: Line Replacements, Fire Protection Upgrades, Plant Modifications.

Two Rivers Convention Center Fund \$126,305: Audio/Visual Equipment, Tables & Chairs, Building Expansion/Remodel, Staging Equipment, Management Software.

Swimming Pools Fund \$15,486: Water Slide Study

Lincoln Park Golf Course Fund \$14,800: Management Software

Tiara Rado Golf Course Fund \$22,000: Management Software

Communications Center Fund \$464,705: CAD System Interface, Equipment Replacement, Telephone Lines.

Joint Sewer Fund \$77,542: Trunk Line Extensions, Interceptor Rehabilitations, Line Replacements in Alleys.

Action Requested/Recommendation: Adoption of the appropriation ordinance with final passage on May 1, 2002.

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

Ordinance No. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2002
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2002, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$520,503
Enhanced 911 Special Revenue	101	\$464,705
Visitor & Convention Bureau	102	\$3,355
Golf Course Expansion Fund	107	\$36,000
Sales Tax CIP	201	\$1,946,366
Storm Drainage Improvement	202	\$1,447,313
Water Fund	301	\$455,839
Two Rivers Convention Center	303	\$126,305
Swimming Pools	304	\$15,486
Lincoln Park Golf Course	305	\$14,800
Tiara Rado Golf Course	306	\$22,000
Communications Center	405	\$464,705
Joint Sewer System	900	\$77,542
TOTAL ALL FUNDS		\$ 5,594,919

INTRODUCED AND ORDERED PUBLISHED this 17th day of April, 2002.

PASSED AND ADOPTED this 1st day of May, 2002.

Attest:

President of the Council

City Clerk

Attachment 4
Downtown Sidewalk Permits

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Downtown Sidewalk Permits		
Meeting Date:	April 17, 2002		
Date Prepared:	April 11, 2002		
Author:	Dan Wilson	City Attorney	
Presenter Name:	Dan Wilson	City Attorney	
	Workshop	X	Formal Agenda

Subject: Permitting of the Downtown Main Street sidewalks for outdoor cafes, street vendors and similar uses.

Summary: These changes to the ordinance will allow the issuance of sidewalk permits for those restaurants and cafes fronting on Main Street, between 1st and 7th streets. The 1981 ordinance has been updated, and the new provisions have been included.

Background Information: Since 1981 the DDA has regulated sidewalk uses in the Downtown Shopping Park, both for individual merchants and for community-wide activities such as the Southwest Festival, OktoberFest, and others. Several merchants have asked that they be allowed to expand their liquor licensed premises onto the adjacent sidewalk areas. The DDA supports the request as well as the updates to the 1981 ordinance, which hadn't been revised since that time.

Key elements of the proposed ordinance:

- The Public Works department retains the power to close the vehicular traffic in the Downtown area.
- Allows liquor licensees to serve food and liquor in the sidewalk area near the restaurant or café IF at least 8 feet of unobstructed sidewalk area is retained for pedestrian movement.
- Increases the maximum permit fees that the DDA can charge; gives the DDA board the final decision, within these limits, to set the fees for the permits.
- Allows the City or the DDA to suspend any permit if needed for City purposes, or for general safety or welfare concerns.
- The types of permits that can be issued are: pedestrian vendors, mobile vending carts, kiosks, sidewalk cafes and restaurants (including those with liquor licenses), and special use permits (for the larger festivals and activities).

Interim DDA director, Bruce Hill, asks that the Council approve the ordinance on first reading on April 17th, with DDA board consideration (and recommendation for

approval) to occur at the next DDA board meeting scheduled for April 18th.
 Second reading would occur on May 1st.

Budget: None

Action Requested/Recommendation: Adoption of the ordinance.

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

ORDINANCE NO.

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO DOWNTOWN SIDEWALK PERMITS

Recitals.

Since its inception, the City of Grand Junction Downtown Development Authority (“DDA”) has exercised delegated authority from the City Council, pursuant to Ordinance No. 1989, adopted in 1981. The DDA has been regulating the use of the City’s right-of-way in the area of Main Street between First and Seventh Streets.

At the behest of several Downtown liquor licensees, the DDA Board of Directors has asked for an expansion of the DDA’s existing permit system to allow Downtown liquor licensees to use part of the Main Street right-of-way directly in front of the licensee’s business. These proposed amendments to the DDA permitting system would serve to give “exclusive control” under the State Liquor Code so that restaurants and cafés can add the outdoor sidewalk area to their licensed premises.

The City’s Traffic Engineering staff have walked the area and reviewed the request. It is noted that some merchants are currently using City right-of-way. Anecdotal information is that such usage has occurred for many years, including before the DDA began its permitting program authorized by Ordinance 1989. The DDA experience, supplemented with current information, is that the provisions of this ordinance pose no undue risks for pedestrian and other users of the City’s sidewalk areas, so long as a minimum of eight feet (8’) of unobstructed pedestrian way is maintained.

For these reasons, the City Council finds that there are no obvious detriments, while there are clear benefits, if the existing ordinance, and the DDA permitting program, is expanded beyond the permitting of tables and chairs, sidewalk vendors and mobile vending carts in this downtown right-of-way.

It is the Council’s intent to delegate to the DDA Board of Directors the City Council’s powers, and related duties, liabilities and obligations, pursuant to § 127 of the City charter, except as provided herein.

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

That Chapter 32, sections 61 through 67, inclusive, of the Code of Ordinances of the City of Grand Junction is hereby repealed, renumbered and reenacted as follows:

Section 32-61. Purpose.

The purpose of this ordinance shall be to:

- (1) To control the type and manner of activities conducted in the Downtown Shopping Park.
- (2) To enhance the environment in the Downtown Shopping Park and to provide the maximum possible usage, subject to appropriate restrictions of the Downtown Shopping Park.

Section 32-62. Definitions.

Area Wide Permit is a permit which allows the permitted use within the entire Downtown Shopping Park, rather than at a specific location.

ASCAP is a national organization of artists and musicians that gives permission to use the music or art, in exchange for monetary consideration. For this ordinance, use of the term “ASCAP” includes similar organizations and efforts to control the unauthorized use of copyright and similar rights.

The City is the City of Grand Junction, Colorado.

Conducting Business means the act of offering to sell or selling goods, merchandise, food or services of any type whatsoever.

DDA. The DDA is the Downtown Development Authority of Grand Junction, Colorado, acting through its Board of Directors. The Board may delegate to its employee, the executive director. The state statute authorizing development authorities refers to the executive director as the director.

Downtown Shopping Park or Downtown Park means that portion of the right-of-way of Main Street: bounded on the west by the east intersection line of First Street; on the east by the west intersection line of Seventh Street; and on the north and south by that portion of Main Street that lies between the respective north and south property lines of the properties abutting Main Street.

Kiosks are small, light structures that are stationary, but may be permanent or seasonal in nature, and constructed in accordance with guidelines for design as determined by the DDA.

Location means that particular portion of the Downtown Park for which a general, specific or special use permit has been issued and which is stated upon the permit.

Mobile Vending Cart is a structure with at least two operational wheels that is easily removed and is used for vending.

Pedestrian Vendor is an individual operating without the use of a mobile vending cart or kiosk and with a minimum of equipment, (e.g., balloons, portrait artist, shoeshine).

Permit means the issued document that allows the use of right-of-way of the Downtown Park for the permittee's tables, chairs, clothing rack, bicycle rack, or other items of a moveable nature which are not included in any other permit category. If all other necessary permits are obtained and all state and local laws are met, the City may issue a permit for the use of the specific portion of the Downtown Park.

Permit Plan of Development means the plan adopted by the Grand Junction City Council for the development and preservation of the properties within the DDA, as amended from time-to-time.

Sidewalk café means the extension of the food and beverage service area of a hotel and restaurant licensee, 3.2% beer licensee, or a beer and wine licensee located in the Downtown Park.

Special Use Permit means a permit issued by the City for three (3) or fewer days for unique or charitable uses of the Downtown Park for which no other permit is appropriate. A special use permit may be granted to the sponsor of an activity rather than the specific individuals conducting business within the Downtown Park.

Section 32.63. Permit fees.

(a) *Fees for DDA permits.* The maximum that the DDA may charge per annum for the permits and documents authorized by this ordinance is as follows:

- (1) Each sidewalk café, restaurant or kiosks . . . \$300.00
- (2) Mobile vending carts \$200.00
- (3) Special use permits \$100.00
- (4) Pedestrian vendors \$ 50.00

The City Council may amend such fees and charges by resolution.

(b) All fees, charges or other receipts obtained by the DDA or its employees or agents pursuant to this ordinance shall be first deposited with the City, on account of the DDA.

(c) If the DDA desires to waive all or a portion of one or more permit term or fees, including for charitable and eleemosynary activities, it shall only do so pursuant to adopted written rules and policies, consistent with the provisions of this ordinance and other City rules and requirements. Any such waiver shall only be valid if decided by the DDA Board in a meeting that complies with the Open Records Act, or any City rules to like effect. Such DDA regulations shall provide that each such waiver shall be requested in writing, accompanied by proof that the proceeds from the special use permit will be used

for a charitable or equivalent entity that has tax exempt status under the Internal Revenue Code, as amended from time to time.

Section 32-64. Permit Requirements.

(a) *Length of permits.* Permits issued pursuant to this ordinance may be issued for the following lengths of time, unless the DDA Board approves a different length.

- (1) Pedestrian vendor permits - thirty (30) days.
- (2) Mobile vending carts - six (6) months.
- (3) Special use permits - three (3) days.
- (4) All other permits - one (1) year.

(b) *Applications for permits.* All applications for a permit for the Downtown Park, including renewals, shall be made to the DDA on a DDA form on which the applicant provides at least the following:

- (1) Name and address of applicant.
- (2) Name, addresses and emergency telephone number of at least two persons who will be available during the activity or event, so that the DDA or the City may quickly contact a person with authority.
- (3) Names, addresses and telephone numbers or email addresses of each beneficial owner of the applicant and each individual or entity owning or controlling ten percent (10%) or more of the entity or group.
- (4) Type of business to be conducted, including a description of the merchandise to be sold or displayed.
- (5) Copy of current City sales tax license.
- (6) The applicant's signed statement that the applicant has the authority to, and does, bind the permittee to hold harmless and indemnify: the City of Grand Junction and the DDA (and the officers, officials and employees of each); with respect to and relating to any claim(s) or charge for damage to persons and/or property or injury to persons which were, or were alleged to, be occasioned by the DDA issued permit including permittee action or inaction.
- (7) (a) Permittee shall furnish and maintain such public liability, food products' liability, products' liability, and other insurance as will protect

permittee, the City of Grand Junction and the DDA (and the officers, officials and employees of each), from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith.

(b) Such insurance shall: provide insurance consistently with the City's practices or the provisions of the Governmental Immunity Act, whichever the DDA determines from time-to-time, currently not less than \$150,000 for bodily injury on each person, \$600,000 for each occurrence, and not less than \$600,000 for property damage per occurrence; be without prejudice to coverage otherwise existing therein; and shall name as additional insureds the City, the DDA (and the officers, officials and employees of each); provide that the policy shall not terminate or be canceled prior to the completion of the contract without thirty (30) days written notice to the DDA.

- (8) Description of the building, structure, mobile vending cart, or other improvements to be used in connection with conducting business, including blueprints, drawings, sketches and such other information or details as the DDA shall require.
- (9) The location for which the permit is requested.
- (10) A description of how the business will be conducted, including hours of operations.
- (11) A description of how the use or activity should enhance the Downtown Park, and how the use or activity conforms with the DDA plan of development.
- (12) A list of all necessary or applicable permits that the applicant must obtain, and the current status of each, before the use or activity is lawfully begun.
- (13) If the DDA requires, in order to determine if the permit should be issued, drawings and diagrams of facilities to be used in addition to those supplied with the permit application.
- (14) Description of the hours and specific locations of proposed street or sidewalk closures or traffic controls with the boundaries of the DDA. Note: The City Engineer must issue such right-of-way closures or sidewalk restrictions for all City right-of-way outside the boundaries of the Downtown Park, including closing of the portions of the Downtown Park designated for motor vehicle use.
- (15) Description of any street closures or other activities required to be done by the applicant or others.

- (16) The procedures that the applicant shall follow to obtain each required permit or permission.
- (17) A listing of each sponsor for the use and/or activity.
- (18) List the distribution of the net proceeds gained from the use or activity.
- (19) If any music, vocalization, or mechanical musical presentation is to be broadcast or presented, the application shall so state. The applicant shall particularly describe the time, place, manner, means and mode of such presentation. Each applicant agrees to comply with ASCAP requirements, including the payment of fees. Each applicant and permittee, by accepting the benefits and terms of any DDA permit or consent, agrees to hold harmless and indemnify the DDA and the City (and the officials, officers and employees of each) with respect to claims or activities for which money is owed to ASCAP or consent must be obtained.

(c) *Renewal.* A Downtown Park permit may be renewed, if all other requirements of this ordinance have been met and if:

- (1) No violations of the permit restrictions or a City ordinance or requirement have occurred; and
- (2) The permit holder did not cease to conduct business under the prior permit during the time the permit was in force; and
- (3) The applicant affirms in writing that all the information on the original application is correct and true, except as modified in writing at the time of the application for the renewal.
- (4) All fees are paid.

Section 32-65. Review of permit application.

- (a) The DDA shall promptly review each application and shall determine if:
 - (1) The application is complete.
 - (2) All other permits, licensees or permissions have been or will be obtained prior to the beginning date of the permit.
 - (3) Required insurance has been obtained.

- (4) It is in accordance with the goals and objectives in the plan of development.
- (5) The proposed use or activity would enhance the Downtown Park according to such plan of development.
- (6) More than one application is received for the same use in the same location, the complete and sufficient application which was first received by the DDA shall be issued.

(b) If the DDA finds that the application is not complete or in order, it shall deny the application and give the reasons in writing to the applicant.

(c) If the DDA finds that the application is proper and complete, and is in accordance with the DDA and City rules and requirements, the DDA shall forward to the City Clerk who shall issue the permit, with or without conditions.

(d) If the DDA has a Memorandum of Understanding with the Grand Junction City Manager delegating the responsibility of issuing permits to the DDA, then the DDA shall issue the permit, with or without conditions, if the application is proper and complete.

(e) An applicant may appeal the denial of such a permit, or a condition of a permit, to the DDA Board by submitting a letter to the director of the DDA or any DDA board member within ten calendar days of the denial. The DDA Board shall decide the appeal within thirty days of receipt of the appeal.

Section 32-66. Types of Permits.

- (a) The types of permits which may be issued are for:
- (1) Pedestrian Vendors.
 - (2) Mobile Vending Carts.
 - (3) Kiosks.
 - (4) Sidewalk Cafés.
 - (5) Sidewalk Cafés with a hotel and restaurant, a beer and wine license or a 3.2% beer license.
 - (6) Special Use Permits.

Section 32-67. General Provisions.

(a) The permittee may conduct business on the public right-of-way within the Downtown Park but only subject to and in compliance with the following:

- (1) Each permittee pursuant to this ordinance shall pick up and properly dispose of any paper, cardboard, wood or plastic containers, wrappers and other litter which is deposited or is located on the sidewalk within twenty five feet (25') of the permittee's use, activity or location.
- (2) Each permittee shall provide readily accessible container(s) and facilities for the collection of litter, debris and trash, and shall properly dispose of all litter, debris and trash collected.
- (3) No permittee shall sell or give any food, object or other item to any person who is located in the part of the Downtown Park available for motor vehicle usage, including parking areas, unless such vehicular portion of the Downtown Park has been closed by the City Engineer.
- (4) The permittee shall not offer to sell or sell except within the location designated by the permit.
- (5) A permittee shall not leave his equipment or merchandise unattended, except for a sidewalk café or kiosk and only when the café or kiosk is secured.
- (6) The permittee shall not conduct the any business, use or activity between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
- (7) A permittee shall not offer to sell or sell merchandise that is not described in the application.
- (8) No permittee may hold more than one permit at any one time, unless approved by the DDA Board.
- (9) The permittee shall only locate tables, chairs, benches, and/or other personal property in the portion of the adjacent Main Street right-of-way to the permittee's restaurant or café that is within the area bounded by the extension of the property lines, up to two feet from the nearest parking space or motor vehicle travel area; Except that the permittee shall maintain an unobstructed and unoccupied pedestrian way that is at least eight feet (8') wide, between the extension of the property lines, and beginning two feet from the property line that is closest to and parallels Main Street (See, diagram, below).

(b) The City may issue an amended permit in an expedited manner without additional fees if the permittee has remained (while all prior permits were in effect) in compliance with all applicable requirements and laws.

(c) Each permittee shall forthwith obey every lawful order of the DDA and any City official, including police officers, such as an order to move to a different location (if needed, for example, to avoid congestion or obstruction of a sidewalk) or an order to forthwith remove all personal property from the Downtown Park (in case of congestion or public safety or similar concerns).

(e) No permittee shall make unlawful noise or any continuous noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his use, business or merchandise.

(f) During a community event, as determined by the City or the DDA, each permittee shall be subject to overriding rules, requirements, and even prohibitions, during the community event. For example, a permittee for a mobile vending cart, a kiosk, or a pedestrian vendor may be limited in hours, location and/or type of goods or foods.

Section 32-68. Special Rules for Mobile Vending Carts.

(a) The following provisions shall apply to mobile vending carts:

- (1) A mobile vending device shall not: be greater than sixteen square feet (16'²) in area; longer than four feet in width, excluding wheels; be greater than six feet (6') in length or depth, including any handle; be greater than five feet (5') in height, excluding a canopy, umbrella or transparent enclosure.
- (2) A permittee shall not locate a mobile vending device on a public sidewalk within the boundaries of a crosswalk, nor in a location that will restrict the flow of pedestrian traffic within a crosswalk.
- (3) A permittee shall not sell from a mobile vending device that is located within three feet of any right-of-way designated or used for motor vehicles, unless specifically permitted as part of a use or activity for which the right-of-way is closed to motor vehicles.

Section 32-69. Rules for Sidewalk Cafés and Restaurants.

(a) The following provisions shall apply to sidewalk restaurants and cafés:

- (1) No permittee shall serve or allow the consumption of any malt, beer, wine or other spirituous liquors on any portion of the Downtown Park controlled by such permittee, unless such permittee is in compliance with a state and City issued license pursuant to title 46 or 47 of state

law, including by limited to including the are in their licensed premises.

- (2) During such times as an adjacent owner consents in writing, the permittee may also occupy an additional area in front of such consenting owner's property that begins two (2) feet from the permittee's property line and extends outward (from the permittee's property at a forty-five (45) degree angle, subject to the overriding limits regarding pedestrian ways and proximity to parking areas. Such additional area is depicted as the shaded area of the diagram below.
- (3) The DDA Board may vary the foregoing rules so long as pedestrian movement is maintained in a safe manner.
- (4) A liquor license permittee required to show exclusive possession, pursuant to state law, may designate the outdoor portion of the licensed premises by reasonable means, such as painting, by installing a portable barrier or similar movable partition, no more than three (3) feet in height, in a way that does not limit pedestrian access or create danger or risk to person or property.

Section 32-69. Suspension or revocation of permit.

(a) The DDA or the City may summarily suspend any permit if the permittee's use or activity is the source of unreasonable or excessive noise, is in violation of any permit term, or does not comply with City and/or DDA rules and requirements.

(b) In an emergency needed to protect the public health or safety, the executive director of the DDA, the Director of Public Works of the City, or the City's Police or Fire Chief, may summarily suspend a permit or impose conditions needed immediately to protect the public, the City or the DDA.

(c) If a permit is summarily suspended, the applicant may request that the suspension be lifted by so stating in writing the next business day. The DDA Board shall hear the question at its next available regular meeting.

(d) The DDA may revoke any permit issued under this ordinance if the DDA Board finds by a preponderance, that the permittee, or its agents or employee:

- (1) Has violated any of the provisions of this ordinance or the permit, or has supplied inaccurate or false information to the DDA;
- (2) Does not have in full effect at all times, each current required health permit, liquor license, and every other required license or permit.
- (3) Does not have in place a insurance policy in the minimum amounts as described herein that is effective during all periods of the permit.

(e) The violation of any provision of this ordinance by any permittee or other person is declared to be a public nuisance. The DDA Board or the DDA director may request that the City Attorney prosecute and abate any such nuisance in the municipal or other court.

PASSED for first reading this 17th day of April, 2002.

PASSED AND ADOPTED this ____ day of May, 2002 on Second Reading.

