

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

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

CALL TO ORDER

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

APPOINTMENTS

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY

RATIFY REAPPOINTMENTS TO THE BUILDING CODE BOARD OF APPEALS

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO PARKS AND RECREATION ADVISORY BOARD

PROCLAMATIONS

PROCLAIMING AUGUST 6, 2002 AS "NATIONAL NIGHT OUT" IN THE CITY OF GRAND JUNCTION

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the June 24, 2002 Workshop and the June 26, 2002 Regular Meeting

2. **Setting a Hearing to Transfer the City's 2002 PAB Allotment to CHFA**

[Attach 2](#)

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

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

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for August 7, 2002

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

3.*** **Downtown Development Authority Memorandum of Understanding Regarding Its Relationship with the City** [Attach W-2](#)

A Memorandum of Understanding between the City of Grand Junction and the Downtown Development Authority which supplements the DDA's bylaws and rules and outlines the relationship between the two parties and the duties and responsibilities of each party.

Action: Authorize the city Manager to Sign the Memorandum of Understanding with the DDA

Staff presentation: Kelly Arnold, City Manager
Bruce Hill, DDA Board Chair

4. **FY 2003 Unified Planning Work Program and FY 2003 Consolidated Planning Grant Annual Certifications and Assurances** [Attach 4](#)

Approve and sign a Joint Resolution with Mesa County and the City of Grand Junction adopting 1) the FY 2003 Unified Planning Work Program (UPWP), and 2) the FY 2003 Consolidated Planning Grant Annual Certifications and Assurances.

Resolution No 65-02 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2003 Unified Planning Work Program and the Fiscal Year 2003 CPG Certifications and Assurances

*Action: Adopt Resolution No. 65-02

Staff presentation: Jody Kliska, Transportation Engineer

5. **Contract for the Signal Communication Project Phase 1A** [Attach 5](#)

The Signal System Communications Phase 1A consists of the installation of fiber optic cable to connect the Transportation Engineering building at the City Shops with 14 signals on Highway 340, I70B and F Road at the mall. This is the first of several projects that will eventually connect the traffic signals as well as provide a fiber optic line between city, county and state facilities. The intent is to permit the City of Grand Junction to control the signal timing from their facilities via a fiber optic connection.

The following bids were opened on July 2, 2002:

Bidder	From	Bid Amount
W.L. Contractors	Arvada, CO	\$398,929.5
Mastec	Colorado Springs, CO	\$303,398.50
Hidden Peak Electric	Murray, UT	\$221,122.00
Sturgeon Electric	Henderson, CO (has GJ Office)	\$173,505.60
Temple & Petty	Grand Junction, CO	\$214,918.80

Action: Authorize the City Manager to Sign a Construction Contract for the Signal System Communications Phase 1A with Sturgeon Electric in the Amount of \$173,505.60

Staff Presentation: Jody Kliska, Transportation Engineer

6. **CDOT Grant Contract for Broadway Beautification** [Attach 6](#)

Adoption of a Resolution Accepting \$275,440 in Funds from CDOT (FHWA) to Landscape the Broadway (Hwy. 340) Median from the Colorado River West to E. Mayfield Dr. and for the City and the Broadway Beautification Committee to match those funds with \$40,860 and \$28,000, respectively.

Resolution No. 66-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation to utilize FHWA (Federal Highway Administration) Funds to Improve the Median along Broadway (Hwy. 340) from the Colorado River West to E. Mayfield Dr.

**Action: Adopt Resolution No. 66-02*

Staff presentation: Tm Moore, Public Works Manager

7. **Construction Contract for Purdy Mesa By-pass** [Attach 7](#)

Bids were received and opened July 9, 2002. Skyline Contracting, Inc. submitted the only bid in the amount of \$86,000.00. The project generally consists of a reconfiguration of the Juniata Reservoir outlet works. Construction will include installation of two concrete vaults, valving and other appurtenances, and installation of approximately 600 lineal feet of 16" C-905 PVC water line. Completion of the project will enable city staff to divert water from the Juniata

Reservoir directly to the Purdy Mesa raw water flow line bypassing the Purdy Mesa Reservoir. This will allow for better control of water quality at the water treatment plant.

The following bids were opened on July 9, 2002:

Bidder	From	Bid Amount
Skyline Contracting, Inc.	Grand Junction	\$86,000.00
Engineer's Estimate		\$62,570.00

Action: Authorize the City Manager to Sign a Construction Contract for the Purdy Mesa By-pass with Skyline Contracting, Inc., in the Amount of \$86,000

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Use of Xcel Undergrounding Funds for Bookcliff Avenue** [Attach 8](#)

Xcel Energy requests authorization from the City of Grand Junction to use underground funds (one percent funds) to remove the overhead utilities along Bookcliff Ave., between 9th Street and 11th Street, and place them underground.

Resolution 67-02 – A Resolution Authorizing Public Service Company of Colorado dba Xcel Energy to Remove the Overhead Utilities Along Bookcliff Avenue Between 9th Street and 11th Street, and Place Them Underground and to use 1% Funds

**Action: Adopt Resolution No. 67-02*

Staff presentation: Tim Moore, Public Works Manager

9. **Revocable Permit – Proposed Home Loan and Investment located at 205 North 4th Street** [File #SPR-2002-119] [Attach 9](#)

The applicant requests a revocable permit to install streetscape improvements within a portion of the public rights-of-way for North 4th Street and Rood Avenue. The request is made in conjunction with a site plan review to construct a new 39,074 square foot Home Loan and Investment office building at 205 North 4th Street. A streetscape design plan similar to portions of the streetscape on Main Street is proposed on the 4th Street and Rood Avenue frontages in front of the building. Staff recommends approval.

Resolution No. 68-02 – A Resolution Concerning the Issuance of a Revocable Permit to the Home Loan and Investment Company

**Action: Adopt Resolution No. 68-02*

Staff presentation: Bill Nebeker, Senior Planner

10. **Vacation of Temporary Turnaround Easement in Brookside Subdivision Filing No. 3 Northwest of F ½ Road and Ox-Bow Road** [File #FPP-2002-052] [Attach 10](#)

The petitioner is requesting to vacate a temporary turnaround easement for the westerly end of Brookside Drive to allow for extension of the street without encumbering adjacent lots with the additional easement.

Resolution No. 69-02 – A Resolution Vacating a Temporary Turnaround Easement for Brookside Drive

**Action: Adopt Resolution No. 69-02*

Staff presentation: Kristen Ashbeck, Senior Planner

11. **Contract to Purchase Natural Gas** [Attach 11](#)

Purchase of Natural Gas for the Two Rivers Convention Center and Orchard Mesa Swimming Pool from AM Gas Marketing Group. This recommendation is a result of a COOP Request For Proposal solicited in behalf of Mesa County, City of Grand Junction and Mesa County School District #51. Three solicitations were received.

- AM Gas Marketing Corp. Aspen, Colorado
- E-prime Energy Marketing, Inc. Denver, Colorado
- Serviceco Denver, Colorado

A M Gas Marketing Corporation was found to be the most responsive/responsible proposer based on price and other criteria considered for award.

Action: Authorize the City Purchasing Manager to Enter into a Contract Agreement with A M Gas Marketing Corporation to Provide Natural Gas for Two Rivers Convention Center and Orchard Mesa Swimming Pool as per the Terms and Conditions of the Cooperative Solicitation Estimated at \$65,000.

Staff presentation: Ron Watkins, Purchasing Manager

12. **Award of Bid for Folding Chairs and Carts – Two Rivers Convention Center** [Attach 12](#)

Bid award to Virco Manufacturing for replacement of Two Rivers Convention Center chairs and storage carts. Two responsive offers were received. Bid details are as follows:

Virco Manufacturing	Torrance, CA	\$98,070
Office Depot	Erie, CO	\$145,620

Action: Authorize the Purchase of 1500 Folding Chairs and 30 Carts from Virco Manufacturing in the Amount of \$98,070.

Staff presentation: Susan Hyatt, Senior Buyer

13. **Amending Resolution No. 37-02 Concerning the Adoption of the Local Match Funding for Grand Valley Transit Public Services for FY 2002-2005** [Attach 13](#)

Both the Town of Palisade and the City of Fruita prefer the formula endorsed by the Grand Junction City Council. This resolution will acknowledge that all three municipalities expect to evaluate future County requests for transit funding based on this revised approach.

Resolution No. 70-02 – A Resolution Amending Resolution No. 37-02 that Stated the City of Grand Junction’s Fund Commitment for Grand Valley Transit Services for Fiscal Years 2002-2005

**Action: Adopt Resolution No. 70-02*

Staff presentation: Tom Fisher, RTPD Director
Mark Relph, Public Works and Utilities Director

14.*** **Formation of the Grand Valley Stormwater Steering Committee** [Attach W-3](#)

The formation of a Stormwater Management Steering Committee was discussed at a meeting on June 24, 2002. Mesa County, the City of Fruita, the Town of Palisade and the Grand Valley Drainage District all adopted resolutions authorizing the formation of the Grand Valley Steering Committee. The purpose of the Committee is to provide direction for storm water management.

Resolution No. 74-02 – A Resolution of the City Council of the City of Grand Junction to Create a Stormwater Management Steering Committee

*Action: Adopt Resolution No. 74-02

Staff presentation; Mark Relph, Public Works and Utilities Director

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

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

15. **Legal and Ethical Standards for Members Serving on City Boards and Commissions** [Attach 3](#)

Resolution adopting standards for advisory boards and City groups, as well as for the members of City Boards and Commissions that have final administrative decision-making duties.

Resolution No. 57-02 - A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

*Action: Adopt Resolution No. 57-02

Staff presentation: Dan Wilson, City Attorney

16. **Public Hearing – Statler Annexations No. 1, 2, and 3 Located at 2134 Buffalo Drive** [File #ANX-2002-110] [Attach 14](#)

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road.

a. Accepting Petition

Resolution No. 71-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Statler Annexation Area is Eligible for Annexation – A Serial Annexation Comprising Statler Annexation No. 1, Statler Annexation No. 2 and Statler Annexation No. 3

*Action: Adopt Resolution No. 71-02

b. Annexation Ordinances

Ordinance No. 3441 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 1, Approximately 0.020 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3442 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 2, Approximately 0.051 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3443 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 3, Approximately 5.775 Acres

**Action: Adopt Ordinances No. 3341, No. 3442, and No. 3443 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

17. **Public Hearing – Zoning the Statler Annexations 1, 2, and 3 Located at 2134 Buffalo Drive** [File #ANX-2002-110] [Attach 15](#)

Request to zone Statler Annexation, consisting of one parcel of land, approximately 5.775 acres in size. The requested zoning is RSF-E (Residential Single Family- Estate, not to exceed 1 unit per 2 acres). There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Ordinance No. 3444 – An Ordinance Zoning the Statler Annexation to Residential Single Family, Estate (RSF-E) Located at 2134 Buffalo Drive

**Action: Adopt Ordinance No. 3444 on Second Reading*

Staff presentation: Lori Bowers, Associate Planner

18. **Public Hearing - Request for a Variance, Statler Annexation Located at 2134 Buffalo Drive, From Section 6.2E Sanitary Sewer System** [File #ANX-2002-110] [Attach 16](#)

Rod Statler, owner of the property known as the Statler Annexation is requesting a variance to the requirement of a sanitary sewer system due to the size of the existing lot(s) and the location of sanitary sewer in this area. There is a single-family residence on this lot serviced by a septic system. The applicants are in the simple subdivision process to create one additional lot. Sewer is currently 1,000 feet away from the subject property.

Action: Decision on Variance Request

Staff presentation: Lori Bowers, Associate Planner

19. **Public Hearing - Mesa County Human Services Annexations 1 & 2 Located at 510 29 ½ Road** [File #ANX-2002-100] [Attach 17](#)

Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Mesa County Human Services Annexation located

at 510 29 ½ Road and including a portion of North Avenue and 29 ½ Road rights-of-way. The 7.64-acre Mesa County property consists of three parcels of land.

a. Accepting Petition

Resolution No. 72-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Mesa County Human Services Annexation, A Serial Annexation Comprising Mesa County Human Services Annexation No. 1 and Mesa County Human Services Annexation No. 2 is Eligible for Annexation, Located at 510 29 ½ Road and Including a Portion of 29 1/2 Road and North Avenue Rights-of-Way

**Action: Adopt Resolution No. 72-02*

b. Annexation Ordinances

Ordinance No. 3445 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 1 Approximately .765 Acres Located on a Portion of 510 29 ½ Road and Includes a Portion of 29 ½ Road and North Avenue Rights-of-Way

Ordinance No. 3446 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 2 Approximately 6.875 Acres Located at 510 29 ½ Road and Includes a Portion of the 29 ½ Road Right-of-Way

**Action: Adopt Ordinances No. 3445 and No. 3446 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

20. **Public Hearing - Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road** [File #ANX-2002-100] [Attach 18](#)

The Mesa County Human Services Annexation is three parcels of land consisting of 6.56 acres located at 510 29 ½ Road, and includes a portion of 29 ½ Road and North Avenue rights-of-way. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting. The owners have signed a petition for annexation as part of a proposed simple subdivision and site plan review for a new community services building, which is an administrative review.

Ordinance No. 3447 - An Ordinance Zoning the Mesa County Human Services Annexation to General Commercial (C-2) Located at 510 29 ½ Road

**Action: Adopt Ordinance No. 3447 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

21. **Public Hearing - Feix Annexations No. 1, 2, and 3, Located at 229 Jacquie Road** [File # ANX-2002-114] [Attach 19](#)

The Feix Annexations No. 1, 2 and 3 is a serial annexation comprising 3 parcels of land including portions of the right-of-way for Kathy Jo Lane and Jacquie Road along with acreage located at 229 Jacquie Road, comprising a total of 5.386 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

a. Accepting Petition

Resolution No. 73-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Feix Annexation (A Serial Annexation Comprising of Feix Annexation No's 1, 2 And 3) is Eligible for Annexation Located at 229 Jacquie Road and Containing Portions of the Kathy Jo Lane and Jacquie Road Rights-Of-Way

**Action: Adopt Resolution No. 73-02*

b. Annexation Ordinances

Ordinance No. 3448 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 1, Approximately 0.063 Acres, Located in the Kathy Jo Lane Right-of-Way

Ordinance No. 3449 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 2, Approximately 0.102 Acres, a Portion of the Kathy Jo Lane Right-of-Way

Ordinance No. 3450 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 3, Approximately 5.221 Acres, Located at 229 Jacquie Road and Including a Portion of the Kathy Jo Lane and Jacquie Road Rights-of-Way

**Action: Adopt Ordinances No. 3448, 3449 and 3450 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

22. **Zoning the Feix Annexation, Located at 229 Jacquie Road** [File #ANX-2002-114] [Attach 20](#)

The Feix Annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Ordinance No. 3451 – An Ordinance Zoning the Feix Annexation to Residential Single Family-4 Dwelling Units per acre to (RSF-4) District, Located at 229 Jacquie Road

**Action: Adopt Ordinance No. 3451 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

23. **Public Hearing - Reconsidering the Rezone Request for Valley Meadows North Development** [File #RZP-2002-019] [Attach 21](#)

Reconsideration and second reading of the Rezoning Ordinance for 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).

Ordinance No. 3452 – An 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 Ordinance No. 3452 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

24.*** **Policy for Use of City Hall Grounds** [Attach 22](#)

In order to address requests to use the grounds of City Hall for non-governmental activities, the City Council will consider adopting a policy.

Resolution No. 75-02 – A Resolution Adopting a Policy for the Use of City Hall Grounds for Other than Governmental Functions

**Action: Adopt Resolution No. 75-02*

Staff presentation: Kelly Arnold, City Manager
Dan Wilson, City Attorney

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

26. **OTHER BUSINESS**

27. **ADJOURNMENT**

Minutes of June 24, 2002 Workshop and June 26, 2002 Regular Meeting

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

June 24, 2002

The City Council of the City of Grand Junction, Colorado, met on Monday, June 24, 2002 at 8:25 p.m. in Two Rivers Convention Center to discuss workshop items. Those present were Dennis Kirtland, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez. Councilmembers Harry Butler and Bill McCurry were absent.

Summaries and action on the following topics:

1. **REDLANDS FIRE STATION:** A joint discussion was held with Mesa County Commissioners and the Rural Fire Protection District Board regarding this future fire station. County Commissioner Doralyn Genova led off the discussion with Fire Chief Beaty summarizing the issue.

The City currently has budgeted the construction of a substation in the Redlands area for limited emergency services. The purpose of the discussion is to determine if the voters will be approached for additional funding via property tax to increase the size and scope of the station and to fund operations.

Action summary: A couple of options were discussed and ways to deal with the ramifications of each. A formation of a General Improvement District under HB 1159 (Title 31, Article 25, Improvement Districts Under Municipalities), a new Special District ("subdistrict) under Title 32, or an Improvement District via the County (Title 30). Since each option would have a different governing body and that in itself might affect the way the voters vote, the Rural District was directed to work with NAG (the Neighborhood Action Group) to determine very quickly which option would be favored by the voters. Meanwhile City and County Staff were directed to immediately begin drafting the district boundaries since no matter what option is taken, the boundaries would be the same. The Rural District also wanted assurances that the remaining revenues they would be collecting through their property tax would sufficiently fund service for their remaining customers via the City's contract to provide fire protection. The City Manager suggested a September deadline to finalize what form the matter would be taken to the voters.

The meeting adjourned at 10:00 p.m.

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

June 26, 2002

The City Council of the City of Grand Junction convened into regular session on the 26th day of June 2002, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Councilmember Harry Butler was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jerry Boschen, First Assembly of God.

APPOINTMENTS

TO THE PARKS AND RECREATION ADVISORY BOARD

Councilmember Spehar moved to reappoint Bob Cron and appoint Tom Dixon to the Parks and Recreation Advisory Board for three-year terms. Councilmember McCurry seconded. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

DDA REPRESENTATIVE TO THE HISTORIC PRESERVATION BOARD

A Certificate of Appointment was presented to Doug Simons.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

City Attorney Dan Wilson explained Item #8 of the Consent Calendar and the reason for setting another hearing on rezoning the Valley Meadows North property. He said a second setting for a hearing was unusual because the rezoning request was already on the May 1st, 2002 agenda. He explained that at the May 1st meeting criteria #3, which includes items like access and drainage were discussed at length, and the differences were not enough distinguished between the zoning request and the preliminary plan. Mr. Wilson said these items would be dealt with at a later planning meeting. He felt Council thought that that was the only chance for them to discuss those items at that meeting. Mr. Wilson clarified for everyone that tonight's meeting was for setting a hearing on rezoning Valley Meadows North for July 17, 2002. Under the zoning criteria item #5, Council should only be considering the change from RSF-R (Residential Single Family Rural) to RSF-4 (Residential Single Family-4), and not address drainage and access. Those items would be dealt with at the hearing on July 17th, and at the appeal of the Preliminary Plan on August 5th, 2002. At the July 17th meeting Council then can

determine the density of the zoning as RSF-2 or RSF-4. This setting of a hearing starts the process all over again.

Councilmember Terry wanted Mr. Wilson to clarify that an affirmative vote on this item did not support the rezoning request, but only supported the setting of the hearing. Mr. Wilson confirmed that.

Councilmember Theobald asked Mr. Wilson to verify that the issue being set for hearing was to establish the zoning, and that the zoning was separate from access and drainage issues. Also that the appeal would be on the record only. Mr. Wilson said this was correct.

Councilmember Theobald wanted Mr. Wilson to affirm that no one would be presenting new information at the hearing and the request would rise or fall on the record alone. Mr. Wilson replied yes to Councilmember Theobald's question. Council will determine at the hearing of the appeal if the Planning Commission acted appropriately when they approved the Preliminary Plan, and at that time Council can either approve or deny the request.

The Mayor explained that she and Councilmember Kirtland would both vote on Items #8 and #9 for setting a hearing, but that they would recuse themselves from the actual hearing.

It was moved by Councilmember Theobald, seconded by Councilmember Terry, and carried by a roll call vote, to approve Consent Items #1 through #13.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the June 3, 2002 Workshop and the Minutes of the June 5, 2002 Regular Meeting.

2. **Police Services at Mesa State College**

This request is for Council to approve the annual contract with Mesa State College for police services that are provided by the Grand Junction Police Department. The request is essentially a renewal process of the City's annual agreement with Mesa State College

Action: Authorize the City Manager to Execute a Contract with Mesa State College for the City to Provide Police Services

3. **Sole Source Purchase of Microwave Transmission Equipment for the Comm Center**

The GJRCC Radio Committee is seeking approval for the sole source purchase of microwave transmission equipment. The equipment will be used to provide a connection to the Fire B transmitters as well as MCSO radio resources when they are ready to move to the new site.

Action: Authorize the City Manager to Execute a Contract with Somera Communications to Purchase the Microwave Transmission Equipment for \$60,000

4. **CDOT Contract for Traffic Signal Communication System**

Acceptance of funds from CDOT to purchase materials for the Traffic Signal Communication System.

Resolution No. 58-02 - A Resolution of the City Council of the City of Grand Junction Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Purchase Materials for the Signal Communications Project

Action: Adopt Resolution No. 58-02

5. **Bookcliff Avenue Reconstruction**

The Bookcliff Ave. Improvements project, between 9th Street and 12th Street, consists of the installation of water line, curb, gutter, sidewalk, and pavement.

The following bids were opened on June 4, 2002:

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
Taylor Constructors	Grd Jct	\$473,514.10
M.A. Concrete Construction	Grd Jct	\$453,355.74
Skyline Contracting	Grd Jct	\$439,418.04
United Companies	Grd Jct	\$421,204.14
Elam Construction, Inc	Grd Jct	\$418,325.88
Engineer's Estimate		\$436,571.46

Action: Authorize the City Manager to Execute a Construction Contract for the Bookcliff Ave. Improvements Project with Elam Construction, Inc. in the Amount of \$418,325.88

6. **Engineering Lab Remodel**

Engineering staff has outgrown the current facility. The project consists of new construction and remodeling to the current Engineering Lab. The proposed expansion of the current facility will address their needs for several years into the future. The project consists of 1,500 square feet of demolition and remodeling of the old building and 1,500 square feet of new construction.

The following bids were opened on May 21, 2002:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Triple J Construction	Grd Jct	\$215,957.00
Harney Nail Inc	Avon	\$221,945.00

R.W. Jones Construction	Fruita	\$233,700.00
Architect's Estimate	DKO, Inc	\$168,000.00

Total project cost of the Engineering Lab including additional expenses is \$233,069.00.

Action: Authorization for the City Manger to Execute a Contract for the New Construction and Remodeling of the Engineering Lab with Triple J Construction for \$215,957.00

7. **Amending the Grant Funding Agreement for 29 Road Phase II Reconstruction Project**

Amendment to the agreement with the State of Colorado, Department of Transportation for the improvement of 29 Road to change the northern limit of the project from Orchard Avenue to Mr. Cecilterson Road.

Resolution No. 60-02 – A Resolution of the City Council of the City of Grand Junction Amending the Grant Funding Agreement for 29 Road Phase II Reconstruction Project, STM-M555-016

Action: Adopt Resolution No. 60-02

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

Reconsideration and first reading of the Rezoning Ordinance for 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), and setting a hearing date of July 17, 2002. This hearing is for the purpose of reconsidering the rezone criteria.

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 July 17, 2002

9. **Setting a Hearing on Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road** [File #ANX-2002-100]

The Mesa County Human Services Annexation consists of three parcels of land located at 510 29 ½ Road. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting.

Proposed Ordinance Zoning the Mesa County Human Services Annexation to General Commercial (C-2) Located at 510 29 ½ Road

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

10. **Setting a Hearing on Zoning the Feix Annexation Located at 229 Jacquie Road to RSF-4** [File #ANX-2002-114]

The Feix Annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Proposed Ordinance Zoning the Feix Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District Located at 229 Jacquie Road

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

11. **Setting a Hearing on Zoning the Statler Annexation to RSF-E Located at 2134 Buffalo Drive** [File #ANX-2002-110]

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road. There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Proposed Ordinance Zoning the Statler Annexation to Residential Single Family, Estate (RSF-E) Located at 2134 Buffalo Drive

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

12. **Vacation of Easement – Pepper Tree Filing 4A Located at Indian Creek Drive South of F Road** [File #SS-2002-098]

The applicant proposes to vacate a 15-foot wide easement dedicated to the City of Grand Junction for utility and drainage purposes. The easement is located on the east side of Pepper Tree Filing 4A, located at the south end of Indian Creek Drive, south of F Road. At its hearing of June 11, 2002 the Planning Commission recommended approval of this request.

Resolution No. 61-02 – A Resolution Vacating a Utility and Drainage Easement Located on the East Side of Pepper Tree Filing 4A at the South End of Indian Creek Drive, South of F Road

Action: Adopt Resolution No. 61-02

13. **Appointment of Downtown Development Authority Executive Director**

The Downtown Development Authority is requesting Council's approval of Harold Stalf as the new Executive Director for the Downtown Development Authority.

Action: Approval of Harold Stalf as the Downtown Development Authority Executive Director

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

Traffic Calming Policy

Adoption of the Traffic Calming Policy with revisions as directed by City Council at the June 3 workshop. The proposed policy is intended to address spot locations in existing neighborhoods for requests for traffic calming measures that are initiated by citizens.

Jody Kliska, Transportation Engineer, explained that the policy being presented incorporated the changes directed by City Council at their June 3rd workshop.

She then referred Council to a list of the current requests. She pointed out that the three identified by an asterisk have already completed the balloting process and she asked that they be allowed to start from step 5 in the new policy.

Councilmember Spehar asked for clarification on the policy, that if there were a lack of a certain percentage of speeding, that no calming would be allowed. Ms. Kliska replied that was true but Staff measures could still be implemented.

Resolution No. 59-02 - A Resolution of the City Council of the City of Grand Junction Adopting the Neighborhood Traffic Calming Policy

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 59-02 was adopted.

Public Hearing - Vacating Ouray Avenue Between 5th and 6th Streets and Vacating Several Alley Rights-of-Ways for the Mesa County Public Library Expansion [File #VR-2002-079]

Request for a Public Hearing and approval of the second reading of the ordinances vacating Ouray Avenue between 5th and 6th Streets; the east/west alley between 5th and 6th Streets, north of Ouray; the remainder of two north/south alley ways between Grand Avenue and Ouray Ave; the remainder of the east/west alley between 5th and 6th Streets, south of Ouray Avenue. This is the 2-block area from Grand Avenue, north to Chipeta Avenue, between 5th and 6th Streets. Proposal is to facilitate the new design of the Mesa County Public Library, in conformance with the approved Master Plan.

The public hearing was opened at 7:54 p.m.

Lori Bowers, Associate Planner, reviewed this item. She referred to each of the requested vacations and where easements would be provided. She pointed out that there are conditions for the vacations and that the Planning Commission recommends approval of the revised final plat showing all easements to be recorded when the final site plan and the Conditional Use Permit are approved. The Planning Commission also found that the findings of the proposed vacations were in compliance with the Growth Plan.

Councilmember Theobold wanted to know how far along the development would be before the final plat is recorded.

Ms. Bowers replied that bond approval is still required and the vacations are needed by the architects to determine the final design for the site.

Councilmember Theobold asked if there were any inquiries from the other surrounding property owners.

Ms. Bowers said that Mesa County, the Gray Gourmet and the City all submitted comments. The Library is trying to purchase one other parcel.

Councilmember Theobold questioned the vacating of the alley used by the Senior Recreation Center and the Gray Gourmet.

Ms. Bowers explained that a relocation of the alley is of benefit to the City, since the City will no longer have to maintain it.

Councilmember Spehar asked if the City would still maintain access and parking.

Mr. Wilson replied yes to his question.

Councilmember Theobold wanted to know from Mr. Wilson, that if assuming that support was based on employees of the property owner some time ago, did Council need to hear directly from those governing bodies, such as the County Commissioners or City Council.

Mr. Wilson replied that this was not required. Council could request it, but it was not a mandate.

Councilmember Terry wanted to know if vacations would not occur until final plat was recorded, which wouldn't happen until the plan is approved and the funding is in place.

Mr. Wilson replied there would be adequate security guarantees in place in case funding was needed to complete any of the improvements.

Councilmember Terry asked Mr. Wilson if the vacation ordinance, if approved, would be conditioned on a successful vote or if subsequent elections could be pursued. Mr. Wilson answered that either is possible. The current language allows for subsequent votes but Council could include a condition specifying this election.

He did however recommend changing the ordinance language in the last sentence from "will take place upon recording" to "shall be effective upon recording" for clarification.

Kelly Arnold, City Manager, noted that for Council that their approval would be limited to the term of this Master Plan, which is five years.

With that so noted Mr. Wilson advised adding the sentence "This ordinance is based on the current Master Plan only", as the next to the last paragraph.

The Applicant was present but had nothing to add.

There were no public comments.

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

Ordinance No. 3437 - An Ordinance Vacating Ouray Avenue between 5th and 6th Streets and Establishing a 30-Foot Utility Easement; Vacating the East/West Alley between 5th and 6th Streets, North of Ouray Avenue and Establishing Utility and Ingress/Egress Easements; Vacating the Remainder of the North/South Alleyway between Grand Avenue and Ouray Avenue; Vacating the Remainder of the East/West Alley between 5th and 6th Streets, South of Ouray Avenue and Vacating and Relocating the Utility Easement in this Area

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, the amended Ordinance No. 3437, was adopted on Second Reading and ordered published.

Public Hearing – Vacation of a Portion of the Right-of-Way for Crosby Road

[File #VR-2002-105]

The petitioner is requesting approval of a vacation of a portion of the dedicated right-of-way for Crosby Road, located between the Union Pacific RR right-of-way and 25 ½ Road. The Planning Commission reviewed the request on May 28, 2002, and recommended approval of the vacation to the City Council.

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

Pat Cecil, Development Services Supervisor, reviewed this item. The Planning Commission recommended approval with the following conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Prior to the recording of the Vacation Ordinance, the existing house located adjacent to the proposed dedicated right-of-way for 25 ½ Road shall be relocated to an area that meets all City development criteria.
3. Easements shall be recorded at the time of recordation of the Vacation Ordinance for any utilities that may exist within the right-of-way to be vacated.
4. Dedication of right-of-way for 25 ½ Road shall be recorded concurrently with the Vacation Ordinance.

Councilmember Terry questioned the purpose of the vacation. Mr. Cecil explained that vacation approval would eliminate a piece of Crosby Road that acts as a driveway and the City would receive a new right-of-way to connect to 25 ½ Road.

Councilmember Terry asked who requested the vacation. Mr. Cecil replied that the property owner Mr. Juan Venegas is the applicant. It is his house, and he is agreeable to the relocation.

Mr. Wilson explained that the vacation of the right-of-way also allows the house to be relocated further from the new 25 ½ Road and that the Rimrock developer will also benefit as well as the City of Grand Junction.

The applicant was not present. His representative Patrick Raymond from Landesign, 244 North 7th Street, said that they prepared documents for Mr. Venegas and the documents for the vacation of right-of-way and that he agreed with the foregoing presentation.

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

Ordinance No. 3438 - An Ordinance Vacating a Portion of Crosby Road Located between the Union Pacific RR Right-Of-Way and 25 ½ Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3438 was adopted on Second Reading and ordered published.

Public Hearing – Rezoning the Appleton Corners Property Located at 797 24 Road
[File #RZ-2002-051]

Second reading of the Rezoning Ordinance to rezone the Appleton Corners property, 1.85 acres located at 797 24 Road, from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1).

The Mayor addressed the audience and reminded them that this meeting was addressing zoning only, and no testimony other than zoning related would be heard.

The public hearing was opened at 8:21 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, was representing the applicant Mr. Pennington. The applicant was also present.

Mr. Joyce identified the surrounding uses and zoning. He also stated the purpose of B-1 zoning. He reviewed the rezone criteria.

Councilmember Terry wanted Mr. Joyce to explain how the North Area Valley Plan directly applied to this parcel. She wondered and asked if it focused on the existing Appleton Store as a historical site, or did it address new commercial development by the property owners.

Mr. Joyce said that this corner is the only area in the North Area Valley Plan designated for a business use, and that some of the historical sites are again being used for commercial purposes, and that the old general store is being used as a single-family residence.

Councilmember Terry asked Mr. Joyce if the current owners had any plans for commercial development.

Mr. Joyce replied that there are no plans at this time. He said when they tried to change the use of the original house to a veterinarian clinic, the cost of renovating and converting it to a commercial building was too high, and the sale of the house didn't go through.

Lisa Gerstenberger, Senior Planner, reviewed this request. She said this was the only area that was annexed. The North Central Valley Plan identifies all four corners at this intersection to be established for commercial uses. She reviewed the rezone criteria.

Councilmember Kirtland asked for a review of the 1998 hearings creating the North Central Valley Plan.

Ms. Gerstenberger said it was a joint effort with the City and the County. She also addressed the design guidelines being developed for all B-1 zone districts.

Councilmember Spehar asked what type of businesses would be allowed.

Ms. Gerstenberger said the businesses allowed would be neighborhood-oriented businesses and services such as: medical offices, salons, daycare centers, and veterinarian clinics. Ms. Gerstenberger reviewed the entire list and provided a copy to Council.

