

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

WEDNESDAY, NOVEMBER 6, 2002, 7:30 P.M.

CALL TO ORDER

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

PROCLAMATIONS

PROCLAIMING NOVEMBER 2002 AS "HOSPICE MONTH" IN THE CITY OF GRAND
JUNCTION

PROCLAIMING NOVEMBER 9, 2002 AS "A SALUTE TO ALL VETERANS" IN THE CITY
OF GRAND JUNCTION

PRESENTATIONS/RECOGNITIONS

TRAVEL INDUSTRY ASSOCIATION OF AMERICA ODYSSEY AWARD [Attach 1](#)

SCHEDULED CITIZEN COMMENTS

John McGee Regarding Sewer Lift Station Construction in Lime Kiln Gulch [Attach 2](#)

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

1. **Minutes of Previous Meetings** [Attach 3](#)

*Action: Approve the Summary of the October 14, 2002 Special Joint Meeting and
the Minutes of the October 16, 2002 Regular Meeting*

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.

*** Indicates New Item

* Requires Roll Call Vote

2. **City Council Meeting Schedule** [Attach 4](#)

Due to conflicts in December and January, Council may consider amending the meeting schedule. There will not be a quorum on December 4th and the first Wednesday in January, 2003 is January 1st, a holiday. Council may consider changing the accompanying workshops as well.

Resolution No. 88-02 - A Resolution of the City of Grand Junction Amending the City Council 2002 Meeting Schedule and Determining the Date for the First Meeting in 2003

*Action: *Adopt Resolution No. 88-02*

Staff presentation: Kelly Arnold, City Manager

3. **Setting a Hearing on the Special Assessment and Issuance of Bonds for Rimrock Marketplace** [Attach 5](#)

First reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Proposed Ordinance Creating the Rimrock Marketplace Special Improvement District within the City of Grand Junction Rimrock Marketplace General Improvement District

Proposed Ordinance Concerning the Rimrock Marketplace Special Improvement District and Authorizing the Issuance of Special Assessment Bonds

Proposed Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of said Cost Against each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of said Assessments

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

Staff presentation: Ron Lappi, Administrative Services Director

4. **Setting a Hearing on Zoning the Lucas Annexation Located at 2220 Broadway** [File # ANX-2002-184] [Attach 6](#)

The Lucas Annexation is requesting that a zoning of RSF-4 be applied to the 3.747 acres. The Planning Commission, at its October 22, 2002 hearing recommended approval of the zoning.

Proposed Ordinance Zoning the Lucas Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District Located at 2220 Broadway

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

Staff presentation: Pat Cecil, Development Services Supervisor

5. **Setting a Hearing on Zoning the Summit View Meadows Annexation Located at 3146 D ½ Road** [File # ANX-2002-153] [Attach 7](#)

First reading of the zoning ordinance to zone the Summit View Meadows Annexation Residential Multi-Family-8 (RMF-8), located at 3146 D ½ Road.

Proposed Ordinance Zoning the Summit View Meadows Annexation to Residential Multi-Family-8 (RMF-8), Located at 3146 D ½ Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Lisa Gerstenberger, Senior Planner

6. **Setting a Hearing on Zoning the Crista Lee Annexation Located at 2933 B ½ Road** [File # ANX-2002-180] [Attach 8](#)

The Crista Lee Annexation is requesting that a zoning of RSF-4 be applied to the 6.1157 acres. The Planning Commission at it's October 22, 2002 hearing recommended approval of the zoning.

Proposed Ordinance Zoning the Crista Lee Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district Located at 2933 B ½ Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

7. **Setting a Hearing on Rezoning the ISRE Property Located at 2990 D 1/2 Road** [File # ANX-2002-177] [Attach 9](#)

Request to approve a rezone from the Residential Single Family 4 units per acre (RSF-4) zone district to the Residential Multifamily 8 units per acre (RMF-8) zone district for the ISRE property located at 2990 D-1/2 Road.