President of the Council

Attest:

City Clerk

Attachment 5
Design Contract for Phase II Canyon View Park

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Award Design Contract for Phase II of Canyon View Park		
Meeting Date:	April 17, 2002		
Date Prepared:	April 9, 2002		
Author:	Shawn Cooper	Parks Planner	
Presenter Name:	Joe Stevens Shawn Cooper	Director Parks Planner	
	Workshop	X	Formal Agenda

Subject: Selection of a design consultant for the provision of design services required for Phase II of Canyon View Park.

Summary: These design services will complete the schematic design of Canyon View Park, including the approximately 36 acres east of Phase I and the area around the baseball field. The current conceptual master plan for this area includes the addition of trails, open turf sport fields, tennis complex, playgrounds, shelters, vehicle circulation and parking and needed infrastructure. Currently, funds are not available to complete the entire project. Current funding should allow for the development of construction/bidding documents and installation of infrastructure and utilities, as well as some limited surface improvements. The exact extent of the improvements possible with current funding will be determined following the completion of the schematic design.

Background Information: The original master plan for Canyon View Park included facilities which have since been determined as not a priority or better suited at other locations. Several renditions of the master plan have been created and analyzed (without public input), attempting to establish future funding needs. Because of increasing pressures for recreational opportunities, it is necessary to continue the development of Canyon View Park. The design process will provide for public input as to the needs and design of the park. It is anticipated that the current and future users of the park will participate in determining what facilities are needed and the priorities. On February 21, 2002, four design teams submitted proposals to provide the design services required for Phase II of Canyon View Park. The proposals were all analyzed and evaluated against a predetermined grading criterion. The evaluation considered items such as: understanding of the project, firm's capability, responsiveness of proposal, other members of the team, suitability of required skills, etc. The team of Winston Associates / Ciavonne and

Attachment 6
2002 New Sidewalk Contract

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>A. CITY COUNCIL</i>		
Subject:	2002 New Sidewalk Construction	
Meeting Date:	Wednesday, April 17, 2002	
Date Prepared:	April 2, 2002	
Author:	Mike Best	Sr. Engineering Technician
Presenter Name:	Tim Moore	Public Works Manager
	Workshop	X Formal Agenda Discussion Item

Subject: Award the construction contract for the 2002 New Sidewalk Construction to Reyes Construction, Inc. in the amount of \$129,565.70

Summary: Bids were received and opened on April 2, 2002, for the 2002 New Sidewalk Construction. The low bid was submitted by Reyes Construction Inc. in amount of \$129,565.70.

Background Information: This project will complete the sidewalk along existing curb, gutter and sidewalk along school walking routes in the City of Grand Junction. The following locations will have new sidewalk installed this year.

- 1040 Walnut Ave.
- 760 Orchard Ave.
- Cannell Ave., Mesa to Orchard Ave. east side
- Mesa Court west side
- 4th Street, Orchard to Hall Street east side
- 8th Street, west side Hall north to dead end
- Orchard Ave., Cannell Ave. to the tennis courts south side
- 11th Street, Orchard to Walnut east side
- 13th Street, Glenwood to Elm Ave. east side
- Texas Ave., 21st to 23rd Street north side
- 1305 North 23rd Street
- 17th Street, White to Grand Ave. east side
- White Ave., 15th to 17th Street north side

This project will start on April 25, 2002 and continue for 11 weeks with an anticipated completion date of July 15, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
BPS Concrete	Grand Junction	\$182,551.28
Precision Paving	Grand Junction	\$178,093.00
G and G Paving	Grand Junction	\$149,437.00
Vista Paving Corporation	Grand Junction	\$136,383.10
Reyes Construction	Grand Junction	\$129,565.70
Engineer's Estimate		\$141,657.57

Budget:

Project Costs:

Construction	
\$129,565.70	
City inspection and Admin. (Estimate)	\$18,000.00
Total Project Costs	
\$147,565.70	

Funding:

New Sidewalk 2011 F01300	
\$112,497.60	
Accessibility 2011 F02000	\$ 28,654.71
Curb Gutter and Sidewalk Repair F00900	\$ 6,413.39
Total	
\$147,565.70	

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a construction contract for the 2002 New Sidewalk Construction with Reyes Construction Inc. in the amount of \$129,565.70.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:							
Purpose:							
Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:
Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Indiv. Consideration	Workshop

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>B. CITY COUNCIL</i>				
Subject:	Award of Construction Contract for Seasons Outfall Sewer			
Meeting Date:	April 17, 2002			
Date Prepared:	April 2, 2002			
Author:	T. Kent Harbert	Project Engineer		
Presenter Name:	Mark Relph	Public Works Director		
Meeting Type:		Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Seasons Outfall Sewer** to **M.A. Concrete Construction, Inc.** in the amount of **\$76,748.00**.

Summary: Bids were received and opened on April 2, 2002 for **Seasons Outfall Sewer**. The low bid was submitted by **M.A. Concrete Construction, Inc.** in the amount of **\$76,748.00**.

Background Information: This project is being constructed to eliminate the sewage lift station in the middle of the cul-de-sac on Seasons Court. A new 8-inch sewer line will be installed in Season Court, in the Seasons Drive entry road and along the west side of South Broadway, connecting to the recently constructed sewer line in Desert Hills Road. The total length of the sewer line is 1350 feet.

Work is scheduled to begin on or about May 6, 2002, and continue for 3 weeks with an anticipated completion date of May 24, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction	Grand Jct	\$76,748.00
Skyline Construction	Grand Jct	\$84,452.80
Taylor constructors	Grand Jct	\$96,266.00
Oldcastle SW Group (dba United Companies)	Grand Jct	\$131,254.00
Engineer's Estimate		\$77,688.00

Budget: This project is funded under the Sewer Collection System Capital Fund (905) as a sub-project to Sewer Line Repair and Replacement (F10200). \$350,000 is budgeted for this type of work in 2002.

Project Costs:

Construction	\$77,700
Right-of-way/easement acquisition	600
Design	4,800
City Inspection and Administration (Estimate)	<u>4,000</u>
Total Project Costs	<u>\$87,100</u>

Rights-of-way and easements: The owner of The Seasons at Tiara Rado is dedicating an easement along the west side of South Broadway for the installation of this sewer line, at no cost to the City. The new sewer line is within the area that will be dedicated as right-of-way when this parcel is developed and it will provide an on-site connection point for the internal sewer system when the parcel is developed.

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **Seasons Outfall Sewer to M.A. Concrete Construction, Inc.** in the amount of **\$76,748.00**.

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

**Attachment 8
Growth Plan Amendment for Lewis Property**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Lewis Growth Plan Amendment, GPA-2001-178		
Meeting Date:	April 17, 2002		
Date Prepared:	April 3, 2002		
Author:	Lisa Gerstenberger, AICP	Senior Planner	
Presenter Name:	As above	As above	
	Workshop	X	Formal Agenda

Subject: Resolution to amend the Growth Plan Future Land Use Map to Redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial.

Summary: At its January 16, 2002 meeting City Council considered a request to redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½-2 acres per dwelling unit to Commercial. The attached resolution affirms Council's action.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Adopt resolution to affirm Council action taken at its January 16, 2002.

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

AGENDA TOPIC: GPA-2001-178, Lewis Growth Plan Amendment

SUMMARY: Resolution to amend the Growth Plan Future Land Use map to Redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial.

BACKGROUND INFORMATION			
Location:		2258 South Broadway	
Applicants:		Roxanne and Mikel Lewis, Owners Mike Joyce, Representative	
Existing Land Use:		Residential/Vacant	
Proposed Land Use:		Commercial	
Surrounding Land Use:	North	Vacant	
	South	Commercial	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-4 (2-4 units per acre)/CSR	
Proposed Zoning:		B-1, Neighborhood Commercial (future request)	
Surrounding Zoning:	North	County RSF-4 (R2) and City PD	
	South	City PD (Planned Business)	
	East	County RSF-4 (R2)	
	West	County RSF-4 (R2)	
Growth Plan Designation:		Residential Low, ½ to 2 acres per du	
Zoning within density range?		Yes	<input checked="" type="checkbox"/> No

ACTION REQUESTED: Adopt resolution to affirm Council action taken at it's January 16, 2002 meeting to approve a request for a Growth Plan Amendment to Redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial.

BACKGROUND: The Lewis property is located at 2258 South Broadway and consists of tax parcels 2945-074-09-015 and 018 at the northeast corner of Hwy 340 and Redlands Parkway. The property is bounded by vacant property to the north, Hwy 340 to the south, residential property to the east and the Redlands Parkway to the west. The applicant would like to develop their property as a carwash in the future, however the current zoning of the property will not permit that type of development. In an effort

to rezone the property, the applicant requested a Growth Plan Amendment to redesignate a portion of their property to Commercial so that a subsequent request to rezone could be considered.

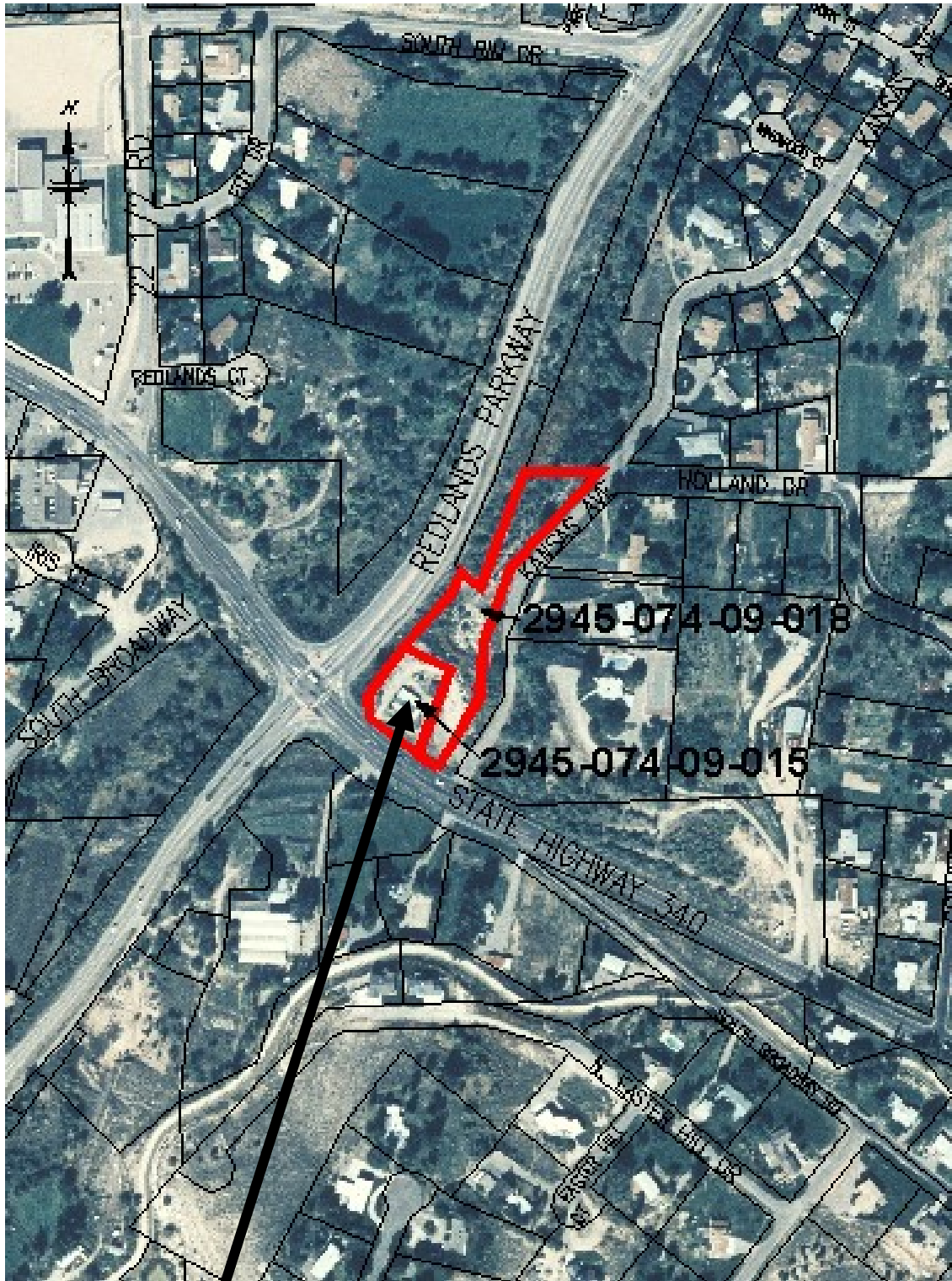
At it's meeting on November 13, 2001, the Planning Commission considered a request for a Growth Plan Amendment to redesignate a portion of the applicant's property (approximately .93 acres) as Commercial. After receiving public input and having significant discussion, the Planning Commission determined that the request did not conform to the review criteria of Section 2.5, Growth Plan Amendments, of the Zoning and Development Code. A motion to recommend approval to the City Council failed by a vote of 0-4. A related request to rezone a portion of the property was also requested, however the Planning Commission did not take action on the rezone request. An appeal of the Planning Commission's recommendation of denial was filed with City Council.

At it's January 16, 2002 meeting, City Council considered an appeal of the Planning Commission recommendation of denial of the requested Growth Plan Amendment and voted to approve the request to redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial. The attached resolution affirms Council's action taken during the January 16, 2002 meeting.

Attachments:

1. Site Location Map
2. Resolution

Site Location Map



.93 acres to be redesignated as Commercial

CITY OF GRAND JUNCTION, COLORADO

Resolution No.

Amending the City of Grand Junction Growth Plan Future Land Use Map to Redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial

Recitals:

After using the Growth Plan for over two years, it is recognized that it may be appropriate to amend the Growth Plan from time to time.

A request for the Growth Plan amendment has been submitted in accordance with the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan." Roxanne and Mikel Lewis, as the applicant, have requested that .93 acres be redesignated from Residential Low, ½ - 2 acres per dwelling unit, to Commercial, for that portion of the Lewis property described below and located at 2258 South Broadway.

On appeal from the Planning Commission recommendation, the City Council reviewed the request for the proposed Growth Plan amendment and determined that it satisfied the criteria as set forth in the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" for Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:

Redesignate .93 acres located at 2258 South Broadway from Residential Low, ½ -2 acres per dwelling unit, to Commercial. The parcel being more fully described as follows:

A certain parcel of land lying in the Southeast Quarter (SE ¼) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian and being a portion of Lot 18, Redlands Estates Subdivision as same is recorded in Plat Book 8, Page 74, and all of Outlot 2, Columbine Subdivision as same is recorded in Plat Book 8, Page 72, all being recorded in the Public Records of Mesa County, Colorado, all of said property being located in the State of Colorado, County of Mesa, City of Grand Junction, being more particularly described as follows:

COMMENCING at the South Quarter (S ¼) Corner of said Section 7, and considering the South line of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) to bear S 89°46'38" W with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 63°51'22" E a distance of 468.94 feet to a point on the Northerly right of way for Colorado State Highway 340 and the TRUE POINT OF BEGINNING; thence from said Point of Beginning, N 02°50'30" W a distance of 44.32 feet; thence N 40°26'59" E a distance of 121.91 feet; thence N 45°08'50" E a distance of 64.51 feet; thence S 45°07'15" E a distance of 166.78 feet, more or less, to a point on the Westerly right of way for Kansas Avenue; thence S 04°20'16" W, along said Westerly right of way, a distance of 30.29 feet; thence continuing along said Westerly right of way, S 32°21'16" W a distance of 171.19 feet to a point on the Northerly right of way for said Colorado State Highway 340 and being the beginning of a 1387.53 foot radius non-tangent curve, concave Northeast; thence Northwesterly 183.63 feet along the arc of said curve, through a central angle of 07°34'58", having a long chord bearing of N 53°10'54" W with a chord length of 183.50 feet, to the Point of Beginning.

Containing 0.93 Acres, more or less, as described.

PASSED on this 17th day of April, 2002.

ATTEST:

President of Council

City Clerk

**Attachment 9
Vacation of Easement Kinderhaus Sub**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Easement Vacation – Kinderhaus Subdivision	
Meeting Date:	April 17, 2002	
Date Prepared:	December 16, 2011	
Author:	Ronnie Edwards	Associate Planner
Presenter Name:	Ronnie Edwards	Associate Planner
<input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Formal Agenda

Subject: Vacation of Utility and Irrigation Easement – Kinderhaus Subdivision; File #VE-2002-012.

Summary: The applicant proposes to vacate a utility and irrigation easement in conjunction with a request for approval of a Conditional Use Permit to allow an expansion of an existing day care facility in an RMF-8 zone district. At its hearing of March 26, 2002 the Planning Commission recommended approval.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Approval of the Vacation request, finding the request consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

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

<i>BACKGROUND INFORMATION</i>			
Location:		2880 Elm Avenue	
Applicants:		Mike & Christi Bocconcelli	
Existing Land Use:		Single Family Residence	
Proposed Land Use:		Day Care Facility	
Surrounding Land Use:	North	Residential Medium	
	South	Park	
	East	Residential Medium	
	West	Residential Medium	
Existing Zoning:		RMF-8	
Proposed Zoning:		RMF-8	
Surrounding Zoning:	North	RMF-8	
	South	CSR	
	East	RMF-8	
	West	RMF-8	
Growth Plan Designation:		Public & Residential Medium	
Zoning within density range?		X	Yes
			No

Staff Analysis:

The petitioner is requesting to vacate a 15' utility and irrigation easement located to the west of the existing day care facility. Due to the current configuration of the building, playground area, and the lot, the expansion of the building needs to occur on the west side. The applicant is providing a 14' multi-purpose easement along the street frontages. There are no known utilities in the easement.

VACATION OF EASEMENT REVIEW CRITERIA:

Section 2.11 of the Zoning and Development Code:

C. Approval Criteria. *The vacation of the easement shall conform with the following:*

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

Granting this vacation does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with the granting of this vacation.

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

Access to any parcel is not restricted.

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);

There are no adverse impacts on the general community and the quality of public facilities and services provided will not be reduced due to the vacation.

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of this Code, as existing utilities are located elsewhere on the property or in the street. No adverse comments were received from utility review agencies.

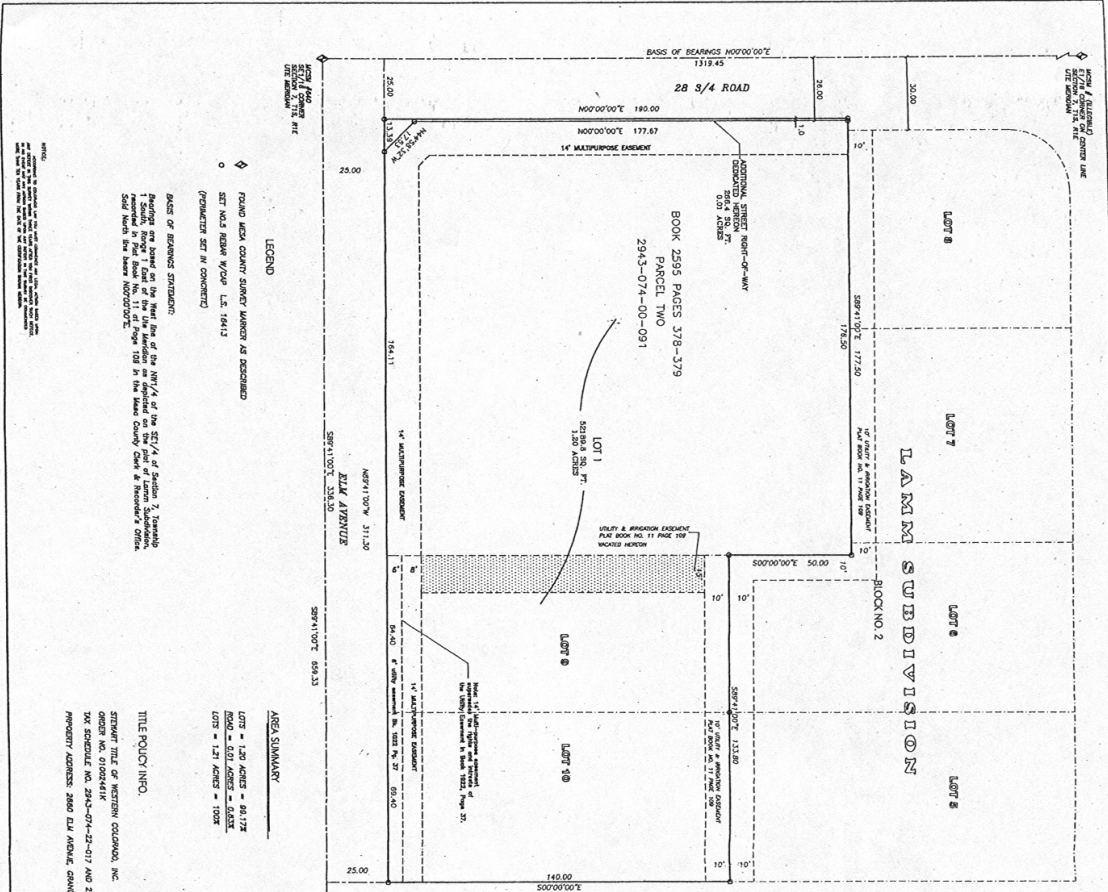
6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposal provides a benefit to the City by allowing further development of an existing business to utilize their property where no utilities exist. Vacating the easement creates a more buildable lot, as once the applicant's replat is approved, its placement is located in the middle of the parcel.