Councilmember Spehar asked if a business requiring a Conditional Use Permit (conditional use designation) would require another public hearing. Ms. Gerstenberger said yes that it would require another hearing by the Planning Commission.

Councilmember Terry wanted to know how the North Central Valley Plan defines "commercial."

Ms. Gerstenberger said the Plan does not have definitions, but the wording in the Plan is actually neighborhood business.

Councilmember Terry asked Ms. Gerstenberger if there is another business designation in the Zoning Code. Ms. Gerstenberger said there are none at this time, only light commercial and heavy commercial.

Councilmember Terry asked Ms. Gerstenberger if there are any screening requirements in the B-1 designation. Ms. Gerstenberger said there are requirements for buffering etc., but no specific standards for screening. An amendment is being considered, however the current standards are based on the proposed use in relationship to the existing development, and currently consists of a landscape buffer plus a fence or a wall.

Councilmember Spehar asked if additional requirements could be imposed.

Ms. Gerstenberger said lighting and landscaping could also be added.

Barbara Singley, who lives at 2382 H Road, said she would inherit this land, which is the neighboring parcel. She said her father originally signed a letter in support of the rezone written by the Penningtons, but that he now wants to withdraw his support. He does not want a business there. She said they were grateful for the sewer service, but that does not mean that they want the zoning changed to business. She felt that most of the other property owners felt the same way.

James Abraham, who lives at 2387 H Road, questioned the inclusion of this corner in the North Central Valley Plan. He said he and his wife went to all the meetings and that each time commercial use was introduced by County Planner Keith Fife, the attendees soundly voted it down. He said the corner was not even included in the plan until the end. He suggested one take a look at 24 Road down to 6 & 50, which has 2.5 miles of linear commercial development potential, plus that doubles with the new road.

Allen Etcheverry, who lives at 779 24 Road, said he is also speaking for his mother who lives at 777 ½ 24 Road, and his grandfather who lives at 777 24 Road. He said he's been at his residence for 26 years and the area has changed over the years and that some people like to think about the area as farmland, but the area is no longer farmland. He said he remembered the store from when he was growing up and it was fun to stop in there on the way home from school. He said the Penningtons have been there for 26 years and have protected that area more than anybody else who was there tonight. He stated that the three of them support the rezone.

Dave Lacy who just moved to 2379 H Road said he respects the applicants, but the reasons they bought the property was for the country setting and they prefer if it remain that way.

Ms. Kathy Harris who purchased her father's home at 2378 H Road said she also respect the Penningtons, but Council should take the increased traffic into consideration and the danger to the school children. She stated that the traffic is already bad and she likes the country setting.

Barbara Singley addressed Council again and stated that the ditches have not been cared for by the Penningtons.

Brian Baldwin who lives at 796 24 Road said he is in favor of the rezone.

Dr. John Wyatt, who's been living at 2416 H Road for 18 years, and 30 years in the area, said he believes the change would be an improvement to the neighborhood and he supports the rezone.

Toby Tefteller, who lives at the adjacent property at 2391 H Road, said the Penningtons are good friends, but they are still opposed to the rezone.

Pam Lair, who bought the property at 824 24 Road for the quiet area, said that there are a lot of accidents at the intersection and suggested a flashing light at the intersection. She said she opposes the rezoning.

Lois Kanalay, who lives in the store at 2398 H Road said she is all for the Penningtons, that it is a big lot, that they had good ideas, and are loyal to the area.

Sara Abraham who lives at 2387 H Road said she opposes the rezone. She said she sent in 16 petitions opposing the rezone and she wanted to know if the letters of support were available.

Ms. Gerstenberger said that they are, they are public record.

Darlene Merkel, who lives at 2136 Anna Court said she owns property in the area (787 24 Road) and she is in favor of the rezone.

Roy Grossman who's lived at 2394 H Road for over 45 years said there was no question that growth is coming, and that he is in support of good, decent businesses, and he has no objections to the rezone.

Laura Carter who lives at 822 24 Road said she opposes the rezone and feels a rezone would leave the property owners vulnerable.

The public hearing was closed at 9:11 p.m.

Councilmember Terry wanted to know about the City's Master Plan and if the North Central Valley Plan superceded the Growth Plan.

Ms. Gerstenberger said the North Central Valley Plan became part of the Master Plan when adopted.

Councilmember Theobold said the Growth Plan showed neighborhood commercial and wanted to know if the designation came from the plan or vice versa.

Ms. Gerstenberger said the designation came from the North Central Valley Plan.

Councilmember Theobold addressed the audience and said he was pleased to see a neighborhood that can disagree and be nice about it.

The Mayor agreed with Councilmember Theobold and thanked the participants.

Councilmember Kirtland pointed out that some neighborhood businesses make some sense, but he would like to understand the process for the development of the North Central Valley Plan.

Councilmember Theobold said the general perspective is that Council gives great weight to a Growth Plan, incorporates neighborhood plans, and that commercial use is based on history, but has not been active for a long time. He said the suggestion to have commercial development along 24 Road was a good point. He said he doesn't foresee any heavy commercial development in the near future, and the neighborhood plan is for local businesses such as a grocery store.

Councilmember Terry asked if the B-1 zone allows more than neighborhood business and if Council has the ability to limit the type development. Mr. Wilson replied that Council does not have that ability in a straight zone.

Councilmember Spehar noted the allowed uses are low impact compared to those needing a Conditional Use Permit. He felt the traffic problems are somewhat caused by the lack of the commercial development in the area and that there is a lot of growth up north, and a lot of people, who need lots of services, and who currently have to drive some miles to get to them. Councilmember McCurry agreed.

Ordinance No. 3439 – An Ordinance Rezoning the Appleton Corners Property Located at 797 24 Road from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1)

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3439 was adopted on Second Reading and ordered published.

Public Hearing – Rezoning the Lewis Property Located at 2258 South Broadway
[File #GPA-2001-178]

Second reading of the Rezoning Ordinance to rezone the Lewis property, 1.83 acres located at 2258 South Broadway, from Residential Single Family 4 (RSF-4), 2-4 units per acre and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR).

The Mayor reminded the audience that the hearing is for rezoning only.

The public hearing was opened at 9:25 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, reviewed this item. He said this is another request for a B-1 zoning combined with CSR. He said B-1 is the least intensive commercial zoning, except for Residential Office, which does not allow any retail. He said the proposed use does require a Conditional Use Permit, which would be for future application and compatibility issues that would be discussed then. He reviewed the surrounding zoning and identified the uses.

Mr. Joyce also reviewed the rezone criteria. He said the Growth Plan identifies this property as unsuitable for residential development. The performed traffic counts on Kansas Avenue showed 200 to 300 ADT at the opposite end of Kansas Road by South Rim Drive and less at other end. The property was designated for commercial use in the old and new Redlands Plan to provide services in the area. It would complement the existing commercial center, and the development would remove the illegal landfill as well as remove the tamarisk and restore the wetlands.

Ms. Gerstenberger, Senior Planner, reviewed this item and the history of the Growth Plan amendment designating 0.93 acres of this property as commercial. She reviewed the surrounding zoning and uses. She felt the applicant did address all of the rezone criteria. She found it consistent with the Growth Plan and stated the Planning Commission recommends approval.

Councilmember Terry wanted to know if the B-1 design standards, which were previously discussed, would also apply here.

Ms. Gerstenberger replied that they would, but needed to be added to the rezone ordinance.

Bob Blanchard, Community Development Director, clarified that the current standards will apply depending on the filing date of the plan and what standards are in place.

Paul Von Guerard who lives at 2290 Shane Court, was representing the Bluffs West Homeowners Association. He said he wanted to discuss rezone criteria #3 and #5. He said there are no pedestrian facilities, no sidewalks, and that a road incline causes traffic to speed up. He said rezone criteria #7 is of no benefit to the community or the Homeowners Association, and that the traffic from Meadowlark Gardens does not directly impact the residential area where as this proposal will. He said if B-1 zoning is granted to the applicant, then it will open up uses that are allowed, which won't require a public process, and there will be no recourse for the public. He pointed out that in the Redlands Transportation Plan, in Table 2, Kansas Drive and the Bank of Grand Junction access, would eventually be right turn in and right turn out only. He continued to talk about the current and future traffic patterns and the eventual failure of the intersection.

Councilmember Terry asked him about his references to the eventual change in access and questioned his source of his information. Mr. Von Guerand said his information came from conversations with Rick Dorris and CDOT.

Mr. Von Guerand stated the intersection will fail eventually and that came from the traffic study the Lewis's provided. He said the traffic study needs to be updated for the Conditional Use Permit, but if the site were developed with an allowed use, a new traffic study wouldn't be required. He said after repeated communication with City Staff, he was told that there is a tendency to work things out later in the process. He also said Council has inadequate and incorrect information with which to make their decision.

Roxanne Lewis, petitioner, 2183 Canyon View Drive, wanted to mention that this corner had been used as a business for the last 30 years. She said the road is not straight like Mr. Vondegaard said, but is a curvy roadway with two large curves. She said the intersection would fail eventually, with or without this development. Rick Dorris told them that the traffic counts were exactly what they presented. She said their business would not harm the neighborhood.

The public hearing was closed at 10:08 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, said he'd received two e-mails from Rick Dorris saying that the road is not too close to traffic capacity, and further discussions would be at the Conditional Use Permit hearing, and a traffic study would be required no matter what the use was.

Councilmember Terry felt there was confusion as to the process and what was dealt with when.

Ms. Gerstenberger explained that if the rezone was approved, and depending on the applicant's intent, and depending on the allowed use or Conditional Use Permit, and if the Conditional Use Permit met with Staff's approval, then it would go to the Planning Commission for public hearing.

Councilmember Terry asked when the traffic issues are reviewed.

Ms. Gerstenberger said they are reviewed during the Conditional Use Permit review process.

Councilmember Terry asked if there is an opportunity for public input.

Ms. Gerstenberger said the issues are reviewed by outside agencies and then at a public hearing.

Councilmember Kirtland asked if there are other opportunities available for businesses with this size of a lot, such as a restaurant, or if other types of businesses are a possibility.

Ms. Gerstenberger said there are a number of potential uses, but it would depend on the site and parking, and the size of the proposed building.

Councilmember Terry questioned the compatibility with the neighborhood, and asked for a definition of neighborhood.

Mr. Wilson said that Council decides the reasonable boundary for a particular application.

Councilmember Kirtland asked if there are any different answers then there were when discussing Appleton Corners.

Mr. Wilson said there are not.

Councilmember Spehar inquired about the tools used to address traffic issues. Tim Moore, Public Works Manager, said he is not familiar with this particular site but generally they look at stacking and site distance, site specifics, and types of use.

Councilmember Terry said she was sorry the process was not clear to neighbors, but there is plenty of opportunity at the right time, and that a B-1 zoning is appropriate.

Ordinance No. 3440 – An Ordinance Rezoning the Lewis Property Located at 2258 South Broadway from Residential Single Family 4 (RSF-4) and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR)

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Ordinance No. 3440 was adopted on Second Reading and ordered published.

Council went into recess at 10:22 p.m.

Council was back in session at 10:32 p.m.

Redlands Area Plan, Part of the Grand Junction Growth Plan [File #PLN-2002-060]

A request to adopt the Redlands Area Plan as a part of the Grand Junction Growth Plan. Planning Commission recommended approval at its May 7, 2002 meeting.

Kathy Portner, Planning Manager, reviewed this item. She stated that they had excellent participation in this process. She highlighted the issues that were brought forward by the process.

Councilmember Kirtland said that after reviewing the map he was concerned about statements preserving agricultural land that does not exist. Ms. Portner agreed and said it applies more to the separator (buffer) areas.

Councilmember Terry noted that there is not much change in the Zoning Map and the Land Use Map. Ms. Portner agreed.

Kelly Arnold, City Manager, said he is curious about the “Seasons”, that the “Seasons” were shown as commercial and asked if the County did the zoning. Councilmember Spehar said the County zoned the parcel. Ms. Portner explained that when the City annexed the parcel, the City also adopted the zoning designation of the County.

Councilmember Terry asked why Item #19 and Item # 20 on the agenda were not listed as public hearings. Staff responded that it is not legally required to be a public hearing.

Councilmember Terry said these are significant issues, and they should be open for public comment. She hoped the policy or procedure would be discussed at the next meeting to require such.

The Mayor asked for public comments. There were none.

Resolution No. 62-02 – A Resolution Adopting the Redlands Area Plan as a Part of the Grand Junction Growth Plan

Upon motion made by Councilmember Spehar, seconded by Councilmember Terry, and carried by a roll call vote, Resolution No. 62-02 was adopted.

Redlands Area Transportation Plan, Part of the Grand Valley Circulation Plan [File #PLN-2002-060]

A request to adopt the Redlands Area Transportation Plan as a part of the Grand Valley Circulation Plan dated September 25, 2001. Planning Commission recommended approval at its June 6, 2002 meeting.

Tim Moore, Public Works Manager, reviewed this item, noting the extent of the process and amount of participation. He stated the recurring themes of the various meetings were: that faster was not necessarily better; the need for turn lanes; that bike and pedestrian paths are needed, and that safety is always an issue. He identified the base deficiencies.

Councilmember Terry asked what improvements are already budgeted.

Mr. Moore said some on Monument Road and jurisdictional swaps with CDOT would also be a factor and recommended approval of Resolution No. 63-02.

The Mayor asked for public comments. There were none.

Resolution No. 63-02 – A Resolution Adopting the Redlands Area Transportation Plan as a part of the Grand Valley Circulation Plan

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 63-02, including Staff's revisions, was adopted

Contract and Permits with Outdoor Promotions for GVT Bus Benches and Shelters [File #RVP-2002-020]

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the Petitioner to install 72 bus benches in the City right-of-way along the adopted GVT bus routes. Fifteen of these benches are not allowed to have advertising on them since they are adjacent to residentially zoned properties. This Resolution also revises the previously approved Revocable Permit for 28 bus shelters, four of which are not allowed to have advertising. The City Attorney may have further comment on the agreement between the City and Outdoor Promotions.

Lori Bowers, Associate Planner, reviewed these items.

Mr. Wilson said the numbering on the agreement need to be corrected, and he recommended various other changes to the agreement. He read all recommended changes to Council.

Gary Young, owner of Outdoor Promotions, said he wanted to comment on the pads and has two proposals for Council. He proposed to place both pads (access pads and bench pads) under the advertising benches and none under the no-ad benches, since the pads under the no-ad benches would be of excessive cost to him. The second proposal was to place pads under all benches and bench pads at locations that required them due to erosion, safety and elevation issues.

Councilmember Spehar said he understood his concerns, and under his presumption about the pads that they have to do with permanency and appearance, he felt Council and Outdoor Promotions must adhere to Code and comply with ADA, and that there are other variables with which Mr. Young can address the costs.

a. Contract

Action: Authorize the City Manager to Sign a Contract with Outdoor Promotions

b. Revocable Permit – Benches and Shelters

Resolution No. 64-02 – A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

Councilmember Theobold moved to:

- a) Authorize the City Manager to sign a contract with Outdoor Promotions, Inc. and
- b) Adopt Resolution No. 64-02 with the following changes:
 - 1) The complaint language as specified by the City Attorney;
 - 2) The acceptance of the terms of the Revocable Permit, as outlined by the City Attorney;
 - 3) Renumber the items sequentially;
 - 4) Allow the City Manger to amend the Revocable Permit to add three benches, as outlined by the City Attorney.

Councilmember McCurry seconded. The motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting was adjourned at 11:24 p.m.

Stephanie Tuin, CMC
City Clerk

Transfer City's 2002 PAB Allotment to CHFA

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		An Ordinance to Transfer the City's 2002 PAB Allotment					
Meeting Date		July 17, 2002					
Date Prepared		July 9, 2002			File #		
Author		Ron Lappi		Admin Svcs Director			
Presenter Name		Ron Lappi & Dan Wilson		Admin Svcs Director & City Attorney			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Budget: N/A

Action Requested/Recommendation: Pass the ordinance on the first reading with adoption on August 7, 2002 after a public hearing and second reading.

Attachments: The ordinance

Background Information: The City has until September 15, 2002 to commit our tax exempt PAB allotment to a project or it will automatically go to the State for utilization state wide. This year we had several firms interested in using these funds for expansion but none materialized. This authority can be used for small issue manufacturing, single family mortgage revenue bonds, redevelopment bonds, residential rental projects, student loans, exempt facility bonds, and qualified 501 (c) (3) bonds for non-profit hospitals and private universities. CHFA approached us, as well as Mesa County and other local governments, relative to a process to bank our allocation for future housing needs. The Grand Junction Housing Authority Executive Director, Jody Kole, supports this reserving process at this time.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE AUTHORITY OF A
PRIVATE ACTIVITY BOND ALLOCATION OF CITY OF GRAND
JUNCTION PURSUANT TO THE COLORADO PRIVATE
ACTIVITY BOND CEILING ALLOCATION ACT

WHEREAS, the City of Grand Junction is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has an allocation of the 2002 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2002 (the "2001 Allocation"); and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2002 Allocation; and

WHEREAS, the City has determined that the 2002 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the City Council of the City has determined to assign \$1,607,963 of its 2002 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority attached hereto as Exhibit A (the "Assignment of Allocation").

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grand Junction as follows:

1. The assignment to the Authority of \$1,607,963 of the City's 2002 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Manager be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this ordinance.
3. The City Manager of the City be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the terms and intent of this ordinance.
4. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
5. This ordinance shall be in full force and effect upon its passage and approval or as otherwise required by home rule charter.

INTRODUCED ON FIRST READING this 15th day of July, 2002.

PASSED, ADOPTED AND APPROVED this 7th day of August, 2002.

ATTEST:

City Clerk

President of the Council

EXHIBIT A

ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 7th day of September 2002, is between the City of Grand Junction (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 1999 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to August 7, 2002 (the "2002 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low and moderate income persons and families within the City of Grand Junction and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2002 Allocation; and

WHEREAS, the Assignor has determined that the 2002 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2002 Allocation; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee \$1,607,963 of its 2002 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,607,963 of its 2002 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the Assignment to it by the Assignor of \$1,607,963 of Assignor's 2002 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to provide mortgage loans in at least the amount of \$1,607,963 to finance single-family housing facilities located in the City of Grand Junction. (The mortgage loans will be subject to all applicable current requirements of Assignee's mortgage revenue bond program, including Assignee's income and purchase price limit.)

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry forward purpose.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans to finance single-family housing facilities located in City of Grand Junction.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

CITY OF GRAND JUNCTION

By: _____
City Manager

ATTESTS:

By: _____
City Clerk

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____
Executive Director

By: _____
Assistant Secretary

August 9, 2002

Colorado Housing and Finance Authority
1981 Blake Street
Denver, CO 80202-1272

Gentlemen:

I am an attorney duly admitted to practice in the State of Colorado (the "State"). I have acted as counsel for the City of Grand Junction ("City") in connection with the assignment by the City to the Colorado Housing and Finance Authority (the "Authority") of the City's allocation of the ceiling on private activity bonds which may be issued in the State during the period from January 1, to December 21, 2000 (the "2000 Allocation"), under Part 17 of Article 32 of Title 24 of the Colorado Revised Statutes (the "Allocation Act"). This assignment is being affected pursuant to an Ordinance adopted by City Council on first reading on August 7, 2002 (the "Ordinance"), and an Assignment of Allocation dated August 7, 2002 (the "Assignment of Allocation"), between the City and the Authority.

I have examined, among other things, a copy of the Ordinance. I have also examined the Constitution of the State and such statutes and regulations as I deemed appropriate, including, without limitation, the charter of the City, certificates of public officials and of officers and representatives of the City, and such other documents as I have deemed necessary as a basis for the opinions hereinafter expressed. In the course of such examinations I have assumed the genuineness of all signatures and the authenticity of all documents submitted to me as copies.

Based upon the foregoing, it is my opinion that:

1. The City of Grand Junction is a City, validly existing under the Constitution and the laws of the state.
2. The City of Grand Junction has full legal right, power and authority: (a) to assign its 2002 Allocation, or a portion thereof, in accordance with the Ordinance and the Assignment of Allocation; (b) to adopt the Ordinance; (c) to execute and deliver the Assignment of Allocation; and (d) to perform its obligations under the Ordinance.
3. The adoption or the execution and delivery and the performance of the City of the Ordinance, and the Assignment of Allocation and the performance of obligations thereunder, have been duly authorized by the City. Each have been duly adopted or executed and delivered by the City and each of them constitute valid and binding obligations of the City enforceable in accordance with the respective terms.
4. The adoption of the Ordinance and the execution and delivery of the Assignment of Allocation, and compliance with the terms, conditions and provisions of each thereof by the City, will not conflict with or result in a breach or violation of any of

the terms, conditions or provisions of the Constitution or the laws of the State, local ordinances, resolutions, charter, bylaws, or other regulations, or any other governmental authority of any nature whatsoever as now existing or, to the best of my knowledge, any agreement or instrument to which the City is now a party or by which it is bound, or which could constitute a default thereunder.

5. With respect to the 2002 allocation, or a portion thereof, being assigned to the Authority pursuant to the Ordinance and the Assignment of Allocation, the City has not: (a) issued private activity bonds; (b) assigned the allocation to another "issuing authority" as such term is defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the allocation as an allocation for a project with a carry-forward purpose.
6. No approval, permit, consent or authorization applicable to the City and not already obtained by the City of any government or public agency, authority or person is required in connection with the adoption, the execution and delivery by the City of, and the performance by it of its obligations under, the Ordinance and the Assignment of Allocation.

This opinion may be relied upon by: (i) the Authority's Bond Counsel in rendering its opinion in connection with the issuance by the Authority of revenue bonds; (ii) each institution which may act as an underwriter of any such revenue bonds; no one else without the written approval of the City.

Regards,

Dan Wilson
City Attorney

cc: Jody Kole, GJ Housing Authority
File

Attach W-3

Stormwater Steering Committee

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Grand Valley Stormwater Steering Committee					
Meeting Date	July 17, 2002					
Date Prepared	July 9, 2002				File #	
Author	Trent Prall			City Utility Engineer		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council		No	x	Yes	When	To be determined
Citizen Presentation		Yes	X	No	Name	
X	Workshop	X	Formal Agenda		Consent	Individual Consideration

Summary:

Continuation of the discussion regarding storm water management in the Grand Valley.

Budget:

In 2000, the City of Grand Junction, Mesa County, City of Fruita and the Grand Junction Drainage District applied for a grant from the Colorado Water Conservation Board to fund a management and financial study that will evaluate the alternatives for providing a more unified and efficient approach to Valley-wide storm water facility operations, maintenance, and construction. The total cost of the study is \$100,000 of which \$75,000 is grant funded. The City of Grand Junction, Mesa County, and the Drainage District's share of the grant is \$8,000 each. The City of Fruita, which will administer the grant, will contribute \$1,000 in matching funds.

Action Requested/Recommendation:

The City Council is asked to consider the formation of a steering committee to oversee the study, adopt or modify the attached draft resolution to form a steering committee, and consider committee appointments.

Attachments:

Draft Resolution

Background Information:

The intent of this item is to further explain and clarify storm water management issues and concerns brought up at the joint Storm water Steering Committee formation meeting held on June 24.

It is important for City Council to understand that the NPDES Phase II regulations that become effective in March of 2003 are not seen as a significant policy or regulatory issue for the City. The effort by the City in meeting these regulations will be to document *existing* practices and establish internal systems for tracking operations and maintenance practices. Coordination with Mesa County, Fruita and the Drainage

District is being undertaken to take advantage of common, best management practices among these providers.

Unrelated to the NPDES Phase II regulations, however, is the need for capital improvements. Among just six (6) of the twenty-eight (28) drainage basins crossing the Grand Valley is a potential \$34,000,000 bill for recommended storm water improvements. The City currently has \$4,078,187 in its General Fund ten-year financial plan for storm water improvements. This is in addition to the \$8,300,000 borrowed by the Sewer Enterprise Fund for separation of the combined storm and sanitary sewer project in the central core of the City.

The CWCB study and the steering committee is an opportunity for the City to participate with others in identifying options for capital needs and for investigating maintenance and capital funding alternatives.

The primary intent of the storm water steering committee is to provide direction in regards to storm water management **needs** and to help **prioritize** those needs as well as evaluate and recommend funding alternatives to meet those needs. The committee is not intended to determine the technical details of meeting storm water quality regulations or engineering design details of a detention basin being located in one place or another, as an example.

The following information is from the June 24 meeting with the other providers in the Valley:

For the last 24 months, City of Grand Junction, Mesa County, Grand Junction Drainage District, and City of Fruita staff have met to discuss approaches to simplifying storm water management efforts in the Grand Valley. The four entities are represented on Statewide working groups dealing with storm water permitting regulations and are taking an aggressive approach to public education relative to solving the storm water problems in the Valley. Presentations outlining flooding problems, operation and maintenance needs, capital needs, pending federal regulations and overlapping jurisdictions have been made to the governing boards of the irrigation districts, the County Commissioners, City Councils and some civic groups. Last December, discussions with the City Manager, County Manager, Drainage District management, Fruita and Palisade led to additional presentations being made to the major service groups in the Grand Valley, concentrating on the flooding created by uncontrolled storm water.

Community understanding of the problem and the potential solutions, particularly as to what the solutions cost, is imperative to future success of any storm water management program in the Grand Valley. One discussion that has taken place is the possible creation of a storm water steering committee made up of civic leaders, Council/Commission members, homeowners, engineers, irrigation district representatives, etc. The purpose of the steering committee would be to understand what the storm water problem is and, with staff as technical support, develop a range of options for the policy making bodies to consider, including the organization and funding options necessary to solve the problem.

Consideration by City Council is needed on whether or not a steering committee is a beneficial next step.

RESOLUTION NO. _____-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GRAND JUNCTION TO CREATE A STORMWATER
MANAGEMENT STEERING COMMITTEE**

The City of Grand Junction is actively addressing storm water infrastructure needs within its own jurisdiction as represented by the Combined Sewer Elimination Project and the Leach Creek and Independent Ranchmen's detention basins. The City currently has \$4,078,187 budgeted in the 10-year General Fund financial plan for storm water improvements. This is in addition to the \$8.3 million committed to separation of the storm and sanitary sewers in the urban core.

The City is fully intending to meet the requirements of the forthcoming National Pollutant Discharge Elimination System (NPDES) Phase II water quality requirements.

Surface runoff follows natural and manmade channels across municipal boundaries and meander through multiple jurisdictions, and often raise questions of efficiency and duplication of effort in maintenance and operations.

The City of Grand Junction, City of Fruita, Town of Palisade, Mesa County and Grand Junction Drainage District storm water managers have been meeting for the last two years to determine if there are opportunities to streamline storm water management in the Grand Valley to provide more effective and efficient means of storm water maintenance and capital construction.

A 1999 engineering study of only 6 of 28 drainage basins that affect the urban area found \$34 million in capital infrastructure deficiencies. The other basins not studied are believed to have similar capital deficiencies.

Based on recent discussions between the various Grand Junction storm water managers, the City of Grand Junction believes there may be an opportunity to further evaluate and work together toward more cohesive management of storm waters and surface runoff to reduce flooding losses and improve water quality.

The direction and financing of storm water management needs and the priority of those needs must be better understood before they can be successfully approached.

The elected officials of the various Grand Valley public agencies believe valuable input can be obtained by having interested local individuals evaluate the situations and make recommendations to the respective Boards and Councils for the management of storm water within the Grand Valley.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, to participate with other storm water providers in the Grand Valley in an effort to review capital and maintenance needs and to create a STORMWATER MANAGEMENT STEERING COMMITTEE of citizen volunteers from within the Grand Valley.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2002

ATTEST:

CITY CLERK

PRESIDENT OF THE COUNCIL

Attach 3

Legal and Ethical Standards for Members Serving on City Boards and Commissions

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject	Resolution Adopting Ethical Standards for Members Serving on City Boards and Commissions					
Meeting Date	July 17, 2002					
Date Prepared	July 11, 2002				File #	
Author	Dan Wilson		City Attorney			
Presenter Name	Dan Wilson		City Attorney			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution adopting standards for advisory boards and City groups, as well as for the members of City boards and commissions that have final administrative decision-making duties.

Budget: None

Action Requested/Recommendation: Adopt a resolution setting standards and rules for the various City advisory and similar groups, and more rigorous rules and standards (equivalent to those that apply to the City Council members) for City groups with decision-making powers.

Attachments: The proposed Resolution.

Background Information: 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. Other City

entities and City Council appointed groups will also benefit from having guidance and conflict of interest rules.

City of Grand Junction, Colorado

RESOLUTION NO. __-02

A RESOLUTION CLARIFYING THE ETHICAL STANDARDS FOR MEMBERS OF THE CITY'S BOARDS, COMMISSIONS AND SIMILAR GROUPS

Recitals. The various City boards, committees, commissions and other groups are similar in that: the members are typically appointed by the City Council; the mission of each is somehow supportive of the City; and from the perspective of the citizen, the actions and pronouncements of the members of such boards and commissions may be viewed as being the act or pronouncement of the City.

The power and legal responsibilities of several of such City groups rise to the level that the City Council should provide additional guidance and rules, pursuant to the City charter, state and other law.

Members of entities/boards who have one or more of the following powers, duties or opportunities, should be subject to higher scrutiny and care, and will be termed "Authoritative":

- spend money,
- adopt a budget,
- buy or sell property,
- act for or bind the City,
- sue and be sued,
- hire/fire and supervise employee(s),
- make land use decisions, including zoning and/or variances;
- issue and regulate City licenses, including the power to suspend or revoke a right or privilege to do business with or within the City.

The following are Authoritative:

Grand Junction Downtown Development Authority
Walker Field Public Airport Authority
Grand Junction Housing Authority
Grand Junction Planning Commission
Grand Junction Planning Commission Board of Appeals
Building & Fire Code Board of Appeals
Contractor's Licensing Board
Parks Improvement Advisory Board
Visitor & Convention Bureau Board of Directors (??)
Public Finance Corporation
Riverview Technology Corporation
Grand Junction Forestry Board
Ridges Architectural Control Committee

A member of a body with advisory powers and duties only could normally not make a decision that is an actual conflict of interest, although a question of appearance of

impropriety might arise. Such groups that are normally acting through a City employee or another City group will be termed "Advisory" for this resolution.

The following groups and boards are Advisory:

- Commission on Arts and Culture
- Parks and Recreation Advisory Board
- Urban Trails Committee
- Riverfront Commission
- Historic Preservation Board
- Growth Plan members
- Study groups
- Transit Committees/groups
- Other *Ad Hoc* Committees

All such members are encouraged to discuss such matters with the City Attorney or the Mayor as soon as the member determines that a situation or circumstances has arisen or is likely to.

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

1. These rules supplement state and other applicable law, including the City Charter, especially § 101 of the Charter.
2. The recitals are a substantive part of these rules.
3. Authoritative boards and the members thereof are subject to the same rules as is the City Council and its members.
4. Rules for members of Authoritative groups and/or commissions are:
 - (a) Members are not allowed to contract with the City. The same constraints apply to a member's immediate family and close business associates.
 - (b) Members cannot act or be involved in a decision or process when their personal and/or financial interests (direct and/or indirect) could (or be reasonably perceived to) influence their decision-making.
 - (c) Each member must disclose the conflict or appearance of impropriety (including the potential of either) as soon as possible.
 - (d) If a conflict exists, or if the appearance of impropriety exists, the member must remove him or herself from further involvement in the decision or the process. In addition, the member must avoid exercise of any attempt to influence any decision-maker.
5. Advisory boards and members are not subject to the rules that apply to members of Authoritative groups/commissions; except that members of advisory boards and

groups must: disclose the conflict or appearance of impropriety as soon as possible; absent oneself from participation or influence regarding the matter.

6. There is no conflict, nor impropriety, for any member of any City board/entity if the matter does not involve the board/entity on which the member serves.
 - For example, membership on an Advisory board would not disqualify one's child from bidding on a City Public Works Department contract authorized by the City Council.
 - Another example: Assume that the Arts Commission was expected to recommend to the Parks Director regarding the Director's purchase of a piece of art. If one of the members of the Commission was close friends with the creator of one of the pieces of art, the member should disclose the relationship and avoid further involvement with the process of making recommendations and acquiring the artwork.
 - A third explanatory application: These rules would allow a citizen to bid on a City contract even though a member of the citizen's family served on a City Council appointed board if the particular board was unrelated to the bidding process or the involved City department.
7. Disclosure under this resolution is in writing or email, or equivalent, to the Mayor, with a copy to the City Attorney. The City Attorney shall deliver a copy, along with any legal opinion that is made available to the public, to the City Clerk who will keep a public record of all such disclosures.

PASSED and ADOPTED this _____ day of July, 2002.

President of the Council

ATTEST:

Stephanie Tuin
City Clerk

**Attach W-2
MOU with DDA**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	City/DDA Memorandum of Understanding					
Meeting Date	15 July 2002					
Date Prepared	02 July 2002				File #	
Author	Varley/Shaver		ACM & ACA			
Presenter Name	Bruce Hill & Kelly Arnold		DDA Board Chair & City Manager			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
X	Workshop		Formal Agenda		Consent	Individual Consideration

Summary: A Memorandum of Understanding between the City of Grand Junction and the Downtown Development Authority which supplements the DDA's bylaws and rules and outlines the relationship between the two parties and the duties and responsibilities of each party.