Proposed Ordinance Rezoning the ISRE Property to Residential Multifamily with a Maximum Density of 8 units per acre (RMF-8) Located at 2990 D-1/2 Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

8. **Setting a Hearing on Zoning the 430 30 Road Annexation Located at 430 30 Road** [File #ANX-2002-182] [Attach 10](#)

The 430 30 Road Annexation area consists of one parcel of land, approximately 11.18 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. The requested zoning for the property is RMF-8 (Residential Multi-family, not to exceed 8 units per acre). The physical address for the property is 430 30 Road.

Proposed Ordinance Zoning the 430 30 Road Annexations to Residential Multi-Family, not to Exceed 8 Dwelling Units per Acre (RMF-8) Located at 430 30 Road

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

Staff presentation: Lori V. Bowers, Senior Planner

9. **Setting a Hearing on Zoning the Dakota West Annexation Located at 3088 and 3090 D ½ Road** [File #ANX-2002-168] [Attach 11](#)

The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. Request is for First Reading of the Zoning Ordinance, zoning the annexation area to RMF-5 (Residential Multi-family, not to exceed 5 units per acre). The physical address for the properties are 3088 and 3090 D ½ Road.

Proposed Ordinance Zoning the Dakota West Annexation to Residential Multi-Family, not to exceed 5 Units per Acres (RMF-5) Located at 3088 and 3090 D ½ Road

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

Staff presentation: Lori V. Bowers, Senior Planner

10. **Setting a Hearing on the Krizman Annexation Located at 626 30 Road** [File #ANX-2002-192] [Attach 12](#)

The Krizman Annexation No. 1 and No. 2 is a serial annexation comprised of 1 parcel of land on 18.485 acres located at 626 30 Road. The owner is seeking annexation in anticipation of an infill opportunity for single family residential development, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 99-02 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control Krizman Annexation Located at 626 30 Road and Including a Portion of the 30 Road Right-Of-Way

**Action: Adopt Resolution No. 99-02*

b. Set a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 1 Approximately 9.615 Acres Located at 626 30 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 2 Approximately 8.8697 Acres Located At 626 30 Road and Including a Portion of 30 Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for December 18, 2002

Staff presentation: Ronnie Edwards, Associate Planner

11. **Construction Contract for South Camp Trail, Phase 2** [Attach 13](#)

The Project involves the construction of three sections of trail along South Camp Road. Funding for the project will be through the Colorado Department of Transportation (CDOT) Enhancement Funds and by local government match. Davis-Bacon wage rates will apply.

The following bids were received on October 22, 2002:

Bidder	From	Bid Amount
Mays Concrete, Inc.	Grand Junction	\$243,445.00
Professional Pipeline & Concrete, Inc.	Fruita	\$250,291.25
Reyes Construction, Inc	Grand Junction	\$269,402.00
Colorado Constructors, Inc.	Denver	\$280,956.75
Skyline Contracting, Inc.	Grand Junction	\$312,562.80
Vista Paving Corporation	Grand Junction	\$439,443.59
Engineer's Estimate		\$365,143.00

Action: Authorize City Manager to Sign a Construction Contract for the South Camp Trail with Mays Concrete Inc. in the Amount of \$243,445.00

Staff presentation: Tim Moore, Public Works Manager

12. **Change Order to the Design Contract for Combined Sewer Elimination Project** [Attach 14](#)

Approve a change order to the Combined Sewer Elimination Project design contract with Sear-Brown in the amount of \$82,019 for additional work associated with the aerial photography, environmental assessment, North Ave. analysis, and Basin 10 Storm sewer design.

Action: Authorize the City Manager to Execute a Design Contract Change Order for Combined Sewer Elimination Project with Sear-Brown in an Amount of \$82,019

Staff presentation: Trent Prall, Utility Engineer

13. **Contract to Purchase Chip Spreader** [Attach 15](#)

This recommended purchase is based on competitive solicitation and subsequent contract award by the State of Colorado Department of Transportation.

Action: Authorize the City Purchasing Manager to Purchase One, New 2003 Etnyre Hydrostatic Chip Spreader for the Net Amount of \$122,235 from Faris Machinery Company, Grand Junction, Colorado

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet and Facilities Manager

14. **Contract to Purchase Side Load Trash Truck** [Attach 16](#)

This recommendation is to facilitate the purchase through the City Sole Source Purchase Process. The original Sole Source Purchase for this truck/trash compactor configuration was approved by the Council 4/15/98 to facilitate equipment compatibility, reduction of repair parts and authorized warranty service by the City Shops on the trash compactor unit.