Action Requested/Recommendation: Approval of the Vacation request.

Attachments:

1. Plat map/site plan
2. Resolution
3. Easement Vacation exhibit



LEGEND

- ◇ FOUND LOCAL COUNTY SURVEY MARKERS AS DESCRIBED
- SET LOCAL COUNTY W/OUT L.S. 16412 (PREVIOUS SET IN CONCRETE)

BASES OF BEARINGS STATEMENTS:
 Bearings are based on the true line of the NW 1/4 of the SW 1/4 of Section 7, Township 1 South, Range 1 East of the 10th Principal Meridian in the State of Colorado. All bearings and distances are as shown on the plat unless otherwise noted. All bearings are true bearings and all distances are in feet and inches.

AREA SUMMARY

- LOT 1 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 2 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 3 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 4 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 5 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 6 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 7 - 1.20 ACRES = 66,177 SQ. FT.
- LOT 8 - 1.20 ACRES = 66,177 SQ. FT.

TITLE POLICY INFO.

STANDARD TITLE INSURANCE COMPANY, INC.
 1700 WEST 10TH AVENUE
 DENVER, COLORADO 80202
 TXS LICENSE NO. 2943-074-22-017 AND 2943-074-22-091
 PROPERTY ADDRESS: 2830 ELLIOTT AVENUE, DENVER, COLORADO, CO.

REPORT OF LOTS 2 AND 10 IN LAMM SUBDIVISION AND PARCEL TWO, SEC. 2830 PCE. 278-074, CITY OF DENVER, COUNTY OF WYOMING, COLORADO

LOT 1 KINDEKHAUS SUBDIVISION

DEPOSITION

I, **CHRISTIE K. BOCCONCELLO**, County Clerk of Denver, County of Denver, State of Colorado, do hereby certify that the foregoing plat of **LOT 1 KINDEKHAUS SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, was approved and recorded this 11th day of April, A.D. 2002, by MELOD BOCCONCELLO and CHRISTIE K. BOCCONCELLO.

I, **CHRISTIE K. BOCCONCELLO**, County Clerk of Denver, County of Denver, State of Colorado, do hereby certify that the foregoing plat of **LOT 1 KINDEKHAUS SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, was approved and recorded this 11th day of April, A.D. 2002, by MELOD BOCCONCELLO and CHRISTIE K. BOCCONCELLO.

CITY APPROVAL

I, **CHRISTIE K. BOCCONCELLO**, County Clerk of Denver, County of Denver, State of Colorado, do hereby certify that the foregoing plat of **LOT 1 KINDEKHAUS SUBDIVISION**, a subdivision of a part of the City of Grand Junction, Colorado, was approved and recorded this 11th day of April, A.D. 2002, by MELOD BOCCONCELLO and CHRISTIE K. BOCCONCELLO.

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NOTICE TO THE PUBLIC

THE CITY OF DENVER HAS ADOPTED THE FOLLOWING RESOLUTION:

RESOLUTION NO. 2002-017, APPROVED AND PASSED BY THE CITY AND COUNTY BOARD OF DENVER, COLORADO, ON APRIL 11, 2002.

NOTICE TO THE PUBLIC

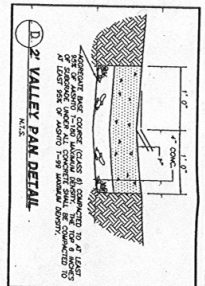
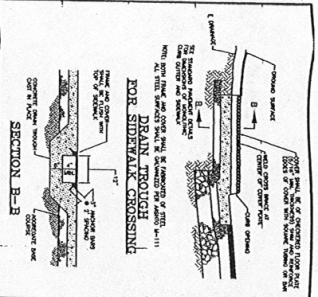
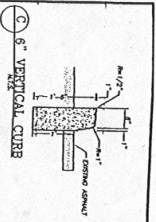
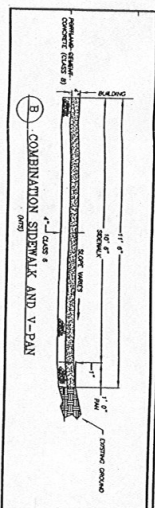
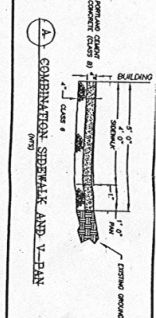
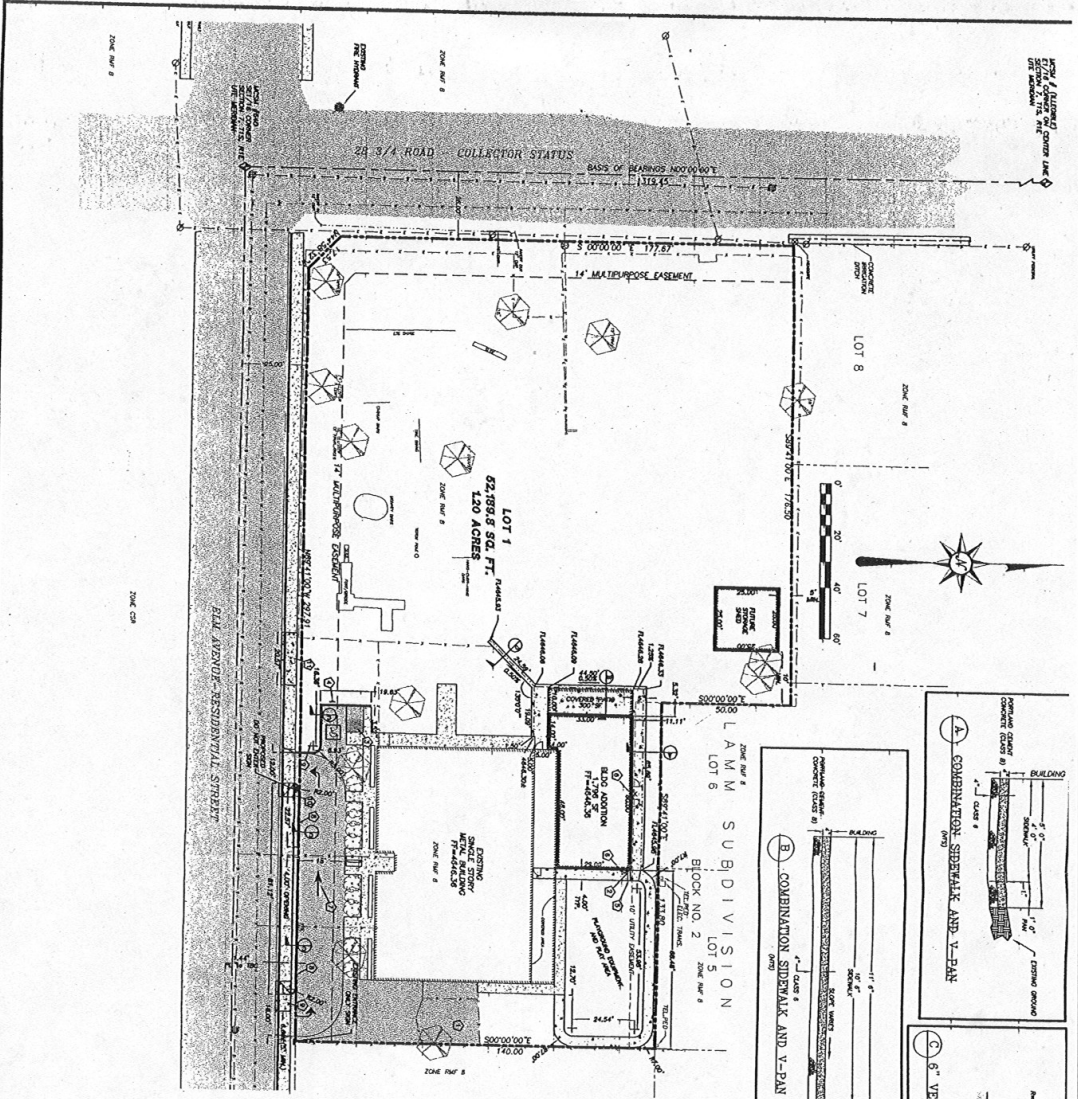
THE CITY OF DENVER HAS ADOPTED THE FOLLOWING RESOLUTION:

RESOLUTION NO. 2002-017, APPROVED AND PASSED BY THE CITY AND COUNTY BOARD OF DENVER, COLORADO, ON APRIL 11, 2002.

NOTICE TO THE PUBLIC

THE CITY OF DENVER HAS ADOPTED THE FOLLOWING RESOLUTION:

RESOLUTION NO. 2002-017, APPROVED AND PASSED BY THE CITY AND COUNTY BOARD OF DENVER, COLORADO, ON APRIL 11, 2002.



- NOTES**
1. EXISTING SIDEWALK TO REMAIN
 2. EXISTING SIDEWALK TO BE REPAIRED
 3. EXISTING SIDEWALK TO BE REPLACED
 4. EXISTING SIDEWALK TO BE REMOVED
 5. EXISTING SIDEWALK TO BE RECONSTRUCTED
 6. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT
 7. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT AND CURB
 8. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT AND CURB AND V-PAN
 9. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT AND CURB AND V-PAN AND DRAIN THROUGH
 10. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT AND CURB AND V-PAN AND DRAIN THROUGH AND 2\"/>

- LEGEND**
- 1. EXISTING SIDEWALK TO REMAIN
 - 2. EXISTING SIDEWALK TO BE REPAIRED
 - 3. EXISTING SIDEWALK TO BE REPLACED
 - 4. EXISTING SIDEWALK TO BE REMOVED
 - 5. EXISTING SIDEWALK TO BE RECONSTRUCTED
 - 6. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT
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 - 10. EXISTING SIDEWALK TO BE RECONSTRUCTED WITH NEW PAVEMENT AND CURB AND V-PAN AND DRAIN THROUGH AND 2\"/>

PARKING REQUIREMENTS

LAND USE CATEGORY	PERCENT
RETAIL/COMMERCIAL	15%
OFFICE/INSTITUTIONAL	10%
INDUSTRIAL	10%
RECREATION	10%
RESIDENTIAL	10%
UNDEVELOPED	10%
TOTAL	100%

QUALITY DEVELOPMENT

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THE DATE OF THIS PLAN.

ACTIVITY AS CONSIDERED

DATE: _____

ACTIVITY AS CONSIDERED

DATE: _____

ACTIVITY AS CONSIDERED

DATE: _____

KINDERHAUS DAY CARE

PROPOSED SITE PLAN
 2880 ELM STREET
 Milwaukee, Wisconsin

11/28/01

ry consulting engineers, inc.

234 West Street, Suite 103 • Grand Junction, Colorado • 81501

11/28/01

REVISIONS

NO.	DESCRIPTION	DATE
1	Submitted For City Comments	11-2-01
2	Re-Submitted For City Comments	11-8-01
3	Re-Submitted For City Comments	11-14-01

SCALE VERIFICATION

1" = 20'

1-800-822-1987

FOR A FREE BROCHURE ON HOW TO GET THE MOST FROM YOUR SCALE VERIFICATION

CALL 1-800-822-1987

CITY OF GRAND JUNCTION

Resolution No. _____

VACATING A UTILITY/IRRIGATION EASEMENT
LOCATED ON THE WEST SIDE OF THE PARCEL
KNOWN AS 2880 ELM AVENUE

RECITALS:

In conjunction with a request to expand a Conditional Use Permit and an administrative approval of a replat of three lots into one, the applicant proposes to vacate an unnecessary utility and irrigation easement. A 15-foot wide utility and irrigation easement located on the west side of the existing lot 9 of Lamm Subdivision, centered in the proposed Lot 1 of the Kinderhaus Subdivision, is to be vacated as utilities are located elsewhere on the property or in the street.

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

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

1. The following described easement is hereby vacated:

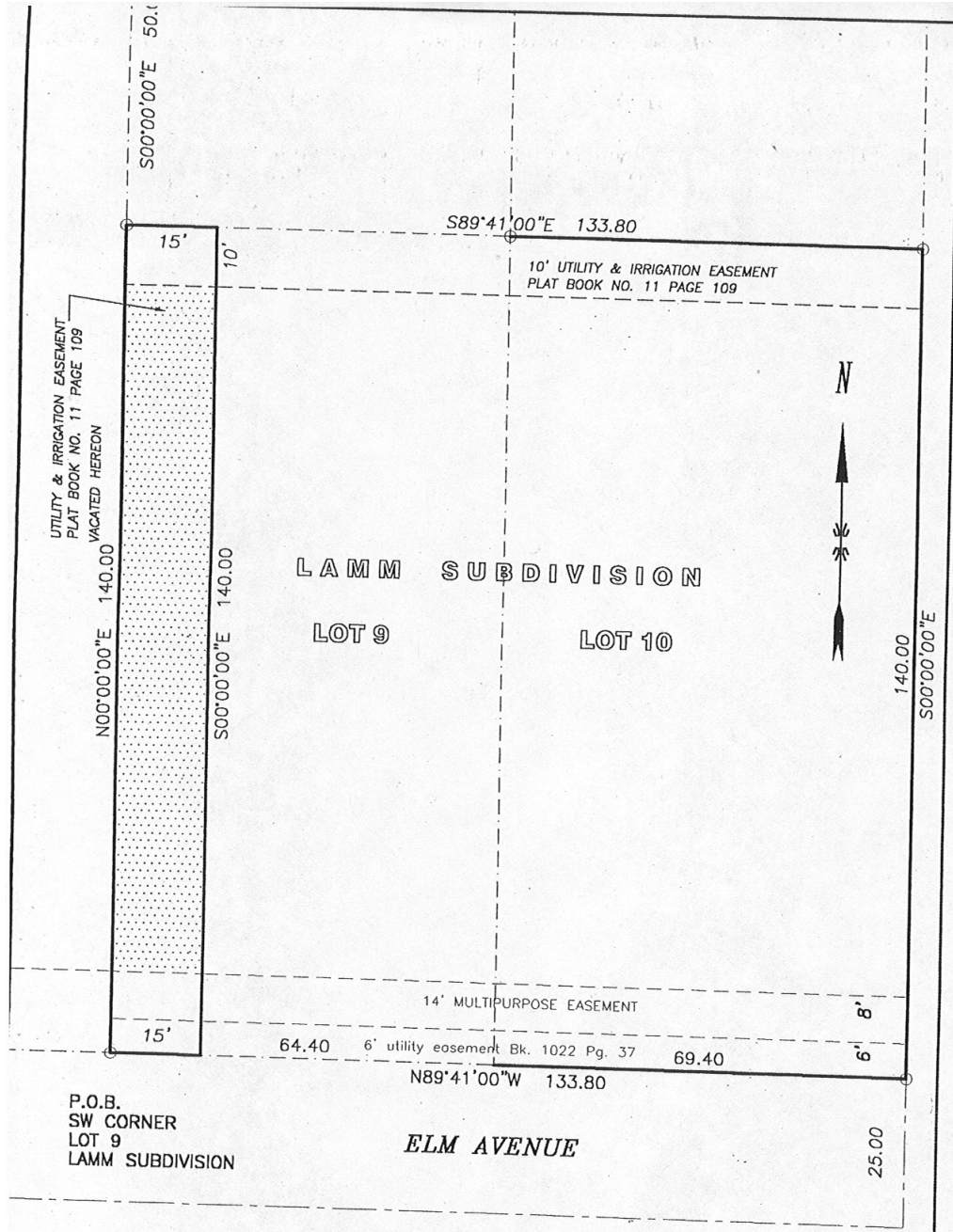
A fifteen-foot wide north/south utility and irrigation easement originally on the west side of lot 9 of the Lamm Subdivision, centered in the proposed Lot 1 of the Kinderhaus Subdivision, which easement was recorded in Plat Book No. 11 Page 109, excluding the southern 14' to be retained as part of a multi-purpose easement, as shown on the attached Exhibit A.

PASSED and ADOPTED this 17th day of April, 2002.

ATTEST:

City Clerk

President of City Council



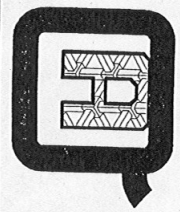
EASEMENT VACATION

SITUATED IN THE NE1/4 SE1/4 SECTION 7, T1S, R1E OF THE UTE MERIDIAN

FOR: MARK AUSTIN
R.G. CONSULTING

SCALE: 1"=20'

DATE: 3/26/2002



Q.E.D.
SURVEYING
SYSTEMS, Inc.
1018 COLORADO AVE
GRAND JUNCTION, CO
81501-3521
(970) 241-2370
FAX: 241-7025

SURVEYED BY: SB EG

DRAWN BY: MEM

ACAD ID: KinderFin (VIEW2)

SHEET NO. 1 of 1

FILE: 01-276

Attachment 10
Public Hearing – Rezoning Valley Meadows

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Valley Meadows North Rezone, RZP-2002-019		
Meeting Date:	April 17, 2002		
Date Prepared:	April 11, 2002		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	As above	As above	
	Workshop	X	Formal Agenda

Subject: First reading of the Rezoning Ordinance for the Valley Meadows North property located at the north end of Kapota Street, RZP-2002-019 and setting a hearing date of May 1, 2002.

Summary: First reading of the Rezoning Ordinance to rezone the Valley Meadows North property located at the north end of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve first reading of the Rezoning Ordinance and set a date for the public hearing of May 1, 2002.

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

AGENDA TOPIC: RZP-2002-019, Valley Meadows North Subdivision.

SUMMARY: Request to rezone from Residential Single Family Rural (RSF-R)* to Residential Single Family-4 (RSF-4)** for approximately 7.65 acres located at the north end of Kapota Street, and to set a hearing date of May 1, 2002.

BACKGROUND INFORMATION			
Location:		North end of Kapota Street	
Applicants:		Patricia Moran, Owner Brian Hart, Representative	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-R	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	RSF-2	
	South	PD 2.93	
	East	RSF-R	
	West	RSF-4	
Growth Plan Designation:		Residential Medium-Low, 2-4 du/ac	
Zoning within density range?		X	Yes
			No

*RSF-R: Residential Single Family Rural (1 dwelling unit per 5 acres)

**RSF-4: Residential Single Family-4 (2-4 units per acre)

ACTION REQUESTED: Consideration of request to rezone approximately 7.65 acres from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Project Background/Summary

The proposed Valley Meadows North subdivision is located north of F1/2 Road and east of 25 ½ Road. The applicant has requested a rezone from RSF-R to RSF-4 in an effort to develop the property as a 26 lot single family subdivision on approximately 7.65 acres.

The proposed development has 15' of road frontage on 25 ½ Road which will be utilized for pedestrian access. The only other point of public access is from Kapota Street (located on the southern property line) from the Valley Meadows East subdivision. The proposed density is 3.4 units per acre which is in keeping with the allowable density levels of the Residential Medium-Low land use classification.

Access/Streets/Parking

Access for the proposed project will be provided through the Valley Meadows East subdivision via Westwood Drive, Chama Lane, McCook Avenue and/or Kapota Street. Kapota Street will be extended into the proposed development with a street stubbed to the east to provide access for future development.

Several letters from neighbors expressing their concern about access coming only from Kapota Street and increased levels of traffic have been received and are available for review.

Lot Configuration and Bulk Requirements

Lot configuration and bulk standards for the RSF-4 zone district have been utilized in the design process.

Drainage/Irrigation/Utilities

Drainage for the proposed development will be handled by a detention pond located in the southwest corner of the property in a tract to be owned and maintained by the Home Owner's Association.

All required utilities are available and will be extended to the site or installed during construction. There is no irrigation water available to this site.