Budget: No change to City's budget.

Action Requested/Recommendation: Review, approve and authorize the City Manager to sign the attached Memorandum of Understanding.

Attachments: Memorandum of Understanding between the City of Grand Junction and the Downtown Development Authority

Background Information: This MOU resulted from a comprehensive review of the DDA operations and the City's involvement in the same. Historically the City-DDA relationship has not been clear and this MOU serves to clarify that relationship. It faithfully incorporates State law and spells out how the DDA is/was created and the relationship between it, it's director and staff and the City. The City has historically provided Human Resources and financial services to the DDA but it has not been clear under who's direction/authority the services were rendered, the quality and quantity of the information that was made available and more particularly how liabilities were managed. The liability was especially an issue when managing employment injuries and disabilities and performing financial services. This MOU provides that financial, legal and Human Resources services as well as other services may be provided on a contract basis to the DDA.

MEMORANDUM OF UNDERSTANDING
Between the City of Grand Junction
And the
Grand Junction Downtown Development Authority

Recitals.

The Grand Junction Downtown Development Authority (DDA) was created in 1977 and its bylaws were adopted not long thereafter. Those bylaws are a part of the governing rules for the Board of Directors of the DDA (Board) but they have not been reviewed or amended since they were adopted.

In addition, because the relationship between the DDA and the City has not been formally examined since the inception of the DDA, the Board and the City Council believe that this memorandum of understanding (MOU) is necessary and beneficial.

One major purpose of this agreement is to set forth basic principles of the DDA's mission and its legal duties and responsibilities.

This MOU will provide an operating framework and address other matters deemed appropriate and necessary by the City Council and the Board.

Because an MOU is a form of contract it serves to describe some rights, powers, duties, privileges and liabilities of the DDA and the City. Of course, the parties acknowledge that the City Charter, the City's ordinances, regulations, policies and practices and state and federal laws control as primary sources for those things.

Current laws and rules that apply to the DDA, give direction to the Board and the DDA employees and control the programs and efforts of the DDA are:

- (1) the statute that authorizes downtown development authorities. §31-25-101, *et seq.*, C.R.S.;
- (2) the City's ordinance that created the DDA supplemented by the more detailed bylaws, adopted by the Board and the City Council;
- (3) the City and DDA ordinances and resolutions related to financial transactions, such as bond issues including limits and rules regarding expenditures and accounting.

The DDA can only act through a majority of a quorum of its board of directors. Acting together in two quite different roles, the board members:

- (1) Set policy and give guidance and direction for the DDA, in accordance with the policies and direction established by the City Council; and
- (2) Act as the supervisor and employer of the director of the DDA.

Because local government decisions in Colorado can only be made in open meetings and consistent with principles of governance, the City and the Board acknowledge that each can only act as a majority of a quorum. Individual members of the Board and the

Council have no authority or power; members only take action to the extent approved by the respective group.

Normally, the Board will act through its chairperson. Occasionally, the Board may act through another, for example, when the chair is in the minority or if the chair declines to act consistently with the Board's direction. Unless acting to carry out the Board's decision or direction, an individual board member is not authorized to direct or control the Director or other DDA employee.

Fundamental duties of each member (of the Board and the Council) are:

- (1) To act as a fiduciary, including oversight and management; and
- (2) To direct the DDA and expend its resources in accordance with the budget, applicable law and other requirements and policies.

While it is true that the real properties and businesses within the DDA boundaries generate the DDA's revenues, the Council pursuant to Colorado law reviews and approves the DDA budget. To that end the Council must assist the DDA in maintaining compliance and consistency with City, state and federal law and requirements, including but not limited to fiscal and budgetary regulations.

The rules and regulations applicable to local governments (such as financial, accounting, open meetings and open records) are already inherent in the City's operations and are easily and readily applied to the DDA.

BASED ON THE FOREGOING RECITALS, which are intended to be substantive provisions of this agreement, the City Council of the City of Grand Junction and the Board of Directors of the Grand Junction Downtown Development Authority (Board) HEREBY AGREE and ENTER INTO THIS MEMORANDUM OF UNDERSTANDING, as of the date of the last signature hereon.

1. Supplemental. This MOU supplements the DDA bylaws and rules, thus helping the DDA to accomplish its mission while allowing the Council to discharge its duties in assisting, managing and guiding the Board.
2. DDA Minutes. The DDA Director shall provide to the City Clerk minutes of the meetings of the DDA. Such minutes shall be of a style and quality equivalent to those provided by the City Clerk for City Council meetings. The Director shall provide minutes within fourteen (14) days of approval of the minutes by the Board.
3. Board Supervision of Director. The Board shall supervise, direct and oversee the Director. The Board is responsible for the hiring and day-to-day supervision, periodic evaluation and discipline, as necessary, of its employee, the DDA Director.
4. DDA Budget.
 - (a) The Board and/or the Director as directed by the Board shall prepare and propose an annual budget to the City Council. The City Council will review the proposed DDA budget as a part of the City's budget and appropriation process. As a part of the evaluation and approval of the City's budget and appropriations, the Council shall approve, approve with detailed and/or general changes, or otherwise establish, a budget for the DDA.

- (b) The Director shall participate in the City budgeting process and shall abide by the City's rules and requirements including budgeting and accounting. Unless directed otherwise by the Board, the Director shall provide each member of the Board with a copy of all reports provided to the City.

5. DDA Director.

- (a) The DDA Director, who has been referred to as the *Executive Director* from time-to-time, is an at-will employee of the Board. In general, the DDA Director may be regarded as the chief executive officer of the DDA. The Director is responsible for the day-to-day implementation of the Board's direction, including oversight and supervision of the other DDA employees and operational performance and control of the DDA programs, activities and policies.
- (b) The Director shall hire, act as the manager and supervisor of the other DDA employees.
- (c) The Director shall keep each member of the Board informed of the Director's activities, decisions, the activities and programs and other functions of the DDA, as provided by the Board in writing from time-to-time.
- (d) The Director is responsible to see that the meetings, records and other activities of the DDA comply with applicable laws, including the open meetings act and open records act.
- (e) The Director shall inform the City Manager, the City Attorney and the HR Manager, as appropriate, regarding any concerns and/or possible liability arising out of this agreement, including employment law claims and notices of claim under the Colorado Governmental Immunity Act.

6. Director's Reports.

- (a) The Director shall prepare a written monthly report to the Board, with a copy to the City Manager. The report shall at least describe the financial condition of the DDA for the prior month, the calendar year to date and shall include a summary of ongoing projects and activities. Such reports shall be available to the public in accordance with the Open Records Act.
- (b) The Director's monthly report shall describe the efforts, staff time and resources given to and received by the DDA with regard to the Downtown Association, the Avalon and other DDA activities and relationships.
- (c) The Director shall provide such other reports, documents and information as the Treasurer, Human Resources Manager, City Attorney and/or City Manager require from time-to-time. The Director shall provide copies of all such reports to the Board.
- (d) On or before each March 1, the Director shall give the Board, with a copy to the City Manager, a written report of services or resources provided to the DDA during the preceding calendar year by any City department, division or employee. The purpose of this report is to identify the value, expense,

benefit(s) and costs associated with providing such City services to or at the direction of the DDA. The Director shall include a separate written evaluation of such services, which shall be approved by the Chair of the Board and the City Manager before it is made available to the public.

7. DDA Employees.

- (a) DDA employees, including the Director, are not City employees. For convenience, however, the City may pay DDA employees as though the employees are City employees. In addition, a DDA employee may receive medical and other benefits provided by the DDA that are equivalent to those received by an equivalent City employee as directed and determined by the DDA. The City may perform payroll and benefit administration and services for the DDA in accordance with a contract for services pursuant to paragraph 11.
- (b) At least once each calendar year, the Director shall personally deliver a written notice to each DDA employee indicating to the employee that s/he is neither employed by the City nor entitled to any City employee benefits and/or protections.
- (c) Each DDA employee is employed as an at-will employee, unless the Board has determined otherwise, in writing, with regard to each specific individual. The Board shall maintain a copy of each such writing.
- (d) At least once each calendar year, the Director shall perform an oral and written evaluation of/with each DDA employee. The Director shall make each such written evaluation available to the Board in either summary or detailed form as determined by the Board. The Director shall maintain a copy of each such written evaluation.

8. Personnel policies.

- (a) The Director and other DDA employees shall be supervised in accordance with the City's most recent Personnel Policy Manual (PPM). The Director shall, at any time during which the City is contracted to provide human resources services in accordance with paragraph 11, seek direction and guidance from the City in construing and applying the PPM as instituted herein.
- (b) The Board may vary how one or more of the provisions of the PPM apply to any particular DDA employee effective when the Board confirms the change or variance in writing. If the City is providing human resources services to the DDA in accordance with paragraph 11, each such change or variance shall only occur if the City's Human Resources Manager consents in writing.
- (c) For purposes of interpreting and applying the PPM only, the Director shall be deemed to be a City department head and the Board shall be deemed to be the City Manager.
- (d) If the Director and the HR Manager differ at any time regarding the PPM as it relates to the DDA and/or DDA employment matters, decisions, or policy interpretations, each shall inform the City Manager and the DDA Chair. The City Manager shall make a written decision on such matter, which shall be

final except for all matters properly decided by the City Council.

- (e) The Director shall take no action to modify any salary, benefit, job duty, compensation or similar matter regarding any DDA employee, including the Director, without having first obtained the approval of the Board and after having first consulted with the City's HR Manager. A copy of any such action shall not be effective until it is provided to the HR Manager.
- (f) The City shall provide training to DDA employees on various employment policies and practices.
- (g) The City shall administer the benefits, compensation and the similar matters of the DDA employees on a basis roughly equivalent to those of City employees, unless directed otherwise in writing by the Board.

9. DDA Treasurer. The City Finance Director is the treasurer of the DDA, unless the City Manager designates otherwise in writing with a copy to the Board, the Director and the City Council.

10. Legal Representation.

- (a) Unless the Board and the City Council both determine otherwise, the City's attorney shall be the attorney for the DDA pursuant to paragraph 11. Either the Council or the City attorney may determine on a case-by-case basis that the DDA must obtain separate legal advice and/or representation.
- (b) The City Council may terminate the provision of the City attorney's services to the DDA at any time in general or for particular/specific matters. The Council may terminate the provision of the City's attorney services based on actual or perceived conflict of interest or without a reason being stated.

11. Other Services. The Council and the Board shall determine by separate agreement what if any other services the City shall provide to the DDA. DDA payment to the City shall be in accordance with the terms of any service(s) agreement(s).

12. DDA Payments to the City. The Council and the Board shall determine by separate agreement how, if and/or how much the DDA will pay to the City for the work and/or services provided to the DDA by the City.

13. Headings. Paragraph titles and headings are for convenience only and should not be used to understand the terms of this Memorandum of Understanding.

Chair of the DDA

Date: _____

Mayor of the City

Date: _____

FY2002 Unified Planning Work Program and FY2003 Consolidated Planning Grant

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		1) FY 2003 Unified Planning Work Program 2) FY 2003 Consolidated Planning Grant Annual Certifications and Assurances				
Meeting Date		July 17, 2002				
Date Prepared		June 26, 2002			File #	
Author		Peggy Miller		RTPO Office Administrator		
Presenter Name		Jody Kliska		Transportation Engineer		
Report results back to Council		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Approve and sign a Joint Resolution with Mesa County and the City of Grand Junction adopting 1) the FY 2003 Unified Planning Work Program (UPWP), and 2) the FY 2003 Consolidated Planning Grant Annual Certifications and Assurances.

Budget:

Funding Sources	Grants	Mesa County	Grand Junction	Fruita	Palisade	Total
FY 03 Consolidated Planning Grant	\$110,296	\$12,106	\$12,105	\$0	\$0	\$134,507
FY 01 Consolidated Planning Grant	14,892	1,635	1,634	0	0	18,161
Section 5307	41,600	10,400	0	0	0	52,000
Section 5311	4,550	1,950	0	0	0	6,500
Section 5313(b)	7,000	3,000	0	0	0	10,000
TPR Contributions	0	30,000	0	2,500	1,000	33,500
Totals	\$178,338	\$59,091	\$13,739	\$2,500	\$1,000	\$254,668

Action Requested/Recommendation:

- a) Approve and sign the Joint Resolution with Mesa County adopting 1) the FY 2003 Unified Planning Work Program (UPWP), and 2) the FY 2003 Annual CPG Certifications and Assurances.
- b) Approve the funding of the City's share of the local match in the amount of \$13,739.
- c) Authorize the Regional Transportation Planning Office Director to approve any forthcoming change orders from CDOT.

Attachments:

- Resolution
- FY 2003 Unified Planning Work Program
- FY 2003 Consolidated Planning Grant Annual Certifications and Assurances

Background Information:

The Unified Planning Work Program is prepared annually by the Regional Transportation Planning Office and describes planning tasks and personnel costs; the UPWP also budgets funds for the FY 2003 running from October 1, 2002 through September 30, 2003. The MPO, composed of Grand Junction and Mesa County elected officials and staff, coordinates transportation planning with state officials from the Colorado Department of Transportation (CDOT) and the Colorado Health Department who, through the Air Quality Control Commission, is charged with protecting air quality throughout Colorado. The ultimate goal of this planning process is an efficient, effective transportation system. To further these efforts, the Federal Highway Administration provides planning funds through CDOT to MPO's; these funds are received through the FY 2003 Consolidated Planning Grant (CPG).

The FY 2003 Annual CPG Certifications and Assurances for the Metropolitan Planning Organization's (MPO) CPG are required for adherence to stipulations in the CPG.

- The first certification titled "STATEMENT CERTIFYING the urban Transportation Planning Process In the Grand Junction Urbanized Area By the Grand Junction/Mesa County Metropolitan Planning Organization and the State of Colorado" establishes certification of the urban transportation planning process in the Grand junction Urbanized Area.
- The second certification titled "CERTIFICATION OF RESTRICTIONS ON LOBBYING" establishes that the MPO has not used Federal funds to pay for lobbying services.
- The final certification titled "GRAND JUNCTION/MESA COUNTY METROPOLITAN PLANNING ORGANIZATION ANNUAL TITLE VI ASSURANCES" establishes that the MPO is working within the constraints of Title VI (Civil Rights/service equity) regulations.

Mesa County is a co-signer to this agreement.

DRAFT

MCC# _____
GJCC# _____

RESOLUTION NO -02

A JOINT RESOLUTION OF THE COUNTY OF MESA AND THE CITY OF GRAND JUNCTION CONCERNING ADOPTION OF THE FISCAL YEAR 2003 UNIFIED PLANNING WORK PROGRAM AND THE FISCAL YEAR 2003 CPG CERTIFICATIONS AND ASSURANCES.

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

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

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

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

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

That the Fiscal Year 2003 Unified Planning Work Program and Fiscal Year 2003 CPG Certifications and Assurances, hereunto attached, were adopted by the Board of County Commissioners of the County of Mesa, Colorado on _____, and by the City Council of the City of Grand Junction, Colorado on _____.

CITY OF GRAND JUNCTION

COUNTY OF MESA

Mayor
Grand Junction City Council

Chair of the Board
Mesa County Board of Commissioners

_____ day of _____, 2002
_____, 2002

_____ day of

Attest:

Attest:

DRAFT

City Clerk

County Clerk

DRAFT

FY 2003 UNIFIED PLANNING WORK PROGRAM

FOR THE

GRAND JUNCTION/MESA COUNTY URBANIZED AREA



Prepared by the

Mesa County
Regional Transportation Planning Office
*Grand Junction/Mesa County Metropolitan Planning Organization
& Transportation Planning Region*

and the

Colorado Department of Transportation
Division of Transportation Development
Program Management Branch

In cooperation with the
Federal Highway Administration
Federal Transit Administration

July, 2002

TABLE OF CONTENTS

DRAFT

Introduction	1
Summary of the Budget	4
UPWP Work Tasks.	7

Tables

Table 1-- Summary of the Budget	4
Table 2 -- Funding Breakdown	5
Table 3 -- UPWP Task Costs	6

Figures

Figure 1 -- Transportation Planning Terminology.	ii
Figure 2 -- Urbanized Area Map.	2
Figure 3 -- MPO Local Review Process.	3
Figure 4 -- Task Schedule.	18

DRAFT

FIGURE 1-- TRANSPORTATION PLANNING TERMINOLOGY

Air Quality Control Commission.	AQCC
Annual Element.	AE
Colorado Department of Transportation.	CDOT
U.S. Department of Transportation.	DOT
Federal Highway Administration.	FHWA
Federal Transportation Administration.	FTA
Fiscal Year for the MPO.	FY
Intermodal Surface Transportation Act.	ISTEA
Metropolitan Planning Organization.	MPO
FHWA planning funds made available through CDOT to the MPO.	PL Funds
FTA funds made available through CDOT to the MPO.	Section 5303 Funds
State Implementation Plan.	SIP
State Planning and Research Funds.	SPR
Title VI of the U.S., Civil Right Act of 1964, as amended.	Title VI
Transit Development Plan.	TDP
Transportation Improvement Plan.	TIP
Regional Transportation Policy Advisory Committee	RTPAC
Transportation Technical Advisory Committee.	TTAC
Unified Planning Work Program.	UPWP
Urban Transportation Planning Process	UTPP
Vehicle Miles Traveled.	VMT

DRAFT

A. INTRODUCTION

The Unified Planning Work Program describes planning tasks and personnel costs and also budgets funds for the Fiscal Year 2003 running from October 1, 2002 through September 30, 2003. The Metropolitan Planning Organization (MPO), composed of Grand Junction and Mesa County elected officials and staff, coordinates this planning with state officials from the Colorado Department of Transportation (CDOT) and the Colorado Health Department who, through the Air Quality Control Commission, is charged with protecting air quality throughout Colorado. The ultimate goal of this planning process is an efficient, effective transportation system. The MPO staff is housed within the Mesa County Regional Transportation Planning Office (RTPO).

To further the continuing, comprehensive, and cooperative planning for the Grand Junction Urbanized Area (Fig. 2,) the Federal Highway Administration provides Planning (PL) funds to the MPO under the administration of CDOT. The FY 2003 Consolidated Planning Grant (CPG) allocation to the MPO is \$134,507. Maximum payable by the department is \$110,296. This amount is made up of Federal Highway Administration (FHWA) funds in the amount of \$86,526 and of Section 5303 Federal Transit Administration (FTA) funds in the amount of \$23,770 for a total of 82% of the Consolidated Planning Grant. These funds are matched at an 18.0% ratio by the MPO members. Local match for PL and Section 5303 is \$24,211 and is split 50/50 between Mesa County and the City of Grand Junction.

Other FY 2003 funding to the RTPO includes:

\$

Section 5307 FTA grant funds will provide \$41,600 with a \$10,400 local match requirement for a total of \$52,000 for the purpose of FTA grant administration and public transit coordination.

\$

Section 5311 FTA grant funds will provide \$4,550 with a \$1,950 local match requirement for a total of \$6,500. These are rural operating funds which will be used on all functions to administer the grant through this office.

\$

Section 5313(b) FTA grant funds will provide \$7,000 with a \$3,000 local match requirement for a total of \$10,000 for the purpose of Transit Development Plan preparation. These funds will be used to write an extension to the existing 1997-2002 TDP through 2004.

\$

\$30,000 from Mesa County, \$2,500 from Fruita, and \$1,000 from Palisade for a total of \$33,500 for Transportation Planning Region planning activities.

\$

Re-application for Unused Portion of FY 2001 CPG funds in the amount of \$18,160.52, specifically:

☞ At September 30, 2001 we were short on expenditures to fully draw down the balance available in our FY2001 CPG.

☞ Our >Federal Balance Available= was \$38,650.96 but our expenditures totaled only \$20,490.44 (a difference of \$18,160.52).

The unused FY 2001 CPG funds of \$18,160.52 are made available to the Grand Junction/Mesa County MPO via identification and explanation in this document.

82%,	or	\$14,891.63	Are identified as FhWA funds
9%,	or	1,634.44	Are identified as City of Grand Junction Match
9%,	or	1,634.45	Are identified as Mesa County Match

DRAFT

		\$18,160.52	Total FY 2001 CPG Funds Being Re-applied For
--	--	-------------	--

The RTPO, therefore, proposes to spend a total of \$254,668 including local match, on transportation-related tasks contained in the FY 2003 Unified Planning Work Program. CDOT, as the Contract Administrator, monitors the timely accomplishment of tasks and the reimbursement process. In addition, CDOT actively participates in the planning process through the provision of technical services (Fig. 3.)

The current local operational structure allows for maximum funding to be channeled to local City and County agencies through the Transportation Technical Advisory Committee (TTAC) and Regional Transportation Policy Advisory Committee and to provide staff and resources for completion of the various tasks through the RTPO and the member governments. The MPO continues to shift much of the administrative activity associated with each task (grant administration, planning, and implementation) into the task budget itself. This allows the MPO

Administrator (the RTPO Director) to focus on required documents, annual certification, and overall policy development for the agency, and to direct more dollars to actual studies and activities.

The RTPO performs administrative functions working directly to support the task elements of the FY 2003 UPWP. This office is the "single point-of-contact" among MPO agencies and state and federal officials. The technical operational agencies assume an active role in developing, implementing, and monitoring the program tasks. The MPO Administrator provides technical support and performs the managerial tasks necessary for the MPO to comply with state and federal requirements. Program goals call for continued support of grant administration, planning and implementation tasks with minimum administrative overhead. The MPO's local approach to this UPWP should accomplish those goals.

FIGURE 2 -- URBANIZED AREA MAP

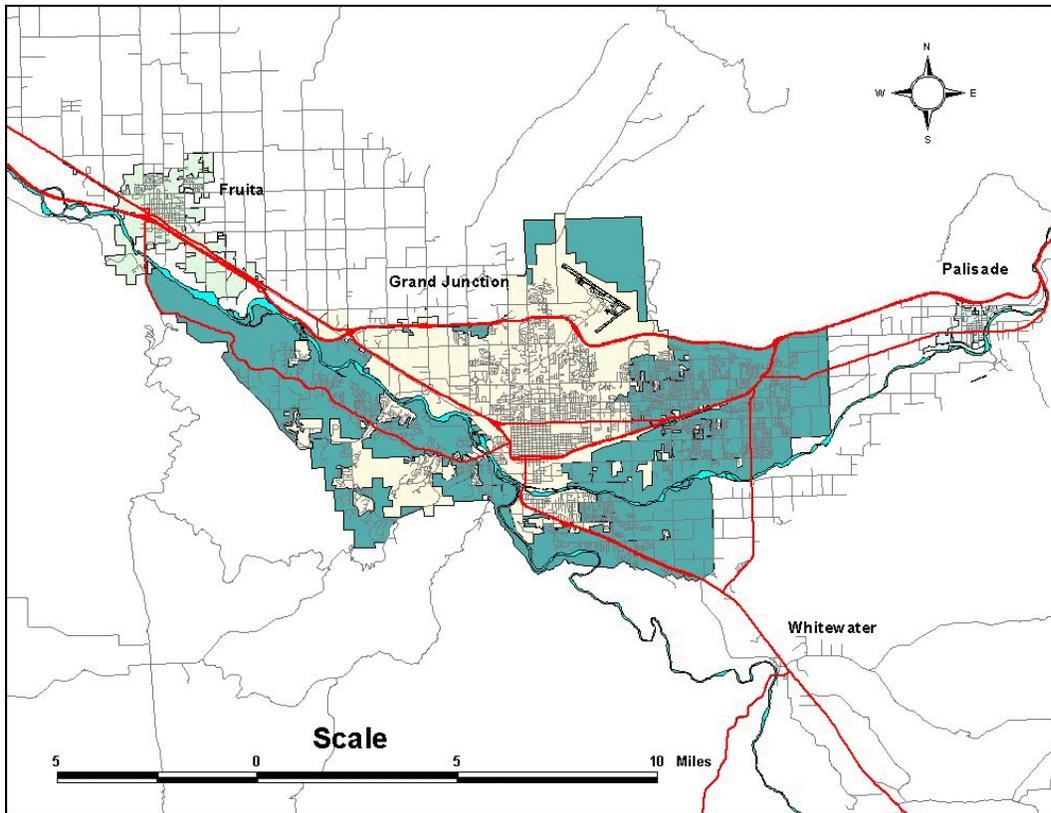
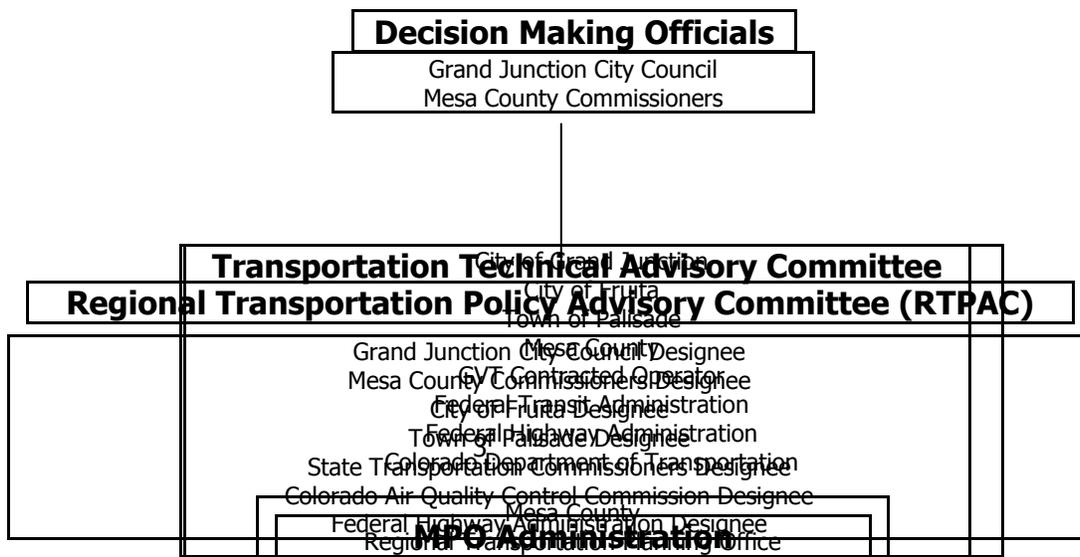


FIGURE 3 -- GRAND JUNCTION / MESA COUNTY METROPOLITAN PLANNING ORGANIZATION LOCAL REVIEW PROCESS



SUMMARY OF THE BUDGET

During FY 2003 it is proposed that \$254,668 be expended by the RTPO on transportation planning for the MPO. Of that amount, \$12,830 is the required match from Grand Junction, Mesa County, and other local sources, as well as \$13,500 which is to be provided by Mesa County, Fruita, and Palisade for Transportation Planning Region (TPR) activities. Federal Highway Administration and Federal Transit Administration funds administered through CDOT provide \$178,338 for regional transportation planning efforts. A breakdown of these funds by task group and agency is shown below.

TABLE 1-- SUMMARY OF THE BUDGET

	Task	PL & Sec 5303	Sec 5307	Sec 5311	Sec 5313b	TPR	Total
A		~	~	~	~	~	~
	MANAGEMENT ACTIVITIES						
	FY 2004 UPWP	11,500	0	0	0	0	\$ 11,500
A.2	<i>Administration</i>	11,500	11,800	2,950	0	3,000	29,250
A.3	In State Training and Travel	2,500	1,500	0	0	0	4,000
A.4	<i>Out of State Training and Travel</i>	8,100	3,200	0	0	0	11,300
A.5	MPO Boundary Update and IGA	27,500	0	0	0	4,750	32,250
B		~	~	~	~	~	~
	PLANNING ACTIVITIES						
B.1	Support for Grand Valley Circulation Plan	15,500	0	0	0	7,000	22,500
B.2	GVT Strategic Plan and TDP Extension	26,500	35,050	3,550	10,000	0	75,100
B.3	Grand Junction Intermodal Center Feasibility	10,500	0	0	0	0	10,500
B.4	2000 Census Update to TransCAD Model	30,518	0	0	0	14,750	45,268

B.5	Jurisdictional Swap with CDOT	5,000	0	0	0	3,000	8,000
C	IMPLEMENTATION TASKS	~	~	~	~	~	~
C.1	FY 2003-2008 TIP Amendments/Planning for next Update	3,550	450	0	0	1,000	5,000
	TOTALS	\$152,668	\$52,000	\$6,500	\$10,000	\$33,500	\$254,668

TABLE 2 -- FUNDING BREAKDOWN

Funding Sources	Grants	Mesa County	Grand Junction	Fruita	Palisade	Total
FY 03 Consolidated Planning Grant (CPG)	110,296	12,106	12,105	0	0	134,507
FY 01 Consolidated Planning Grant (CPG)	14,892	1,635	1,634	0	0	18,161
Section 5307	41,600	10,400	0	0	0	52,000
Section 5311	4,550	1,950	0	0	0	6,500
Section 5313(b)	7,000	3,000	0	0	0	10,000
TPR Contributions	0	30,000	0	2,500	1,000	33,500
TOTALS	\$178,338	\$59,091	\$13,739	\$2,500	\$1,000	\$254,668

TABLE 3 -- UPWP TASK COSTS

	Task	Local Match & TPR	PL & Sec	Sec	Sec 5311	Sec 5313b	Total
			5303	5307			
A	MANAGEMENT ACTIVITIES	~	~	~	~	~	~
A.1	FY 2004 UPWP	1,625	9,875	0	0	0	\$11,500
A.2	Administration	8,585	8,775	10,000	1,890	0	29,250
A.3	In State Training and Travel	1,240	2,040	720	0	0	4,000
A.4	Out of State Training and Travel	2,098	6,642	2,560	0	0	11,300
A.5	MPO Boundary Update and IGA	8,707	23,543	0	0	0	32,250
B	PLANNING ACTIVITIES	~	~	~	~	~	~
B.1	Support for Grand Valley Circulation Plan	11,700	10,800	0	0	0	22,500
B.2	GVT Strategic Plan and TDP Extension	15,500	21,770	28,170	2,660	7,000	75,100
B.3	Grand Junction Intermodal Center Feasibility	2,125	8,375	0	0	0	10,500
B.4	2000 Census Update to TransCAD Model	19,000	26,268	0	0	0	45,268
B.5	Jurisdictional Swap with CDOT	4,500	3,500	0	0	0	8,000

C	IMPLEMENTATION TASKS	~	~	~	~	~	~
C.1	FY 2003-2008 TIP Amendments/Planning for Next Update	1,250	3,600	150	0	0	5,000
	TOTALS	\$76,330	\$125,188	\$41,600	\$4,550	\$7,000	\$254,668

**GRAND JUNCTION / MESA COUNTY MPO
UPWP WORK TASKS**

The major portion of this document consists of work tasks to be completed during Fiscal Year 2003 (October 1, 2002 to September 30, 2003.) These work tasks are intended to monitor and implement the continuing, cooperative, and comprehensive urban transportation planning process carried out by the MPO and CDOT in the Grand Junction urbanized area. The agencies with primary responsibility for completion of each task are listed in the UPWP. The UPWP is intentionally presented as an outline of primary funding sources and planning schedules. An overview of the entire planning process is contained in the Memorandum of Agreement establishing the MPO. (See Figure 3 for the MPO structure.)

Figure 4 provides a summary of scheduling for all UPWP tasks. Work tasks of a continuing nature are differentiated from those with definable time frames. Modifications in task schedules are reflected in monitoring reports. Significant changes in schedules will be agreed to by CDOT and the MPO. An accomplishment report for FY 2003 will be completed on a quarterly basis beginning in January, 2003 and submitted to CDOT.

A. MANAGEMENT ACTIVITIES

The primary objective of the UPWP management activities is to provide for the on-going management of the urban transportation planning program in the Grand Junction urbanized area. Secondary objectives include grants management, coordination of planning efforts among local, regional and state agencies, citizen participation and monitoring, and documentation of transportation planning efforts and technical studies through locally adopted planning documents. Since the MPO and CDOT share responsibility for compliance with Federal planning guidelines, both agencies are involved in program management activities.

A.1. Task Name: Fiscal Year 2004 (October 1, 2003 through September 30, 2004) Unified Planning Work Program (UPWP)

Objective: To perform the necessary management tasks to produce a FY 2004 UPWP that will include all transportation planning activities, regardless of Federal funding sources, which significantly impact the local Study Area, whether performed on a federal, state, or local level.

Product: A Unified Planning Work Program for FY 2004.

Schedule: A meeting to discuss work needs will be held in May/June. The UPWP first draft will be completed in June, with adoption by the end of July. The MPO Contract will be signed by the Grand Junction City Council, Mesa County Commissioners, and the State of Colorado by September 30th.

Agency: Regional Transportation Planning Office

Personnel: Local - 30 days

Costs: \$11,500 (Includes non-salary costs)

FUNDING~	Total:	\$11,500
	PL & 5303	9,875
	5307	0
	5311	0
	5313(b)	0

	Local	1,625
--	-------	-------

A.2. Task Name: Administration

Objective: To effectively administer, manage, support, monitor, coordinate, and control the continuing federally-assisted transportation planning processes for the Grand Junction urbanized area through the following activities:

- (1) Maintain commitments included in the Memorandum of Agreement and the contracts for planning funds (PL funds and Section 5303 funds);
- (2) Submit monitoring reports on the FY2003 UPWP tasks;
- (3) Maintain and document expenditures and submit financial reports;
- (4) Support members of the decision making bodies, Transportation Policy Advisory Committee, Transportation Technical Advisory Committee, and the City and County Planning Commissions in their decisions on MPO-related activities;
- (5) To monitor significant policy activities on the federal, state, and local levels that could have potential impact on MPO activities. At the direction of the MPO, represent the MPO members in federal, state, and local decision-making processes;
- (6) Represent the MPO in the Regional Transportation Planning Organization;
- (7) Monitor UPWP task activities;
- (8) Assist in development of RFP's for UPWP study and coordinate contracts.
- (9) Develop and implement effective citizen participation activities.