Action: Authorize the City Purchasing Manager to Purchase One New 2003 Mack MR Truck Complete with Heil Side Load Automated Trash Compactor for the Net Amount of \$148,756 from Mesa Mack Sales & Service, Inc., Grand Junction, Colorado

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet and Facilities Manager

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

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

15. **Free Holiday Parking** [Attach 17](#)

The previous three years the City Council agreed to suspend parking meters for the holiday season. The merchants found it to be a great success and both the DTA and DDA support the request again this year.

Action: Approval to Suspend Parking Fees from Thanksgiving to January 2, 2003.

Staff presentation: Harold Stalf, DDA Director

16. **Public Hearing – ISRE Annexation No. 2 Located at 2980 D-1/2 Road** [File # ANX-2002-176] [Attach 18](#)

The ISRE Annexation No. 2 area consists of a 6.27-acre parcel of land located at 2980 D ½ Road. The property owner has requested annexation into the City as the result of proposing a Growth Plan Amendment for the property to be considered by City Council at a later date. Under the Persigo Agreement all such types of development require annexation and processing in the City.

a. Accepting Petition

Resolution No. 100-02 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property known as ISRE Annexation No. 2, Located at 2980 D ½ Road and Including a Portion of the D ½ Road Right-of-Way is Eligible for Annexation

**Action: Adopt Resolution No. 100-02*

b. Annexation Ordinances

Ordinance No. 3464 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado ISRE Annexation No. 2, Approximately 6.27 Acres Located at 2980 D ½ Road and Including a Portion of the D ½ Road Right-of-Way

**Action: Adopt Ordinance No. 3464 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

17. **Public Hearing – Dakota West Annexation Located at 3088 and 3090 D-1/2 Road** [File # ANX-2002-168] [Attach 19](#)

The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County. The physical address for the properties are 3088 and 3090 D ½ Road.

a. Accepting Petition

Resolution No. 101-02 - A Resolution Accepting the Petition for Annexation, Making Certain Findings, Determining that Property known as Dakota West Subdivision, Located at 3088 and 3090 D ½ Road

**Action: Adopt Resolution No. 101-02*

b. Annexation Ordinance

Ordinance No. 3465 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dakota West Annexation, Approximately 10.9105 Acres Located at 3088 and 3090 D ½ Road

**Action: Adopt Ordinance No. 3465 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

18. **Public Hearing - Creating Alley Improvement District ST-03, 2003** [Attach 20](#)

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue.
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue.
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

Resolution No. 102-02 – A Resolution Creating and Establishing Alley Improvement District No. ST-03, 2003 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

**Action: Adopt Resolution No. 102-02*

Staff presentation: Rick Marcus, Real Estate Technician

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

Attach 1
Travel Industry Association of America Odyssey Award

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Travel Industry Association of America Odyssey Award							
Meeting Date		November 6, 2002							
Date Prepared		October 30, 2002			File #				
Author		Debbie Kovalik		Executive Director					
Presenter Name		Debbie Kovalik		Executive Director					
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 type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: The Visitor & Convention Bureau received the Travel Industry Association of America's 2002 Odyssey Award in the Travel Advertising-Domestic category. Each year, the Travel Industry Association of America presents one award in each of ten categories. This is the first time any organization in Colorado has received an Odyssey Award for a domestic advertising campaign.

Budget: n/a

Action Requested/Recommendation: The Executive Director will present Council with the award.

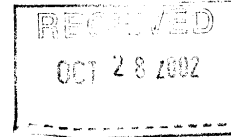
This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item

* Requires Roll Call Vote

Attachments: n/a

Background Information: n/a

Attach 2
John McGee Sewer Lift Station

October 20, 2002

Cindy Enos-Martinez, Janet Terry, Dennis Kirtland, Jim Spehar, Reford Theobald, William McCurry and Harry Butler
City Council Members
250 North 5th Street
Grand Junction, Colorado 81501

Dear Council Members:

I am very concerned about the Limekiln Gulch Sanitary Sewer Outfall project proposed by the City of Grand Junction Planning Department.