REZONING CRITERIA:

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

1. The existing zoning was in error at the time of adoption. The existing zoning is not consistent with the current land use classification of Residential Medium-Low (2-4 du/ac) as shown on the Future Land Use Map of the Growth Plan. The Residential Single Family-2 (RSF-2) and Residential Single Family-4 (RSF-4) zone districts implement the Residential Medium-Low land use classification.
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. **The property is located in an area that is developing in a residential manner consistent with the Growth Plan, although some parcels (located to the north and east) have lower densities than indicated by the Growth Plan. This property is an example of infill**

development where a public street and utilities have been stubbed to its southern property line in anticipation of future development.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. **The requested rezone to RSF-4 is within the allowable density range recommended by the Growth Plan. The existing street network has the required capacity available to serve the proposed 26 lot subdivision without adverse impacts to the neighborhood. The proposed subdivision has been designed in accordance with the provisions of the City's Zoning and Development Code and TEDS (Transportation Engineering Design Standards) manual.**
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines. **The rezone request has been made to develop the property in a manner consistent with the density range allowed by the Growth Plan. The proposed subdivision has been designed in accordance with the provisions of the Zoning and Development Code and TEDS manual. In reviewing the goals and policies of the Growth Plan, it is apparent that the proposal is consistent with some of the goals and policies, but not all.**

Examples of goals and policies of the Growth Plan that support the rezone request include:

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.

Example of a Growth Plan policy that does not support the rezone request:

Policy 24.2: When improving existing or constructing new streets which pass through residential neighborhoods, the City will balance the desires of residents with the need to maintain a street system which safely and efficiently moves traffic throughout the community.

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

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. **The neighborhood has a limited amount of land that is undeveloped. The proposed development is considered an infill project which will utilize or extend existing public facilities.**
7. The community or neighborhood will benefit from the proposed zone. **The community will benefit from the infill development of this property and utilization of existing public facilities whether the property is developed at a density as allowed by RSF-4 or RSF-2.**

FINDINGS OF FACT/CONCLUSIONS:

Upon review of the request to rezone from RSF-R to RSF-4, staff makes the following findings of fact and conclusions:

- 1. The request to rezone is consistent with the goals and policies of the Growth Plan.**
- 2. The request to rezone meets the approval criteria of Section 2.6.A of the Zoning and Development Code.**

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone with the finding that the request is consistent with the goals and policies of the Growth Plan and the rezone criteria of Section 2.6.A of the Zoning and Development Code:

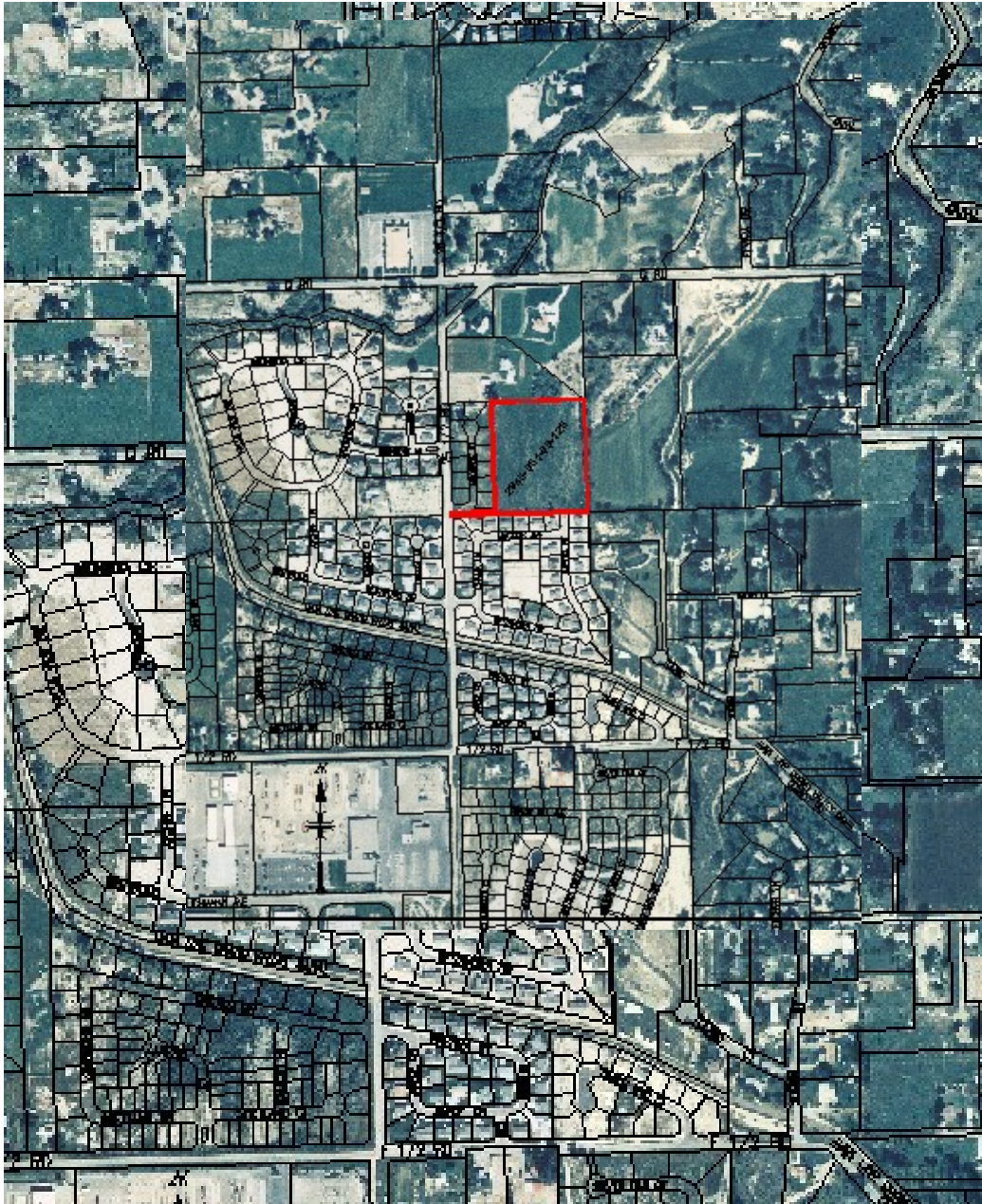
PLANNING COMMISSION RECOMMENDATION:

The Planning made a recommendation to approve the request to rezone from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4) with the findings that the request is consistent with the goals and policies of the Growth Plan and meets the criteria of Section 2.6.A of the Zoning and Development Code.

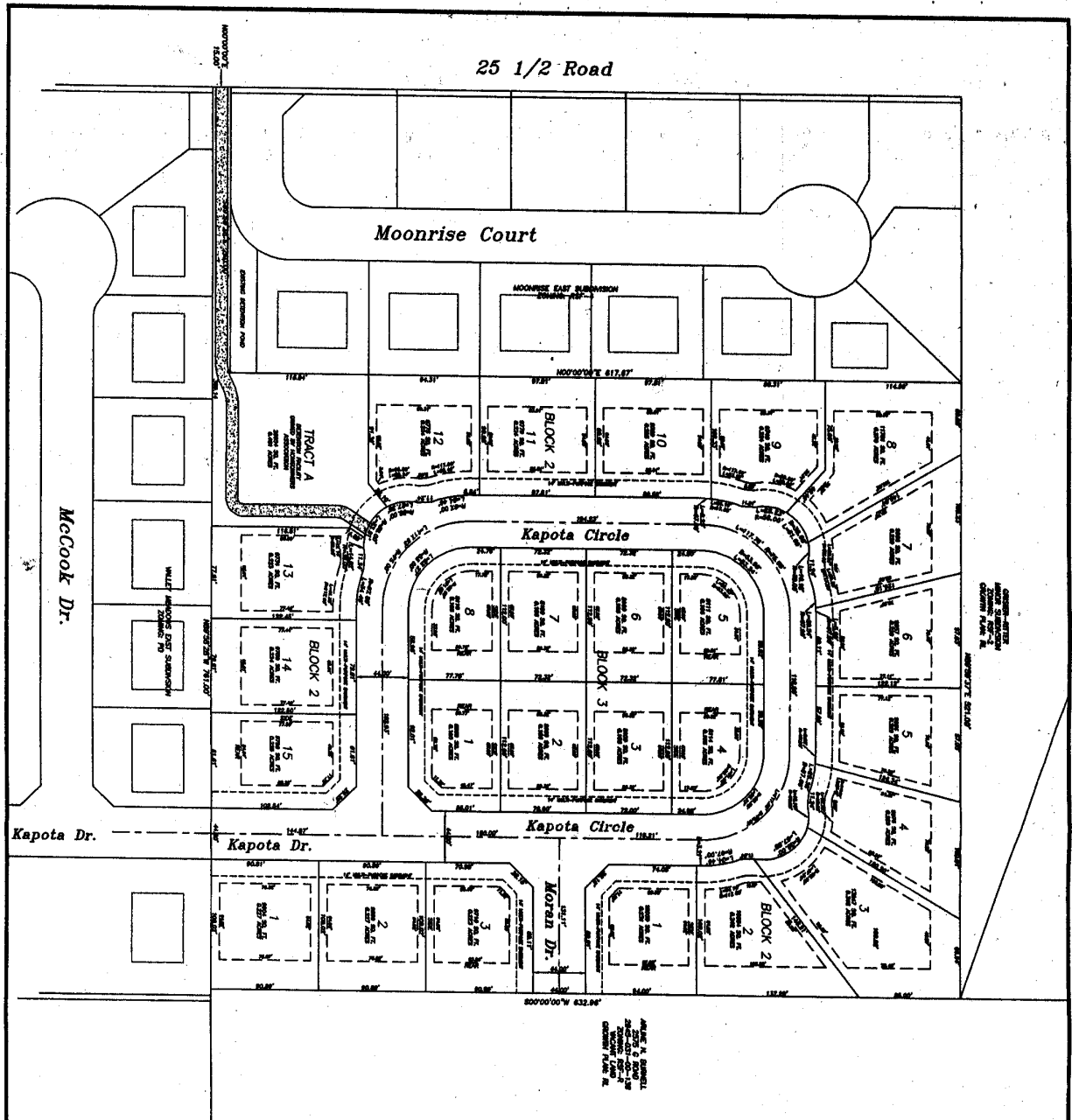
Attachments:

1. Site location map
2. Preliminary Plan
3. General Project Report
4. Letters from citizens

Site Location Map



Preliminary Plan



CITY OF GRAND JUNCTION, COLORADO

REZONING ORDINANCE No. _____

***Ordinance Rezoning the Valley Meadows North property,
located at the north end of Kapota Street,
from Residential Single Family Rural (RSF-R)
to Residential Single Family-4 (RSF-4)***

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Valley Meadows North property, located at the north end of Kapota Street, from the from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-4 (RSF-4) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-4 (RSF-4) zoning is in conformance with the stated criteria of Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Residential Single Family-4 (RSF-4) zone district:

Parcel One: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly described as follows: Commencing at the N1/4 corner of said Sec 3, and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of said Sec 3, 688.50'; thence N 89°59'00" E 265.00' to the POB; thence continuing N 89°59'00" E 521.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 521.00'; thence N 00°00'00" E 632.50' to the POB.

Parcel Two: The S 15' of the following described tract: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly described as follows: Commencing at the N1/4 corner of said Sec 3 and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained

herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of Sec 3, 688.50' to the POB; thence N 89°59'00" E 265.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 265.00' to a point on said W line of the NE1/4 of said Sec 3; thence N 00°00'00" E 632.50' to the POB.

Introduced on first reading this 17th day of April, 2002.

PASSED and ADOPTED on second reading this ____ day of May, 2002.

Mayor

ATTEST:

City Clerk

**Attachment 11
Juvenile Accountability Incentive Block Grant**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Juvenile Accountability Incentive Block Grant		
Meeting Date:	April 17, 2002		
Date Prepared:	April 4, 2002		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Stephanie Rubinstein	Staff City Attorney	
	Workshop	x	Formal Agenda

Subject: Juvenile Accountability Incentive Block Grant

Summary/Background Information: In 1999, the City, along with the City of Fruita, Town of Palisade and Mesa County were awarded the Juvenile Accountability Incentive Block Grant. The decision was made that the funds would be best used for additional supervisors with the Partners program who would be able to supervise Mesa County court cases, and the three cities' cases, when Useful Public Service was sentenced.

The collaboration has proven to be a success with 382 Municipal Court Juvenile cases being supervised and 8,055 hours of Useful Public Service being completed this grant year. (That grant year was July 1, 2000-June 30, 2001. We are currently in the grant year of July 1, 2001-June 30, 2002, where 339 juveniles have been supervised doing 7,713 hours of Useful Public Service, thus far.) Additionally, the load has been lightened for the Municipal Court clerks who no longer have to spend time trying to track down who has completed their hours and who has not.

During the last three years, the juveniles who have been sentenced to community service from Grand Junction Municipal Court, Fruita Municipal Court, Palisade Municipal Court, Mesa County Court and Grand Junction Teen Court have been supervised by the Partners program. Partners has worked to arrange community service availability, monitored each juvenile's compliance with his/her sentence and have worked to find effective methods of ensuring that these juveniles learn from their mistakes and receive an education beyond simple punishment for their offense.

The total grant amount is \$83,350, with \$33,032 allocated to the City and \$50,318 allocated to Mesa County, the City of Fruita, and the Town of Palisade. These three entities have waived their award to the City, who then passes the award on to the Partners program. Since this grant consists of federal dollars, this money will not be calculated as part of TABOR.

Budget: A cash match of \$3,670 has been budgeted in the Police Department Budget.

Action Requested/Recommendation: Approval of Resolution, whereby the City Manager will sign the application to accept the funds. The formal application process will then take place.

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

City of Grand Junction, Colorado
Resolution No. _____

**A RESOLUTION ACCEPTING THE JUVENILE ACCOUNTABILITY INCENTIVE
BLOCK GRANT**

Recitals.

- a. In 1999, the City, in conjunction with the City of Fruita, City of Palisade and Mesa County, was awarded the Juvenile Accountability Incentive Block Grant.
- b. A gap in the juvenile justice system was perceived where juveniles who were sentenced to community service had no place to go to complete their service and were not being held accountable for their actions.
- c. After a collaborative meeting between these groups, and other interested members of the community, the decision was made to use the funds for additional case supervisors in the Partners program, so that more juveniles in our community can have the benefit of participating in the Partners program if they are sentenced to Useful Public Service.
- d. The City is committed to the youth of our community and feels this program is an effective means to reduce the rising occurrence of juvenile offenses.
- e. The last full year of grant funding (July 1, 2000-June 30, 2001) was highly successful with Partners providing supervision for 382 juveniles who completed 8,055 hours of Useful Public Service. Within the current grant year (July 1, 2001-June 30, 2002), thus far, 339 juveniles have been supervised, completing 7,713 hours of Useful Public Service.
- f. Federal funding has been awarded to the City, Mesa County, City of Fruita, and City of Palisade in the form of a \$83,350 Juvenile Accountability Incentive Block Grant for the purpose of funding additional personnel at Partners who provide supervision for these groups of juveniles.
- g. The City will provide a cash match of \$3,670 which has been budgeted into the Police Department budget.
- h. This grant consists of federal funds, which is not included in any TABOR calculations.

NOW THEREFORE, THE CITY COUNCIL FINDS AND RESOLVES AS FOLLOWS:

1. The Council adopts the foregoing Recitals as its findings.
2. The above-described Juvenile Accountability Incentive Block Grant in the amount of \$83,350.00 is approved and accepted.

PASSED AND ADOPTED on this 17th day of April, 2002.

Mayor

ATTEST:

Stephanie Tuin
City Clerk, CMC

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Rinderle Annexation	
Meeting Date:	April 17, 2002	
Date Prepared:	April 10, 2002	
Author:	Bill Nebeker	Senior Planner
Presenter Name:	Bill Nebeker	Senior Planner
Workshop	X	Formal Agenda

Subject: Rinderle Annexation for development of the Durango Acres Subdivision, #ANX-2002-027.

Summary: Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance 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.

Background Information: See Attached

Budget: N/A

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

Citizen Presentation:	No	Yes	If Yes,
Name:			
Purpose:			
Report results back to Council:	X	No	Yes
Placement on Agenda:	Consent	X	Indiv. Consideration
			Workshop

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

Staff Analysis:**Acceptance of the Annexation Petition:**

This annexation area consists of annexing 11.575 acres of land. A portion of 28 Road adjacent to this parcel is also being 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;

Annexation Ordinance:

When annexed the petitioner proposes a 39-lot single family development in two phases on 9.88 acres. The Planning Commission approved the preliminary plat on March 26, 2002. The zone of annexation of RSF-4 will be considered at the same hearing as the annexation. This annexation consists of annexing one parcel. The total size of the annexation (11.575 acres) is larger than the subdivision (estimated at 9.88 acres) since it includes a portion of 28 Road.

Action Requested/Recommendation: Adopt resolution to accept petition and adopt annexation ordinance on second reading.

Attachments:

Resolution Accepting Petition
Annexation Ordinance
Vicinity Map
Aerial Photo
Annexation Map

RESOLUTION NO. __-01

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

RINDERLE ANNEXATION

IS ELIGIBLE FOR ANNEXATION

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

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

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼), the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and a portion of the 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, being more particularly described as follows:

ALL of Lot 2, said Plat of Miles Craig Minor Subdivision, TOGETHER WITH the following described parcel of land; BEGINNING 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 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; thence S 89°53'01" W a distance of 30.00 feet to a point being the Southeast corner of said Lot 2; thence N 00°06'59" W along a line 30.00 feet West of and parallel with the East line of the NW ¼ SE ¼ of said Section 26, being the East line of said Lot 2, a distance of 628.21 feet to a point on the North line of the NW ¼ SE ¼ of said Section 26; thence continuing along the East line of said Lot 2, N 00°11'27" E along a line 30.00 feet West of and parallel with the East line of the SW ¼ NE ¼ of said Section 26, a distance of 143.08 feet to a point being the Southeast corner of Lot 1 of said Plat of Miles Craig Minor Subdivision; thence S 89°36'24" E a distance of 30.00 feet to a point on the East line of the SW ¼ NE ¼ of said Section 26; thence S 00°11'27" W, along the East line of the SW ¼ NE ¼ of said Section 26, a distance of 143.08 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of April, 2002; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this 17th day of April, 2002.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

RINDERLE ANNEXATION

APPROXIMATELY 11.575 ACRES

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

WHEREAS, on the 6th 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: 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... Southerly 75.21 feet along said curve, through a central angle of 04°57'13"; thence...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... Southerly 80.41 feet along said curve, through a central angle of 04°57'13"; thence...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 6th day of March, 2002.

ADOPTED and ordered published this ____ day of _____, 2002.