Schedule: Continuous throughout the year with quarterly monitoring reports (October, January, April, and July) and TTAC meetings as required.

Agency: Regional Transportation Planning Office

Personnel: Local - 75 days

Costs: \$29,250 (Includes non-salary costs)

FUNDING~	Total:	\$29,250
	PL & 5303	8,775
	5307	10,000
	5311	1,890
	5313(b)	0
	Local	8,585

A.3 Task Name: In State Training and Travel

Objective: To provide training for MPO member agency personnel and increase their expertise in transportation planning and related issues. Pay for travel associated with ongoing programs.

Products: The product of this effort will be the successful completion of training courses by selected staff members.

Schedule: Continuous throughout the year. Progress reports furnished quarterly.

Agency: Regional Transportation Planning Office

Personnel: Local - 15 days

Costs: \$4,000 (Includes non-salary costs)

FUNDING~	Total:	\$4,000
	PL & 5303	2,040
	5307	720
	5311	0
	5313(b)	0
	Local	1,240

A separate document contains the Training and Travel Table, and is available for review.

A.4 Task Name: Out of State Training and Travel

Objective: To provide training for MPO member agency personnel and increase their expertise in transportation planning and related issues. Pay for travel associated with ongoing programs.

Products: The product of this effort will be the successful completion of training courses by selected staff members.

Schedule: Continuous throughout the year. Progress reports furnished quarterly.

Agency: Regional Transportation Planning Office

Personnel: Local - 30 days

Costs: \$ 11,300 (Includes non-salary costs)

FUNDING~	Total:	\$11,300
	PL & 5303	6,642
	5307	2,560
	5311	
	5313(b)	0
	Local	2,098

A separate document contains the Training and Travel Table, and is available for review.

A.5 Task Name: MPO Boundary Update and IGA

Objective: The RTPO Director will work with the RTPAC and the Colorado Department of Transportation to change the Urban Boundary to include Fruita and Palisade in the MPO.

Products: The product of this effort will be the successful completion of the MPO Boundary Update and IGA.

Schedule: Work will begin October 2002 and products should be completed by January 2003.

Agency: Regional Transportation Planning Office

Personnel: Local - 70 days

Costs: \$ 32,250 (Includes non-salary costs)

FUNDING~	Total:	\$32,250
	PL & 5303	23,543
	5307	0
	5311	
	5313(b)	0
	Local	8,707

B. PLANNING ACTIVITIES

The primary objective of planning activities is to support the decision-making process of the MPO through the development of studies and analyses concerning short and long-term transportation needs.

Our objective is to provide continuous planning to create a Total Transportation Solution for the urbanized area through a multi-modal, travel demand management approach to studies, analyses, and recommendations. This includes extensive use of transportation modeling, geographic information systems for transportation (GIS-T), technical assistance to requesting agencies and to the public, and training programs for the areas planning commissions in transportation planning, implementation tools & impact analysis. Some general tasks may include:

- § Assist with transportation element for updating the Mesa County Master Plan and member municipality master plans.
- § Coordinate access Management Training for staff & decision-makers,
- § Review long-range local capital improvements programs for regionally-significant transportation projects and prioritize regional funding sources for implementation,
- § Analyze Census 2000 for geographic distributions of targeted groups, including minority populations.

B1. Support for the Grand Valley Circulation Plan.

Objective: As part of the ongoing long-range planning effort to create a valley-wide transportation plan, this office will provide technical support to the continuing development of the *Grand Valley Circulation Plan*. The *Grand Valley Circulation Plan* elements include functional classification of streets and roads, access management plans and right-of-way requirements for urban and rural roads within the *Grand Valley Air Shed*. Our role in this activity is to provide continuity between the city and the county in the pursuit of this overall plan. We will ensure that the *2020 Regional Transportation Plan (RTP)* is properly represented in this planning effort and that the effort feeds into the 2025 RTP update.

Products: The main product will be the completed *Grand Valley Circulation Plan* including all elements (layers).

Schedule: Continuous throughout the year. Progress reports furnished quarterly.

Agency: Regional Transportation Planning Office

Personnel: Local - 60 days

Costs: \$22,500 (Includes non-salary costs)

FUNDING~	Total:	\$22,500
	PL & 5303	10,800
	5307	0
	5311	0
	5313(b)	0
	Local	11,700

B2. Develop a new Transit Element for the 2030 Regional Transportation Plan

Objective: A consultant will be contracted to lead the effort of building a new transit element for the Regional Transportation Plan update to be completed in late 2004. Currently, the contracted transit service in the Grand Junction urban area is operating without a realistic Transit Development Plan. CDOT has issued new guidelines for transit planning that replaces the Transit Development Plan with a transit element to be included in the Regional Transportation Plan. We will be completing a needed planning effort to guide investment in our transit system while also incrementing the creation of our Regional Transportation Plan to be completed in 2004.

Products: The products of this task will be a completed and adopted transit element that has been developed in an open, inclusive and public process.

Schedule: 12 months

Agency: Regional Transportation Planning Office

Personnel: Local - 180 days

Costs: \$75,100 (Includes non-salary costs)

FUNDING~	Total:	\$75,100
	PL & 5303	21,770
	5307	28,170
	5311	2,660
	5313(b)	7,000
	Local	15,500

B3. Grand Junction Intermodal Center Feasibility

Objective: Provide leadership and support to the West Downtown Re-development Study that is being conducted by the City of Grand Junction and Mesa County. This study will examine how the historic train station and the surrounding properties can be redeveloped into an intermodal center that will spark economic development for the western area of the Grand Junction downtown business district.

Products: A final feasibility study illustrating the need and method for redevelopment of the west downtown business district.

Schedule: 12 months

Agency: Regional Transportation Planning Office

Personnel: Local - 30 days

Costs: \$10,500 (Includes non-salary costs)

FUNDING~	Total:	10,500
	PL & 5303	8,375
	5307	0
	5311	0
	5313(b)	0
	Local	2,125

B4. 2000 Census Update to the TransCAD Transportation Model

Objective: The U.S. Census conducted in 2000 has now issued detailed local demographic data to local governments. This data is a key input to the travel demand model that is used by the Regional Transportation Planning Office to evaluate transportation projects and their affect on travel in the region. It is necessary under this task to update the current travel demand model and recalibrate it for use.

Products: An updated TransCAD transportation model for the Mesa County Transportation Planning Region.

Schedule: 3 months

Agency: Regional Transportation Planning Office

Personnel: Local - 120 days

Costs: \$45,268 (Includes non-salary costs)

FUNDING~	Total:	\$45,268
	PL & 5303	26,268
	5307	0
	5311	0
	5313(b)	0
	Local	19,000

B5. Jurisdictional Swap with the Colorado Department of Transportation

Objective: Facilitate an agreement between the City of Grand Junction, Mesa County and the Colorado Department of Transportation that will take lane miles out of the State inventory in exchange for the advancement of local transportation priorities that benefit the State system.

Products: A final agreement between the City of Grand Junction, Mesa County and the Colorado Department of Transportation.

Schedule: 12 months

Agency: Regional Transportation Planning Office

Personnel: Local - 20 days

Costs: \$ 8,000 (Includes non-salary costs)

FUNDING~	Total:	8,000
	PL & 5303	3,500
	5307	0
	5311	0
	5313(b)	0
	Local	4,500

C. IMPLEMENTATION TASKS

Implementation activities refer to lists of capital projects adopted by the MPO which establish policy guidance on the use of transportation funds in the urbanized area of Grand Junction.

C.1. Task Name: FY 2003-2008 TIP Amendments/Planning for Next TIP Update

Objective: This task is established to earmark funding for:
1. Amendment(s) to the Fiscal Years 2003-2008 TIP, and
2. Planning associated with the Fiscal Years 2005-2010 TIP update.

Adopted by the City of Grand Junction and Mesa County in May 2002, the FY 2003-2008 TIP established capital projects in the urbanized area for which federal assistance is expected. It contains an annual element showing specific projects to which funds have been committed by the participating agencies, including the City of Grand Junction’s Engineering Department, Mesa County Engineering Department and CDOT Region 3.

Products: Amendments to the FY 2003-2008 TIP, as needed, *and* planning activities associated with the FY 2005-2010 TIP Update.

Schedule: Continuous.

Agency: Regional Transportation Planning Office

Personnel: Local - 15 days

Costs: \$5,000 (Includes non-salary costs)

FUNDING~	Total:	\$5,000
	PL & 5303	3,600
	5307	150
	5311	0
	5313(b)	0
	Local	1,250

FIGURE 4 -- TASK SCHEDULE

	Task	2002			2003								
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
A.1	FY 2004 UPWP							D	R				
A.2	<i>Administration</i>			R			R			R			R
A.3	In State Training and Travel			R			R			R			R
A.4	<i>Out of State Training and Travel</i>			R			R			R			R
A.5	MPO Boundary Update/IGA	D			R								
B.1	Support for the Grand Valley Circulation Plan			R			R			R			R
B.2	GVT Strategic Plan and Transit Development Plan Extension			R			R			R			R
B.3	Grand Junction Intermodal Ctr			R			R			R			R
B.4	2000 Census Update			R			R			R			R
B.5	Jurisdictional Swap with CDOT			R			R			R			R
C.1	FY 2003-2008 TIP Amendments/ Planning for Next Update			R			R		D	R			

D = DRAFT REPORT DUE
R = REPORT DUE

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

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

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

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

- (1) Section 134 of 23 U.S.C., Sections 5303-5306 and 5323(k) of the Federal Transit Act (Title 49 U.S.C.) and Subpart C of 23 CFR 450, Metropolitan Transportation Planning and Programming;
- (2) Sections 174 and 176(c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506(c) and (d));
- (3) Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by the State of Colorado under 23 U.S.C. 324 and 29 U.S.C. 794;
- (4) Section 1101 of the Transportation Equity Act for the 21st Century (Public Law 105-178) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (Sec. 105(f), Public Law 97-242, 96 Stat. 2100; 49 CFR Part 23);
- (5) Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. 12101 et. seq., as amended) and U.S. DOT regulations ATransportation for Individuals with Disabilities@ (49 CFR parts 27, 37 and 38);
- (6) Older Americans Act, as amended (42 U.S.C. 6101); and
- (7) The provisions of 49 CFR part 20 regarding restrictions on influencing certain Federal activities.

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

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

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

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

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

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

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

The GJ/MC MPO adopted its fiscally constrained, conforming 2020 Regional Transportation Plan (RTP) in November, 1999, and approved the latest fiscally constrained, conforming Transportation Improvement Program on May 13, 2002. Amendments to the TIP are considered on a regular basis and are reviewed by GJ/MC MPO, Colorado Department of Transportation (CDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) staffs. Both the 2020 RTP and the TIP address the provision of multi-modal transportation facilities and services. The 2020 RTP contains a Congestion Management System Plan. Plans and programs prepared by GJ/MC MPO are developed through an extensive, interactive public review process.

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

Tom Fisher, Director
Grand Junction/Mesa County Metropolitan Planning Organization

July 1, 2002
Date

Thomas E. Norton, Executive Director
Colorado Department of Transportation

Date

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Tom Fisher, Director, hereby certify on behalf of the Grand Junction/Mesa County Metropolitan Planning Organization that:

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

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

Executed this 1st day of July, 2002.

Tom Fisher, Director
Grand Junction/Mesa County Metropolitan Planning Organization

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

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the Grand Junction/Mesa County Metropolitan Planning Organization (GJ/MC MPO) within the last year, July 1, 2001, through June 30, 2002.
2. There are no pending applications to any federal agency by the GJ/MC MPO other than to the FTA.
3. There were no civil rights compliance reviews performed on the GJ/MC MPO by any local, state, or federal agency during the period July 1, 2000, through June 30, 2002.
4. Title VI will be enforced by the GJ/MC MPO for all contractors. All contracts with the GJ/MC MPO include compliance measures that, in effect, state that failure to comply with Title VI requirements will result in termination of the contract. A copy of the standard contract language regarding Title VI is attached as Appendix A.

Dated: July 1, 2002

Tom Fisher, Director
Grand Junction/Mesa County Metropolitan Planning Organization

APPENDIX A TO TITLE VI ASSURANCE

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

Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, ADOT@) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor=s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Mesa County or the Federal Transit Administration, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Mesa County, or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the contractor=s noncompliance with nondiscrimination provisions of the contract, Mesa County shall

impose contract sanctions as it or the Federal Transit Administration, may determine to be appropriate, including, but not limited to:

Withholding of payments to the contractor under the contract until the contractor complies; and/or

Cancellation, termination, or suspension of the contract, in whole or in part.

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

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

Attach 5

Contract for Signal Communications Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for Signal System Communications Phase 1A					
Meeting Date	July 17, 2002					
Date Prepared	July 2, 2002				File #	
Author	Jody Kliska		Transportation Engineer			
Presenter Name	Jody Kliska		Transportation Engineer			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent
						Individual Consideration

Summary: The Signal System Communications Phase 1A consists of the installation of fiber optic cable to connect the Transportation Engineering building at the City Shops with 14 signals on Highway 340, I70B and F Road at the mall. This is the first of several projects that will eventually connect the traffic signals as well as provide a fiber optic line between city, county and state facilities. The intent is to permit the City of Grand Junction to control the signal timing from their facilities via a fiber optic connection.

The following bids were opened on July 2, 2002:

Bidder From
 Bid Amount

W.L. Contractors	Arvada, CO	\$398,929.5
Mastec	Colorado Springs, CO	\$303,398.50
Hidden Peak Electric	Murray, UT	\$221,122.00
Sturgeon Electric	Henderson, CO (has GJ Office)	\$173,505.60
Temple & Petty	Grand Junction, CO	\$214,918.80

Budget:

2011 Fund –Project Budget	2002 F33800
\$352,725.00	
Revenues –CDOT Contract for Materials	
<u>\$200,000.00</u>	
Available Funds:	
\$552,725.00	

To date, there have been no expenditures in fund F33800.

Action Requested/Recommendation: Authorize the City Manager to sign a construction contract for the Signal System Communications Phase 1A with Sturgeon Electric in the amount of \$173,505.60.

Attachments: Maps of Phase I and Phase II Signal System Communications.

Background Information: The city, county and CDOT commissioned a signal communications study in 1999 to determine the best way to implement a signal communications system for the Grand Valley. The implementation plan calls for two phases over a 10-year period. Phase I has been revised to include construction of the system within the core city area over an eight year period. The construction includes installation of fiber optic cable connecting groupings of signals and interconnecting the groups. The system will be tied to the traffic operations office.

Phase II will connect signals on the outskirts of the City to the rest of the Signal Communications System.

Attach 6

CDOT Grant for Broadway Beautification

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>							
Subject	CDOT Contract for Broadway Beautification						
Meeting Date	July 17, 2002						
Date Prepared	July 2, 2002				File #		
Author	Jody Kliska			Transportation Engineer			
Presenter Name	Tim Moore			Public Works Manager			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Adoption of a resolution accepting \$275,440 in funds from CDOT (FHWA) to landscape the Broadway (Hwy. 340) median from the Colorado River west to E. Mayfield Dr, and for the City and the Broadway Beautification Committee to match those funds with \$40,860 and \$28,000, respectively.

Budget: City capital funds have been budgeted for Project F50200 in the amounts of \$30,000 (2002) and \$314,245 (2003). The funding is earmarked for design, construction, inspection, and administrative costs associated with this project.

Action Requested/Recommendation: Approve and sign the Resolution to authorize the City Manager to sign the contract with CDOT.

Attachments: Resolution.

Background Information: CDOT has selected this project for receipt of FHWA Enhancement Funds, based on a Transportation Enhancement Program Application submitted to CDOT in 2001. All enhancement grant applications were reviewed and prioritized by the RTPO entities for the years 2003-2006. This project will provide an aesthetic enhancement to Broadway’s entrance to the City, by providing landscaping, lighting, and median curbing.

Toward completion of this project, CDOT will reimburse the City for applicable costs up to \$275,440 beyond the City and Broadway Beautification Committee contributions.

Construction is anticipated to begin this fall and should be complete by late spring 2003.

RESOLUTION NO. -02

A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation to utilize FHWA Federal Highway Colorado River west to E. Mayfield Dr.
Recitals:

The Colorado Department of Transportation will oversee this project's disbursement of an expected project budget of \$344,300. Of this total, \$275,440 will be provided by FHWA funds, and the balance, \$68,860, will be provided jointly by the City of Grand Junction (\$40,860), and the Broadway Beautification Committee (\$28,000).

The City of Grand Junction will provide project management, overseeing design and construction, and project inspection.

The respective project numbers for the median improvement project are STE M555-019 (CDOT, project code 14042, Broadway Beautification) and F50200 (City of Grand Junction).

The City is ready, willing and able to proceed with the work and the City Council has authorized the City Manager to sign the agreement so that the City staff may deliver the work.

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

1. The City Council hereby authorizes the City Manager to sign Contract for signal communications materials with the Colorado Department of Transportation.

2. The City Council hereby authorizes the expenditure of funds and the commitment of resources, as necessary to meet the terms and obligations of the agreement.

3. This resolution shall be in full force and effect from the date on which it is signed.

PASSED AND APPROVED this _____, 2002.

Cindy Enos-Martinez
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 7

Construction Contract for Purdy Mesa By-pass

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject		Construction Contract for Purdy Mesa By-Pass				
Meeting Date		July 17, 2002				
Date Prepared		July 8, 2002			File # N/A	
Author		S. Bret Guillory, Project Engineer				
Presenter Name		Mark Relph, Public Works and Utilities Director				
Report results back to Council		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	When		
Citizen Presentation		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	Name		
<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Formal Agenda	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Individual Consideration			

Summary: Bids were received and opened July 9, 2002. Skyline Contracting, Inc. submitted the only bid in the amount of \$86,000.00. The project generally consists of a reconfiguration of the Juniata Reservoir outlet works. Construction will include installation of two concrete vaults, valving and other appurtenances, and installation of approximately 600 lineal feet of 16" C-905 PVC water line. Completion of the project will enable city staff to divert water from the Juniata Reservoir directly to the Purdy Mesa raw water flow line bypassing the Purdy Mesa Reservoir. This will allow for better control of water quality at the water treatment plant.

The following bids were opened on July 9, 2002:

Bidder	From	Bid Amount
Skyline Contracting, Inc.	Grand Junction	\$86,000.00
Engineer's Estimate		\$62,570.00

Budget: Funding for the project will be allocated from Fund 301/F04812

Funding	
Total 2002 Funding (301 / F04800)	\$664,410

Expenditures or encumbrances to date	(\$376,902)
Available Budget	\$287,507

Project Costs	
Engineering and administration estimated cost	\$8,000
City procured materials	\$15,000
Construction contract	\$86,000
Total Costs	\$109,000

Remaining Balance
\$181,103

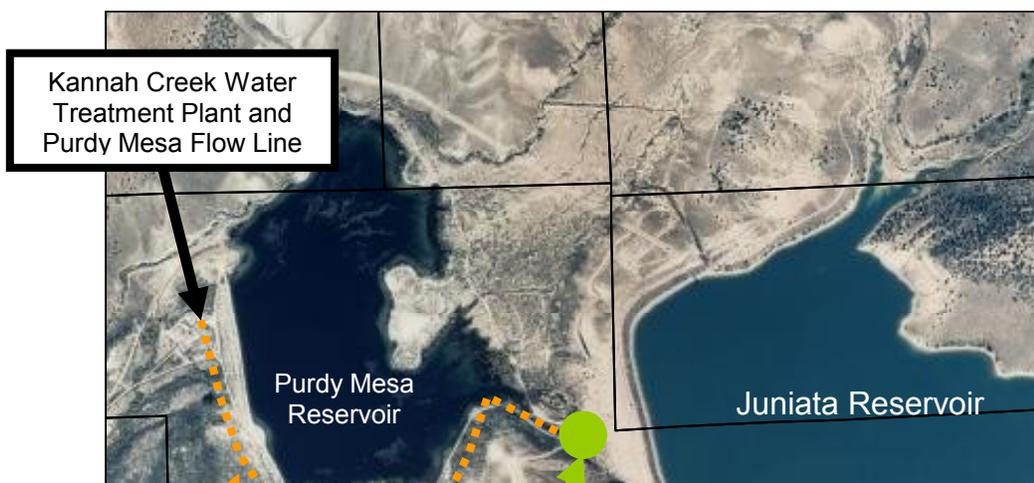
29 Road Water Line Replacement and Bookcliff Ave Water Line Replacement and completion of 7th Street Water Line Repl are still proposed for this year at a estimated cost of \$320,535. The Water Fund had \$250,000 in additional revenue last year that due to higher than normal demands. Therefore, the funding of the anticipated shortfall of \$139,000 is proposed out of "unallocated" fund balance in the Water Fund (301) as well as savings from the Kannah Creek Flowline Replacement which came in \$100,000 under budget. Adjustments to the budget will be made this fall when supplemental appropriations are adopted.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **Purdy Mesa By-pass** with Skyline Contracting, Inc. in the amount of \$86,000.00.

Attachments: None

Background Information:

The project is scheduled to begin the first of September, 2002 and will continue for six weeks with an anticipated completion by mid October, 2002.



Attach 8

Xcel Undergrounding Funds for Bookcliff Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Resolution Authorizing the use of Xcel Undergrounding Funds on Bookcliff Avenue					
Meeting Date		July 24, 2002					
Date Prepared		July 9, 2002			File #N/A		
Author		Kent W. Marsh		Project Engineer			
Presenter Name		Tim Moore		Public Works Manager			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	x	Formal Agenda		X	Consent	Individual Consideration

Summary:

Xcel Energy requests authorization from the City of Grand Junction to use underground funds (one percent funds) to remove the overhead utilities along Bookcliff Ave., between 9th Street and 11th Street, and place them underground.

Budget:

Estimated Costs
\$130,196.00

Total Project Costs \$130,196.00

Funding:

City of Grand Junction 1% Funds \$130,196.00
Total Project Funding
\$130,196.00

Action Requested/Recommendation:

City Council resolution authorizing Xcel Energy to use City of Grand Junction 1% Funds to relocate existing overhead utilities underground, along Bookcliff Ave. between 9th Street and 11th Street.

Attachments:

- Copy of the 10-year financial plan for the Xcel Undergrounding Fund
- Resolution

Background Information:

Overhead utilities between 11th and 12th Street will be relocated on new poles within existing right-of-way behind the new sidewalk. These utilities will remain overhead due in large part to the number of residents who did not want to upgrade their electric service to allow them to be converted from overhead to underground.

June end 2001 YTD
7/11/02

City of Grand Junction 1% Fund

Project #	Description	Year ->										Total	Est Cost	Est/Act	Comp date		
		1999	2000	2001	2002	2003	2004	2005	Year unassigned	Act Cost							
	Starting Year Balance																
	Prev year allocation (Bold = Actual, Not Bold = est.)	(\$368,677)	(\$448,515)	(\$935,515)	(\$336,173)	(\$383,424)	(\$736,130)	(\$678,836)	(\$421,542)								
	Funds Available excluding 3 year allocation	\$252,913	\$257,294	\$263,095	\$257,294	\$257,294	\$257,294	\$257,294	\$257,294								
	Funds Available excluding 3 year allocation	(\$115,764)	(\$191,221)	(\$672,420)	(\$78,879)	(\$326,130)	(\$478,836)	(\$421,542)	(\$164,248)								
	Description																
0102655	15th Street- East on Wellington		(\$374)														
0014910	12th Street- Bonita to Horizon		\$52,799														
0004795	North 1st Street- Orchard to F Road		(\$42,964)														
0001122	Unawep Ave. Phase I		(\$29,369)														
0008467	Unawep Ave. Phase II		(\$10,338)														
0106669	Canyon View Park (24 Road- F Road to L-70)		(\$2,268)														
0022729	24 Rd. (F Road to Park)		\$118,636														
* 0030534			\$68,746														
was 0022514	27-1/2 Road- F Road to G Road		\$246,629														
			\$679,028														
0039509	29 Road: L-70B to Bunting Ave.																
0042470	Two Rivers Plaza																
	Bookcliff Avenue- 9th to 12th																
	Independent Ave- Hwy 6 & 50 to 1st																
	Orchard Ave. 29Rd to Normandy																
	29 Road: Orchard Ave to F Road																
	25-1/2 Rd. Independent to F Rd																
	27 Road- Unawep to Hwy 50																
	Riverside Drive - Hwy 340 to Hwy 50																
	Lincoln Park-Golf Course																
	V- (Bold = Actual, Not Bold = est.)																
	Year to Date "Actual" Expensed	\$332,751	\$744,294	(\$445,331)	\$0	\$240,000	\$200,000	\$0	\$142,376								
	Est. charges not posted to fund YTD (Est. Cost - Act. Cost)																
	29 Road: L-70B to Bunting Ave.																
	29 Road: Bunting to Orchard Ave. Rd																
	Bookcliff Avenue- 9th to 12th																
	Independent Ave- Hwy 6 & 50 to 1st																
	Subtotal of project estimates that have not been charged to date	\$0	\$0	\$109,084	\$504,545	\$170,000	\$0	\$0	\$0								
	Year end expensed = Actual + estimated remaining to be charged (Row 25 + Row 31)	\$332,751	\$744,294	(\$336,247)	\$504,545	\$410,000	\$200,000	\$0	\$142,376								
	year end balance (row 4-row 32)	(\$448,515)	(\$935,515)	(\$336,173)	(\$383,424)	(\$736,130)	(\$678,836)	(\$421,542)	(\$306,624)								
	Est. 3 year allocation = 3 x prev. yr.	\$758,739	\$711,882	\$789,285	\$771,882	\$771,882	\$771,882	\$771,882	\$771,882								
	Amount avail if 3 year allocation used	\$310,224	(\$163,633)	\$453,112	\$188,458	\$35,752	\$93,046	\$350,340	\$465,258								
	Note, the last figure "Amount avail if 3 year allocation used" is a check against using the 3 year allocation and does not roll forward into next year's beginning balance. If this value is negative, new projects cannot begin until sufficient funds are available.																
	figures based on PSCo Property Acctg Report (Sept Close 2001)																

RESOLUTION NO. _____-02

A RESOLUTION AUTHORIZING PUBLIC SERVICE COMPANY OF COLORADO DBA XCEL ENERGY TO REMOVE THE OVERHEAD UTILITIES ALONG BOOKCLIFF AVENUE BETWEEN 9TH STREET AND 11TH STREET, AND PLACE THEM UNDERGROUND AND TO USE 1% FUNDS.

RECITALS:

WHEREAS, the City of Grand Junction is planning to improvements along Bookcliff Avenue, between 9th Street and 11th Street and

WHEREAS, THE City Council believes the undergrounding of these existing power lines is necessary for the overall upgrade of Independent Avenue; and

WHEREAS, under the Public Service of Colorado franchise, funds are allotted for such purposes.

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

That the use of the overhead to underground once percent (1%) funds for the Bookcliff Avenue project is hereby approved in the amount of \$130,196.00.

ADOPTED AND APPROVED THIS 17th DAY OF JULY, 2002.

President of the Council

ATTEST:

City Clerk

Attach 9

Revocable Permit – Proposed Home Loan and Investment Located at 205 N. 4th St

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Revocable Permit – Proposed Home Loan and Investment located 205 North 4th Street				
Meeting Date		July 17, 2002				
Date Prepared		July 2, 2002			File # SPR-2002-119	
Author		Bill Nebeker		Senior Planner		
Presenter Name		Bill Nebeker		Senior Planner		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: The applicant requests a revocable permit to install streetscape improvements within a portion of the public rights-of-way for North 4th Street and Rood Avenue. The request is made in conjunction with a site plan review to construct a new 39,074 square foot Home Loan and Investment office building at 205 North 4th Street. A streetscape design plan similar to portions of the streetscape on Main Street is proposed on the 4th Street and Rood Avenue frontages in front of the building. Staff recommends approval.

Budget: N/A

Action Requested/Recommendation: Adopt resolution.

Attachments:

1. Staff Report

2. Vicinity map
3. Limits of Revocable Permit

Background Information: See attached

CITY OF GRAND JUNCTION
2002

HEARING DATE: July 17,

CITY COUNCIL

STAFF PRESENTATION: Bill Nebeker

<i>BACKGROUND INFORMATION</i>			
Location:		205 N. 4th Street	
Applicants:		Greg Motz, SunKing for Home Loan	
Existing Land Use:		<i>Vacant office building</i>	
Proposed Land Use:		<i>39,074 SF office building (new)</i>	
Surrounding Land Use:	North	<i>Office (US Post Office)</i>	
	South	<i>Office (Existing Home Loan building)</i>	
	East	<i>Office (Federal Building)</i>	
	West	<i>Parking lot</i>	
Existing Zoning:		B-2	
Proposed Zoning:		No change	
Surrounding Zoning:	North	<i>B-2</i>	
	South	<i>B-2</i>	
	East	<i>B-2</i>	
	West	<i>B-2</i>	
Growth Plan Designation:		Commercial	
Zoning within density range?		<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No

ACTION REQUESTED: Consideration of Resolution authorizing the issuance of a revocable permit

Staff Analysis:

The applicant has purchased the vacant Avco Financial building at 205 North 4th Street (northwest corner of 4th Street and Rood Avenue) and has submitted plans to demolish the building and construct a 39,074 square foot office building for Home Loan and other potential office use. In conjunction with this request the applicant is proposing to install streetscape improvements, including concrete planters, an elongated concrete bulb out at the corner, irrigation lines and systems, trees, shrubs and other vegetation within a portion of the public rights-of-way for North 4th Street and Rood Avenue. A revocable

permit is required for these improvements to be constructed in the right-of-way. Staff recommends approval.

Review Criteria: Staff finds that this request complies with the review criteria found in Section 2.17 of the Zoning and Development Code which must be considered in issuing a revocable permit.

1. *There will be benefits derived by the community or area by granting the proposed revocable permit;*

The benefit derived by the area by granting this permit is installation of streetscape amenities similar to those constructed on Main Street without expending public funds.

2. *There is a community need for the private development use proposed for the City property;*

The streetscape amenities proposed and funded by the applicant are a desirable addition to this otherwise barren downtown corner and will complement publicly funded streetscape projects on Main Street, 7th Street and 5th Street.

3. *The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;*

The current sidewalk along North 4th Street is approximately 14.5 feet wide. The streetscape improvements will use no more than 7.5 feet of that width. The elongated bulb out will eliminate one parking space on 4th Street, however it will provide for diagonal parking on Rood Avenue for no net loss in parking.

4. *The proposed use shall be compatible with the adjacent land uses;*

The proposed streetscape amenities will be compatible with the office environment envisioned for this corner and other uses in the immediate area.

5. *The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;*

The streetscape amenities will be constructed in only a portion of the sidewalk and street right-of-way. A minimum seven-foot sidewalk will remain along 4th Street. The elongated bulb out at the corner will assist in traffic calming and provide increased pedestrian safety at this intersection.