Limekiln Gulch is a major drainage along the Colorado River Corridor. This drainage is unique for the fact that it is one of the last undisturbed wild areas within the Redlands. Limekiln Gulch is home to abundant wildlife from the endangered and threatened bald eagle, to the southern willow flycatcher and to the more common wildlife found in Western Colorado such as; the great blue heron, sand hill crane, mule deer and mountain lion. This area is also unique for the fact that the city has identified seven distinct wetlands within the gulch. This area is also within a designated sensitive slope area by the Colorado Geological Survey where construction within the gulch could create long term damage such as landslides as seen on the Redland Parkway to the east and the Panorama subdivision to the west.

The City of Grand Junction Summary Environmental Assessment (EA) for the construction of a sewer pipeline has not addressed the problems of protecting this pristine and unique urban-wildlife area. The Summary EA has not fully studied the following issues, which are a major concern to local residents.

1. No archeological study has been conducted.
2. No cultural survey was done.
3. The topographical study in the EA does not identify existing features such as landslides, faults or water bodies.
4. The geological summary is a general view of the entire Grand Valley and is not site specific to Limekiln Gulch, which has several distinct and unique geological features. Landslides and faulting that could be reactive by the construction of this project have not been addressed in the EA.
5. No geotechnical soils work has been done by the City of Grand Junction. The Lambert and Associates report states that "We did not perform any geological mapping or subsurface or laboratory studies". The report also observes landslide features that should be formally addressed by the city as to what protection will be taken to avoid reactivation of these landslides during and after construction. The recommendation of this report for monitoring during construction, etc. should raise concerns to the city that this project could permanently destroy Limekiln Gulch drainage and resident homes on the ridges of this drainage system. It should be a

requirement that the city conduct a complete soil analysis program prior to any construction, which includes stress, compression and water saturation testing, etc. Core samples should be collected using portable or helicopter equipment; therefore not disturbing the current wildlife habitat and existing geological problems.

6. The Wastewater Engineering report identifies seven potential wetlands areas. The city did not request a full analysis of these wetlands areas that should include a hydrological, soil and aquatic wildlife studies to protect these valuable wetlands resources. Groundwater depth along the Gulch should be identified and a groundwater-monitoring plan should be implemented. This monitoring program should include water sampling prior to construction for background data and monitoring holes during the life of the project to protect these waters from pollution.
7. The Fish and Wildlife section of the cities environmental assessment makes reference to a May, 2002 reconnaissance of Limekiln Gulch. The report discusses the importance of natural habitats in Limekiln Gulch being unique because of the wetland characteristics, but the city overlooked doing a full aquatic and terrestrial inventory of the area. Species that have been observed by residents such as the mountain lion are absent from this report. If the importance of this area is its natural habitat then one can only conclude that a full biological inventory should be conducted of the area along with a comprehensive biological resources protection plan.
8. The threatened and endangered species section of this city's EA talks of potentially suitable winter perch or roost site for the threatened bald eagles and states that trees of suitable size for winter perching are located along the Colorado River. There are also suitable cottonwood trees south of the river along the upper part of Limekiln Gulch where local residents have observed the threatened bald eagles. No protection of this cottonwood grove is addressed in the EA. No formal survey for the southwestern willow flycatcher was conducted in accordance with the United States Fish and Wildlife Service guidelines as stated in the city's EA even though this area is one of the few suitable nesting habitats left. The city did not explain how it would protect these nesting areas.
9. The issues of floodwaters are briefly addressed in the EA with the only mitigating factor being the installation of pressure manhole covers. Local residents have observed floodwaters within Limekiln Gulch that have raised water levels five feet above the stream banks upon the narrow cliff face on the northwest drainage of the gulch. If permanent access roads and structures are to be built in Limekiln Gulch a full flood plan should be written that takes in consideration of both a hundred year flood and a five hundred year flood.
10. Storm water runoff during construction period was not addressed in the city's EA. The only issue mentioned in the report is a temporary sediment trap during construction. A full storm water runoff plan and application should be completed in accordance with CDPHE.