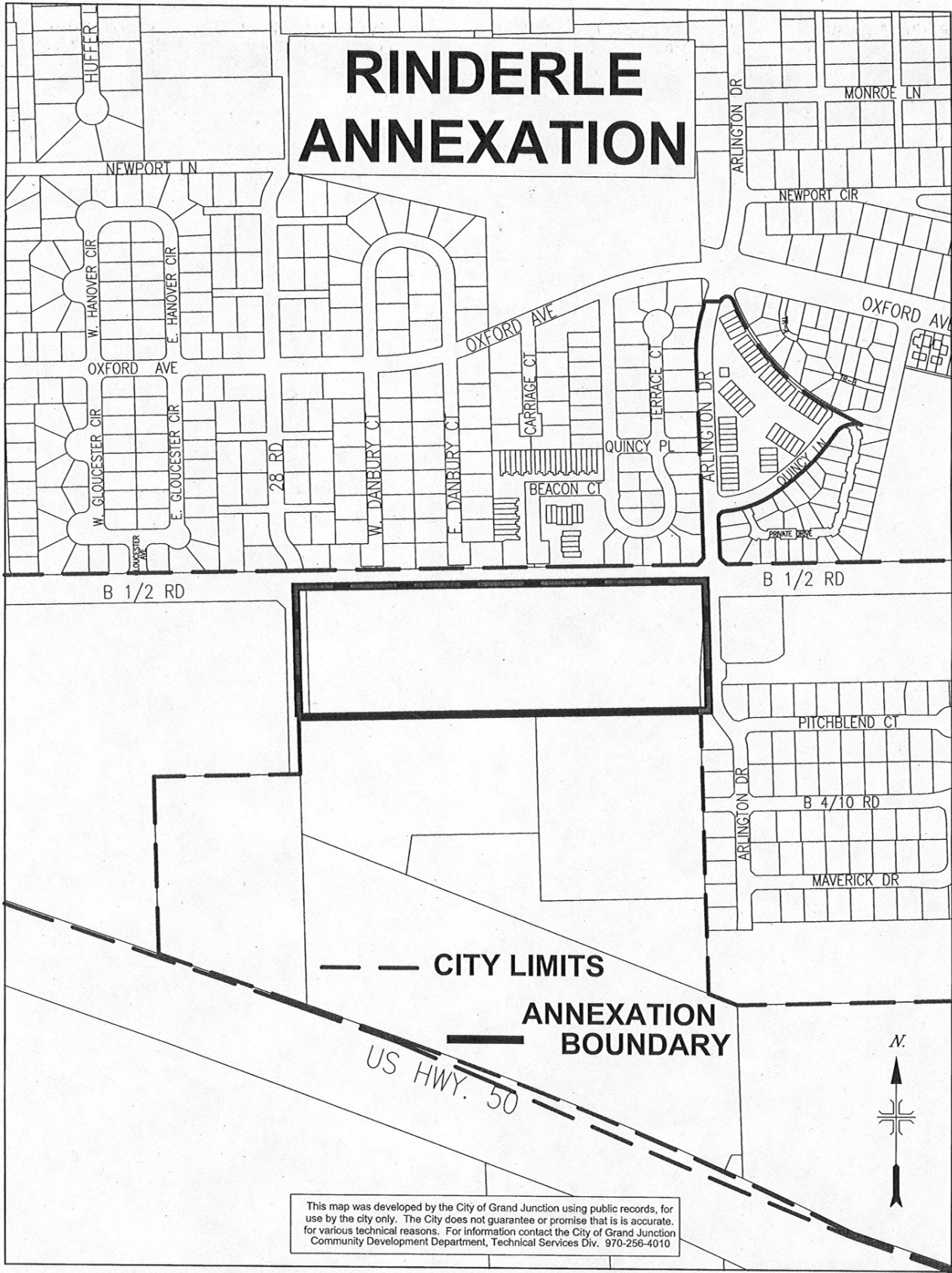
Attest:

President of the Council

City Clerk



RINDERLE ANNEXATION



--- CITY LIMITS

— ANNEXATION
BOUNDARY



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

**Attachment 13
Public Hearing – Zoning Rinderle Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Rinderle Annexation		
Meeting Date:	April 17, 2002		
Date Prepared:	April 10, 2002		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda

Subject: Zoning the Rinderle Annexation for development of the Durango Acres Subdivision, #ANX-2002-027.

Summary: The applicant proposes a zone of annexation of RSF-4 for the 11.575 acre Rinderle Annexation. A preliminary plan to subdivide the parcel into 39 single-family lots was approved by the Planning Commission at its March 26, 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 second reading.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:							
Purpose:							
Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:
Placement on Agenda:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Consent		Indiv. Consideration			Workshop

BACKGROUND INFORMATION					
Location:		SE corner of 28 Road and B ½ Road			
Applicants:		A.C. Rinderle Trust – owner Jerry Slaugh – representative			
Existing Land Use:		Vacant			
Proposed Land Use:		Single family residential (39 lots)			
Surrounding Land Use:	North	Residential			
	South	Vacant			
	East	Residential			
	West	Vacant			
Existing Zoning:		County RSF-4			
Proposed Zoning:		RSF-4			
Surrounding Zoning:	North	County PUD			
	South	County RSF-4			
	East	City RMF-5			
	West	City C-1			
Growth Plan Designation:		Residential Medium Low (2 to 4 du/acre)			
Zoning within density range?		X	Yes		No

Zone of Annexation

The applicant is requesting a zone of annexation from County RSF-4 to City RSF-4. This zoning is consistent with the Future Land Use Map of 2 to 4 dwellings per acre on this parcel and developed subdivisions to the north and east. At its hearing of March 26, 2002 the Planning Commission found that the proposed rezone is in compliance with Section 2.6.A of the Zoning and Development Code as follows. The Planning Commission's findings 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. *No increase in density is proposed with this rezone. However, there has been a change in character in the area due to the construction of Arrowhead Acres subdivision to the east and development to urban densities in the county, north of this site.*

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 an urbanized use, particularly since this property abuts lower density rural parcels to the south. However these parcels have the potential for redevelopment to urban densities.*
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. *All utilities are available to serve the development. B ½ Road is a two-lane street that has been determined to be adequate in size to accommodate the increased traffic generated by this 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. *The applicant is providing new housing for a growing Grand Junction population.*

Action Requested/Recommendation: Adopt ordinance on second reading.

Attachments:

Aerial Photo

Vicinity Map

Growth Plan – Future Land Use Map

Annexation Map

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**ZONING THE RINDERLE ANNEXATION
RESIDENTIAL SINGLE FAMILY – FOUR (RSF-4),
LOCATED AT THE SOUTHEAST CORNER
OF 28 ROAD 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**

Includes the following tax parcel 2943-303-00-269.

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: 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... Southerly 75.21 feet along said curve, through a central angle of 04°57'13"; thence... 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... Southerly 80.41 feet along said curve, through a central angle of 04°57'13"; thence... 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.

Introduced on first reading this ____ day of _____, 2002.

PASSED and ADOPTED on second reading this ____ day of _____, 2002.

Attest:

President of the Council

City Clerk



RINDERLE ANNEXATION



--- CITY LIMITS

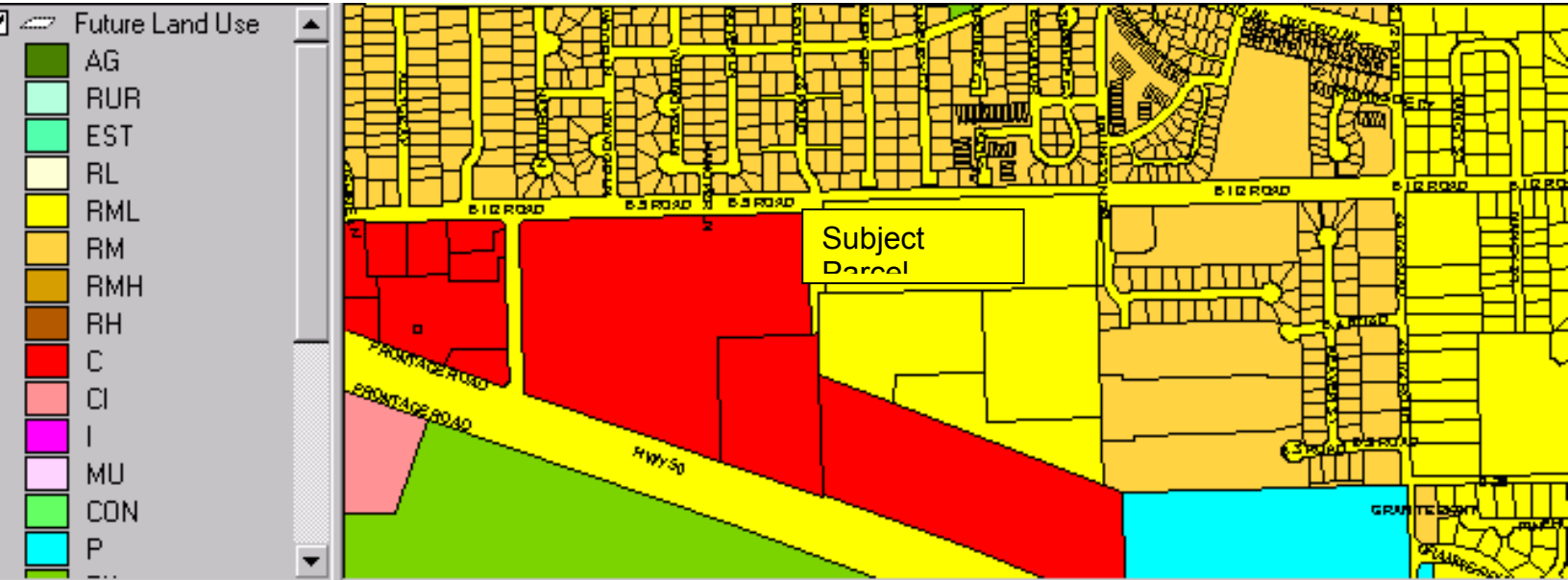
— ANNEXATION BOUNDARY



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Growth Plan - Future Land Use Map

Subject parcel is designated for Residential Medium Low 2-4 Dwellings per acre.



Public Hearing – Vacation & Multi-Purpose Easements, Fountainhead Blvd.

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Vacation of Right-of-Way & Multi-purpose Easements – Fountainhead Blvd.	
Meeting Date:	April 17, 2002	
Date Prepared:	April 10, 2002	
Author:	Bill Nebeker	Senior Planner
Presenter Name:	Bill Nebeker	Senior Planner
Workshop	X	Formal Agenda

Subject: Vacation of right-of-way and multi-purpose easements – Fountainhead Blvd. located in the Fountain Greens Subdivision between 24 ¾ Road and 25 Road, north of G Road. #FPP-2002-029

Summary: The applicant requests to vacate a portion of Fountainhead Blvd. right-of-way and multi-purpose easements paralleling this right-of-way that was dedicated to provide curb returns to future public streets in Filing 3. These streets are now proposed to be private and the public right-of-way is no longer necessary. The Planning Commission recommends approval.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Adopt right-of-way vacation ordinance on second reading and adoption easement vacation resolution.

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

BACKGROUND INFORMATION			
Location:		East side of 24 ³ / ₄ Rd, 1100' north of G Road	
Applicants:		Fountain Greens LLC	
Existing Land Use:		Vacant	
Surrounding Land Use (to PD):		North	
Existing Zoning:	South	Grand Valley Canal & low density SF residential	
	East	Single family residential	
	West	Vacant	
		Single family residential	
Proposed Zoning:		PD	
Surrounding Zoning:		North	
		County RSF-R	
	South	PD & RMF-5	
	East	RSF-4	
	West	RMF-5	
Growth Plan Designation:		Residential Medium High: 8 to 12 units per acre	
Zoning within density range?		X	Yes
			No

STAFF ANALYSIS

When Fountain Greens Filing 2 was platted it included the curb and right-of-way returns for future streets that would access the area included in Filing 3. With the new design that includes private streets these public street entrances and the 14-foot multi-purposes easements adjoining them are no longer necessary. The applicant requests to vacate these rights-of-way and easements. Filing 3 will rededicate the needed multi-purpose easements in the required locations to fit the new layout.

Review Criteria: At its hearing of March 26, 2002 the Planning Commission found that the proposed rights-of-way and easement vacations conform to the review criteria set forth in Section 2.11C of the Zoning and Development Code as follows:

1. Granting the easement and rights-of-way vacation does not conflict with applicable Sections of the Growth Plan and other adopted plans and policies of the City.

2. No parcel becomes landlocked as a result of the vacation.
3. Access to any parcel is not restricted.
4. There are no adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to this vacation.
5. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code.
6. The proposal provides benefits to the City by eliminating excess right-of-way not needed for the foreseeable future and by allowing development of Fountain Greens Filing 3 with private streets.

PLANNING COMMISSION RECOMMENDATION: Approval.

Attachments to this report include the following:

Aerial photo/Vicinity map

Right-of-Way vacation exhibit

Fountain Greens Filing 3 - Final Plan (showing location of vacations)

CITY OF GRAND JUNCTION

Ordinance No. _____

**VACATING A PORTION OF FOUNTAINHEAD BLVD. IN CONJUNCTION
WITH FOUNTAIN GREENS FILING 3 SUBDIVISION LOCATED
BETWEEN 24 ³/₄ AND 25 ROADS, NORTH OF G ROAD**

Recitals.

When Fountain Greens Filing 2 was platted it included the right-of-way returns on Fountainhead Blvd. for future public streets that would access the area included in Filing 3. With the new design of Filing 3 that includes private streets these public street entrances and the 14-foot multi-purposes easements adjoining them are no longer necessary. The applicant requests to vacate these rights-of-way. The multi-purpose easements will be vacated by resolution.

At its March 26, 2002 hearing the City Planning Commission found that the request to vacate this portion of Fountainhead Blvd. conforms to the review criteria as set forth in Section 2.11C and recommended approval.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described portion of Fountainhead Blvd. is hereby vacated:

Parcel 1:

A parcel of land located in Block 5, Fountain Greens Subdivision Filing No, Two, as recorded in Plat Book 17, at Pages 237 through 239, Mesa County, Colorado records, being more particularly described as follows:

Commencing at the Southeast corner of Section 33, Township 1 North, Range 1 West, of the Ute Meridian; Thence along the East line of said Section 33, North 00° 11' 29" West, a distance of 1185.74 feet, to the intersection of the centerlines of 25 Road and Fountain Greens Place; Thence along the centerline of Fountain Greens Place South 89° 48' 31" West, a distance of 58.00 feet; Thence North 00° 11' 29" West, a distance of 26.00 feet to a point on the South line of Block 5, Fountain Greens Subdivision Filing No, Two, as recorded in Plat Book 17, at Pages 237 through 239, Mesa County, Colorado records; Thence along said South line North 44° 48' 31" East, a distance of 11.32 feet to the POINT OF BEGINNING; Thence North 00°11' 29" West, a distance of 277.18 feet;

Thence South 56° 42' 17" East, a distance of 20.38 feet to the East line of said Block 5; Thence along said East line South 00°11' 29" East, a distance of 248.93 feet; Thence South 44° 48' 31" West, a distance of 24.04 feet to the POINT OF BEGINNING.

Parcel 2:

THAT PART OF Fountain Head Boulevard, located in, Fountain Greens Subdivision, Filing No. Two, as recorded in Plat Book 17, at Pages 237 - 239, Mesa County, Colorado records, being more particularly described as follows:

Commencing at the Northwest Corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 1 North, Range 1 West of the Ute Meridian; whence the Southwest Corner of the Southeast Quarter, of the Southeast Quarter of Section 33 bears South 00 degrees 07 minutes 59 seconds East, a distance of 1317.69 feet, for a basis of bearing, with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 59 seconds West, a distance of 286.05 feet; thence North 89 degrees 52 minutes 28 seconds East, a distance of 26.00 feet, to the Southwest Corner of Block 5, said Fountain Greens Subdivision Filing no. Two; thence, along the Northerly Right-of-Way line of said Fountainhead Boulevard, South 45 degrees 07 minutes 46 seconds East, a distance of 35.35 feet; thence, continuing along said Right-of-Way line, North 89 degrees 52 minutes 28 seconds East, a distance of 438.78 feet to the POINT OF BEGINNING; thence North 89 degrees 52 minutes 28 seconds East, a distance of 94.00 feet; thence the following three courses along said right-of-way line;

- 1) North 45 degrees 07 minutes 32 seconds West, a distance of 35.36 feet;
- 2) South 89 degrees 52 minutes 28 seconds West, a distance of 44.00 feet;
- 3) South 44 degrees 52 minutes 28 seconds West, a distance of 35.36 feet ;

to the POINT OF BEGINNING.

INTRODUCED for FIRST READING and PUBLICATION this day of 2002.

PASSED on SECOND READING this day of , 2002.

ATTEST:

City Clerk

President of City Council

CITY OF GRAND JUNCTION

Resolution No. _____

**VACATING A PORTION OF A MULTI-PURPOSE EASEMENT
PARALLELING FOUNTAINHEAD BLVD. IN CONJUNCTION WITH
FOUNTAIN GREENS FILING 3 SUBDIVISION LOCATED
BETWEEN 24 ³/₄ AND 25 ROADS, NORTH OF G ROAD**

Recitals.

When Fountain Greens Filing 2 was platted it included the right-of-way returns on Fountainhead Blvd. for future public streets that would access the area included in Filing 3. With the new design of Filing 3 that includes private streets these public street entrances and the 14-foot multi-purposes easements adjoining them are no longer necessary. The applicant requests to vacate these multi-purpose easements. The right-of-way will be vacated by ordinance. New multi-purpose easements paralleling Fountainhead Blvd. will be rededicated on the plat for Fountain Greens Filing 3.

At its March 26, 2002 hearing the City Planning Commission found that the request to vacate this portion of Fountainhead Blvd. conforms to the review criteria as set forth in Section 2.11C and recommended approval.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described multi-purpose easements are hereby vacated:

Parcel 1:

A 14 foot wide multi purpose easement located in Block 5, Fountain Greens Subdivision Filing no. two, as recorded in Plat Book 17, at Pages 237 - 239, Mesa County, Colorado Records, being more particularly described as follows:

Commencing at the Northwest Corner of the Southeast ¹/₄ of the Southeast ¹/₄ of Section 33 of Township 1 North, Range 1 West of the Ute Meridian; whence the Southwest Corner of the Southeast Quarter, of the Southeast Quarter of Section 33 bears South 00 degrees 07 minutes 59 seconds East, a distance of 1317.69 feet for a basis of bearing, with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 59 seconds West, a distance of 286.05 feet; thence North 89 degrees 52 minutes 28 seconds East, a distance of 26.00 feet, to the Southwest Corner of Block 5, said Fountain Greens Subdivision Filing no. two; thence along the Northerly Right-of-Way line of said Fountainhead Boulevard, South 45 degrees 07 minutes 46 seconds East, a distance of 35.35 feet; thence continuing along said Right-of-Way line, North 89

degrees 52 minutes 28 seconds East, a distance of 35.88 feet; thence along Said Right-of-Way line North 44 degrees 52 minutes 28 seconds East, a distance of 19.80 feet to the POINT OF BEGINNING; thence the following three courses along said right-of-way line;

- 1) North 44 degrees 52 minutes 28 seconds East, a distance of 15.56 feet;
- 2) North 89 degrees 52 minutes 28 seconds East, a distance of 44.00 feet;
- 3) South 45 degrees 07 minutes 32 seconds East, a distance of 15.56 feet;

thence North 89 degrees 52 minutes 28 seconds East, a distance of 19.80 feet; thence North 45 degrees 07 minutes 32 seconds West, a distance of 35.36 feet; thence South 89 degrees 52 minutes 28 seconds West, a distance of 55.60 feet; thence South 44 degrees 52 minutes 28 seconds West, a distance of 35.36 feet; thence North 89 degrees 52 minutes 28 seconds East, a distance of 19.80 feet to the POINT OF BEGINNING.

Parcel2:

A 14 foot wide multi purpose easement located in Block 5, Fountain Greens Subdivision Filing no. two, as recorded in Plat Book 17, at Pages 237 - 239, Mesa County, Colorado Records, being more particularly described as follows:

Commencing at the Northwest Corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33 of Township 1 North, Range 1 West of the Ute Meridian; whence the Southwest Corner of the Southeast Quarter, of the Southeast Quarter of Section 33 bears South 00 degrees 07 minutes 59 seconds East, a distance of 1317.69 feet for a basis of bearing, with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 59 seconds West, a distance of 286.05 feet; thence North 89 degrees 52 minutes 28 seconds East, a distance of 26.00 feet, to the Southwest Corner of Block 5, said Fountain Greens Subdivision Filing no. two; thence along the Northerly Right-of-Way line of said Fountainhead Boulevard, South 45 degrees 07 minutes 46 seconds East, a distance of 35.35 feet; thence continuing along said Right-of-Way line, North 89 degrees 52 minutes 28 seconds East, a distance of 438.78 feet; thence along Said Right-of-Way line North 44 degrees 52 minutes 28 seconds East, a distance of 19.80 feet to the POINT OF BEGINNING; thence the following three courses along said right-of-way line;

- 1) North 44 degrees 52 minutes 28 seconds East, a distance of 15.56 feet;
- 2) North 89 degrees 52 minutes 28 seconds East, a distance of 44.00 feet;
- 3) South 45 degrees 07 minutes 32 seconds East, a distance of 15.56 feet;

thence North 89 degrees 52 minutes 28 seconds East, a distance of 19.80 feet; thence North 45 degrees 07 minutes 32 seconds West, a distance of 35.36 feet; thence South 89 degrees 52 minutes 28 seconds West, a distance of 55.60 feet; thence South 44 degrees 52 minutes 28 seconds West, a distance of 35.36 feet; thence North 89 degrees 52 minutes 28 seconds East, a distance of 19.80 feet to the POINT OF BEGINNING.

PASSED and ADOPTED this day of , 2002.