6. *The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies; and*

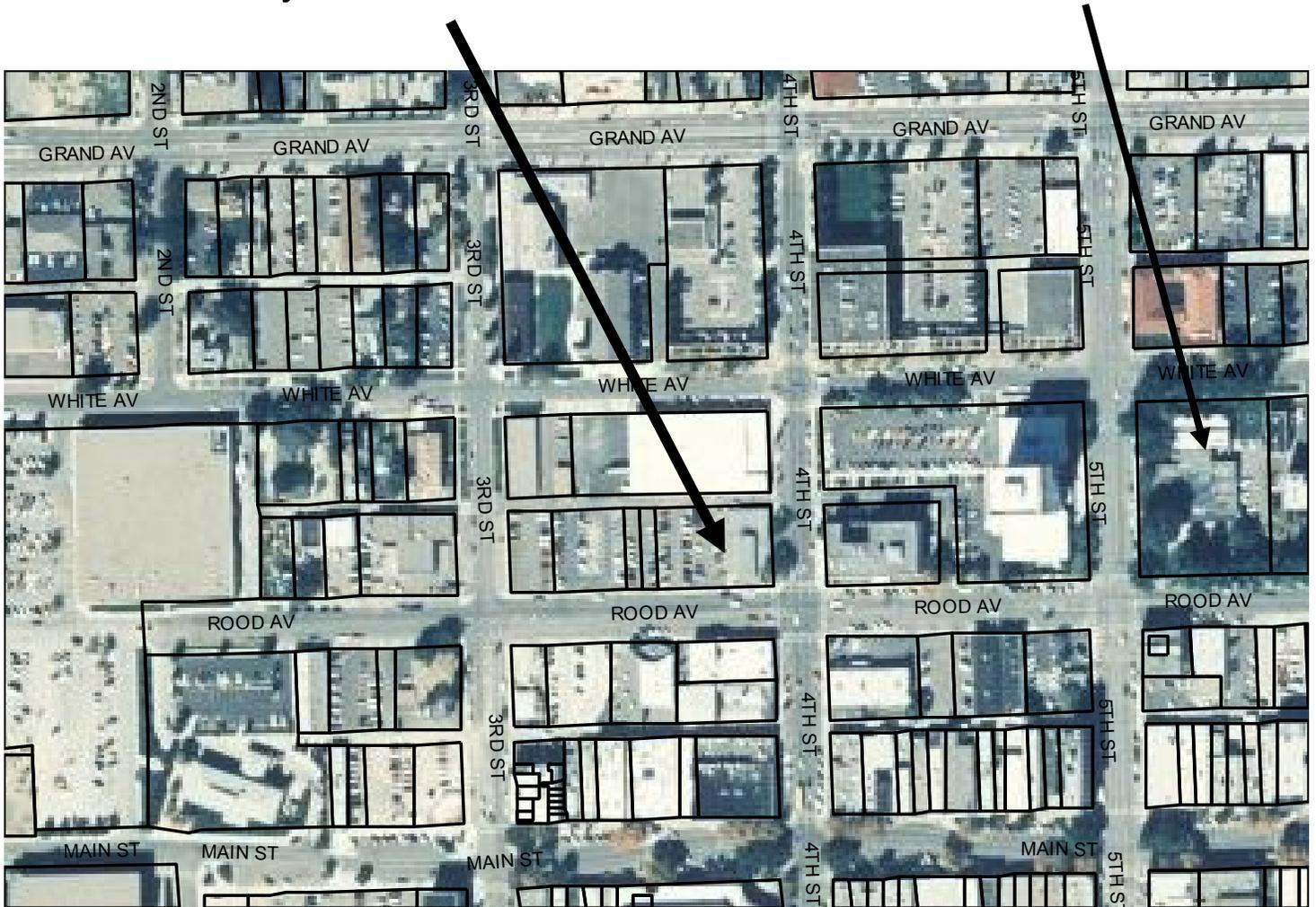
This criteria has been met.

7. *The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and the SSID Manual.*

This criteria has been met.

STAFF RECOMMENDATION: That the Council find the request consistent with the Growth Plan, the Major Street Plan and Section 2.17 of the Zoning and Development Code.

**Subject Parcel (4th & Rood)
City Hall**



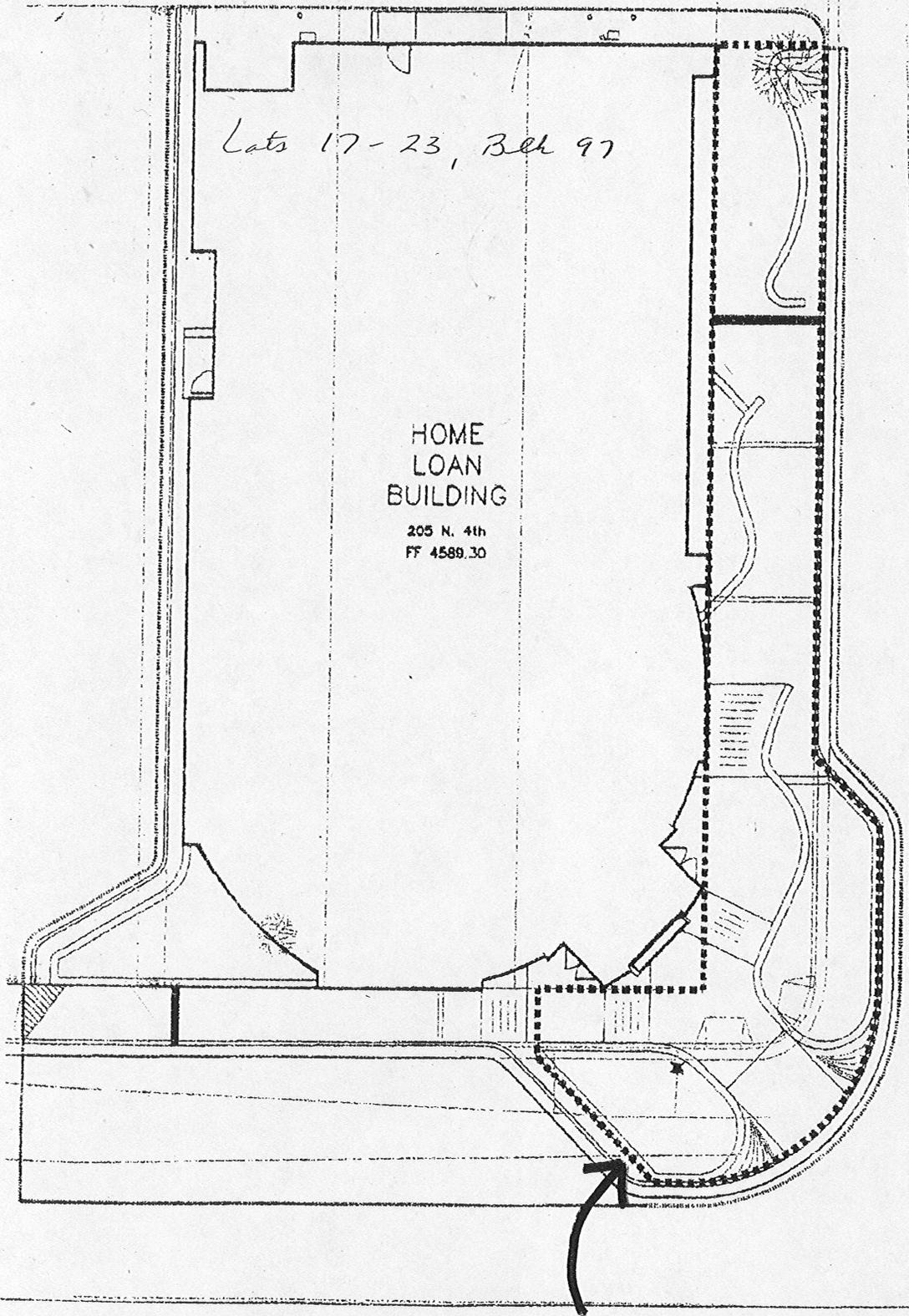
Lots 17-23, Blk 97

HOME
LOAN
BUILDING
205 N. 4th
FF 4589.30

FOURTH STREET

ROOD AVENUE

Limits of area included
in revocable permit.



RESOLUTION NO. _____

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
THE HOME LOAN AND INVESTMENT COMPANY**

Recitals.

1. The Home Loan and Investment Company, a Colorado corporation, hereinafter referred to as the Petitioner, represents that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Address: 205 North 4th Street

Tax Schedule No.: 2945-143-10-007

Legal Description: Lots 17, 18, 19, 20, 21, 22 and 23 in Block 97 of the City of Grand Junction,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install concrete planters, irrigation lines and systems, trees, shrubs and other vegetation within the limits of the following described public rights-of-way for North Fourth Street and Rood Avenue, to wit:

Beginning at the Southeast corner of Lot 17 of Block 97 of the City of Grand Junction;
thence N 00°03'48" W along the East boundary line of said Lot 17 a distance of 120.53 feet;
thence leaving the East boundary line of said Lot 17, N 89°59'32" E a distance of 14.48 feet;
thence S 00°00'28" E a distance of 90.41 feet;
thence S 45°06'45" E a distance of 12.61 feet;
thence S 00°06'45" E a distance of 21.17 feet;
thence 38.54 feet along the arc of a curve to the right, having a radius of 24.50 feet, a central angle of 90°07'57", and a long chord bearing S 44°57'14" W a distance of 34.69 feet;
thence N 89°58'47" W along a line which is tangent to said curve a distance of 5.01 feet;
thence N 44°58'47" W a distance of 22.55 feet;
thence N 00°00'27" W a distance of 8.55 feet to a point on the South boundary line of said Lot 17;
thence S 89°58'47" E along the South boundary line of said Lot 17 a distance of 22.12 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the public rights-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this ____ day of _____, 2002.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT**Recitals**

1. The Home Loan and Investment Company, hereinafter referred to as the Petitioner, represents that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Address: 205 North 4th Street

Tax Schedule No.: 2945-143-10-007

Legal Description: Lots 17, 18, 19, 20,21,22 and 23 in Block 97 of the City of Grand Junction,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install concrete planters, irrigation lines and systems, trees, shrubs and other vegetation within the limits of the following described public rights-of-way for North Fourth Street and Rood Avenue, to wit:

Beginning at the Southeast corner of Lot 17 of Block 97 of the City of Grand Junction;
thence N 00°03'48" W along the East boundary line of said Lot 17 a distance of 120.53 feet;
thence leaving the East boundary line of said Lot 17, N 89°59'32" E a distance of 14.48 feet;
thence S 00°00'28" E a distance of 90.41 feet;
thence S 45°06'45" E a distance of 12.61 feet;
thence S 00°06'45" E a distance of 21.17 feet;
thence 38.54 feet along the arc of a curve to the right, having a radius of 24.50 feet, a central angle of 90°07'57", and a long chord bearing S 44°57'14" W a distance of 34.69 feet;
thence N 89°58'47" W along a line which is tangent to said curve a distance of 5.01 feet;
thence N 44°58'47" W a distance of 22.55 feet;
thence N 00°00'27" W a distance of 8.55 feet to a point on the South boundary line of said Lot 17;
thence S 89°58'47" E along the South boundary line of said Lot 17 a distance of 22.12 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public rights-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public rights-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said rights-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public rights-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public rights-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public rights-of-way in good condition and repair.
5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public rights-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public rights-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2002.

Attest:
rule municipality
Junction,

The City of Grand
a Colorado home

City Clerk
Manager

City

Acceptance by the Petitioner:

James D. Hamilton, President
The Home Loan And Investment Company,
a Colorado corporation

AGREEMENT

The Home Loan And Investment Company, a Colorado corporation, for itself and for its successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public rights-of-way to the City of Grand Junction and, at its sole cost and expense, remove any encroachment so as to make said public rights-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2002.

The Home Loan And Investment Company,
a Colorado corporation

By: _____
James D. Hamilton, President

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2002, by James D. Hamilton, President of The Home Loan And Investment Company, a Colorado corporation.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

Attach 10

Vacation of Temporary Turnaround Brookside Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Vacation of Temporary Turnaround Easement for Brookside Drive in Brookside Filing 3 Located Northwest of F-1/2 and Ox-Bow Roads				
Meeting Date		July 17, 2002				
Date Prepared		July 10, 2002			File: FPP-2002-052	
Author		Kristen Ashbeck		Senior Planner		
Presenter Name		Kristen Ashbeck		Senior Planner		
Report results back to Council		X	No		Yes	When
Citizen Presentation			Yes	X	No	Name
	Workshop	X	Formal Agenda		X	Consent
						Individual Consideration

Summary: The petitioner is requesting to vacate a temporary turnaround easement for the westerly end of Brookside Drive to allow for extension of the street without encumbering adjacent lots with the additional easement.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution vacating the temporary turnaround easement for Brookside Drive

Attachments:

1. Background Information/Staff Analysis
2. Reduction of Plat Showing Easement to be Vacated
3. General Location Map

4. Proposed Resolution Amending the Future Land Use Map

BACKGROUND INFORMATION			
Location:		<i>Northwest of F-1/2 Road and Ox-Bow Road</i>	
Applicant:		DARTER, LLC Representative: Vista Engineering, David Chase	
Existing Land Use:		<i>Vacant</i>	
Proposed Land Use:		<i>Detached and Attached Single Family</i>	
Surrounding Land Use:	North	<i>Private Open Space – Under Construction</i>	
	South	Vacant	
	East	Single Family Residential – Filing 2	
	West	Vacant	
Existing Zoning:		Planned Development (PD)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	<i>PD</i>	
	South	PD	
	East	PD	
	West	PD	
Growth Plan Designation:		Residential (4 to 8 units per acre)	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT SUMMARY: The applicant is proposing to subdivide the remaining 7.067-acre portion of the Brookside development into 12 detached single family residential lots and 21 attached single family residential lots. This constitutes the third and final filing of the project. The Final Plat/Plan for this filing was approved by the Planning Commission at its April 23, 2002 meeting.

Per the approved Preliminary Plan, access to the project will be from extensions of streets constructed in Filing 2 (Summerbrook, Babbling Brook and Brookside Drives). F-1/2 Road and a street stub within the filing (Babbling Brook) will be extended to the west property line for future access to the parcels to the west.

Since this is the third filing of an existing subdivision, all utilities are available and can be extended in the rights-of-way and easements of the proposed streets within Filing 3.

The various utilities made no comments of significance regarding the proposed project. The site is to be irrigated with existing rights for the property.

VACATION OF EASEMENT. The applicant is requesting to vacate a temporary turnaround easement on the westerly end of Brookside Drive. The easement was granted with Permit 2 and is no longer needed. The vacation request meets the criteria of Section 2.11 of the Zoning and Development Code as follows.

Conforms with Adopted Plans of the City. The vacation request conforms with the Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

Landlocking. No parcel will be landlocked as a result of the vacation.

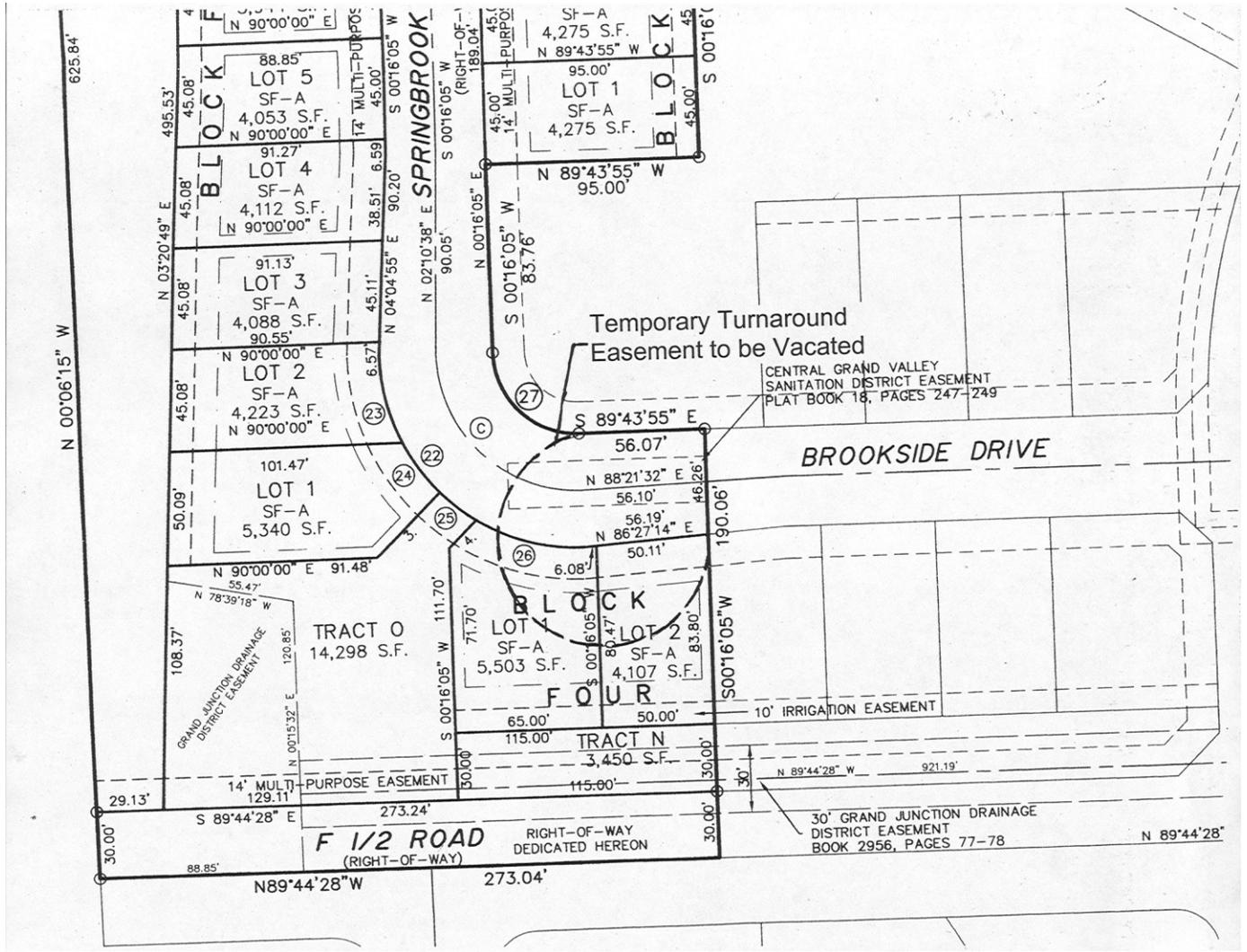
Restricted Access. Access will not be restricted to any parcel due to the vacation request.

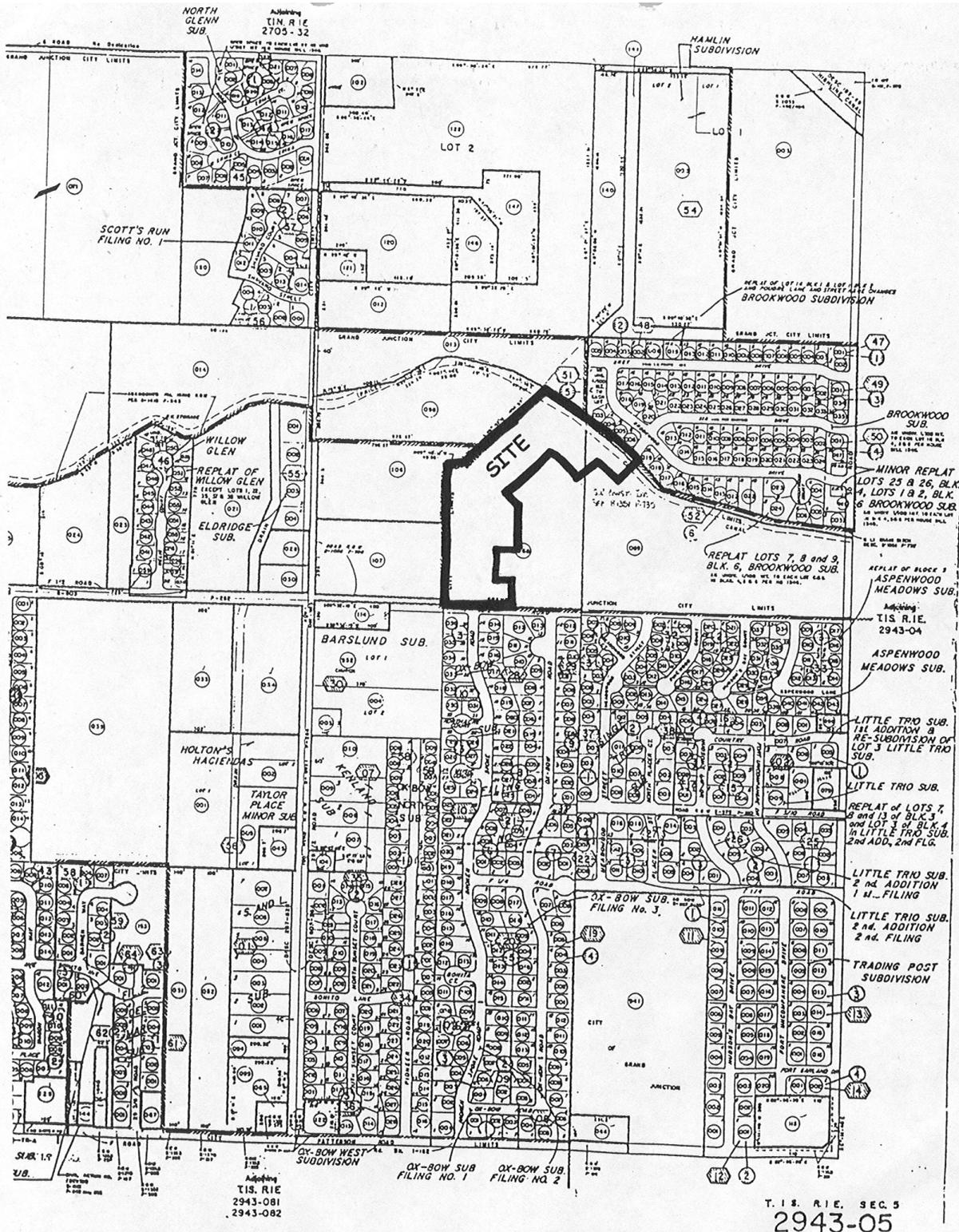
No Adverse Impacts. The vacation will not have adverse impacts on health, safety, and/or welfare of the general community.

Provision of Public Services. Provision of public services will not be impacted by the proposed vacation.

Benefits to City. The vacation will allow for the completion of a desired public street (Brookside Drive) connecting this neighborhood.

PLANNING COMMISSION RECOMMENDATION (7/9/02 – 5-0): Approval of vacation of temporary turnaround easement with the findings that the vacation is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.





CITY OF GRAND JUNCTION, COLORADO
Resolution No. _____
VACATING A TEMPORARY TURNAROUND EASEMENT
FOR BROOKSIDE DRIVE

WHEREAS the applicant is proposing to construct Filing 3 of the Brookside subdivision on the vacant parcel northwest of the intersection of F-1/2 and Ox-Bow Roads; and

WHEREAS when the second filing of this subdivision was platted, a temporary turnaround easement for the development within Filing 2 was required; and

WHEREAS the applicant is proposing to vacate the easement that was previously dedicated with Filing 2 and replace it with dedication of public right-of-way for the extension of Brookside Drive; and

WHEREAS the Grand Junction Planning Commission, having heard and considered the request at its July 9, 2002 hearing and found the criteria of Section 2-11 of the Zoning and Development Code to have been met, recommended approval of the vacation request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE TEMPORARY TURNAROUND EASEMENT FOR BROOKSIDE DRIVE DESCRIBED BELOW IS HEREBY VACATED:

A temporary turnaround easement in a portion of Lot 1, Block 9 of Brookside Subdivision, Filing Two, according to the Plat thereof recorded in Plat Book 18 at Pages 247 through 249, in the records of the Clerk and Recorder of Mesa County, Colorado, located in the SW ¼ of the NE ¼ and SE ¼ of the NE ¼ of Section 5, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

Commencing at a point on the easterly boundary line of Lot 1, Block 9 of Brookside Subdivision, Filing Two, which is identical with the northwesterly corner of Lot 1, Block 1 of Brookside Subdivision, Filing Two;

1. Thence N 00 degrees 16 minutes 05 seconds E, 46.26 feet;
2. Thence N 89 degrees 43 minutes 55 seconds W, 46.99 feet;
3. Thence southeasterly 222.22 feet along the arc of a circular curve to the left with a radius of 47.00 feet, a delta of 270 degrees 53 minutes 58 seconds and a chord bearing S 45 degrees 10 minutes 54 seconds E, 65.94 feet to the point of beginning.

PASSED AND APPROVED this 17th day of July, 2002.

ATTEST:

City Clerk

President of Council

Attach 11

Contract to Purchase Natural Gas

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject	Purchase of Natural Gas					
Meeting Date	July 17, 2002					
Date Prepared	July 10, 2002				File #	
Author	Ron Watkins			Purchasing Manager		
Presenter Name	Ron Watkins			Purchasing Manager		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent
						Individual Consideration

Summary:

Purchase of Natural Gas for the Two Rivers Convention Center and Orchard Mesa Swimming Pool from AM Gas Marketing Group. This recommendation is a result of a COOP Request For Proposal solicited in behalf of Mesa County, City of Grand Junction and Mesa County School District #51. Mesa County School District # 51 was the sponsoring entity who administered the solicitation in behalf of the other participating entities. The award was based on specific criteria as delineated in the Request For Proposal. Three (3) solicitations were mailed from the active bidder’s listing and public notice was provided. Three (3) responsive solicitations were received. The responsive/responsible proposers were:

- **AM Gas Marketing Corp.** **Aspen, Colorado**
- **E-prime Energy Marketing, Inc.** **Denver, Colorado**
- **Serviceco** **Denver, Colorado**

A M Gas Marketing Corporation was found to be the most responsive/responsible proposer based on price and other criteria considered for award.

Budget: Funds were budgeted and approved in the Parks Budget for the expenditures under this contract. A total of \$83,228 was allocated for natural gas

at these locations. The estimated contract expenditure for this contract is approximately \$65,000.

Action Requested/Recommendation: Authorize the City Purchasing Manager to enter into a contract agreement with A M Gas Marketing Corporation to provide natural gas in the quantities required for Two Rivers Convention Center and Orchard Mesa Swimming Pool as per the terms and conditions of the cooperative solicitation.

Attachments: N/A

Background Information: It is often less expensive for large natural gas users to purchase natural gas transportation from the local natural gas provider (Excel Energy) and purchase the gas product itself from an independent source. Excel Energy allows it's customers to purchase gas independently and transport it over the Excel system to the point of use. The annual savings has historically been 10% or more, depending on how much gas is used. The chance of interrupted service is no higher than with the local natural gas provider.

The City has been using this process for our high volume meters since 1998 through two previous contract providers (K N Energy Services & E-prime Energy Marketing Inc.).

Attach 12

Award Bid for Folding Chairs and Carts – Two Rivers Convention Center

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject		Folding Chairs and Carts for Two Rivers Convention Center				
Meeting Date		July 15, 2002				
Date Prepared		July 9, 2002			File #	
Author		Susan Hyatt		Senior Buyer		
Presenter Name		Susan Hyatt		Senior Buyer		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
					<input type="checkbox"/>	Individual Consideration

Summary: Bid award to Virco Manufacturing for replacement of Two Rivers' convention chairs and storage carts. This solicitation was published in the Daily Sentinel on Wednesday, June 12 and Sunday, June 16 with responses due no later than July 02. A total of 15 vendors requested bid documents, but only two responsive and responsible offers were received. Bid details are as follows:

Virco Manufacturing	Torrance, CA	\$98,070
Office Depot	Erie, CO	\$145,620

Budget: The total cost for 1500 chairs and 30 storage carts with stacking capability is \$98,070. The current budget for chair replacement is \$100,500.

Action Requested/Recommendation: Authorize the purchase of 1500 folding chairs and 30 carts from Virco Manufacturing in the amount of \$98,070.

Attachments: Visuals showing the requested chairs and carts with some basic specifications.

Background Information: The existing chairs are the original ones. They are 30+ years old. They are faded, cracked, don't match and are in a very dilapidated condition. It is embarrassing to the Convention Center to use them. Replacement is imperative.

Attach 13

Amending Resolution No. 37-02

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amending Resolution No. 37-02 that stated the expected City of Grand Junction contribution to Grand Valley Transit Services for Fiscal Year 2002-2005					
Meeting Date	July 17, 2002					
Date Prepared	July 11, 2002				File #	
Author	Tambra Wishart		Mesa County Transit Coordinator			
Presenter Name	Tom Fisher and Mark Relph		RTPO Director and Public Works Director, respectively			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Both the Town of Palisade and the City of Fruita prefer the formula endorsed by the Grand Junction City Council. This resolution will acknowledge that all three municipalities expect to evaluate future County requests for transit funding based on this revised approach.

Budget: Since the funding decision must be made as part of this City’s appropriation ordinance done each calendar year, this “decision” has no budgetary impact.

Action Requested/Recommendation: Adopt the proposed Resolution.

Attachments: The proposed Resolution.

Background Information: The Grand Junction City Council approved the original formula in Resolution No. 37-02 in May, 2002. The adoption of this resolution would mean that all of the funding partners are consistent in this regard.

RESOLUTION NO. -02

AMENDING RESOLUTION NO. 37-02 THAT STATED THE CITY OF GRAND JUNCTION'S FUND COMMITMENT FOR GRAND VALLEY TRANSIT SERVICES FOR FISCAL YEARS 2002-2005

Recitals.

In Resolution No. 37-02 the City of Grand Junction adopted a formula for future funding for the Grand Valley Transit Services that was different from that earlier adopted by Fruita and Palisade. After further consideration, the municipalities of Fruita and Palisade have concluded that they prefer the formula adopted by Grand Junction. The City Council hereby acknowledges such action by Fruita and Palisade.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: That this City presently intends to provide funding to Mesa County for expenditure by the Grand Valley Transit System, as shown. Grand Junction acknowledges the local matches contemplated by the other listed governments.

Expected Funding	FY 2002	FY 2003	FY 2004	FY 2005
Mesa County	\$635,944	\$652,920	\$672,628	\$699,533
Grand Junction*	200,809	208,841	217,195	255,833
Fruita	30,961	32,199	33,487	34,826
Palisade	12,321	12,814	13,327	13,860
Total Local Contributions	\$880,035	\$906,774	\$936,637	\$974,102

*Exception: The expected amount may be less if the growth for Grand Junction (calculated by adding Consumer Price Index and Local Growth) is less than 4% per annum. In such case the City's expected contribution will be based only on the rate of growth of Grand Junction.

GRAND JUNCTION CITY COUNCIL

By: _____
Cindy Enos-Martinez, Mayor

ATTEST:

Grand Junction City Clerk

Attach 14

Statler Annexation No. 1, 2, and 3, Located at 2134 Buffalo Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public hearing and resolution accepting the petition for the Statler Annexation					
Meeting Date	July 17, 2002					
Date Prepared	July 9, 2002				File # ANX-2002-110	
Author	Lori V. Bowers		Associate Planner			
Presenter Name	Lori V. Bowers		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Rod Statler, owner
	Workshop	X		Formal Agenda		Consent
						X Individual Consideration

Summary: The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road.

Budget: N/A

Action Requested/Recommendation: Public hearing on the annexation and acceptance of the petition.

Attachments:

- Staff report
- Annexation Map
- Resolution
- Annexation Ordinances

Background Information: **Attached**

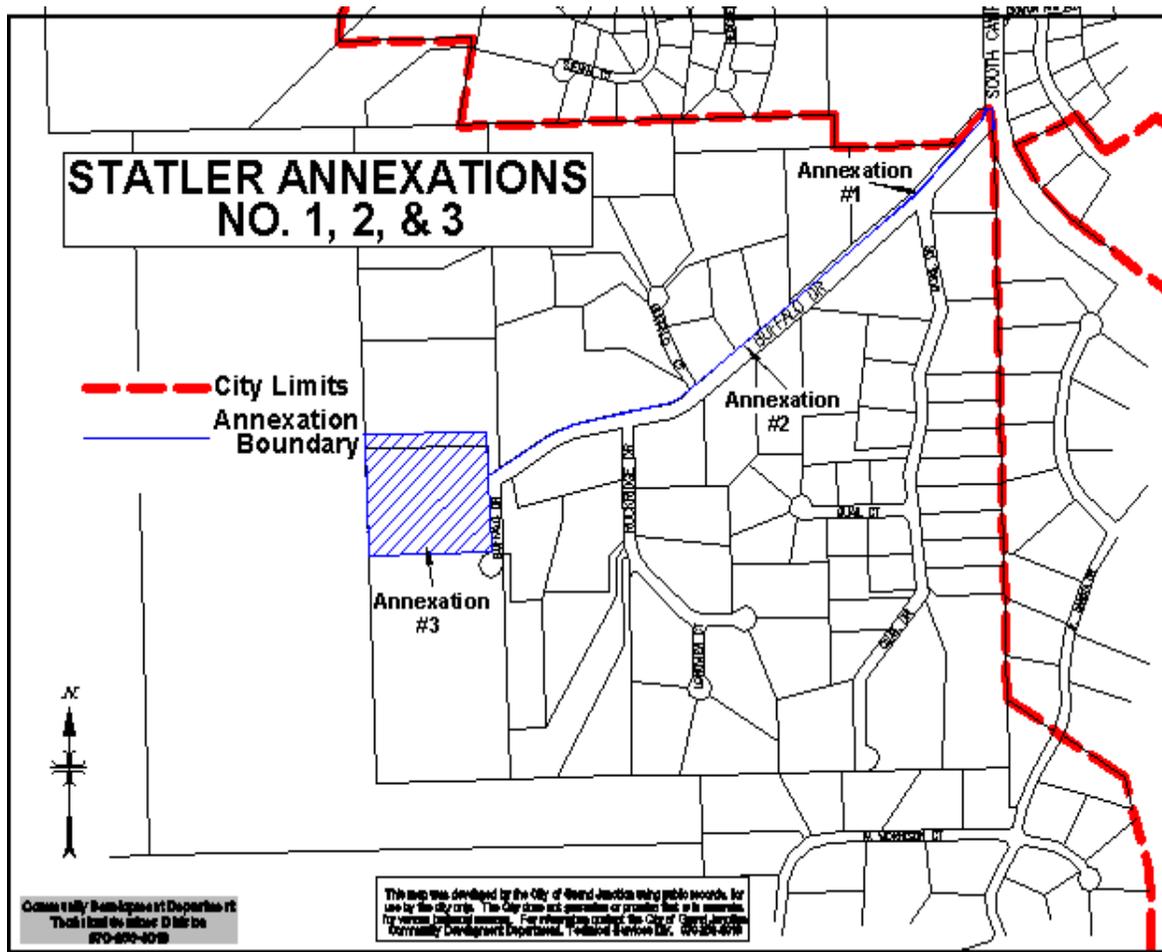
BACKGROUND INFORMATION					
Location:		2134 Buffalo Drive			
Applicant:		Rod Statler, Owner			
Existing Land Use:		Single Family Residence			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Colorado National Monument			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RSF-E (Residential Single-family Estate, not to exceed 1 unit per acre 2 acres)			
Surrounding Zoning:	North	RSF-4 (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	Colorado National Monument			
Growth Plan Designation:		Residential Low - ½ acre to 2 acres per dwelling unit			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction's Growth Plan identifies the entire subject parcel to develop as "Residential Low", ½ acre to 2 acres per dwelling unit.

STAFF ANALYSIS: This is a serial annexation consisting of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road. Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Simple Subdivision. The applicant requests to divide his parcel into 2 lots. The existing house will be on a 3.66 acre lot and the remaining 2.07 acres creates another residential lot.

It is the professional opinion of Community Development Department staff, based on their view of the petition and knowledge of applicable state law, including the Municipal Annexation Act, pursuant to C.R.S. 31-12-104, that the Statler Annexation is eligible to be annexed because of compliance with the following requirements. An affidavit has been signed and submitted to the City Clerk establishing 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 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.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -02

A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE STATLER ANNEXATION AREA IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the day of 5th day of June, 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:

**PERIMETER BOUDARY LEGAL DESCRIPTION
STATLER ANNEXATION**

A Serial Annexation Comprising Statler Annexation No. 1, Statler Annexation No. 2 and Statler Annexation No. 3

STATLER ANNEXATION NO. 1

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of S 00°06'50" W along the East line of said Tract 39, a distance of 80.22 feet to a point being the Northeast corner of Longview East Subdivision, as same is recorded in Plat Book 13, page 391 of the Public Records of Mesa County, Colorado; thence departing said East line, N 89°53'10z" W along a line 1.00 West of and parallel with the East line of said Tract 39, a distance of 79.22 feet; thence S 89°59'28" W along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 28.01 feet to a point being the beginning of a 61.58 foot radius non-tangent curve, concave Northwest; thence 61.58 feet Southwesterly along the arc of said curve, through a central angle of 44°43'42", having a long chord bearing of S 23°16'02" W and a chord length of 46.86 feet; thence S 45°24'00" W along a line 1.00 feet South of and parallel with the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695 of the Public

Records of Mesa County, Colorado, a distance of 407.72 feet; thence continuing along a line 1.00 feet South of said North line, S 51°54'00" W a distance of 294.75 feet; thence departing said line, N 38°06'00" W a distance of 1.00 feet to a point on the Northerly line of said Buffalo Drive; thence N 51°54'00" E along said Northerly line of Buffalo Drive, a distance of 294.69 feet; thence continuing along said Northerly line of Buffalo Drive, N 45°24'00" E a distance of 407.67 feet to a point being the beginning of a 60.58 feet radius curve, concave Northwest; thence 48.28 feet Northeasterly along the arc of said curve, through a central angle of 45°39'33", having a long chord bearing of N 22°48'07" E with a chord length of 47.01 feet to a point on the North line of said Tract 39; thence N 89°59'28" E along said North line of Tract 39, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 859.31 Square Feet or 0.020 Acres, more or less, as described.

STATLER ANNEXATION NO. 2

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of Commencement, S 00°06'50" W along the East line of said Tract 39, a distance of 1.00 feet; thence departing said East line, S 89°59'28" W along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 28.01 feet to the TRUE POINT OF BEGINNING and the beginning of a 62.58 foot radius non-tangent curve, concave Northwest; thence from said Point of Beginning, Southwesterly 48.87 feet along the arc of said curve, through a central angle of 44°44'21", having a long chord bearing of S 23°15'30" W and a chord length of 47.63 feet; thence S 45°24'00" W along a line 2.00 feet South of and parallel with the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695 of the Public Records of Mesa County, Colorado, a distance of 407.78 feet; thence S 51°54'00" W along said parallel line, a distance of 295.80 feet; thence N 38°06'00" W a distance of 1.00 feet; thence S 51°54'00" W along a line 1.00 feet South of and parallel with the Northerly right of way for said Buffalo Drive, a distance of 593.62 feet to a point being the beginning of a 121.00 foot radius non-tangent curve, concave Northwest; thence Southwesterly 55.69 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of S 66°25'26" W with a chord length of 55.20 feet; thence S

79°36'36" W along a line 1.00 South of and parallel with the North line of said Buffalo Drive, a distance of 429.19 feet; thence N 10°23'24" W a distance of 1.00 feet to a point on the Northerly line of said Buffalo Drive; thence N 79°36'36" E along said Northerly line, a distance of 429.19 feet to a point being the beginning of a 120.00 foot radius non-tangent curve, concave Northwest; thence Northeasterly 55.23 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of N 66°22'19" E with a chord length of 54.75 feet; thence N 52°54'57" E along the Northerly line of said Buffalo Drive, a distance of 593.61 feet; thence N 51°54'00" E along the Northerly line of said Buffalo Drive, a distance of 398.54 feet; thence leaving said Northerly line, S 38°06'00" E a distance of 1.00 feet; thence N 51°54'00" E along a line 1.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 294.75 feet; thence N 45°24'00" E along said parallel line, a distance of 407.72 feet to a point being the beginning of a 61.58 foot radius curve, concave Northwest; thence Northeasterly 48.07 feet along the arc of said curve, through a central angle of 44°43'42", having a long chord bearing of N 23°16'02" E and a chord length of 46.86 feet; thence N 89°59'28" E along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 1.00 feet, more or less, to the Point of Beginning.

CONTAINING 2,290.00 Square Feet or 0.051 Acres, more or less, as described.

STATLER ANNEXATION NO. 3

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of Commencement, S 49°21'51" W a distance of 1164.11 feet to a point 1.00 feet South of, as measured at right angle thereto, the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695, Public Records of Mesa County, Colorado, and being the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, S 37°05'03" E a distance of 1.00 feet; thence S 52°54'57" W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 593.63 feet to a point being the beginning of a 122.00 foot radius non-tangent curve, concave Northwest; thence Southwesterly 56.15 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of S 66°25'26" W with a chord length of 55.66 feet;

thence S 79°36'36" W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 430.19 feet; thence N 10°23'24" W a distance of 1.00 feet to a point being the beginning of a 309.00 foot radius non-tangent curve, concave South; thence Westerly 108.28 feet along the arc of said curve, through a central angle of 20°04'41", having a long chord bearing of S 69°23'08" W with a chord length of 107.73 feet; thence S59°20'47" W a distance of 314.10 feet to a point on the West line of that certain 50.0 foot parcel of land for road and utility purposes, as described in Book 1038, Page 377, Public Records of Mesa County, Colorado; thence S 00°31'13" E along said West line and being parallel with the West line of said Tract 39, a distance of 304.74 feet; thence N 89°53'12" W a distance of 525.04 feet, more or less, to a point on the West line of said Tract 39, said point lying 909.13 feet North of, as measured along the West line of said Tract 39, the Southwest corner of said Tract 39; thence N 00°31'13" W along the West line of said Tract 39, also being the East line of the Colorado National Monument, a distance of 479.68 feet; thence S 89°53'13" E a distance of 515.00 feet to a point on the West line of that certain parcel of land described in Book 1189, Page 839, Public Records of Mesa County, Colorado; thence S 00°31'12" E along the West line of said parcel, a distance of 179.72 feet to a point on the Westerly extension of the Northerly line of said Buffalo Drive; thence N 59°20'47" E along the Northerly line of said Buffalo Drive, a distance of 325.13 feet to a point being the beginning of a 310.00 foot radius non-tangent curve, concave South; thence Westerly 109.64 feet along the arc of said curve, through a central angle of 20°15'49", having a long chord bearing of N 69°28'41" E with a chord length of 109.07 feet; thence S 10°23'24" E a distance of 1.00 feet; thence N 79°36'36" E along a line 1.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 429.19 feet to a point being the beginning of a 121.00 foot radius non-tangent curve, concave Northwest; thence Northeasterly 55.69 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of N 66°25'26" E with chord length of 55.20 feet; thence N 52°54'57" E a distance of 593.62 feet, more or less, to the Point of Beginning.

CONTAINING 251,563.0 Square Feet or 5.775 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of July, 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 ____ day of _____, 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**

**STATLER ANNEXATION No. 1
APPROXIMATELY 0.020 ACRES
RIGHT-OF-WAY LOCATED ALONG BUFFALO DRIVE**

WHEREAS, on the 5th day of June, 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 July, 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:

STATLER ANNEXATION NO. 1

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of S 00°06'50" W along the East line of said Tract 39, a distance of 80.22 feet to a point being the Northeast corner of Longview East Subdivision, as same is recorded in Plat Book 13, page 391 of the Public Records of Mesa County, Colorado; thence departing said East line, N 89°53'10z" W along a line 1.00 West of and parallel with the East line of said Tract 39, a distance of 79.22 feet; thence S 89°59'28" W along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 28.01 feet to a point being the beginning of a 61.58 foot

radius non-tangent curve, concave Northwest; thence 61.58 feet Southwesterly along the arc of said curve, through a central angle of 44°43'42", having a long chord bearing of S 23°16'02" W and a chord length of 46.86 feet; thence S 45°24'00" W along a line 1.00 feet South of and parallel with the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695 of the Public Records of Mesa County, Colorado, a distance of 407.72 feet; thence continuing along a line 1.00 feet South of said North line, S 51°54'00" W a distance of 294.75 feet; thence departing said line, N 38°06'00" W a distance of 1.00 feet to a point on the Northerly line of said Buffalo Drive; thence N 51°54'00" E along said Northerly line of Buffalo Drive, a distance of 294.69 feet; thence continuing along said Northerly line of Buffalo Drive, N 45°24'00" E a distance of 407.67 feet to a point being the beginning of a 60.58 feet radius curve, concave Northwest; thence 48.28 feet Northeasterly along the arc of said curve, through a central angle of 45°39'33", having a long chord bearing of N 22°48'07" E with a chord length of 47.01 feet to a point on the North line of said Tract 39; thence N 89°59'28" E along said North line of Tract 39, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 859.31 Square Feet or 0.020 Acres, more or less, as described.

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

INTRODUCED on first reading on the 19th day of June, 2002.

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

Attest:

President of the Council

City Clerk

ORDINANCE NO.

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

**STATLER ANNEXATION No. 2
APPROXIMATELY 0.051 ACRES
RIGHT-OF-WAY LOCATED ALONG BUFFALO DRIVE**

WHEREAS, on the 5th day of June, 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 July, 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:
STATLER ANNEXATION NO. 2

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of Commencement, S 00°06'50" W along the East line of said Tract 39, a distance of 1.00 feet; thence departing said East line, S 89°59'28" W along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 28.01 feet to the TRUE POINT OF BEGINNING and the beginning of a 62.58 foot radius non-tangent curve, concave Northwest; thence from said Point of Beginning, Southwesterly 48.87 feet along the arc of said curve, through a central angle of 44°44'21", having a long chord bearing of S 23°15'30" W and a chord length of 47.63 feet; thence S 45°24'00" W along a line 2.00 feet South of and parallel with the

Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695 of the Public Records of Mesa County, Colorado, a distance of 407.78 feet; thence S 51°54'00" W along said parallel line, a distance of 295.80 feet; thence N 38°06'00" W a distance of 1.00 feet; thence S 51°54'00" W along a line 1.00 feet South of and parallel with the Northerly right of way for said Buffalo Drive, a distance of 593.62 feet to a point being the beginning of a 121.00 foot radius non-tangent curve, concave Northwest; thence Southwesterly 55.69 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of S 66°25'26" W with a chord length of 55.20 feet; thence S 79°36'36" W along a line 1.00 South of and parallel with the North line of said Buffalo Drive, a distance of 429.19 feet; thence N 10°23'24" W a distance of 1.00 feet to a point on the Northerly line of said Buffalo Drive; thence N 79°36'36" E along said Northerly line, a distance of 429.19 feet to a point being the beginning of a 120.00 foot radius non-tangent curve, concave Northwest; thence Northeasterly 55.23 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of N 66°22'19" E with a chord length of 54.75 feet; thence N 52°54'57" E along the Northerly line of said Buffalo Drive, a distance of 593.61 feet; thence N 51°54'00" E along the Northerly line of said Buffalo Drive, a distance of 398.54 feet; thence leaving said Northerly line, S 38°06'00" E a distance of 1.00 feet; thence N 51°54'00" E along a line 1.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 294.75 feet; thence N 45°24'00" E along said parallel line, a distance of 407.72 feet to a point being the beginning of a 61.58 foot radius curve, concave Northwest; thence Northeasterly 48.07 feet along the arc of said curve, through a central angle of 44°43'42", having a long chord bearing of N 23°16'02" E and a chord length of 46.86 feet; thence N 89°59'28" E along a line 1.00 feet South of and parallel with the North line of said Tract 39, a distance of 1.00 feet, more or less, to the Point of Beginning.

CONTAINING 2,290.00 Square Feet or 0.051 Acres, more or less, as described.

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

INTRODUCED on first reading on the 19th day of June, 2002.

ADOPTED and ordered published this day of , 2002.

Attest:

President of the Council

City Clerk

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

**STATLER ANNEXATION No. 3
APPROXIMATELY 5.775 ACRES
LOCATED AT 2134 BUFFALO DRIVE**

WHEREAS, on the 5th day of June, 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 July, 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:
STATLER ANNEXATION NO. 3

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of Commencement, S 49°21'51" W a distance of 1164.11 feet to a point 1.00 feet South of, as measured at right angle thereto, the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695, Public Records of Mesa County, Colorado, and being the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, S 37°05'03" E a distance of 1.00 feet; thence S52°54'57"W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 593.63 feet to a point being the beginning of a 122.00 foot radius non-tangent curve, concave Northwest; thence Southwesterly 56.15 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of S 66°25'26" W with a chord

length of 55.66 feet; thence S 79°36'36" W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 430.19 feet; thence N 10°23'24" W a distance of 1.00 feet to a point being the beginning of a 309.00 foot radius non-tangent curve, concave South; thence Westerly 108.28 feet along the arc of said curve, through a central angle of 20°04'41", having a long chord bearing of S 69°23'08" W with a chord length of 107.73 feet; thence S 59°20'47" W a distance of 314.10 feet to a point on the West line of that certain 50.0 foot parcel of land for road and utility purposes, as described in Book 1038, Page 377, Public Records of Mesa County, Colorado; thence S; 00°31'13" E along said West line and being parallel with the West line of said Tract 39, a distance of 304.74 feet; thence N 89°53'12" W a distance of 525.04 feet, more or less, to a point on the West line of said Tract 39, said point lying 909.13 feet North of, as measured along the West line of said Tract 39, the Southwest corner of said Tract 39; thence N 00°31'13" W along the West line of said Tract 39, also being the East line of the Colorado National Monument, a distance of 479.68 feet; thence S 89°53'13" E a distance of 515.00 feet to a point on the West line of that certain parcel of land described in Book 1189, Page 839, Public Records of Mesa County, Colorado; thence S 00°31'12" E along the West line of said parcel, a distance of 179.72 feet to a point on the Westerly extension of the Northerly line of said Buffalo Drive; thence N 59°20'47" E along the Northerly line of said Buffalo Drive, a distance of 325.13 feet to a point being the beginning of a 310.00 foot radius non-tangent curve, concave South; thence Westerly 109.64 feet along the arc of said curve, through a central angle of 20°15'49", having a long chord bearing of N 69°28'41" E with a chord length of 109.07 feet; thence S 10°23'24" E a distance of 1.00 feet; thence N 79°36'36" E along a line 1.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 429.19 feet to a point being the beginning of a 121.00 foot radius non-tangent curve, concave Northwest; thence Northeasterly 55.69 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of N 66°25'26" E with chord length of 55.20 feet; thence N 52°54'57" E a distance of 593.62 feet, more or less, to the Point of Beginning.

CONTAINING 251,563.0 Square Feet or 5.775 Acres, more or less, as described.

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

INTRODUCED on first reading on the 19th day of June, 2002.

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

Attest:

President of the Council

City Clerk

Attach 15

Zoning Statler Annexation No. 1, 2, and 3, Located at 2134 Buffalo Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Statler Annexation, the requested zoning is RSF-E (Residential Single Family-Estate, not to exceed 1 unit per 2 acres)					
Meeting Date	July 17, 2002					
Date Prepared	July 9, 2002				File # ANX-2002-110	
Author	Lori V. Bowers		Associate Planner			
Presenter Name	Lori V. Bowers		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes		No	Name	Rod Statler, owner
	Workshop	<input checked="" type="checkbox"/>		Formal Agenda		Consent
						<input checked="" type="checkbox"/> Individual Consideration

Summary: Request to zone the Statler Annexation, consisting of one parcel of land, approximately 5.775 acres in size. The requested zoning is RSF-E (Residential Single Family- Estate, not to exceed 1 unit per 2 acres).

There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Budget: N/A

Action Requested/Recommendation: Second Reading of the Zoning Ordinance

Attachments:

- Staff report
- Annexation Map
- Zoning Ordinance

Background Information: **Attached**

BACKGROUND INFORMATION					
Location:		2134 Buffalo Drive			
Applicant:		Rod Statler, Owner			
Existing Land Use:		Single Family Residence			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Colorado National Monument			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RSF-E (Residential Single-family Estate, not to exceed 1 unit per acre 2 acres)			
Surrounding Zoning:	North	RSF-4 (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	Colorado National Monument			
Growth Plan Designation:		Residential Low - ½ acre to 2 acres per dwelling unit			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the entire subject parcel to develop as “Residential Low”, ½ acre to 2 acres per dwelling unit. The petitioner’s request for RSF-E (Residential Single-Family Estate, not to exceed 1 unit per 2 acres) is within the range recommended in the Growth Plan.

STAFF ANALYSIS: Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Simple Subdivision. The applicant requests to divide his parcel into 2 lots. The existing house will be on a 3.66 acre lot and the remaining 2.07 acres creates another residential lot.

Zoning- the applicant requests the zoning designation of RSF-E (Residential Single Family, not to exceed 1 unit per 2 acres). The zoning is consistent with the Growth Plan for this area.

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

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

The existing zoning is Mesa County zoning. Staff does not know if the zoning was in error or not.

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

There has been no change in the character of this neighborhood.

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

The proposed zoning of this annexation/rezone is compatible with the neighborhood and should not create any adverse impacts. The requested zoning designation is within the allowable density range recommended by the Growth Plan.

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

The proposal conforms to the Growth Plan. With the exception of sanitary sewer in the area, the proposal conforms to the Zoning and Development Code. The proposal conforms to the Persigo Agreement by annexing the property into the City due to their request to subdivide the subject property into 2 lots.

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

Adequate facilities currently exist on the property with the exception of sanitary sewer. The existing house is currently serviced by a septic system.

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

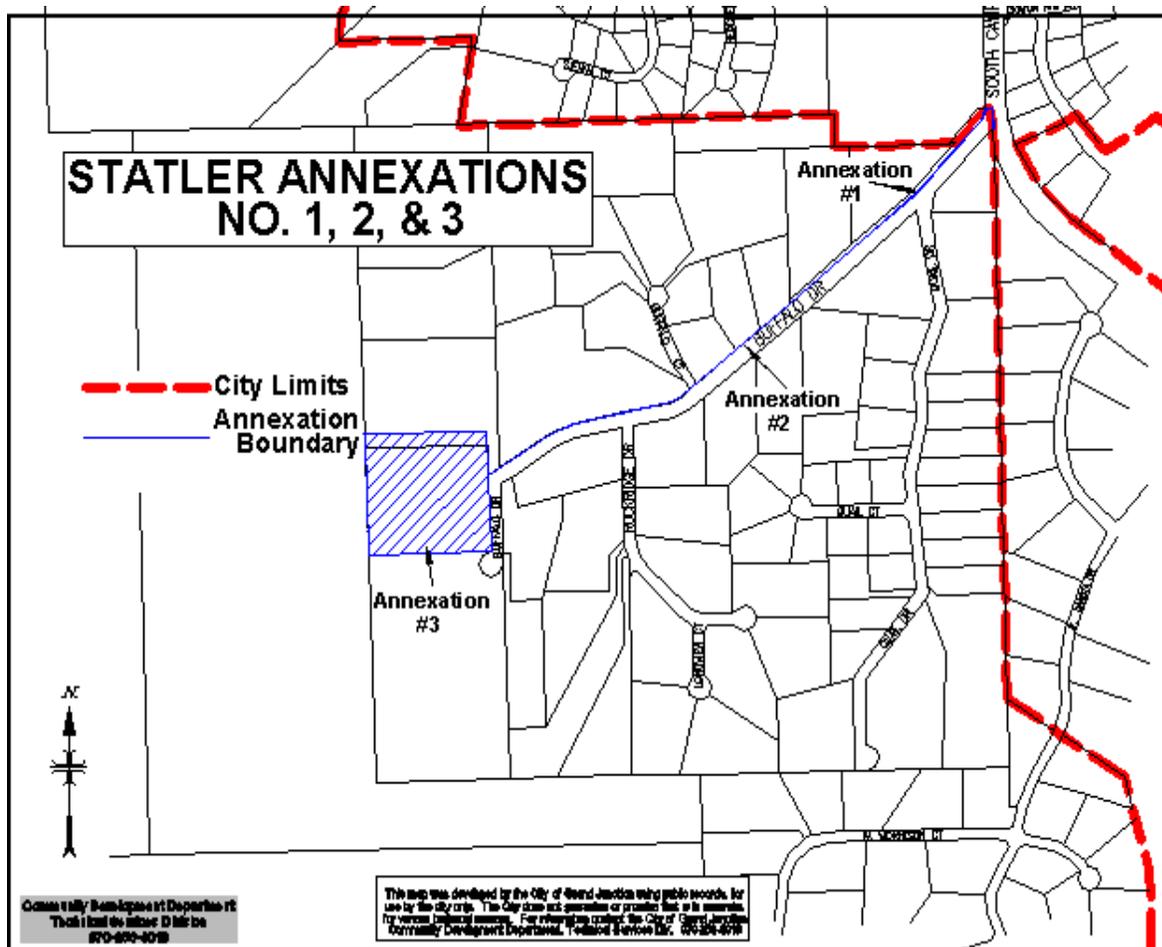
(Not applicable to annexation)

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

The Community will benefit by the development of this property.

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

PLANNING COMMISSION RECOMMENDATION: At their regularly scheduled meeting of June 11, 2002, the Planning Commission recommended to the City Council the zoning designation of RSF-E (Residential Single-family Estate, not to exceed 1 unit per 2 acres) for the Zone of Annexation of the Statler Annexation, finding that the project is consistent with the Growth Plan, the Persigo Agreement and Sections 2.6 of the Zoning and Development Code.



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**ZONING THE STATLER ANNEXATION TO
RESIDENTIAL SINGLE FAMILY, ESTATE (RSF-E)**

LOCATED AT 2134 Buffalo Drive

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-E zone district (Residential Single Family – Estate, not to exceed 1 dwelling unit per 2 acres) to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-E 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, Estate (RSF-E) zone district

Includes the following tax parcel 2947-353-00-050

PERIMETER BOUDARY LEGAL DESCRIPTION

STATLER ANNEXATION

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 39, and considering the East line of said Tract 39 to bear S 00°06'50" W with all bearing contained herein being relative thereto; thence from said Point of Commencement, S 49°21'51" W a distance of 1164.11 feet to a point 1.00 feet South of, as measured at right angle thereto, the Northerly line of that certain 60.0 foot right of way for Buffalo Drive, as same is described in Book 974, Page 695, Public Records of Mesa County, Colorado, and being the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, S 37°05'03" E a distance of 1.00 feet; thence S 52°54'57"W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 593.63 feet to a point being the beginning of a 122.00 foot radius non-tangent curve, concave Northwest; thence Southwesterly 56.15 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of S 66°25'26" W with a chord length of 55.66 feet; thence S 79°36'36" W along a line 2.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 430.19 feet; thence N 10°23'24" W a distance of 1.00 feet to a point being the beginning of a 309.00 foot radius non-tangent curve, concave South; thence Westerly 108.28 feet along the arc of said curve, through a central angle of 20°04'41", having a long chord bearing of S 69°23'08" W with a chord length of 107.73 feet; thence S 59°20'47" W a distance of 314.10 feet to a point on the West line of that certain 50.0 foot parcel of land for road and utility purposes, as described in Book 1038, Page 377, Public Records of Mesa County, Colorado; thence S 00°31'13" E along said West line and being parallel with the West line of said Tract 39, a distance of 304.74 feet; thence N 89°53'12" W a distance of 525.04 feet, more or less, to a point on the West line of said Tract 39, said point lying 909.13 feet North of, as measured along the West line of said Tract 39, the Southwest corner of said Tract 39; thence N 00°31'13" W along the West line of said Tract 39, also being the East line of the Colorado National Monument, a distance of 479.68 feet; thence S 89°53'13" E a distance of 515.00 feet to a point on the West line of that certain parcel of land described in Book 1189, Page 839, Public Records of Mesa County, Colorado; thence S 00°31'12" E along the West line of said parcel, a distance of 179.72 feet to a point on the Westerly extension of the Northerly line of said Buffalo Drive; thence N 59°20'47" E along the Northerly line of said Buffalo Drive, a distance of 325.13 feet to a point being the beginning of a 310.00 foot radius non-tangent curve, concave South; thence Westerly 109.64

feet along the arc of said curve, through a central angle of 20°15'49", having a long chord bearing of N 69°28'41" E with a chord length of 109.07 feet; thence S 10°23'24" E a distance of 1.00 feet; thence N 79°36'36" E along a line 1.00 feet South of and parallel with the Northerly line of said Buffalo Drive, a distance of 429.19 feet to a point being the beginning of a 121.00 foot radius non-tangent curve, concave Northwest; thence Northeasterly 55.69 feet along the arc of said curve, through a central angle of 26°22'19", having a long chord bearing of N 66°25'26" E with chord length of 55.20 feet; thence N 52°54'57" E a distance of 593.62 feet, more or less, to the Point of Beginning.

CONTAINING 251,563.0 Square Feet or 5.775 Acres, more or less, as described.

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

Attach 16

Request Sewer Variance Statler Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Request for a sewer variance on the Statler Annexation, 2134 Buffalo Drive					
Meeting Date	July 17, 2002					
Date Prepared	July 9, 2002				File # ANX-2002-110	
Author	Lori V. Bowers		Associate Planner			
Presenter Name	Lori V. Bowers		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Rod Statler, Owner
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Rod Statler, owner of the property known as the Statler Annexation is requesting a variance to the requirement of a sanitary sewer system due to the size of the existing lot(s) and the location of sanitary sewer in this area. There is a single-family residence on this lot serviced by a septic system. The applicants are in the simple subdivision process to create one additional lot. Sewer is currently 1,000 feet away from the subject property.

Budget: N/A

Action Requested/Recommendation: Approval of the variance to the sanitary sewer system requirement. The Planning Commission recommends to City Council denial of this request.

Attachments:

Staff report
Annexation Map

Background Information: See attached report

<i>BACKGROUND INFORMATION</i>			
Location:		2134 Buffalo Drive	
Applicant:		Rod Statler, Owner	
Existing Land Use:		Single Family Residence	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Colorado National Monument	
Existing Zoning:		RSF-4 (Mesa County)	
Proposed Zoning:		RSF-E (Residential Single-family Estate, not to exceed 1 unit per acre 2 acres)	
Surrounding Zoning:	North	RSF-4 (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	Colorado National Monument	
Growth Plan Designation:		Residential Low - ½ acre to 2 acres per dwelling unit	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan does not refer to variances.

STAFF ANALYSIS: Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Simple Subdivision. The applicant requests to divide his parcel into 2 lots. The existing house will be on a 3.66 acre lot and the remaining 2.07 acres creates another residential lot. The existing house is on a septic system. The applicant further requests a variance to Section 6.2.E, requiring connection to a sanitary sewer system for the existing house and the new lot.

Variance - Section 6.2.E. Sanitary Sewer System, requires that "All lots and uses must be served by a sewer system connected to a public wastewater treatment facility". The applicants are requesting a variance to this requirement. The existing house currently is on a septic system (3.66-acre lot). They request that the newly created lot (2.07 acres in size) be allowed the use of a septic system also.

In order to approve a Variance, Section 2.16.C.4. of the Zoning and Development Code requires that specific findings must be made for approval of the Variance:

- a. **Hardship Unique to Property, Not Self-Inflicted. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;**

Applicant's response: It would require excessive costs and hardship to connect to the sewer system because of the distance. The distance required to connect to the existing sewer system at this time is cost prohibitive. In the future when the city sees fit to make the sewer system available to this land and the other properties in the area I would be in favor.

Staff response: In the past the City had a policy of waiving the sanitary sewer requirement when sewer was not available within 400 feet of the single family residence, but required the installation of "dry" sewer lines. These lines are placed to the edge of the right-of-way so if and when sewer does become available the property is ready to be serviced.

- b. **Special Privilege. The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;**

Applicant's response: I am not asking for any special privilege, to my knowledge there is no other land in the area that has asked for a variance and been denied. All lots in the area use septic systems; the land in this area is quite suitable for this type of system. The distance to connect to a sewer system is far too great at this time.

Staff response: The variance does present a special privilege that has not been provided in the past to other comparable properties. To staff's knowledge, there has only been one sewer related variance approved in the last 3 years. That variance involved terrain and distance issues.

- c. **Literal Interpretation. The literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other**

properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

Applicant's response: Because of the distance to connect to the sewer system it would seem unfair to require me to connect and compare this case with someone who has property adjoining the sewer system.

Staff response: The literal interpretation of the Code would require extensive costs in design and installation of a sewer system that would only benefit the current applicant at this time. Economic impacts are not justification for a variance to development standards.

d. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

Applicant's response: Unless a variance is granted cost would prohibit this as a building site for a family dwelling.

Staff response: Without the variance the property cannot be divided, but the applicant would still retain reasonable use of the property since there is an existing house on the site.

e. Minimum Necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures;

Applicant's response: Please see 4d above.

Staff response: Without the variance the property cannot be divided at this time. Subdivision of the property at this time is pre-mature and should occur when adequate facilities are available.

f. Compatible with Adjacent Properties. The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting the variance, the Board may impose conditions deemed necessary to protect affected owners and to protect the intent of this Code. The Board may consider prospective financial loss or gain to applicant but consideration thereof shall not be sole reason for granting a variance;

Applicant's response: A variance would not reduce the value of any properties in the area as they are all on a septic system, nor would this be injurious to anyone or detrimental to public health.

Staff response: Staff agrees that the variance will not be injurious to, or reduce the value of the adjacent properties. It will not be detrimental to the public health, safety or welfare of the community, as long as the proposed septic system does not fail.

g. Conformance with the Purpose of this Code. The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code: and

Applicant's response: A variance would not conflict at all with the intent of this code nor would it in any way conflict with the city's growth plan.

Staff response: The variance conflicts with the Code in as much as sewer is a requirement of the City's Code.

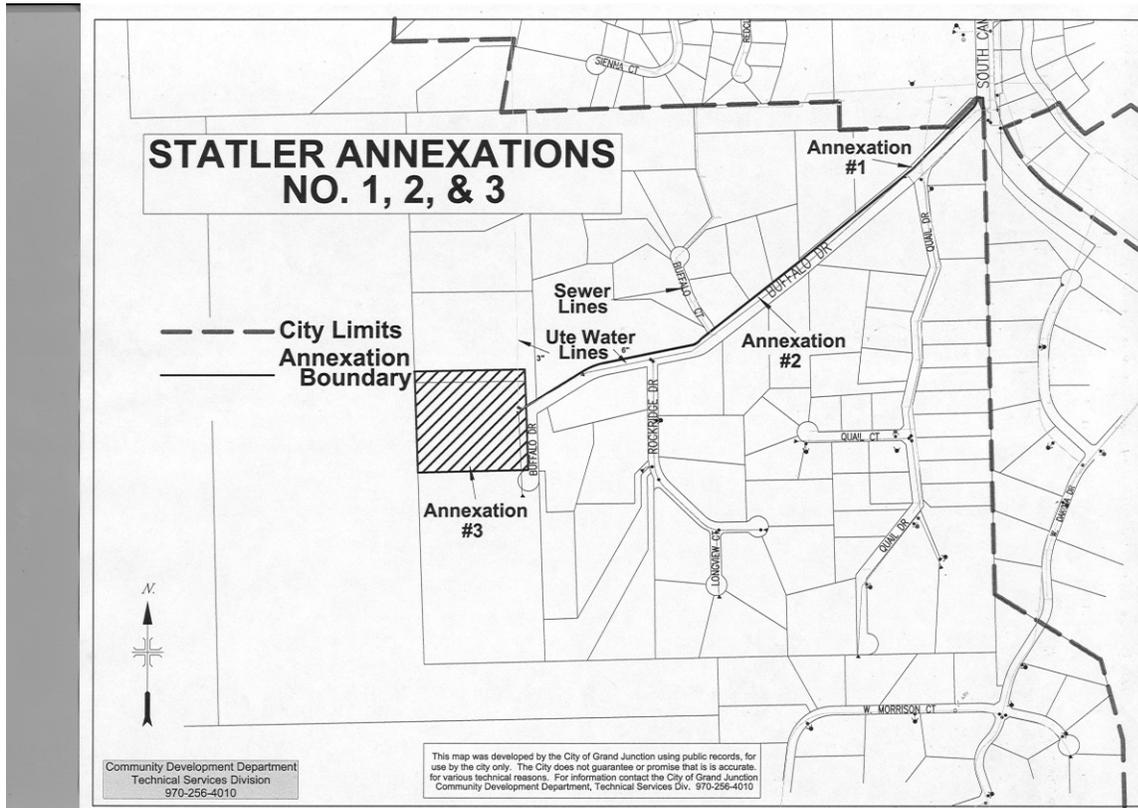
h. Conformance with the Growth Plan. The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.