ATTEST:

City Clerk

President of City Council



I-70

Fountain Greens Filing

2701-334-36-001

25

G Road

EXHIBIT A

Road Right-of-Way Vacation and Fourteen Foot Multi-Purpose Easement Vacation

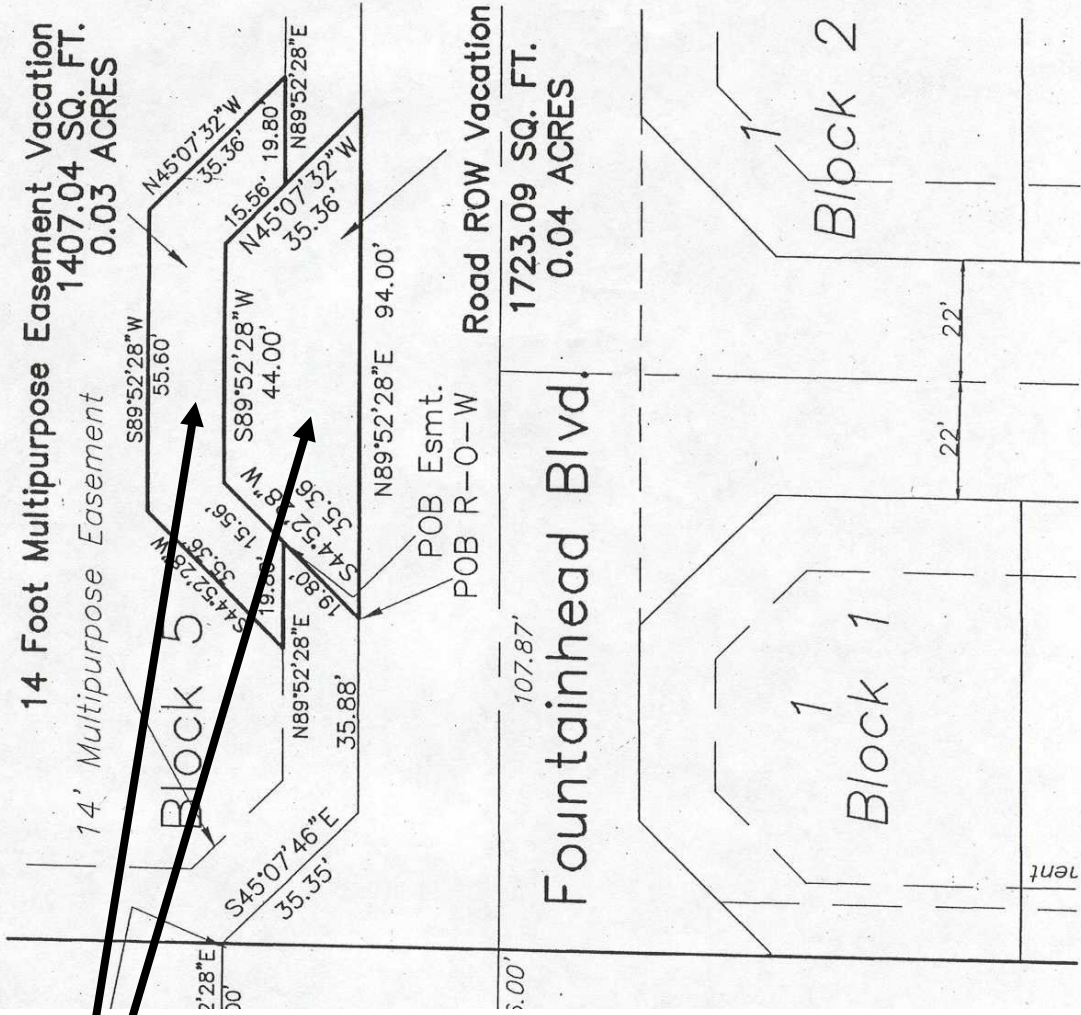




EXHIBIT B

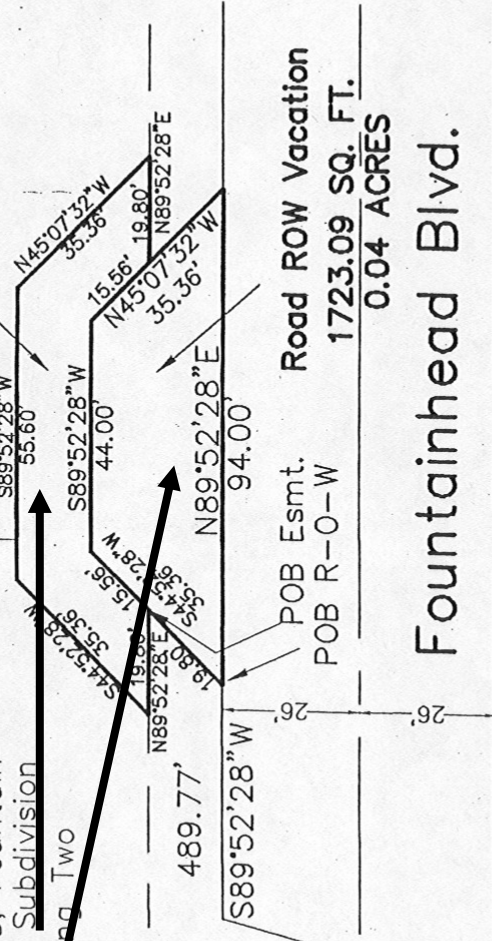
Road Right-of-Way Vacation and Fourteen Foot Multi-Purpose Easement Vacation

14 Foot Multipurpose Easement Vacation
1407.04 SQ. FT.
0.03 ACRES

Block 5

Southwest Corner
of Block 5, Fountain
Greens Subdivision

Area vacated with this ordinance
and resolution.

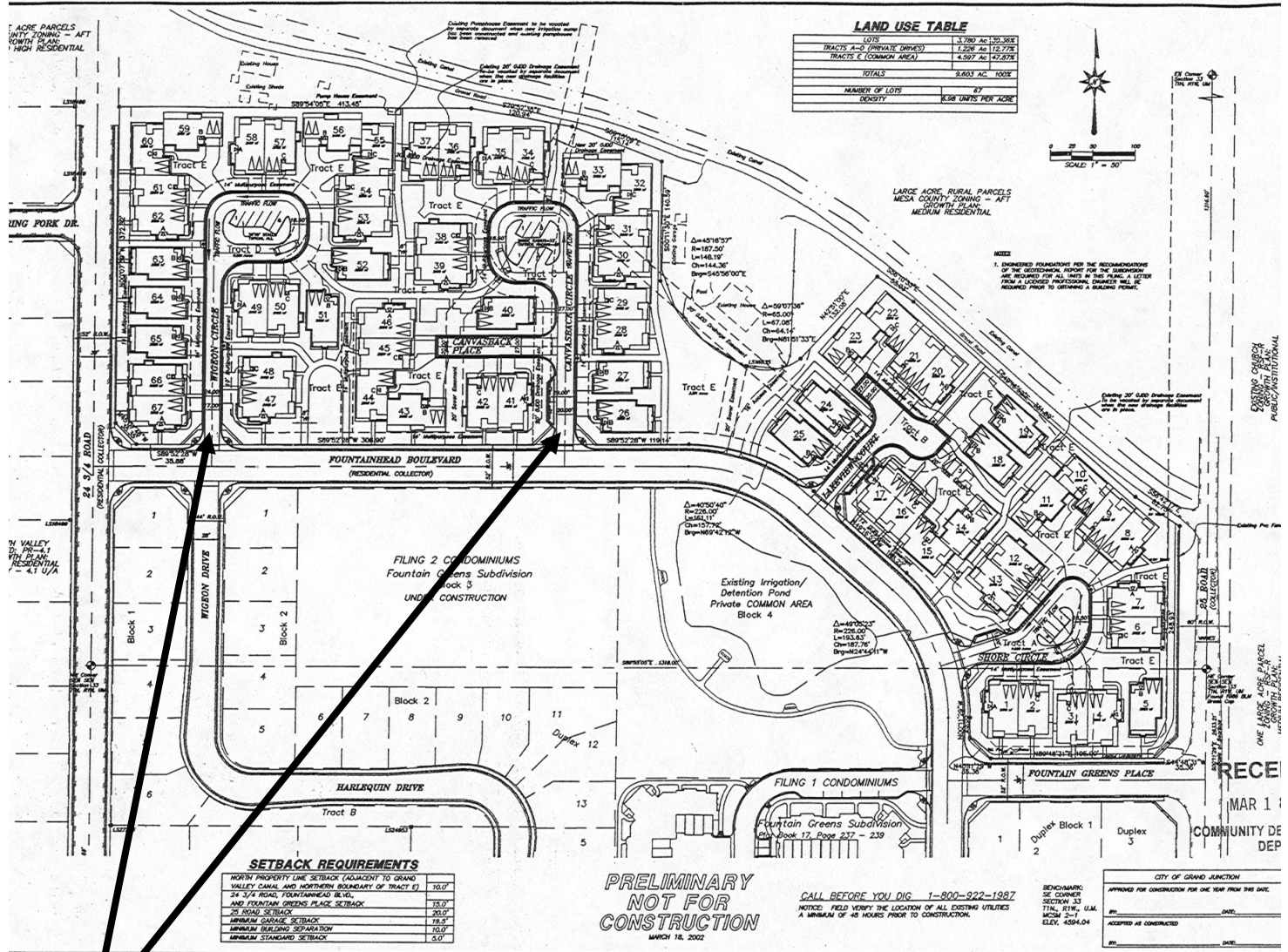


POB Esmt. Road ROW Vacation
1723.09 SQ. FT.
0.04 ACRES

Fountainhead Blvd.

Block 3

Fountain Greens Filing 3 – Final Plan



Approximate location of right-of-way and easement vacations.

**PRELIMINARY
NOT FOR
CONSTRUCTION**
MARCH 18, 2002

CALL BEFORE YOU DIG 1-800-922-1987
NOTICE: FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.

BENCHMARK: SEE OWNER SECTION 13 T14L R17E, U1M M20N 24-1 ELEV. 4394.04

CITY OF GRAND JUNCTION
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
DATE: _____
ACCEPTED AS CONSTRUCTED DATE: _____

**Attachment 15
Public Hearing – Vacating a Portion of 25 Road Right-of-Way**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Vacating a Portion of 25 Road Right-of-Way	
Meeting Date:	April 17, 2002	
Date Prepared:	April 10, 2002	
Author:	Bill Nebeker	Senior Planner
Presenter Name:	Bill Nebeker	Senior Planner
	Workshop	<input checked="" type="checkbox"/> Formal Agenda

Subject: Vacation of right-of-way – 25 Road located adjacent to Fountain Greens Filing 3 Subdivision at the north side of Fountainhead Blvd. #FPP-2002-029

Summary: The applicant requests to vacate a 17-foot wide strip of 25 Road right-of-way adjacent to Fountain Greens Filing 3. The previous developer of this site (Fountainhead Subdivision) had tried to vacate this right-of-way by replat. Adoption of an ordinance is required to vacate the right-of-way correctly. The Planning Commission recommends approval.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Adopt ordinance second reading.

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

BACKGROUND INFORMATION					
Location:		East side of 24 ³ / ₄ Rd, 1100' north of G Road			
Applicants:		Fountain Greens LLC			
Existing Land Use:		Vacant			
Proposed Land Use:		67 single family attached and detached dwellings			
Surrounding Land Use (to PD):	North	Grand Valley Canal & low density SF residential			
	South	Single family residential			
	East	Vacant			
	West	Single family residential			
Existing Zoning:		PD			
Proposed Zoning:		No change proposed			
Surrounding Zoning:	North	County RSF-R			
	South	PD & RMF-5			
	East	RSF-4			
	West	RMF-5			
Growth Plan Designation:		Residential Medium High: 8 to 12 units per acre			
Zoning within density range?		X	Yes		No

STAFF ANALYSIS

Prior to Fountain Greens, the previous developer of the Fountainhead Subdivision caused a plat to be recorded that dedicated to the public an additional 20 feet for 25 Road right-of-way. Later with the Replat of Fountainhead Subdivision, the developer attempted to vacate this 20 feet by replat and rededicate an additional 3 feet for right-of-way. Only recently did the City become aware of this platting error. According to city regulations and state law, right-of-way cannot be vacated by replat. The applicant now requests to formally vacate the 17 feet that was previously replatted.

At the time of preliminary plan approval for the Fountain Greens Subdivision, 25 Road was designated as a collector street on the Major Street Plan, requiring only a 30 foot half street. Currently there is 33-foot half street for 25 Road between G Road and the north side of this subdivision. The updated Major Street Plan changed the designation of 25 Road from a collector to a minor arterial, requiring a 40-foot half street.

This change was based on the prospect of a 25 Road interchange at I-70 at some time in the future. Public Works staff has determined that when 25 Road is widened from its

two-lane section it will be constructed as a three-lane collector rather than a five lane minor arterial. Unless an interchange is constructed, traffic counts in this area do not warrant a wider street. Since additional right-of-way (for a 40-foot half street) was not acquired through previous filings and there is no immediate need for the additional right-of-way, staff supports the vacation of the 17-foot which conforms with the Major Street Plan at the time of preliminary plan adoption.

Review Criteria: Staff finds that the proposed right-of-way vacation conforms to the review criteria set forth in Section 2.11C of the Zoning and Development Code as follows:

1. Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan and other adopted plans and policies of the City. The vacation of right-of-way on 25 Road conflicts with the major street plan but due to outstanding circumstances including approvals granted under the prior major street plan designation, buildout of the majority of the subdivision under the prior designation, low traffic counts on 25 Road and the potential for a wider roadway on the lower density east side of the road, staff does not foresee a conflict with approving this vacation.
2. No parcel becomes landlocked as a result of the vacation.
3. Access to any parcel is not restricted.
4. There are no adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to this vacation. There is sufficient right-of-way along 25 Road to accommodate future widening to a three-lane section.
5. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code.
6. The proposal provides benefits to the City by eliminating excess right-of-way not needed for the foreseeable future and by allowing development of Fountain Greens Filing 3 at it's planned density.

PLANNING COMMISSION RECOMMENDATION: Approval.

Attachments to this report include the following:

Aerial photo/Vicinity map
Right-of-Way vacation exhibit
Fountain Greens Filing 3 - Final Plan (showing location of vacation)

CITY OF GRAND JUNCTION

Ordinance No. _____

VACATING A PORTION OF 25 ROAD ADJACENT TO FOUNTAIN GREENS FILING 3 SUBDIVISION LOCATED BETWEEN 24 $\frac{3}{4}$ AND 25 ROADS, NORTH OF G ROAD

Recitals.

Prior to Fountain Greens, the previous developer of the Fountainhead Subdivision caused a plat to be recorded that dedicated to the public an additional 20 feet for 25 Road right-of-way. Later with the Replat of Fountainhead Subdivision, the developer attempted to vacate this 20 feet by replat and rededicate an additional 3 feet for right-of-way. Only recently did the City become aware of this platting error. According to city regulations and state law, right-of-way cannot be vacated by replat. The applicant now requests to vacate by ordinance the 17 feet that was previously replatted.

At its March 26, 2002 hearing the City Planning Commission found that the request to vacate this portion of 25 Road conforms to the review criteria as set forth in Section 2.11C and recommended approval.

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

City Council finds that the vacation meets the criteria as set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described portion of 25 Road is hereby vacated:

A parcel of land located in Block 5, Fountain Greens Subdivision Filing No, Two, as recorded in Plat Book 17, at Pages 237 through 239, Mesa County, Colorado records, being more particularly described as follows:

Commencing at the Southeast corner of Section 33, Township 1 North, Range 1 West, of the Ute Meridian; Thence along the East line of said Section 33, North 00° 11' 29" West, a distance of 1185.74 feet, to the intersection of the centerlines of 25 Road and Fountain Greens Place; Thence along the centerline of Fountain Greens Place South 89° 48' 31" West, a distance of 58.00 feet; Thence North 00° 11' 29" West, a distance of 26.00 feet to a point on the South line of Block 5, Fountain Greens Subdivision Filing No, Two, as recorded in Plat Book 17, at Pages 237 through 239, Mesa County, Colorado records; Thence along said South line North 44° 48' 31" East, a distance of 11.32 feet to the POINT OF BEGINNING; Thence North 00°11' 29" West, a distance of 277.18 feet;

Thence South 56° 42' 17" East, a distance of 20.38 feet to the East line of said Block 5;
Thence along said East line South 00°11' 29" East, a distance of 248.93 feet; Thence
South 44° 48' 31" West, a distance of 24.04 feet to the POINT OF BEGINNING.

INTRODUCED for FIRST READING and PUBLICATION this day of 2002.

PASSED on SECOND READING this day of , 2002.

ATTEST:

City Clerk

President of City Council



I-70

INTERSTATE 70

Fountain Greens Filing

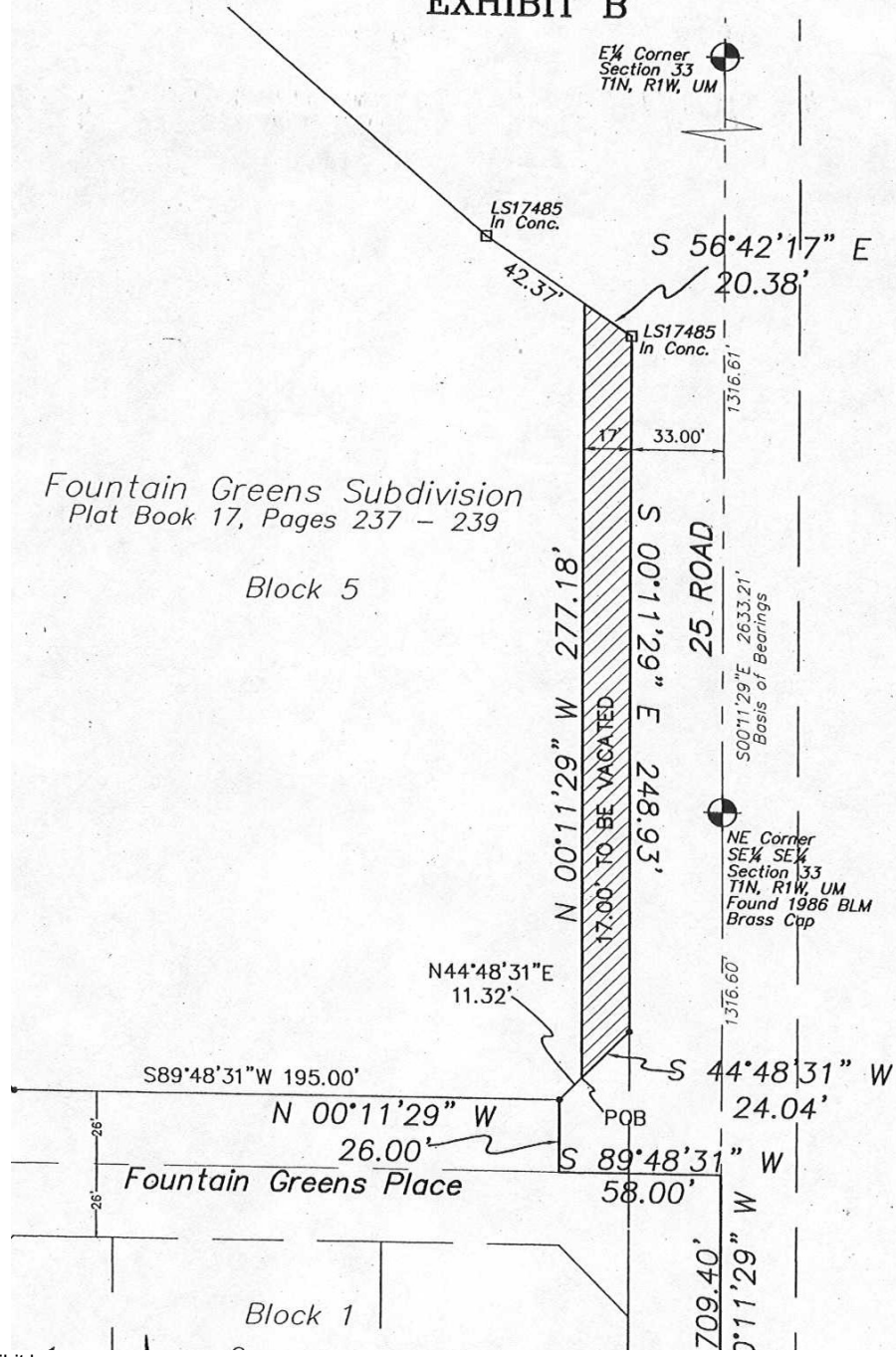
2701-334-36-001

Area to be vacated

25

G Road

EXHIBIT B



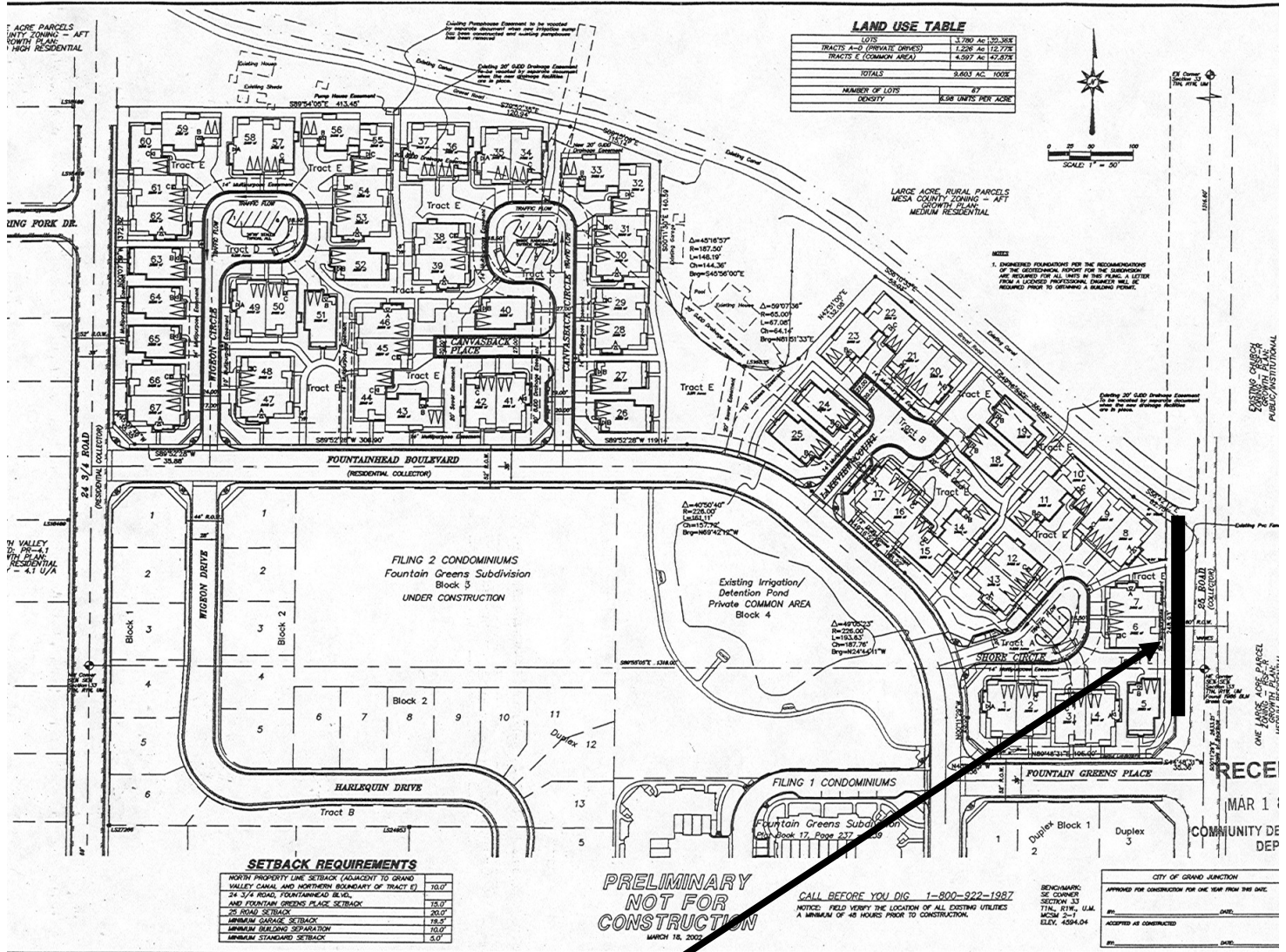
Fountain Greens Subdivision
Plat Book 17, Pages 237 - 239
Block 5

E $\frac{1}{4}$ Corner
Section 33
T1N, R1W, UM

NE Corner
SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 33
T1N, R1W, UM
Found 1986 BLM
Brass Cap

Exhibit b

Fountain Greens Filing 3 – Final Plan



Approximate location of right-of-way vacation.

Attachment 16
Public Hearing – Staton Annexation

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Staton Annexation		
Meeting Date:	April 17, 2002		
Date Prepared:	December 16, 2011		
Author:	Ronnie Edwards	Associate Planner	
Presenter Name:	Ronnie Edwards	Associate Planner	
	Workshop	X	Formal Agenda

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

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance 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 acceptance of petition to annex and second reading of the annexation ordinance.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	X	No		Yes	When:
Placement on Agenda:		Consent	X	Individual Consideration	Workshop

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

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.

<u>STATON ANNEXATION SUMMARY</u>		
File Number:		ANX-2002-028
Location:		2673 ½ B ½ Road
Tax ID Number:		2945-264-00-053
Parcels:		1
Estimated Population:		7
# of Parcels (owner occupied):		1
# of Dwelling Units:		3
Acres land annexed:		17.329 acres for annexation area
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:		Single Family Residence
Future Land Use:		Single Family Residence
Values:	Assessed:	= \$ 20,670
	Actual:	= \$ 200,500
Census Tract:		13
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.

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

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

Attachments:

4. Resolution of Acceptance of Petition
5. Annexation Ordinance
6. Annexation Map

RESOLUTION NO. __-02

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

STATON ANNEXATION

IS ELIGIBLE FOR ANNEXATION

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

WHEREAS, on the 6th day of March 2001, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A 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 ³/₄ 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 ¹/₄ SE ¹/₄ 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, a hearing on the petition was duly held after proper notice on the 17 day of April, 2002; and

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

thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this 17th day of _April, 2002.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

STATON ANNEXATION

APPROXIMATELY 17.329 ACRES

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

WHEREAS, on the 6th 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 $\frac{3}{4}$ of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26; thence N 00°21'11" W, along the West line of the E $\frac{3}{4}$ of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 $\frac{3}{4}$ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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 6th day March, 2002.

ADOPTED and ordered published this 17th day of April, 2002.

Attest:

City Clerk

President of the Council

STATON ANNEXATION

— — City Limits
— — Annexation
Boundary

DOS RIOS
SCHOOL

18"
Ut e Water Lines

Sewer Lines

17.329 acres



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 Unit, 970-295-4010

Attachment 17
Public Hearing – Zoning Staton Annexation

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Zoning Staton Annexation	
Meeting Date:	April 17, 2002	
Date Prepared:	December 16, 2011	
Author:	Ronnie Edwards	Associate Planner
Presenter Name:	Ronnie Edwards	Associate Planner
	Consent Agenda	X Formal Agenda

Subject: Consideration of the zone of annexation to Residential Single Family with a density not to exceed two units per acre (RSF-2) for the Staton Annexation, #ANX-2002-028

Summary: The 17.329-acre Staton Annexation area located at 2673 ½ B ½ Road consists of one parcel of land. Owners of the property have signed a petition for annexation as part of proposed development for construction of a telecommunications tower. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of (RSF-2) conforms to the Growth Plan Future Land Use map and is a lesser density than the existing Mesa County zoning of RSF-4. The Petitioner and Staff find that the land configuration would not support higher density.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Approval of the zone of annexation ordinance of Residential Single Family with a density not to exceed two units per acre (RSF-2) for the Staton Annexation.

<i>BACKGROUND INFORMATION</i>			
Location:		2673 ½ B ½ Road	
Applicants:		Kenneth & Sandra Staton	
Existing Land Use:		Single Family Residence	
Proposed Land Use:		Single Family Residence and Cell Tower	
Surrounding Land Use:	North	Vacant	
	South	Vacant	
	East	Single Family Residences	
	West	Vacant	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-2	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	City RMF-16	
	West	County RSF-R	
Growth Plan Designation:		Residential Medium-Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. This proposed zoning RSF-2 conforms to the City's Growth Plan Future Land Use Map.

RSF-2 ZONE DISTRICT

- This property is currently zoned RSF-4 in Mesa County which does conform to the Future Land Use Map.
- The RSF-2 does conform to the recommended densities found on the Growth Plan Future Land Use map currently designated as Residential Medium Low: 2 to 4 units per acre.
- Zoning this annexation with the RSF-2 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 residential uses with equivalent density.

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.A. 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;*
The existing zoning is RSF-4 in the County and the rezone to City RSF-2 supports the Future Land Use Map. The applicant has chosen a lesser density due to the character of the land.
2. *There as 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 no change of character in the neighborhood. The zone change is being required to give a City zoning designation to the subject property.
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 zoning is compatible with the neighborhood and will not create adverse 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.*
The proposal conforms with the Growth Plan as it supports residential use with a density of two to four units per acre in this particular area. The proposed zoning also adheres to the Orchard Mesa Plan, as it states “rezones must demonstrate compatibility with adjacent uses and the neighborhood”.
5. *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;*
Public facilities and services are available for residential use.
6. *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and*
Not applicable. This proposal is to allow a County residential designation to be changed to a City residential designation.
7. *The community or neighborhood will benefit from the proposed zone.*
The proposed zone will benefit the neighborhood as it is keeping in place a residential zone district equivalent to the adjacent neighborhoods.

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

Action Requested/Recommendation: Planning Commission recommended that City Council approve the zone of annexation of Residential Single Family with a density not to exceed two units per acre (RSF-2) for the Staton Annexation as it meets the criteria of Section 2.6 of the Zoning and Development Code.

Attachments:

7. Annexation Summary
8. Zoning Ordinance
9. Annexation Map

STATON ANNEXATION SUMMARY

File Number:	ANX-2002-028
Location:	2673 ½ B ½ Road
Tax ID Number:	2945-264-00-053
Parcels:	1
Estimated Population:	7
# of Parcels (owner occupied):	1
# of Dwelling Units:	3
Acres land annexed:	17.329 acres for annexation area
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:	Single Family Residence
Future Land Use:	Single Family Residence
Values:	Assessed: = \$ 20,670
	Actual: = \$ 200,500
Census Tract:	13
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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

ZONING THE STATON ANNEXATION TO RESIDENTIAL SINGLE FAMILY WITH A DENSITY NOT TO EXCEED TWO UNITS PER ACRE (RSF-2)

LOCATED AT 2673 1/2 B 1/2 ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-2 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 zone district be established for the following reasons:

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

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

The following property shall be zoned the Residential Single Family with a density not to exceed two units per acre (RSF-2) zone district

Includes the following tax parcel 2945-264-00-053

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

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 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:

- 15.) S 69°04'45" E a distance of 255.10 feet to a point; thence...
- 16.) N 75°48'30" E a distance of 25.28 feet to a point; thence...
- 17.) 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...
- 18.) 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...
- 19.) 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...
- 20.) 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...
- 21.) 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...
- 22.) 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...
- 23.) 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...
- 24.) 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...
- 25.) 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...
- 26.) 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...
- 27.) S 57°01'27" E a distance of 110.28 feet; thence...
- 28.) 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.

Introduced on first reading the 3rd day of April, 2002.

PASSED and ADOPTED on second reading this 17th day of April, 2002.

Attest:

City Clerk

President of the Council

STATON ANNEXATION

— City Limits
— Annexation
Boundary

DOS RIOS
SCHOOL

18"
Ute Water Lines

Sewer Lines

17.329 acres



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HWY 50

**Attachment 18
Public Hearing – Dettmer Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject	Dettmer Annexation		
Meeting Date	April 17, 2002		
Date Prepared	April 10, 2002		
Author	Kristen Ashbeck	Senior Planner	
Presenter Name	Kristen Ashbeck	Senior Planner	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda

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

Summary. Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance 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 Acceptance of Petition to Annex and Second Reading of the annexation ordinance for the Dettmer Annexation.

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

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

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.

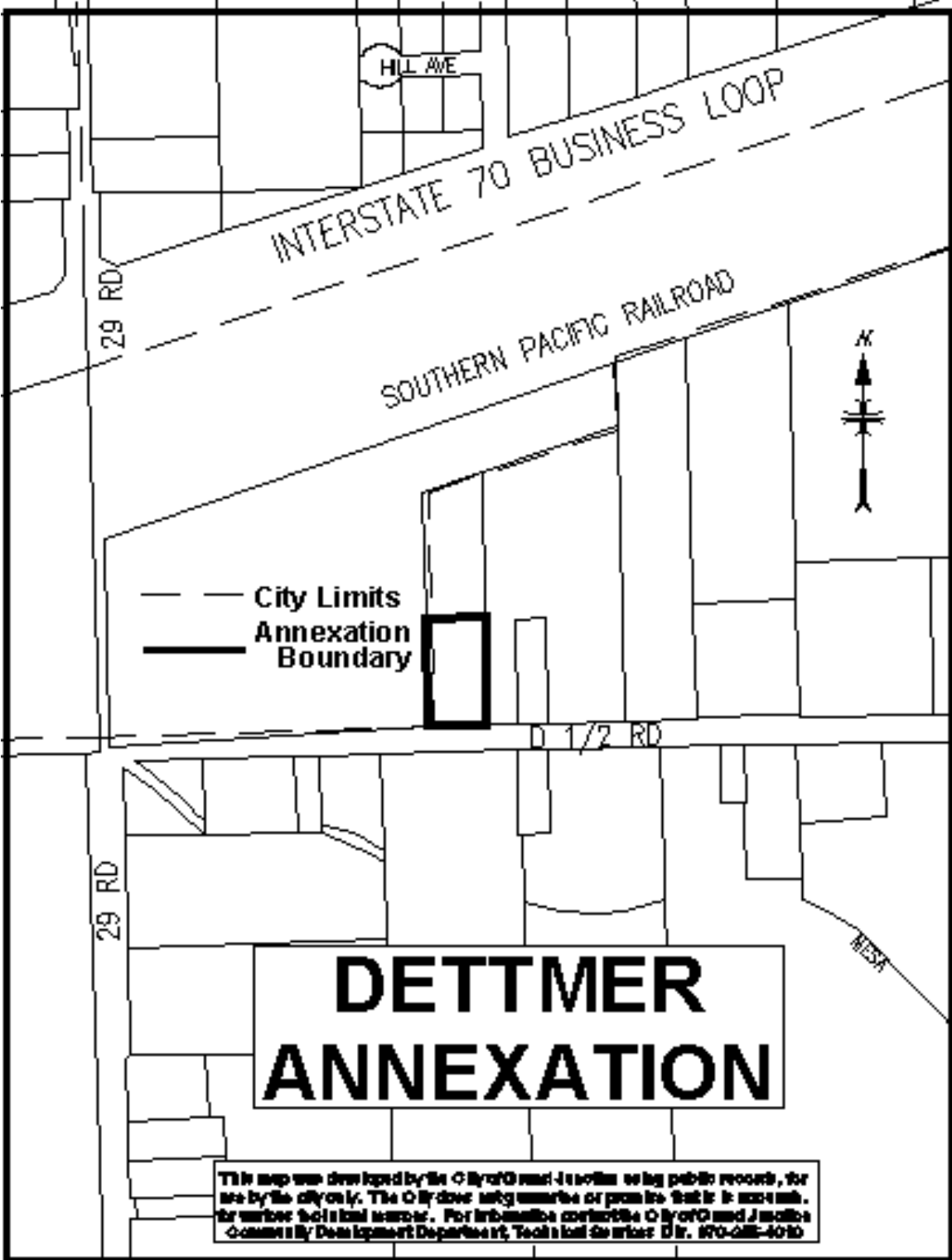
ANNEXATION SCHEDULE	
Mar 6th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Mar 12th	Planning Commission considers Zone of Annexation
April 3rd	First Reading on Zoning by City Council
April 17th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 19th	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. Annexation Map
3. Resolution of Referral of Petition
4. Annexation Ordinance

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



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

**A RESOLUTION ACCEPTING A PETITION TO ANNEX, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS**

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

IS ELIGIBLE FOR ANNEXATION

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 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, a hearing on the petition was duly held after proper notice on the 17th day of April, 2002; and

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

held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowners' consent; and that no election is required under the Municipal Annexation Act of 1965.

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

ADOPTED this 17th day of April, 2002.

Attest:

President of the Council

City Clerk

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____**

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

DETTMER ANNEXATION

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

WHEREAS, on the 6th 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:

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 6th day of March, 2002.

ADOPTED and ordered published this 17th day of April, 2002.

Attest:

President of the Council

City Clerk

**Attachment 19
Public Hearing – Zoning the Dettmer Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject	ANX-2002-013 Dettmer Annexation Zoning		
Meeting Date	April 17, 2002		
Date Prepared	April 10, 2002		
Author	Kristen Ashbeck	Senior Planner	
Presenter Name	Same		
	Consent Agenda	X	Formal Agenda

Subject. Consideration of the zone of annexation to Residential Single Family with a maximum of four units per acre (RSF-4) for the Dettmer Annexation.

Summary. 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.

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan’s Future Land Use Map and recommendation for Residential Medium Low, with residential land uses between 2 and 4 units per acre for this area.

Action Requested/Recommendation. It is recommended that City Council approve the proposed zoning ordinance for the Dettmer Annexation.

BACKGROUND INFORMATION		
Location		2916 D-1/2 Road
Applicants		Warren Dettmer
Existing Land Use		Single Family Residence
Proposed Land Use		Same
Surrounding Land Use	North	Vacant
	South	Large Lot Single Family Residential
	East	Vacant
	West	Vacant
Existing Zoning		Industrial (I-2) in County

Proposed Zoning		RSF-4	
Surrounding Zoning	North	I-2 (Mesa County)	
	South	RSF-R (Mesa County)	
	East	I-2 (Mesa County)	
	West	Light Industrial (I-1 - City)	
Growth Plan Designation		Residential Medium Low with 2 to 4 units per acre	
Zoning within density range?	X	Yes	No

STAFF ANALYSIS

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 RSF-4 conforms to the City’s Growth Plan’s Future Land Use Map.

RSF-4 ZONE DISTRICT

- This property is currently zoned Industrial (I) in Mesa County which does not conform to the Future Land Use Map.
- The proposed RSF-4 zone district does conform to the recommended densities found on the Growth Plans Future Land Use Map. Currently the Map designates the site as Residential Medium Low, 2 to 4 units per acre.
- Zoning this annexation with the RSF-4 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.

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.

Planning Commission Action (3/12/02 - 6-0): Planning Commission recommended approval of the zone of annexation to RSF-4 for the Dettmer Annexation.

ANNEXATION SCHEDULE	
Mar 6th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Mar 12th	Planning Commission considers Zone of Annexation
April 3rd	First Reading on Zoning by City Council
April 17th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 19th	Effective date of Annexation and Zoning

Attachments:

1. Annexation Summary
2. Proposed Zoning Ordinance
3. Annexation Map
4. Future Land Use Map

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

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE No. ____**

**Zoning the Dettmer Annexation to Residential Single Family
with a Maximum Density of 4 units per acre (RSF-4)
Located at 2916 D-1/2 Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-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 conforming to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED THE RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE (RSF-4) ZONE DISTRICT:

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.