Applicant's response: A variance would not conflict at all with the intent of this code nor would it in any way conflict with the city's growth plan.

Staff response: The Growth Plan does not address this type of variance. It does however address the encouragement of development in areas that have access to adequate public facilities such as roads, water and sanitary sewer.

PLANNING COMMISSION'S RECOMMENDATION:

At their regularly scheduled meeting of June 11, 2002, the Planning Commission, after much discussion, recommended to City Council denial of the request for a variance to Section 6.2.E, requiring connection to a public wastewater treatment facility for sanitary sewer, finding it inconsistent with the Code requirements.



Attach 17

Mesa County Human Services Annexations 1 & 2, Located at 510 29 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Mesa County Human Services Annexations No. 1 and No. 2 located at 510 29 ½ Road					
Meeting Date	July 17, 2002					
Date Prepared	June 12, 2002				File #ANX-2002-100	
Author	Ronnie Edwards		<u>Associate Planner</u>			
Presenter Name	Ronnie Edwards		<u>Associate Planner</u>			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Mesa County Human Services Annexation located at 510 29 ½ Road and including a portion of North Avenue and 29 ½ Road rights-of-way. The 7.64-acre Mesa County property consists of three parcels of land.

Mesa County, the petitioner, is seeking annexation as part of their request for an administrative review of a simple subdivision and site plan review for a proposed new community services building to house Mesa County’s Department of Health and Human Services, pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approve the resolution for the acceptance of petition to annex and second reading of the annexation ordinance.

Attachments:

1. Staff Report
2. Annexation Map

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

Background Information: See attached Staff Report

BACKGROUND INFORMATION			
Location:		<i>510 29 ½ Road</i>	
Applicants:		Mesa County	
Existing Land Use:		<i>Mesa County Community Services</i>	
Proposed Land Use:		<i>Mesa County Community Services</i>	
Surrounding Land Use:	North	<i>Memorial Gardens Cemetery Land</i>	
	South	Commercial Services	
	East	Memorial Gardens Cemetery Land	
	West	Commercial Services/Multi-family Residential	
Existing Zoning:		County C-2	
Proposed Zoning:		City C-2	
Surrounding Zoning:	North	<i>County RSF-R and C-2</i>	
	South	County C-2 and City C-1	
	East	County RSF-R and C-2	
	West	County C-2 and RMF-8	
Growth Plan Designation:		Commercial and Public	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

Staff Analysis:

ANNEXATION:

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 Mesa County Human Services 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;

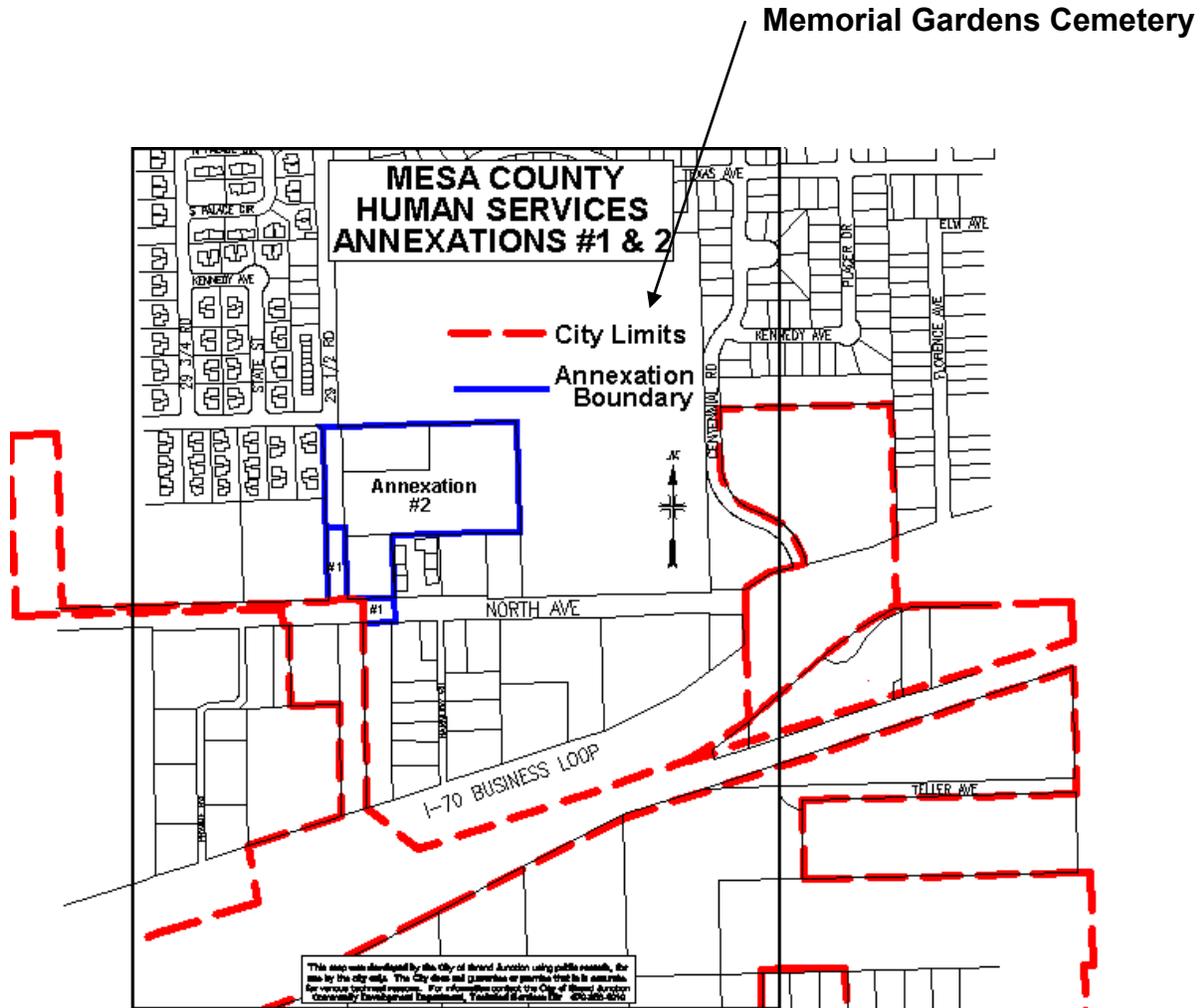
g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

MESA COUNTY HUMAN SERVICES ANNEXATION SUMMARY		
File Number:	ANX-2002-100	
Location:	510 29 ½ Road	
Tax ID Number:	2943-084-19-931, 938, 939	
Parcels:	3	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	7.64 acres for annexation area	
Developable Acres Remaining:	6.56 acres	
Right-of-way in Annexation:	611' of 60' ROW of 29 1/2 Road and 117' of 90' ROW of North Avenue; See Map	
Previous County Zoning:	C-2	
Proposed City Zoning:	C-2	
Current Land Use:	Mesa County Community Services	
Future Land Use:	Mesa County Community Services	
Values:	Assessed:	= \$ 387,840
	Actual:	= \$1,337,320
Census Tract:	11	
Address Ranges:	500 to 512 29 ½ Road and 2952 to 2958 North Avenue	
Special Districts:	Water:	Ute Water District
	Sewer:	Fruitvale Sanitation

	Fire:	Grand Junction Fire District
	Drainage:	Grand Valley Irrigation District
		Grand Junction Drainage District
School:	District 51	

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
June 5, 2002	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
June 11, 2002	Planning Commission considers Zone of Annexation
June 26, 2002	First Reading on Zoning by City Council
July 17, 2002	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
August 18, 2002	Effective date of Annexation and Zoning



RESOLUTION NO. ____-02

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

MESA COUNTY HUMAN SERVICES ANNEXATION

A Serial annexation comprising Mesa County Human Services Annexation No. 1 and Mesa County Human Services Annexation No. 2

IS ELIGIBLE FOR ANNEXATION

LOCATED AT 510 29 1/2 ROAD AND INCLUDING A PORTION OF 29 1/2 ROAD AND NORTH AVENUE RIGHTS-OF-WAY

WHEREAS, on the 5th day of June, 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:

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 8, Township One South, Range One East of the 10th Principal Meridian, and the Northeast Quarter (NE 1/4) of Section 8, Township One South, Range One East of the 10th Principal Meridian, and a portion of Lot 7 and Lot 8 of Mesa County, Colorado, all lying in Mesa County, State of Colorado, and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 7 of said J and J Subdivision and considering the South line of the SE 1/4 of said Section 8 to bear N 89°58'35" W with all bearings contained herein being relative thereto; thence from said POINT OF BEGINNING, N 90°00'00" W a distance of 70.00 feet to a point on the West right of way for 29 1/2 Road; thence N 00°05'12" W along said West right of way for 29 1/2 Road, being a line 30.00 feet West of and parallel with the East line of the SW 1/4 of said Section 8, a distance of 301.89 feet; thence N 89°54'48" E a distance of 70.00 feet to a point on the East right of way for 29 1/2 Road; thence S 00°05'12" E along said East right of way for 29 1/2 Road, also being the West line of said J and J Subdivision and lying 40.00 feet East of and parallel with the West line of the SE 1/4 of said Section 8, a distance of 292.00 feet; thence S 89°58'35" E along a line 10.00 feet North of and parallel with the South line of said Lot 7, being a line 60.00 feet North of and parallel with the South line of the SE 1/4 of said Section 8, a distance of 166.76 feet; thence S 00°05'12" E a distance of 100.00 feet to a point on the South right of way for North Avenue (US Highway 6); thence N 89°58'35" W along said South right of way, being a line 40.00 feet South of and parallel with the South line of the SE 1/4 of said Section 8, a

distance of 116.75 feet; thence N 00°05'38" W a distance of 40.00 feet to a point on the South line of the SE ¼ of said Section 8; thence N 00°01'25" E a distance of 50.00 feet to a point on the North right of way for North Avenue; thence N 89°58'35" W along said North right of way and the South line of said Lot 7, a distance of 50.10 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 33,307.7 Square Feet or 0.765 Acres, more or less, as described.

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 2

~~A certain parcel of land lying in the Southwest Quarter (SW ¼) and the Southeast Quarter (SE ¼) of said Section 8, and the subdivision, One Acre, as shown on Plat Book Meridian and Public Records of Mesa County, Colorado, said being in Mesa County, State of Colorado, and being more particularly described as follows:~~

COMMENCING at the Southwest corner of said Lot 7 of said J and J Subdivision and considering the South line of the SE ¼ of said Section 8 to bear N 89°58'35" W with all bearings contained herein being relative thereto; thence from said POINT OF COMMENCEMENT, N 00°05'12" W along the West line of said J and J Subdivision, being a line 40.00 feet East of and parallel with the West line of the SE ¼ of said Section 8 and also being the East right of way for 29 ½ Road, a distance of 10.00 feet to a point being the TRUE POINT OF BEGINNING; thence from said POINT OF BEGINNING, continue N 00°05'12" W along said East right of way, a distance of 292.00 feet; thence S 89°54'48" W a distance of 70.00 feet to a point on the West right of way for 29 ½ Road; thence N 00°05'12" W along said West right of way, being a line 30.00 feet West of and parallel with the East line of the SW ¼ of said Section 8, a distance of 308.99 feet to a point on the Westerly extension of the North line of said J and J Subdivision; thence S 89°57'03" E along said North line and its Westerly extension, a distance of 691.61 feet to a point being the Northeast corner of said J and J Subdivision; thence S 00°04'27" E along the East line of said J and J Subdivision to a point being the Southeast corner of Lot 4 of said J and J Subdivision; thence N 89°57'57" W along the South line of said Lot 4 and the Westerly extension thereof, a distance of 454.76 feet to a point on the East line of Lot 7 of said J and J Subdivision; thence S 00°05'12" E along said East line of Lot 7, a distance of 210.08 feet; thence N 89°58'35" W along a line 10.00 feet North of and parallel with the South line of said Lot 7, a distance of 166.76 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 299,463.7 Square Feet or 6.875 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of June, 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 July, 2002.

Attest:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 1

APPROXIMATELY .765 ACRES

**LOCATED ON A PORTION OF 510 29 1/2 ROAD AND INCLUDES
A PORTION OF 29 1/2 ROAD AND NORTH AVENUE RIGHTS-OF-WAY**

WHEREAS, on the 5th day of June, 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 July, 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:

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 8, Township One South, Range One East of the T1E One South, Range One East of the T1E One East Meridian, a portion of the lands of Mesa County, Colorado, the lands in Mesa County, State of Colorado, and being more particularly described as follows.

BEGINNING at the Southwest corner of Lot 7 of said J and J Subdivision and considering the South line of the SE 1/4 of said Section 8 to bear N 89°58'35" W with all bearings contained herein being relative thereto; thence from said POINT OF BEGINNING, N 90°00'00" W a distance of 70.00 feet to a point on the West right of way for 29 1/2 Road; thence N 00°05'12" W along said West right of way for 29 1/2 Road,

being a line 30.00 feet West of and parallel with the East line of the SW ¼ of said Section 8, a distance of 301.89 feet; thence N 89°54'48" E a distance of 70.00 feet to a point on the East right of way for 29 ½ Road; thence S 00°05'12" E along said East right of way for 29 ½ Road, also being the West line of said J and J Subdivision and lying 40.00 feet East of and parallel with the West line of the SE ¼ of said Section 8, a distance of 292.00 feet; thence S 89°58'35" E along a line 10.00 feet North of and parallel with the South line of said Lot 7, being a line 60.00 feet North of and parallel with the South line of the SE ¼ of said Section 8, a distance of 166.76 feet; thence S 00°05'12" E a distance of 100.00 feet to a point on the South right of way for North Avenue (US Highway 6); thence N 89°58'35" W along said South right of way, being a line 40.00 feet South of and parallel with the South line of the SE ¼ of said Section 8, a distance of 116.75 feet; thence N 00°05'38" W a distance of 40.00 feet to a point on the South line of the SE ¼ of said Section 8; thence N 00°01'25" E a distance of 50.00 feet to a point on the North right of way for North Avenue; thence N 89°58'35" W along said North right of way and the South line of said Lot 7, a distance of 50.10 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 33,307.7 Square Feet or 0.765 Acres, more or less, as described.

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

INTRODUCED on first reading on the 5th day June, 2002.

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

Attest:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 2

APPROXIMATELY 6.875 ACRES

**LOCATED AT 510 29 1/2 ROAD AND INCLUDES A PORTION OF THE 29 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 5th day of June, 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 July, 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:

MESA COUNTY HUMAN SERVICES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 8, Township One South, Range One East of the T1E in Mesa County, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 7 of said J and J Subdivision and considering the South line of the SE 1/4 of said Section 8 to bear N 89°58'35" W with all bearings contained herein being relative thereto; thence from said POINT OF COMMENCEMENT, N 00°05'12" W along the West line of said J and J Subdivision, being a line 40.00 feet East of and parallel with the West line of the SE 1/4 of said

Section 8 and also being the East right of way for 29 ½ Road, a distance of 10.00 feet to a point being the TRUE POINT OF BEGINNING; thence from said POINT OF BEGINNING, continue N 00°05'12" W along said East right of way, a distance of 292.00 feet; thence S 89°54'48" W a distance of 70.00 feet to a point on the West right of way for 29 ½ Road; thence N 00°05'12" W along said West right of way, being a line 30.00 feet West of and parallel with the East line of the SW ¼ of said Section 8, a distance of 308.99 feet to a point on the Westerly extension of the North line of said J and J Subdivision; thence S 89°57'03" E along said North line and its Westerly extension, a distance of 691.61 feet to a point being the Northeast corner of said J and J Subdivision; thence S 00°04'27" E along the East line of said J and J Subdivision to a point being the Southeast corner of Lot 4 of said J and J Subdivision; thence N 89°57'57" W along the South line of said Lot 4 and the Westerly extension thereof, a distance of 454.76 feet to a point on the East line of Lot 7 of said J and J Subdivision; thence S 00°05'12" E along said East line of Lot 7, a distance of 210.08 feet; thence N 89°58'35" W along a line 10.00 feet North of and parallel with the South line of said Lot 7, a distance of 166.76 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 299,463.7 Square Feet or 6.875 Acres, more or less, as described.

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

INTRODUCED on first reading on the 5th day of June, 2002.

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

Attest:

City Clerk

President of the Council

Attach 18

Zoning the Mesa County Human Services Annexation, Located at 510 29 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road				
Meeting Date		July 17, 2002				
Date Prepared		June 12, 2002			File # ANX-2002-100	
Author		Ronnie Edwards		Associate Planner		
Presenter Name		Ronnie Edwards		Associate Planner		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	Individual Consideration

Summary: The Mesa County Human Services Annexation is three parcels of land consisting of 6.56 acres located at 510 29 ½ Road, and includes a portion of 29 ½ Road and North Avenue rights-of-way. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting. The owners have signed a petition for annexation as part of a proposed simple subdivision and site plan review for a new community services building, which is an administrative review.

Budget: N/A

Action Requested/Recommendation: Adopt the ordinance zoning the Mesa County Human Services Annexation.

Attachments:

1. Staff Report

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

BACKGROUND INFORMATION					
Location:		<i>510 29 ½ Road</i>			
Applicants:		Mesa County			
Existing Land Use:		<i>Mesa County Community Services</i>			
Proposed Land Use:		<i>Mesa County Community Services</i>			
Surrounding Land Use:	North	<i>Memorial Gardens Cemetery Land</i>			
	South	Commercial Services			
	East	Memorial Gardens Cemetery Land			
	West	Commercial Services/Multi-family Residential			
Existing Zoning:		County C-2			
Proposed Zoning:		City C-2			
Surrounding Zoning:	North	<i>County RSF-R and C-2</i>			
	South	County C-2 and City C-1			
	East	County RSF-R and C-2			
	West	County C-2 and RMF-8			
Growth Plan Designation:		Commercial and Public			
Zoning within density range?		X	Yes		No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall 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. The proposed zoning of C-2 is equivalent to the current Mesa County zoning.

C-2 ZONE DISTRICT

- This property is currently zoned C-2 in Mesa County which is equivalent to the C-2 zoning in the City of Grand Junction.
- The C-2 does conform to the recommended future use on the Growth Plan Future Land Use map currently designated as Commercial and Public.
- Zoning this annexation with the C-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 commercial services with equivalent uses.

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:

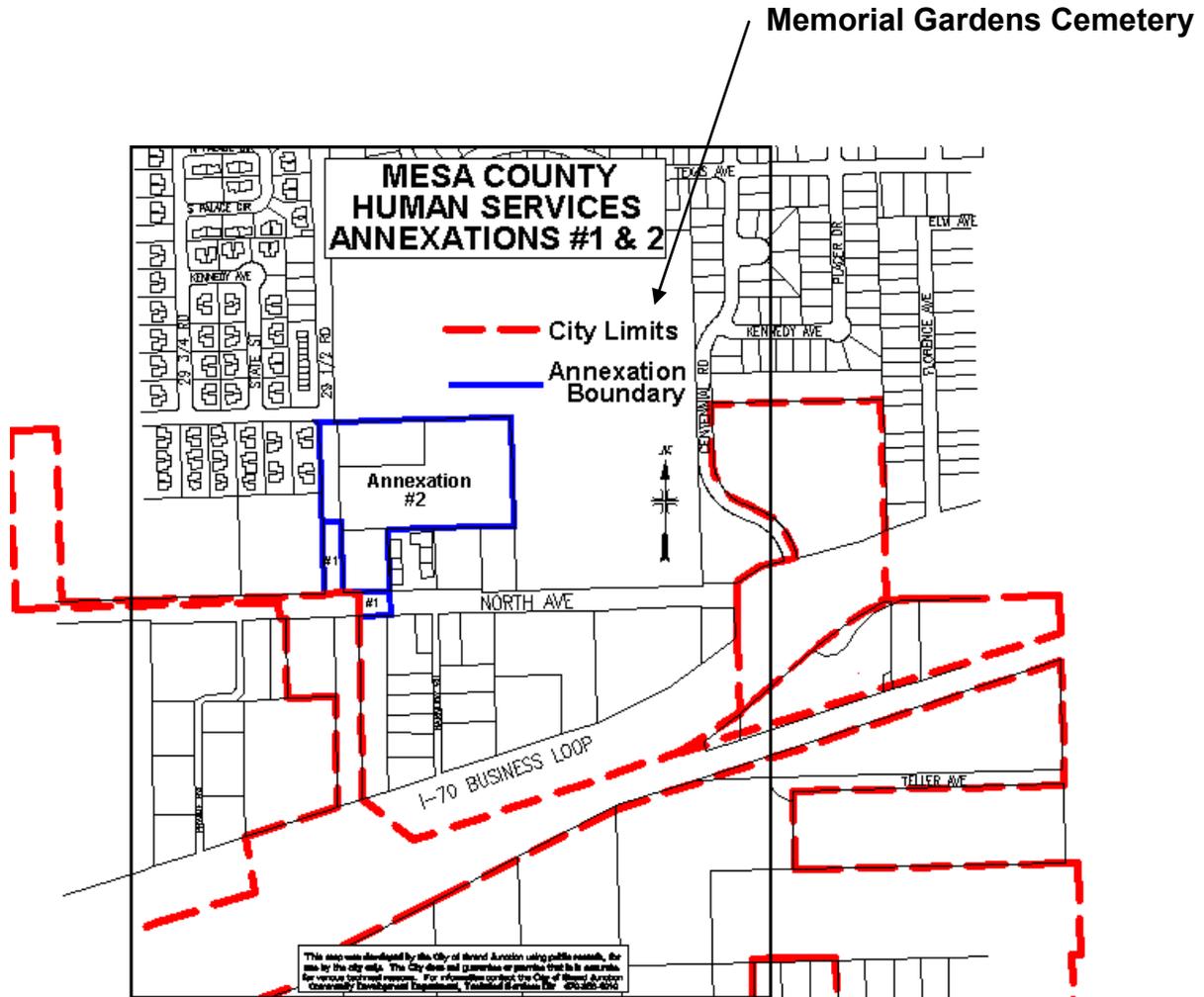
- 1. The existing zoning was in error at the time of adoption;**
The existing zoning is C-2 in the County and the rezone to City C-2 supports the Future Land Use Map.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;**
There has been 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 commercial uses in this particular area. The simple subdivision being created meets the requirements of the Zoning and Development Code. The site plan review submittal is currently being administratively reviewed under the requirements of Section 2.2.D.4 of the Zoning and Development Code.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;**

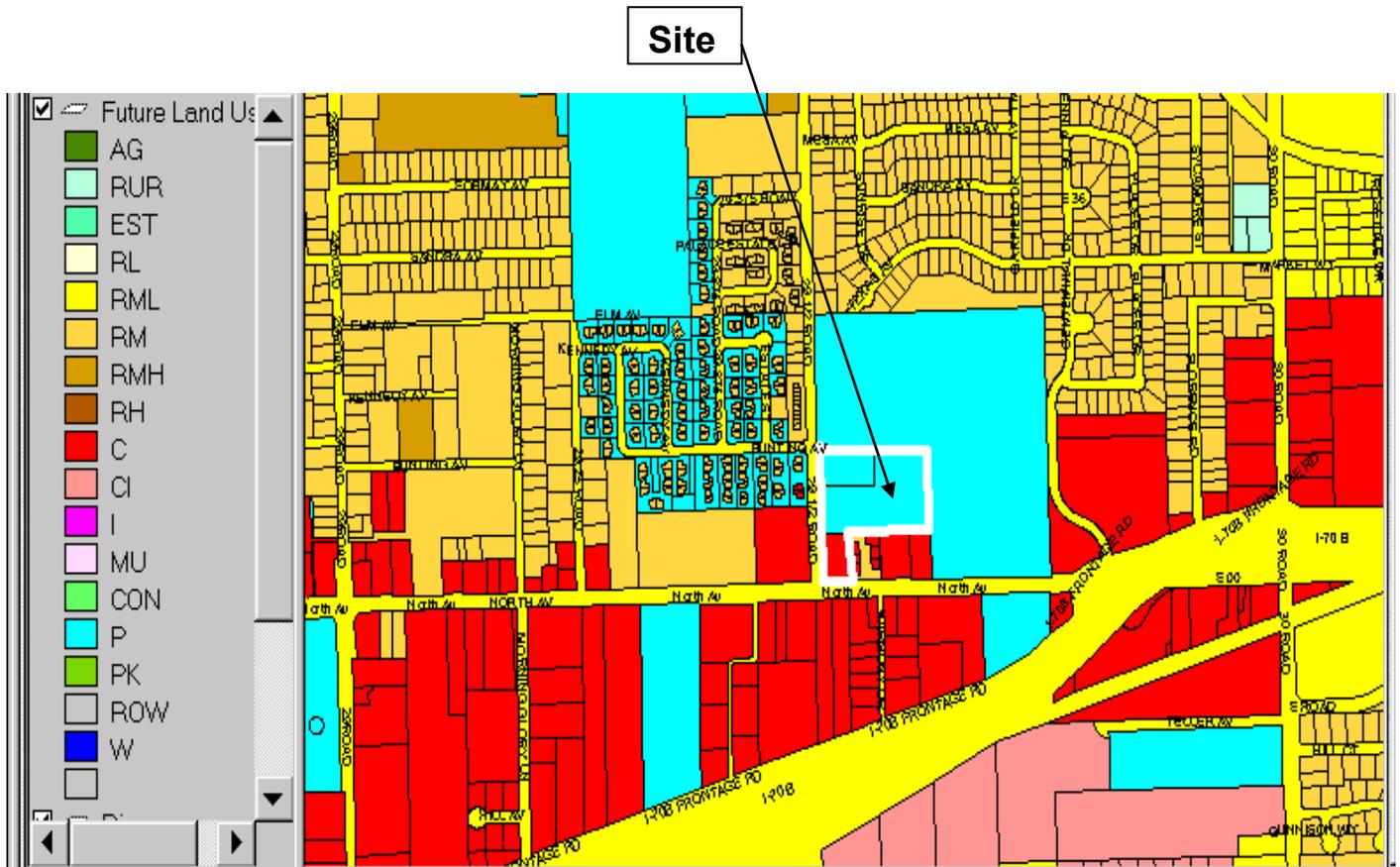
Public facilities and services are available for the commercial use as the proposed use is equivalent to the current community services buildings.

- 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 commercial designation to be changed to a City commercial 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 an equivalent commercial zone district that is harmonious to the adjacent neighborhood.

ANNEXATION SCHEDULE	
June 5, 2002	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
June 11, 2002	Planning Commission considers Zone of Annexation
June 26, 2002	First Reading on Zoning by City Council
July 17, 2002	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
August 18, 2002	Effective date of Annexation and Zoning





MESA COUNTY HUMAN SERVICES ANNEXATION SUMMARY		
File Number:	ANX-2002-100	
Location:	510 29 ½ Road	
Tax ID Number:	2943-084-19-931, 938, 939	
Parcels:	3	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	7.64 acres for annexation area	
Developable Acres Remaining:	6.56 acres	
Right-of-way in Annexation:	611' of 60' ROW of 29 ½ Road, and 117' of 90' ROW of North Avenue; See Map	
Previous County Zoning:	C-2	
Proposed City Zoning:	C-2	
Current Land Use:	Mesa County Community Services	
Future Land Use:	Mesa County Community Services	
Values:	Assessed:	= \$ 387,840
	Actual:	= \$1,337,320
Census Tract:	11	
Address Ranges:	500 to 512 29 ½ Road and 2952 to 2958 North Avenue	
Special Districts:	Water:	Ute Water District
	Sewer:	Fruitvale Sanitation
	Fire:	Grand Junction Fire District
	Drainage:	Grand Valley Irrigation District Grand Junction Drainage District
	School:	District 51

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

ZONING THE MESA COUNTY HUMAN SERVICES ANNEXATION TO GENERAL COMMERCIAL (C-2)

LOCATED AT 510 29 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 C-2 zone district to this annexation.~~

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-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 General Commercial (C-2) zone district

Includes the following tax parcel 2943-084-19-931, 938, 939

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

~~A certain parcel of land, lying in the Southwest Quarter (SW 1/4) and the South of the Quarter (SE 1/4) of Section 8, Township 19 North, Range 101 East of the 10th Principal Meridian, and a portion of the said subdivision, as same is recorded in Plat Book 12, Page 125, Public Records of Mesa County, Colorado, all lying in Mesa County, State of Colorado, and being more particularly described as follows:~~

COMMENCING at the Southwest corner of said Lot 7 of said J and J Subdivision and considering the South line of the SE 1/4 of said Section 8 to bear N 89°58'35" W with all bearings contained herein being relative thereto; thence from said

POINT OF COMMENCEMENT, N 00°05'12" W along the West line of said J and J Subdivision, being a line 40.00 feet East of and parallel with the West line of the SE ¼ of said Section 8 and also being the East right of way for 29 ½ Road, a distance of 10.00 feet to a point being the TRUE POINT OF BEGINNING; thence from said POINT OF BEGINNING, continue N 00°05'12" W along said East right of way, a distance of 292.00 feet; thence S 89°54'48" W a distance of 70.00 feet to a point on the West right of way for 29 ½ Road; thence N 00°05'12" W along said West right of way, being a line 30.00 feet West of and parallel with the East line of the SW ¼ of said Section 8, a distance of 308.99 feet to a point on the Westerly extension of the North line of said J and J Subdivision; thence S 89°57'03" E along said North line and its Westerly extension, a distance of 691.61 feet to a point being the Northeast corner of said J and J Subdivision; thence S 00°04'27" E along the East line of said J and J Subdivision to a point being the Southeast corner of Lot 4 of said J and J Subdivision; thence N 89°57'57" W along the South line of said Lot 4 and the Westerly extension thereof, a distance of 454.76 feet to a point on the East line of Lot 7 of said J and J Subdivision; thence S 00°05'12" E along said East line of Lot 7, a distance of 210.08 feet; thence N 89°58'35" W along a line 10.00 feet North of and parallel with the South line of said Lot 7, a distance of 166.76 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 299,463.7 Square Feet or 6.875 Acres, more or less, as described.

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

INTRODUCED on first reading on the 26th day of June, 2002.

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

Attest:

City Clerk

President of the Council

Attach 19

Feix Annexation No. 1, 2, and 3, Located at 229 Jacquie Road

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject		Feix Annexations No. 1, 2 and 3, located at 229 Jacquie Road				
Meeting Date		July 17, 2002				
Date Prepared		July 8, 2002			File #ANX-2002-114	
Author		Pat Cecil		Development Services Supervisor		
Presenter Name		Pat Cecil		Development Services Supervisor		
Report results back to Council		X	No		Yes	When
Citizen Presentation			Yes	X	No	Name
	Workshop	X	Formal Agenda		Consent	Individual Consideration

Summary: The Feix Annexations No. 1, 2 and 3 is a serial annexation comprising 3 parcels of land including portions of the right-of-way for Kathy Jo Lane and Jacquie Road along with acreage located at 229 Jacquie Road, comprising a total of 5.386 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Adopt the resolution accepting the Feix Annexation petition and adopt the Feix Annexation Ordinance.

Attachments:

1. Staff report/Background information
2. Annexation maps (4)
3. Resolution of Referral Petition
4. Annexation Ordinances (3)

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

<i>BACKGROUND INFORMATION</i>					
Location:		<i>229 Jacquie Road</i>			
Applicants:		Dan Feix – Petitioner Terry Lorentzen – Developer Thompson-Langford – Representative			
Existing Land Use:		<i>Residential</i>			
Proposed Land Use:		<i>Residential subdivision</i>			
Surrounding Land Use:	North	<i>Residential</i>			
	South	Golf Course			
	East	Residential			
	West	Residential			
Existing Zoning:		Residential Single Family – 4 dwelling units per acre (RSF-4) (County)			
Proposed Zoning:		RSF-4 (City)			
Surrounding Zoning:	North	<i>RSF-4 (County)</i>			
	South	PUD (County)			
	East	RSF-4 (County)			
	West	<i>RSF-4 (County)</i>			
Growth Plan Designation:		Residential Medium Low 2-4			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 5.386 acres of land including portions of the Kathy Jo Lane and Jacquie Road rights-of-way. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones 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 Larson Annexation is eligible to be annexed because of compliance with the following:

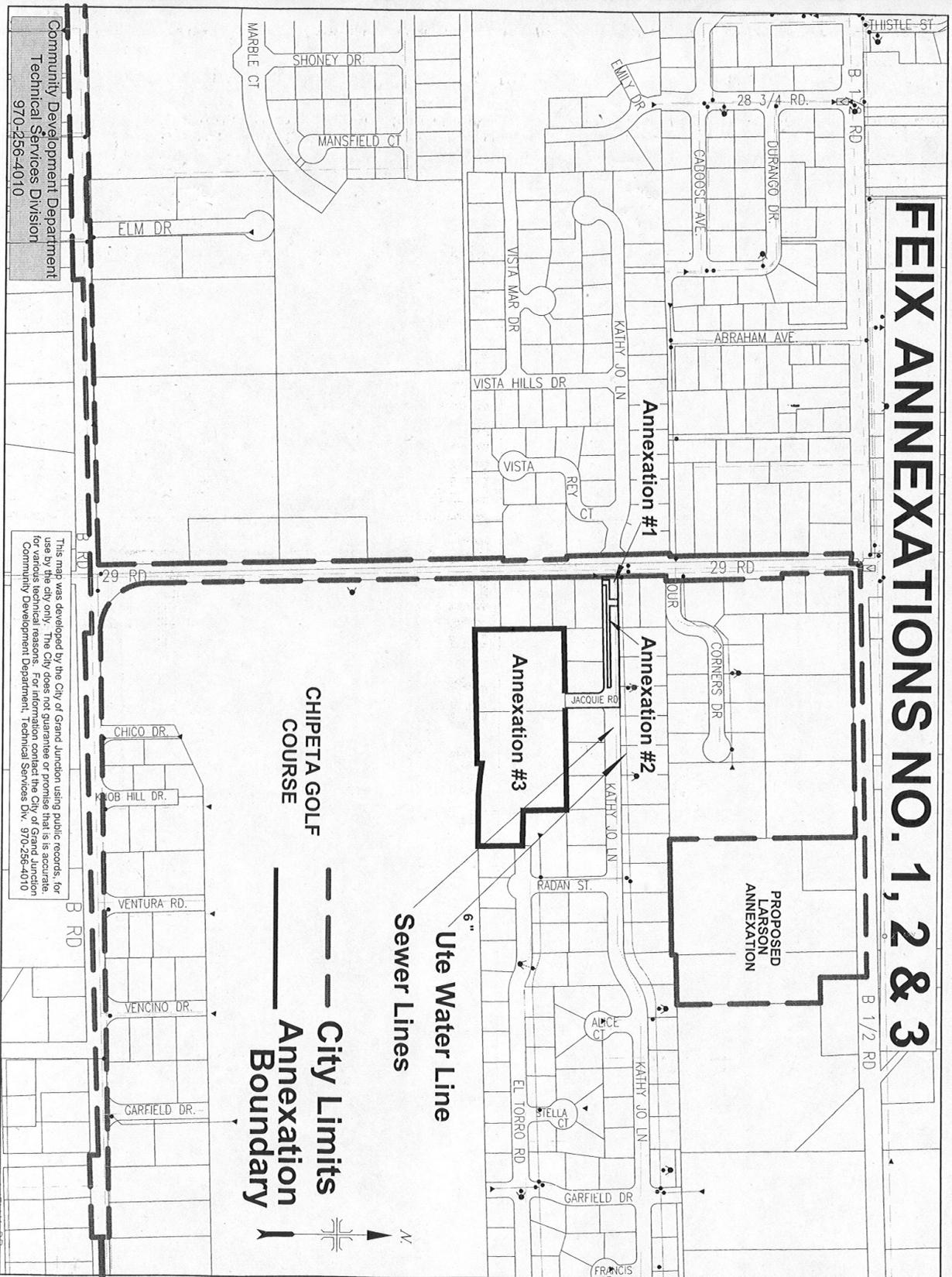
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and 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	
6/5/02	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
6/11/02	Planning Commission considers Zone of Annexation
6/26/02	First Reading on Zoning by City Council
7/17/02	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
8/16/02	Effective date of Annexation and Zoning

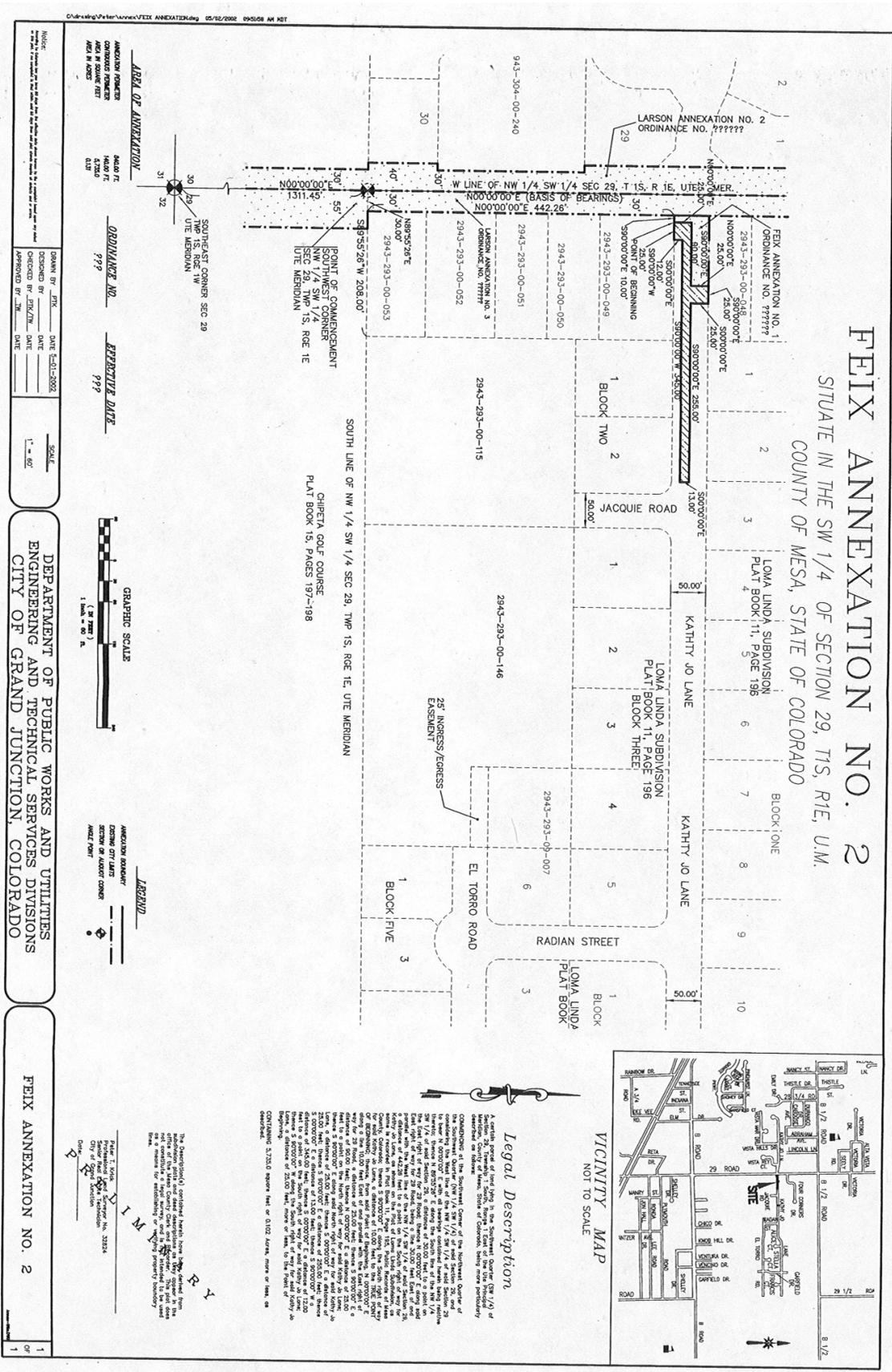
FIEX ANNEXATION SUMMARY		
File Number:		ANX-2002-114
Location:		229 Jacquie Road
Tax ID Number:		2943-293-00-115 2943-293-00-146
Parcels:		2
Estimated Population:		4
# of Parcels (owner occupied):		1
# of Dwelling Units:		2
Acres land annexed:		5.386
Developable Acres Remaining:		4.68 acres
Right-of-way in Annexation:		0.706 acres
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-4
Current Land Use:		Residential
Future Land Use:		Residential Medium Low 2-4
Values:	Assessed:	\$183,150
	Actual:	\$23,910
Census Tract:		12
Address Ranges:		227,228 and 229 Jacquie Road and 2901 through 2917 El Torro Road (odd and even numbers)
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation District
	Fire:	GJ Rural Fire District
	Drainage:	Orchard Mesa
	School:	District 51
	Pest:	N/A

FEIX ANNEXATIONS NO. 1, 2 & 3



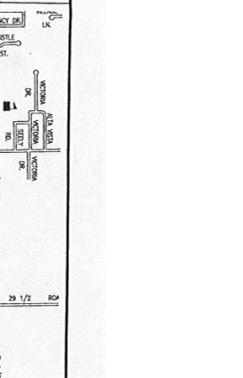
Community Development Department
 Technical Services Division
 970-256-4010

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



FEIX ANNEXATION NO. 2

SITUATE IN THE SW 1/4 OF SECTION 29, T15S, R1E, UTM, COUNTY OF MESA, STATE OF COLORADO



Legal Description

That certain portion of the SW 1/4 of Section 29, T15S, R1E, UTM, containing 0.0726 acres, more or less, as shown on the plat book of said section, and the same being more particularly described as follows: To wit: The portion of the SW 1/4 of Section 29, T15S, R1E, UTM, which is bounded on the north by the north line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 110.00 feet, on the east by the east line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 320.00 feet, on the south by the south line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 110.00 feet, and on the west by the west line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 320.00 feet, more or less, to the Point of Beginning.

The Description(s) contained herein, have been derived from the original plat book of said section, and the same being more particularly described as follows: To wit: The portion of the SW 1/4 of Section 29, T15S, R1E, UTM, which is bounded on the north by the north line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 110.00 feet, on the east by the east line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 320.00 feet, on the south by the south line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 110.00 feet, and on the west by the west line of the SW 1/4 of Section 29, T15S, R1E, UTM, a distance of 320.00 feet, more or less, to the Point of Beginning.

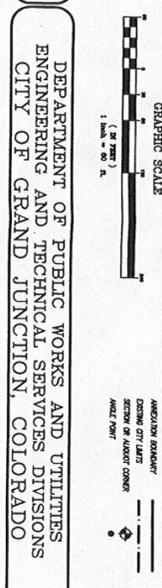
AREA OF ANNEXATION
CONTAINING FORTY-FOUR (44) ACRES
SOUTH-EAST CORNER SEC. 29
T15S, R1E, UTM

ORDINANCE NO. 2943-293-00-115
EFFECTIVE DATE: 1999

DRAWN BY: JTK	DATE: 5-31-2002
DESIGNED BY: DJE/TLW	DATE: _____
APPROVED BY: JTK	DATE: _____

SCALE: 1" = 80'

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



FEIX ANNEXATION NO. 2

RESOLUTION NO. ____

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

FEIX ANNEXATION

(A serial Annexation comprising of FEIX Annexation No's 1, 2 and 3)

IS ELIGIBLE FOR ANNEXATION

LOCATED at 229 Jacquie Road and containing portions of the Kathy Jo Lane and Jacquie Road rights-of-way.

WHEREAS, on the 5th day of June, 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:

**FEIX ANNEXATION NO. 1
DESCRIPTION**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 29, Township 1 South, Range 1 East of the Latah Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 29, and considering the West line of the NW 1/4 SW 1/4 of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW 1/4 SW 1/4 of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW 1/4 SW 1/4 of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado, being the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, continue N 00°00'00" E, along said East right of way for 29 Road, a distance of 50.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along the North right of way

for said Kathy Jo Lane, a distance of 100.00 feet; thence S 00°00'00" E a distance of 25.00 feet; thence S 90°00'00" W a distance of 90.00 feet; thence S 00°00'00" E a distance of 25.00 feet to a point on the South right of way for said Kathy Jo Lane; thence S 90°00'00" W, along the South right of way for said Kathy Jo Lane, a distance of 10.00 feet, more or less, to the Point of Beginning.

CONTAINING 2,750.0 square feet or 0.063 Acres, more or less, as described.

FEIX ANNEXATION NO. 2
DESCRIPTION

A certain parcel of land lying in the Southwest Quarter (SW ¼) of Section 29, Township Colorado, Range 1 East of the Line Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of said Section 29, and considering the West line of the NW ¼ SW ¼ of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW ¼ SW ¼ of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado; thence S 90°00'00" E along the South right of way for said Kathy Jo Lane, a distance of 10.00 feet to the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, N 00°00'00" E along a line 10.00 feet East of and parallel with the East right of way for 29 Road, a distance of 25.00 feet; thence S 90°00'00" E a distance of 90.00 feet; thence N 00°00'00" E a distance of 25.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along said North right of way for said Kathy Jo Lane, a distance of 25.00 feet; thence S 00°00'00" E a distance of 25.00 feet; thence S 90°00'00" E a distance of 255.00 feet; thence S 00°00'00" E a distance of 13.00 feet; thence S 90°00'00" W a distance of 345.00 feet; thence S 00°00'00" E a distance of 12.00 feet to a point on the South right of way for said Kathy Jo Lane; thence S 90°00'00" W along the South right of way for said Kathy Jo Lane, a distance of 25.00 feet, more or less, to the Point of Beginning.

CONTAINING 4,435.0 square feet or 0.102 Acres, more or less, as described.

FEIX ANNEXATION NO. 3
DESCRIPTION

A certain parcel of land lying in the Southwest Quarter (SW ¼) of Section 29, Township 6 South, Range 1 East of the 11th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of said Section 29, and considering the West line of the NW ¼ SW ¼ of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW ¼ SW ¼ of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado; thence N 90°00'00" E along the South right of way for said Kathy Jo Lane, a distance of 35.00 feet to the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, N 00°00'00" E a distance of 12.00 feet; thence S 90°00'00" E a distance of 345.00 feet; thence N 00°00'00" E a distance of 13.00 feet; thence S 90°00'00" W a distance of 255.00 feet; thence N 00°00'00" E a distance of 25.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along said North right of way a distance of 322.99 feet to a point on the Northerly extension of the East right of way for Jacjuie Road, as same is shown on said Plat of Loma Linda Subdivision; thence S 00°00'00" E along said East right of way and its Northerly extension, a distance of 189.80 feet, more or less, to a point being the Southwest corner of Lot 1, Block Three of said Plat of Loma Linda Subdivision; thence S 90°00'00" E along the South line of said Block Three, a distance of 344.97 feet, more or less, to a point being the Southwest corner of Lot 4, Block Three of said Plat of Loma Linda Subdivision; thence S 00°00'00" E a distance of 120.00 feet; thence S 90°00'00" E a distance of 114.97 feet, more or less, to a point being the Southwest corner of Lot 6, Block Three of said Plat of Loma Linda Subdivision; thence S 00°00'00" E along the West line and the Northerly extension of Lot 1, Block Five of said Plat of Loma Linda Subdivision, a distance of 181.25 feet, more or less, to a point being the Southwest corner of said Lot 1, Block 5; thence S 89°55'26" W along the South line of the NW ¼ SW ¼ of said Section 29, as same is depicted on said Plat of Loma Linda Subdivision, a distance of 729.94 feet; thence N 00°00'00" E along a line 208.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 302.22 feet, more or less, to a point being the Southwest corner of Lot 1, Block Two of said Plat of

Loma Linda Subdivision; thence S 90°00'00" E along the South line of said Block Two, a distance of 220.00 feet, more or less, to a point being the Southeast corner of Lot 2 of said Block Two; thence N 00°00'00" E along the East line of said Block Two, also being the West right of way for said Jacquie Road, a distance of 119.80 feet to a point being the beginning of a 20.00 foot radius curve, concave Southwest; thence 31.42 feet Northwesterly along the arc of said curve, through a central angle of 90°00'00", whose long chord bears N 45°00'00" W with a chord length of 28.28 feet; thence S 90°00'00" W along the North line and the Westerly extension thereof, of said Block Two, also being the South right of way for said Kathy Jo Lane, a distance of 342.99 feet, more or less, to the Point of Beginning.

CONTAINING 227,444.7 square feet or 5.221 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of July, 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 July, 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**

FEIX ANNEXATION No. 1

APPROXIMATELY 0.063 ACRES

LOCATED in the Kathy Jo Lane right-of-way

WHEREAS, on the 5th day of June, 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 July, 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 situated in Mesa County, Colorado, and described to wit:

A certain parcel of land lying in the Southwest Quarter (SW ¼) of Section 29, Township 6 South, Range 1 East of the 10th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of said Section 29, and considering the West line of the NW ¼ SW ¼ of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW ¼ SW ¼ of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado, being the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, continue N 00°00'00" E, along said East right of way for 29 Road, a distance of 50.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along the North right of way for said Kathy Jo Lane, a distance of 100.00 feet; thence S 00°00'00" E a distance of 25.00 feet; thence S 90°00'00" W a distance of 90.00 feet; thence S 00°00'00" E a distance of 25.00 feet to a point on the South right of way for said Kathy Jo Lane; thence S 90°00'00" W, along the South right of way for said Kathy Jo Lane, a distance of 10.00 feet, more or less, to the Point of Beginning.

CONTAINING 2,750.0 square feet or 0.063 Acres, more or less, as described be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 5th day of June, 2002.

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FEIX ANNEXATION No. 2

APPROXIMATELY 0.102 ACRES

A portion of the Kathy Jo Lane right-of-way

WHEREAS, on the 5th day of June, 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 July, 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 situated in Mesa County, Colorado, and described to wit:

**FEIX ANNEXATION NO. 2
DESCRIPTION**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 29 Township 1 South Range 9 East of the 11th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows.

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of said Section 29, and considering the West line of the NW ¼ SW ¼ of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW ¼ SW ¼ of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado; thence S 90°00'00" E along the South right of way for said Kathy Jo Lane, a distance of 10.00 feet to the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, N 00°00'00" E along a line 10.00 feet East of and parallel with the East right of way for 29 Road, a distance of 25.00 feet; thence S 90°00'00" E a distance of 90.00 feet; thence N 00°00'00" E a distance of 25.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along said North right of way for said Kathy Jo Lane, a distance of 25.00 feet; thence S 00°00'00" E a distance of 25.00 feet; thence S 90°00'00" E a distance of 255.00 feet; thence S 00°00'00" E a distance of 13.00 feet; thence S 90°00'00" W a distance of 345.00 feet; thence S 00°00'00" E a distance of 12.00 feet to a point on the South right of way for said Kathy Jo Lane; thence S 90°00'00" W along the South right of way for said Kathy Jo Lane, a distance of 25.00 feet, more or less, to the Point of Beginning.

CONTAINING 4,435.0 square feet or 0.102 Acres, more or less, as described, be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 5th day of June, 2002.

ADOPTED and ordered published this 17th day of July, 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**

FEIX ANNEXATION No. 3

APPROXIMATELY 5.221 ACRES

LOCATED at 229 Jacquie Road and including a portion of the Kathy Jo Lane and Jacquie Road rights-of-way

WHEREAS, on the 5th day of June, 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 July, 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 situated in Mesa County, Colorado, and described to wit:

FEIX ANNEXATION NO. 3
DESCRIPTION

A certain parcel of land lying in the Southwest Quarter (SW ¼) of Section 29, Township 1 South, Range 1 East of the 11th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of said Section 29, and considering the West line of the NW ¼ SW ¼ of said Section 29 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 89°55'26" E along the South line of the NW ¼ SW ¼ of said Section 29, a distance of 30.00 feet to a point on the East right of way for 29 Road; thence N 00°00'00" E along said East right of way for 29 Road, being a line 30.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 442.26 feet to a point on the South right of way for Kathy Jo Lane, as shown on the Plat of Loma Linda Subdivision, as same is recorded in Plat Book 11, Page 195, Public Records of Mesa County, Colorado; thence N 90°00'00" E along the South right of way for said Kathy Jo Lane, a distance of 35.00 feet to the TRUE POINT OF BEGINNING; thence, from said Point of Beginning, N 00°00'00" E a distance of 12.00 feet; thence S 90°00'00" E a distance of 345.00 feet; thence N 00°00'00" E a distance of 13.00 feet; thence S 90°00'00" W a distance of 255.00 feet; thence N 00°00'00" E a distance of 25.00 feet to a point on the North right of way for said Kathy Jo Lane; thence S 90°00'00" E along said North right of way a distance of 322.99 feet to a point on the Northerly extension of the East right of way for Jacjuie Road, as same is shown on said Plat of Loma Linda Subdivision; thence S 00°00'00" E along said East right of way and its Northerly extension, a distance of 189.80 feet, more or less, to a point being the Southwest corner of Lot 1, Block Three of said Plat of Loma Linda Subdivision; thence S 90°00'00" E along the South line of said Block Three, a distance of 344.97 feet, more or less, to a point being the Southwest corner of Lot 4, Block Three of said Plat of Loma Linda Subdivision; thence S 00°00'00" E a distance of 120.00 feet; thence S 90°00'00" E a distance of 114.97 feet, more or less, to a point being the Southwest corner of Lot 6, Block Three of said Plat of Loma Linda Subdivision; thence S 00°00'00" E along the West line and the Northerly extension of Lot 1, Block Five of said Plat of Loma Linda Subdivision, a distance of 181.25 feet, more or less, to a point being the Southwest corner of said Lot 1, Block 5; thence S 89°55'26" W along the South line of the NW ¼ SW ¼ of said Section 29, as same is depicted on said Plat of Loma Linda Subdivision, a distance of 729.94 feet; thence N 00°00'00" E along a line 208.00 feet East of and parallel with the West line of the NW ¼ SW ¼ of said Section 29, a distance of 302.22 feet, more

or less, to a point being the Southwest corner of Lot 1, Block Two of said Plat of Loma Linda Subdivision; thence S 90°00'00" E along the South line of said Block Two, a distance of 220.00 feet, more or less, to a point being the Southeast corner of Lot 2 of said Block Two; thence N 00°00'00" E along the East line of said Block Two, also being the West right of way for said Jacquie Road, a distance of 119.80 feet to a point being the beginning of a 20.00 foot radius curve, concave Southwest; thence 31.42 feet Northwesterly along the arc of said curve, through a central angle of 90°00'00", whose long chord bears N 45°00'00" W with a chord length of 28.28 feet; thence S 90°00'00" W along the North line and the Westerly extension thereof, of said Block Two, also being the South right of way for said Kathy Jo Lane, a distance of 342.99 feet, more or less, to the Point of Beginning.

CONTAINING 227,444.7 square feet or 5.221 Acres, more or less, as described, be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 5th day of June, 2002.

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

Attest:

President of the Council

City Clerk

Attach 20

Zoning the Feix Annexation, Located at 229 Jacquie Road

CITY OF GRAND JUNCTION

<u>CITY COUNCIL AGENDA</u>						
Subject	Zoning the Feix Annexation, located at 229 Jacquie Road					
Meeting Date	July 17, 2002					
Date Prepared	July 9, 2002				File #ANX-2002-114	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	Individual Consideration

Summary: The Feix Annexation zone of annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Budget: N/A

Action Requested/Recommendation: Conduct the public hearing and adopt the ordinance zoning the Feix Annexation.

Attachments:

- 5. Staff report/Background information
- 6. Location Map
- 7. Ordinance

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

<i>BACKGROUND INFORMATION</i>				
Location:		<i>229 Jacquie Road</i>		
Applicants:		Dan Feix – Petitioner Terry Lorentzen – Developer Thompson-Langford – Representative		
Existing Land Use:		<i>Residential</i>		
Proposed Land Use:		<i>Residential subdivision</i>		
Surrounding Land Use:	North	<i>Residential</i>		
	South	Golf Course		
	East	Residential		
	West	Residential		
Existing Zoning:		Residential Single Family – 4 dwelling units per acre (RSF-4) (County)		
Proposed Zoning:		RSF-4 (City)		
Surrounding Zoning:	North	<i>RSF-4 (County)</i>		
	South	PUD (County)		
	East	RSF-4 (County)		
	West	<i>RSF-4 (County)</i>		
Growth Plan Designation:		Residential Medium Low 2-4		
Zoning within density range?		X	Yes	No

Staff Analysis of Rezoning: The petitioner is requesting the rezoning in conjunction with an annexation application and a preliminary plan. The preliminary plan was not

ready for Planning Commission review, but to keep the annexation on schedule, the zone of annexation is being separated from the preliminary plan review. The preliminary plan will be scheduled once outstanding issues are resolved.

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

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

Petitioner Response: Not applicable, this is a rezone from County RSF-4 to City RSF-4.

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

Petitioner Response: Not applicable.

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

Petitioner Response: The rezoning is compatible with the surrounding neighborhood and will not adversely affect utilities or street capacities.

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

Petitioner Response: This rezone is consistent with the Growth Plan land use goals and policies. It is the intent to conform to all other applicable codes and regulation.

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

Petitioner Response: It appears that all facilities and services are available.

The development of this parcel was anticipated as evidenced by the stub streets and surrounding utilities.

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

Petitioner Response: This development completes the infill of the Loma Linda Subdivision.

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

Petitioner Response: The benefits as derived by the area will primarily consist of the infill of a parcel within a developed area. The development plan will be consistent with the existing street and utility circulation plans.

Staff believes that justification for the zoning has been made by the petitioner and that the request for an RSF-4 zoning is consistent with the Growth Plan and also consistent with adjacent County zoning.

PLANNING COMMISSION RECOMMENDATION: City Council approval of the rezoning on second reading, finding the rezoning to the RSF-4 zone district to be consistent with the Growth Plan, existing County Zoning and Sections 2.6 and 2.14.F. of the Zoning and Development Code.



**GENERAL LOCATION
FEIX ANNEXATION**

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the Feix Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district

Located at 229 Jacquie Road

Recitals:

After public notice and public hearings 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 the 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.
- 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 – 4 dwelling units per acre (RSF-4) district:

Includes the following tax parcels 2943-293-00-115 & 146

A parcel of land situated in the NW1/4 SW1/4 SEC 29, T1S, R1E, UM Mesa Co., CO. being more particularly described as follows:

Beginning at a point on the S line NW1/4 SW1/4 SEC 29, whence the SW corner of said NW1/4 SW1/4 bears S89°49'30"W a distance of 208.00';

Thence N00°10'06"W, a distance of 302.44' to the SW corner of Blk 2 of Loma Linda Sub, a plat recd in Mesa Co., Clerk & Records REC #1106028;

Thence along the boundary of said Loma Linda Sub N89°49'54"E, a distance of 614.62';

Thence departing said boundary S00°10'06"E, a distance of 145.00';
Thence N89°49'54"E a distance of 114.90' to the boundary of Loma Linda Sub;

Thence along said boundary S00°10'06"E, a distance of 157.36' to the S line of the NW1/4 SW1/4 SEC 29;

Thence along said S line S89°49'30"W a distance of 729.52' to the Point of Beginning.

Containing 4.682 ac more or less.

Introduced on the first reading this 26th day of June, 2002.

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

President of Council

ATTEST:

City Clerk

Attach 21

Reconsidering the Rezone Request for Valley Meadows North Development

CITY OF GRAND JUNCTION

B. CITY COUNCIL AGENDA							
Subject	Reconsidering the Rezone Request for the Valley Meadows North development						
Meeting Date	July 17, 2002						
Date Prepared	July 11, 2002				File #RZP-2002-019		
Author	Lisa Gerstenberger		Senior Planner				
Presenter Name	Same		Same				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Reconsideration and second reading of the Rezoning Ordinance for 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). This hearing is in accordance with a settlement of a lawsuit and is for purposes of reconsidering the rezone criteria.

Budget: N/A

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

Attachments:

1. Site location map
2. Rezone Ordinance

Background Information: See attached report.

CITY OF GRAND JUNCTION

MEETING DATE: July 17, 2002

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

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.

BACKGROUND INFORMATION				
Location:		<i>North end of Kapota Street</i>		
Applicants:		Ed Lenhart, Just Companies, Owner Brian Hart, Representative		
Existing Land Use:		<i>Vacant</i>		
Proposed Land Use:		<i>Residential</i>		
Surrounding Land Use:	North	<i>Residential</i>		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-R		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	<i>RSF-2</i>		
	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.

The rezone request from RSF-R to RSF-4 and Preliminary Plan for the proposed Valley Meadows North Subdivision which is to be constructed on this property, has been processed in the following manner:

- Rezone request and preliminary plans submitted and reviewed by City staff and various other review agencies, April 2002
- Planning Commission reviewed and approved both the rezone request and Preliminary Plans at its March 12, 2002 meeting
- An appeal of the Planning Commission decision approving the Preliminary Plan was filed for City Council consideration
- Council denied the rezone request at its May 1, 2002 meeting making the appeal moot
- A lawsuit challenging the denial of the rezone request was filed in early June

This hearing is in accordance with a settlement of a lawsuit and is for purposes of reconsidering the rezone criteria. If the rezone request is approved, the appeal of the Planning Commission approval of the Preliminary Plan will be reinstated.

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/ Utilities/ Irrigation

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 of RSF-R, Residential Single Family-Rural, 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. While the RSF-R zone district was applied consciously in 2000, it was recognized that it would likely change as the neighborhood transitioned to a density consistent with 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 of the Growth Plan.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, 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 density zoning 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. The changes occurring are consistent with the Growth Plan but inconsistent with surrounding zoning.

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. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 zone district, therefore this criterion is met.

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 and can address the impacts of development consistent with the RSF-4 zone district.

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:

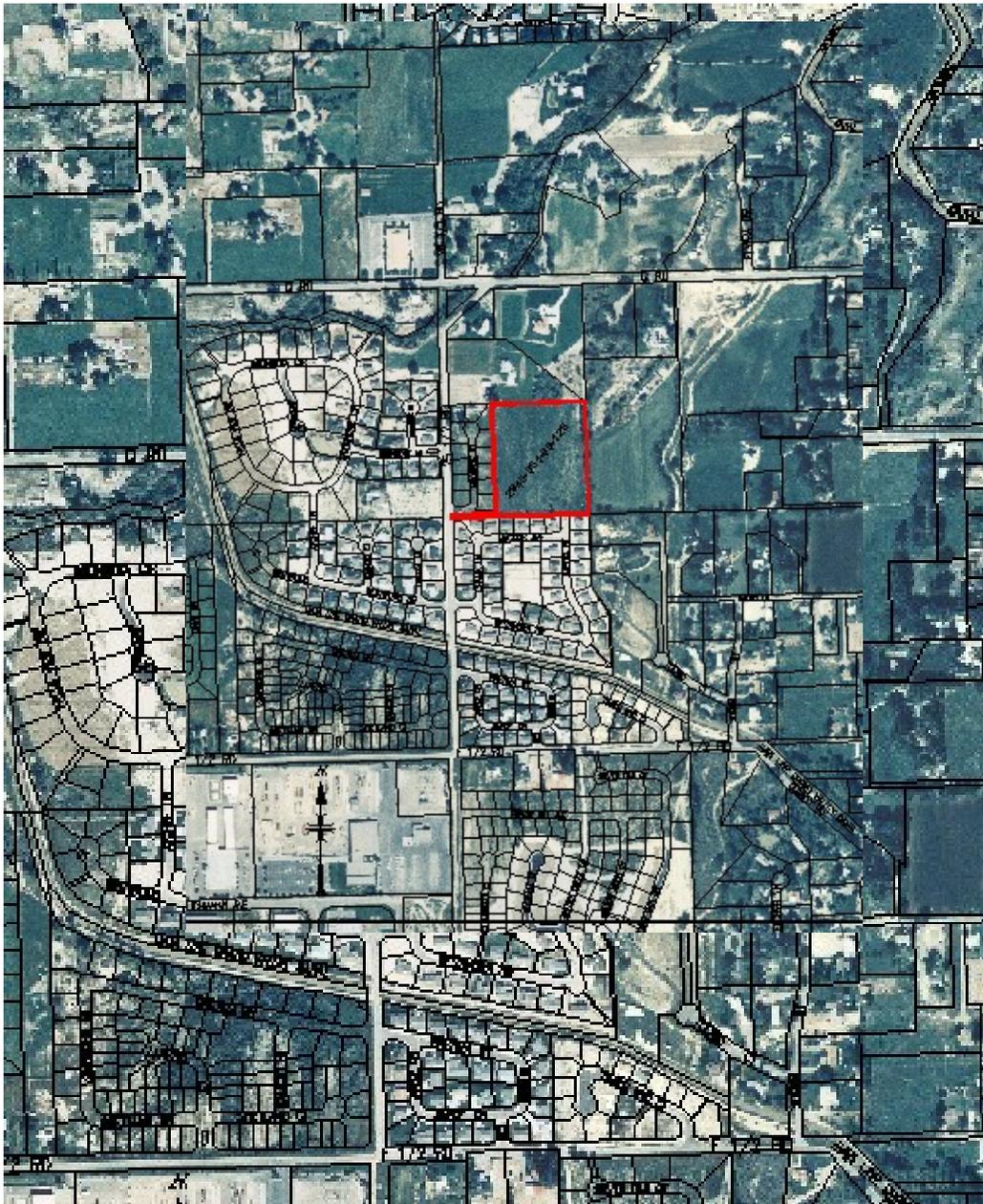
The Planning made a recommendation to approve the request to rezone from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4) with the findings that the request is consistent with the goals and policies of the Growth Plan and meets the criteria of Section 2.6.A of the Zoning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

Attachments:

1. Site location map
2. Rezone Ordinance

H:Projects2002/RZP-2002-019/VMNCityRezone4.doc

Site Location Map



CITY OF GRAND JUNCTION, COLORADO**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 26th day of June, 2002.

PASSED and ADOPTED on second reading this ___ day of July, 2002.

Mayor

ATTEST:

City Clerk