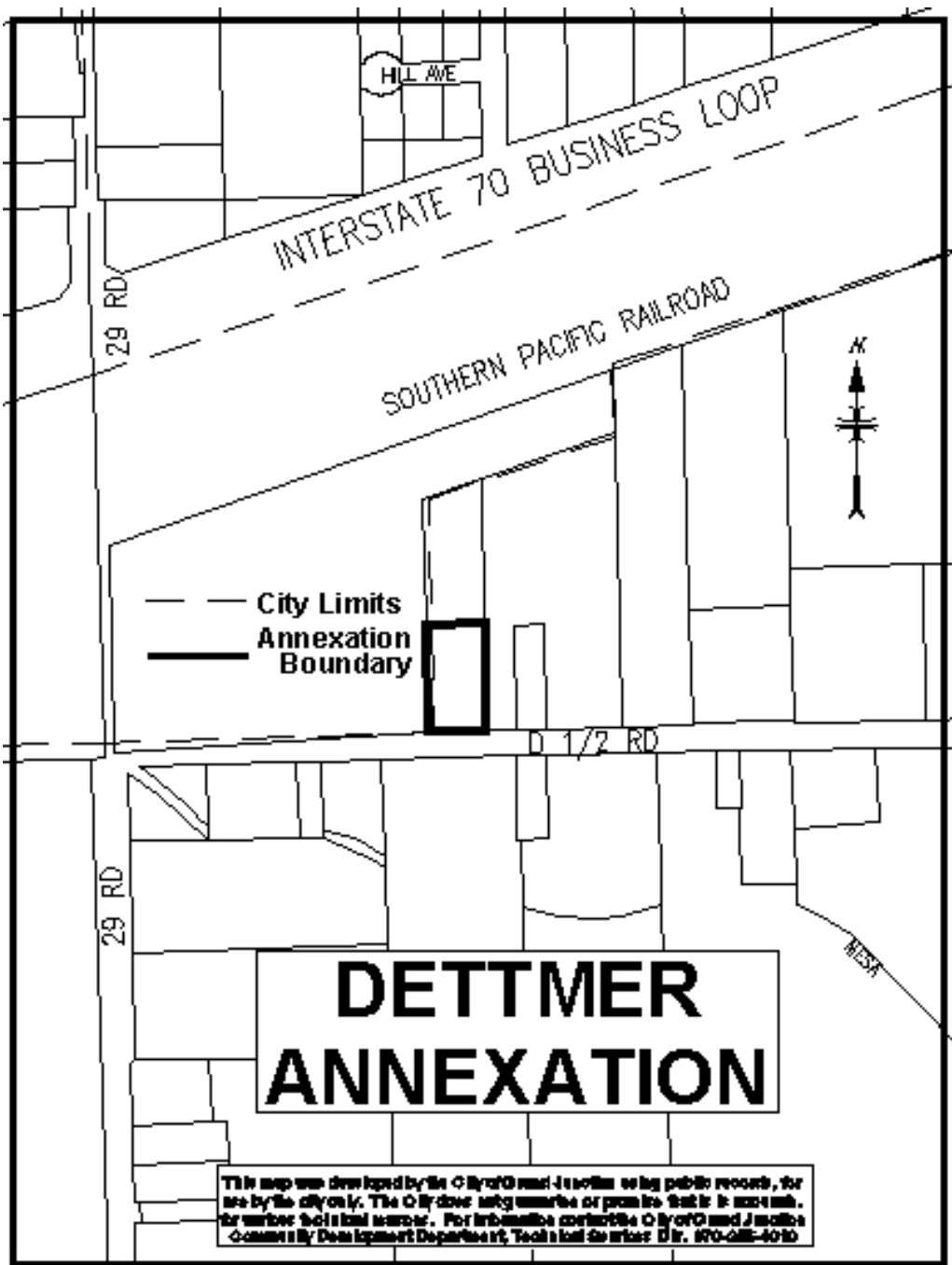
Introduced on first reading this 3rd day of April 2002.

PASSED and ADOPTED on second reading this 17th day of April, 2002.

Mayor

ATTEST:

City Clerk



DETTMER ANNEXATION

This map was developed by the City of Orem and Jacobs using public records, for use by the city only. The City does not guarantee or promise that it is accurate, for neither the actual nor any other purpose. For information contact the City of Orem and Jacobs Community Development Department, Technical Services Division, 870-688-4010.

FUTURE LAND USE MAP

Salmon = Commercial/Industrial
Yellow = Residential Medium Low
Gold = Residential Medium



Attachment 20
Public Hearing – Traver Annexation

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject	Traver Annexation No. 3		
Meeting Date	April 17, 2002		
Date Prepared	April 10, 2002		
Author	Kristen Ashbeck	Senior Planner	
Presenter Name	Kristen Ashbeck	Senior Planner	
	Workshop	X	Formal Agenda

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

Summary. Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance 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 Resolution for the acceptance of petition to annex and second reading of the annexation ordinance for the Traver Annexation No. 3.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	X	No		Yes	When:
Placement on Agenda:		Consent	X	Indiv. Consideration	Workshop

<i>BACKGROUND INFORMATION</i>					
Location		Grand Valley Canal, Northeast of 30 and D Roads			
Applicants		Richard and Marianne Traver			
Existing Land Use		Grand Valley Canal			
Proposed Land Use		Same			
Surrounding Land Use	North	Vacant and Large Lot Single Family Residential			
	South	Vacant			
	East	Large Lot Single family Residential			
	West	Vacant			
Existing Zoning		RSF-R (Mesa County)			
Proposed Zoning		RSF-4			
Surrounding Zoning	North	PUD & RSF-R (Mesa County)			
	South	RSF-4 (City)			
	East	RSF-R (Mesa County)			
	West	RSF-4 (City)			
Growth Plan Designation		Residential Medium - 4 to 8 units per acre			
Zoning within density range?		X	Yes		No

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.

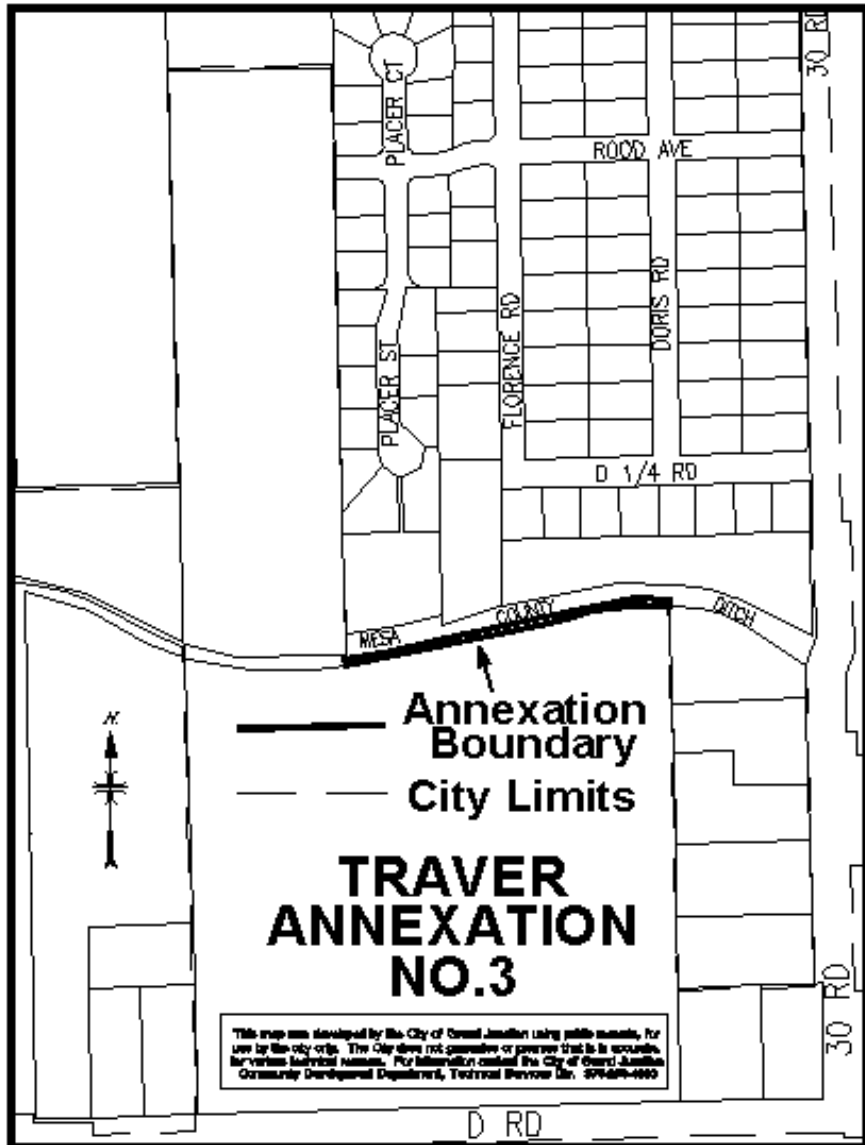
ANNEXATION SCHEDULE	
Mar 6th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Mar 12th	Planning Commission considers Zone of Annexation
April 3rd	First Reading on Zoning by City Council
April 17th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 19th	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. Annexation Map
- 7. Resolution of Acceptance of Petition
- 8. Annexation Ordinance

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



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

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

TRAVER ANNEXATION NO. 3

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

IS ELIGIBLE FOR ANNEXATION

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 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, a hearing on the petition was duly held after proper notice on the 17th day of April, 2002; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowners' consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this 17th day of April, 2002.

Attest:

President of the Council

City Clerk

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____**

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

TRAVER ANNEXATION NO. 3

**APPROXIMATELY 0.2407 ACRES
LOCATED at the Grand Valley Irrigation Canal, Northeast of D and 30 Roads**

WHEREAS, on the 6th 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:

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 6th day of March, 2002.

ADOPTED and ordered published this 17th day of April, 2002.

Attest:

President of the Council

City Clerk

**Attachment 21
Public Hearing – Zoning Traver Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject	ANX-2001-011 Traver Annexation No. 3 Zoning		
Meeting Date	April 17, 2002		
Date Prepared	April 10, 2002		
Author	Kristen Ashbeck	Senior Planner	
Presenter Name	Same		
	Consent Agenda	X	Formal Agenda

Subject. Consideration of the zone of annexation to Residential Single Family with a maximum of four units per acre (RSF-4) for the Traver Annexation No. 3.

Summary. This annexation area consists of 0.2407 acres (10,484.9 square feet) of land along the northeastern boundary of the Westland Subdivision. The property owner has requested annexation into the City as the result of proposing to include the property, a strip of land within the Grand Valley Irrigation Canal, 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.

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan’s Future Land Use Map and recommendation for Residential Medium with residential land uses between 4 and 8 units per acre for this area. The remainder of the Westland Estates subdivision was zoned RSF-4 when it was annexed in 2001.

Action Requested/Recommendation. It is recommended that City Council approve the proposed zoning ordinance for the Traver Annexation.

STAFF ANALYSIS

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 RSF-4 conforms to the City’s Growth Plan’s Future Land Use Map.

<i>BACKGROUND INFORMATION</i>					
Location		Grand Valley Canal, Northeast of 30 and D Roads			
Applicants		Richard and Marianne Traver			
Existing Land Use		Grand Valley Canal			
Proposed Land Use		Same			
Surrounding Land Use	North	Vacant and Large Lot Single Family Residential			
	South	Vacant			
	East	Large Lot Single family Residential			
	West	Vacant			
Existing Zoning		RSF-R (Mesa County)			
Proposed Zoning		RSF-4			
Surrounding Zoning	North	PUD & RSF-R (Mesa County)			
	South	RSF-4 (City)			
	East	RSF-R (Mesa County)			
	West	RSF-4 (City)			
Growth Plan Designation		Residential Medium - 4 to 8 units per acre			
Zoning within density range?		X	Yes		No

RSF-4 ZONE DISTRICT

- This property is currently zoned Residential Single Family Rural (RSF-R) in Mesa County which does not conform to the Future Land Use Map.
- The proposed RSF-4 zone district does conform to the recommended densities found on the Growth Plans Future Land Use map currently designated as Residential Medium Low: 2 to 4 units per acre.
- Zoning this annexation with the RSF-4 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.

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:

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

9. 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.
10. 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;
11. 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;
12. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
13. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
14. The community or neighborhood will benefit from the proposed zone.

Planning Commission Action (3/12/02 – 6-0): Planning Commission recommended approval of the zone of annexation of the Traver Annexation No. 3 to RSF-4.

ANNEXATION SCHEDULE	
Mar 6th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Mar 12th	Planning Commission considers Zone of Annexation
April 3rd	First Reading on Zoning by City Council
April 17th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 19th	Effective date of Annexation and Zoning

Attachments:

5. Annexation Summary
6. Proposed Zoning Ordinance
7. Annexation Map
8. Future Land Use Map

TRAVER ANNEXATION NO. 3 SUMMARY

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

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE No. ____**

**Zoning the Traver Annexation No. 3 to Residential Single Family
with a Maximum Density of 4 units per acre (RSF-4)
Located at the Grand Valley Canal, Northeast of 30 and D Roads**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-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 conforming to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED THE RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE (RSF-4) ZONE DISTRICT:

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.

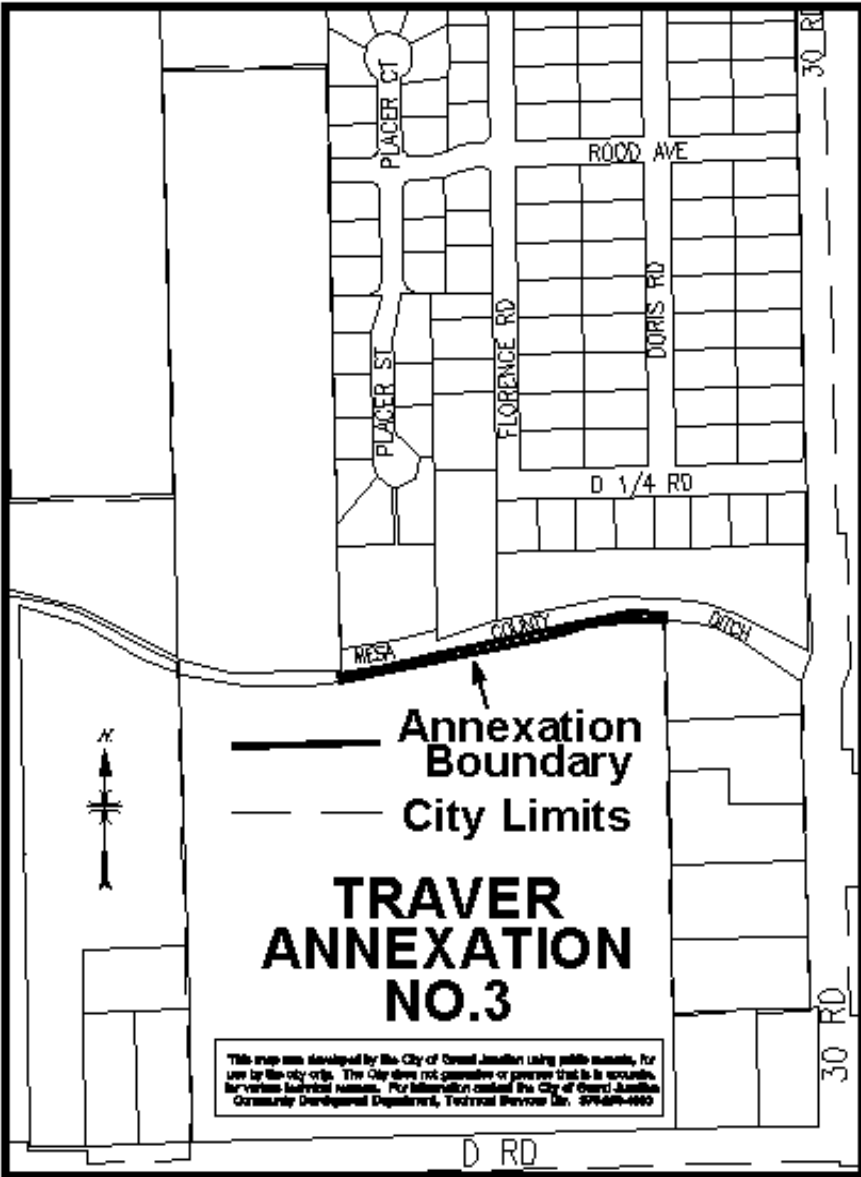
Introduced on first reading this 3rd day of April 2002.

PASSED and ADOPTED on second reading this 17th day of April, 2002.

Mayor

ATTEST:

City Clerk



FUTURE LAND USE MAP



Gold = Residential Medium 4-8 units per acre

Attachment 22

Public Hearing – Approving Loan from CO. Water Resources & Power Development

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	An Ordinance Authorizing a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the Joint Sewer 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.		
Meeting Date:	April 17, 2002		
Date Prepared:	March 27, 2002		
Author:	Ron Lappi	Director of Admin Svcs	
Presenter Name:	Ron Lappi Mark Relph	Director of Admin Svcs Director of Public Works & Utilities	
	Workshop	X	Formal Agenda

Subject: An Ordinance Authorizing a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the Joint Sewer 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 and County Commissioners have determined that in the best interest of the Joint Sewer Fund and it's customers, the sewer system requires line replacement for the combined sewer elimination project. The cost estimate of approximately \$9,500,000, includes design, engineering, legal, financing and administrative costs. The second project funded through this borrowing and totaling \$4,600,000 is the Septic System Elimination Project. Approval of this ordinance would allow the joint system 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 and County will be entering into a loan agreement with the CWRPDA for much needed improvements to the sewer system. The \$14.1 million dollar loan has qualified for the lowest possible interest rate based on the health related nature of the project.

The repayment obligations under the loan agreement will be evidenced by a governmental agency bond to be issued by the City as manager to CWRPDA. The Joint Sewer System loan will be part of a larger Authority Bond issue expected to be closed on or after May 19, 2002.

Budget: \$14,100,000 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: A public hearing and final passage on April 17, 2002.

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

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE JOINT SEWER 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, Mesa County, Colorado (the "City"), is a municipal corporation duly organized and existing as a home-rule city pursuant to Article XX of the Constitution of the State of Colorado (the "State") and the Charter of the City; and

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

WHEREAS, the County of Mesa, Colorado (the "County") is a county duly organized and existing under the laws of the State; and

WHEREAS, the County and the City have entered into a joint sewerage service agreement dated May 1, 1980 ("Service Agreement") relating to the scope and operation of the joint sewerage system of the City and County (the "Joint System"); and

WHEREAS, the County has previously issued its "Mesa County, Colorado, Sewer Refunding Revenue Bonds Series 1992", payable from the revenues of the Joint System; and

WHEREAS, the County and the City have entered into an intergovernmental agreement dated as of October 13, 1998, as amended, relating to City growth and joint policy making for the Joint System; and

WHEREAS, the City and the County have determine that the Joint System is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the City and County have determined that the interest of the City and the County and the public interest and necessity demand and require the acquisition, construction, and completion of certain improvements to the Joint System,

at an estimated cost of \$15,500,000, including design, engineering, legal, financing and administrative costs relating thereto, and any other costs incidental thereto (the "Project"); and

WHEREAS, the City and the County have 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 and the County 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, pursuant to which CWRPDA shall loan the County an amount of not to exceed \$15,500,000 (the "Loan") for such purposes; and

WHEREAS, CWRPDA will obtain moneys to fund the Loan through the issuance of its bonds (the "CWRPDA Bonds"); and

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

WHEREAS, Such Loan shall be a revenue obligation of the County, payable from the Pledged Property (as defined in the Loan Agreement); 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 by the County and the appropriate City officers.

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 and the County shall enter into and perform their respective obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the Chairman of the Board of County Commissioners of the County (the "Chairman") and the President of the Council (the "President"). The President is hereby authorized to

execute the Loan Agreement and the Bond on behalf of the City. The Financing Documents shall be executed in substantially the forms approved at this meeting.

The execution of any instrument or certificate or other document in connection with the matters referred to herein by the President 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 and the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The City hereby elects to apply all of the Supplemental Act to this ordinance and the Financing Documents.

Section 3. Delegation.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the City hereby delegates to the President (upon the approval of the Chairman) the authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

- (i) The interest rate on the Loan;
- (ii) The principal amount of the Loan;
- (iii) The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;
- (iv) The dates on which the principal of and interest on the Loan are paid; and
- (v) The existence and amount of reserve funds for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the Loan shall not exceed 4.75%; (ii) the principal amount of the Loan shall not exceed \$15,500,000; and (iii) the final maturity of the Loan shall not be later than 2025.

Section 4. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Bond and the Loan Agreement shall contain a recital that the Bond is issued pursuant to certain provisions of the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bond

after its delivery for value.

Section 5. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and the County 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 6. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond and the Loan Agreement provided herein shall be governed by Section 11-57-208 of the Supplemental Act, this Ordinance and the resolution to be adopted by the Board approving the Financing Documents. The amounts pledged to the payment of the Bond and the Loan Agreement 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 and the County irrespective of whether such persons have notice of such liens.

Section 7. 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 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, to the extent permitted under federal tax laws, reimbursement to the City and the County for capital expenditures heretofore incurred and paid from City or County funds in anticipation of the incurrence of long-term 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 the County 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, Ron Lappi 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 County, 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, members of the Council and officers of the County, 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 3rd day of April, 2002.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 17th day of April, 2002

CITY OF GRAND JUNCTION, COLORADO

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 April 3, 2002, and was duly adopted and ordered published in full by the City Council at a regular meeting thereof held on April 17, 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 April 3, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: _____

Those Voting Nay: _____
Those Absent: _____

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed, after a public hearing, at the meeting of April 17, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: _____

Those Voting Nay: _____
Those Absent: _____

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 April 3, 2002, and April 17, 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 April __, 2002 and on April __, 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 April __, 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 April, 2002.

(SEAL)

City Clerk

EXHIBIT A
(Attach Notices of Meetings)

EXHIBIT B
(Attach Affidavits of Publication)