Currently the residents of this neighborhood have not been given a Plan of Development (POD). A POD is necessary because of the sensitive slopes and wetlands issues with this project. The city has already identified a fissure, adjacent to the projected construction area. How is the city going to insure that houses on ridges above this fissure do not end up at the bottom of Limekiln Gulch? By providing a POD to residents of this neighborhood they

would understand how the city is going to protect their properties from damages created by this project. This POD should include the following:

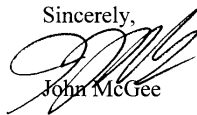
- Transportation Management Plan
- Soil Conservation, Sedimentation and Erosion Control Plan
- Stream Crossing and Wetland Protection Plan
- Blasting and/or Drilling or Boring Plan
- Hydrostatic Testing Plan
- Reclamation Plan
- Fire Prevention and Suppression Plan
- Hazardous Materials Management and Spill Prevention and Countermeasure Plan
- Biological Resources Protection Plan
- Notification and Public Relation Plan
- Cultural and Paleontological Compliance Plan
- Bonding and Liability Insurance

These are minimum standards that the City of Grand Junction, the County of Mesa and the federal government would require for any other industry that has proposed a project of this magnitude through an urban-wildlife corridor and wetlands areas. I would hope the City of Grand Junction Planning Department and the Mesa County Planning Department would live up to the same standard as they require of others to protect the health, safety and welfare of local residents while protecting the environment.

The most important concerns to local residents with this project are the sensitive slopes in Limekiln Gulch. The City of Grand Junction stated at a council meeting that they would conduct a geotechnical soil survey, which they did not. The current layout of the pipeline would cut the toe of several slumping slopes which would create a situation as seen on the Redland Parkway with houses falling into the Colorado River. Issues of protecting private property and mitigation of reactivation of landslides have not been addressed by the city planning staff.

The City of Grand Junction planning staff has not adequately addressed concerns raised at the neighborhood meeting on May 30, 2002. Therefore I would suggest for the protection of this valuable asset and the rights of local citizens that an independent environmental consultant be hired by the effected neighborhoods at city expense, as an arbitrator to oversee the planning and construction of this project. I would also suggest that the city give the residents and arbitrator ample time to review the final POD followed by a public meeting and open comment period.

Sincerely,



John McGee

CC: Colorado Division of Wildlife
Nicholas A. Mezei US Army Corp of Engineer
Pete Kolbensschlag Colorado Environmental Coalition
Matt Sura Western Colorado Congress
Doralyn Genova, Kathy Hall, Jim Baughman, Mesa County Commissioners

CITY OF GRAND JUNCTION

CITY COUNCIL BACKGROUND INFORMATION		
Subject	Background information for City Council in regards to citizen against the Redlands Village Northwest Sewer Improvement District relocation of proposed sewer lift station and construction of Limekiln Gulch sewer extension.	
Meeting Date	November 6, 2002	
Date Prepared	October 30, 2002	
Author	Trent Prall	City Utility Engr

Summary:

On September 18, 2002 City Council, City Council authorized the City Manager to sign a construction contract change order with Sorter Construction to relocate the lift station proposed for the Redlands Village Northwest Sewer Improvement District subject to geotechnical investigations. On October 16, after review of the geological information, City Council authorized the project to continue. On October 20, Council Members received a letter from a concerned citizen, John McGee of 2004 Crestline Ct. The below information has been seen by Council previously as part of the above mentioned staff reports.

Attachments:

1. Background information from September 18, 2002 Council staff report that originally approved, contingent upon geological review, the change order to move the RV Northwest lift station to the mouth of Limekiln Gulch.
2. Minutes of September 9, 2002 neighborhood meeting along with City proposed mitigation measures. This letter was mailed to concerned citizens on September 11, 2002.
3. Attendance list and map of the May 30 and September 9 meetings.
4. Background Information from October 16, 2002 Council staff report that reviewed the geological information and recommendations from Lambert and Associates

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

5. Letter from Lambert & Associates discussing concerns and mitigation techniques to be followed during construction of the proposed sewer infrastructure.

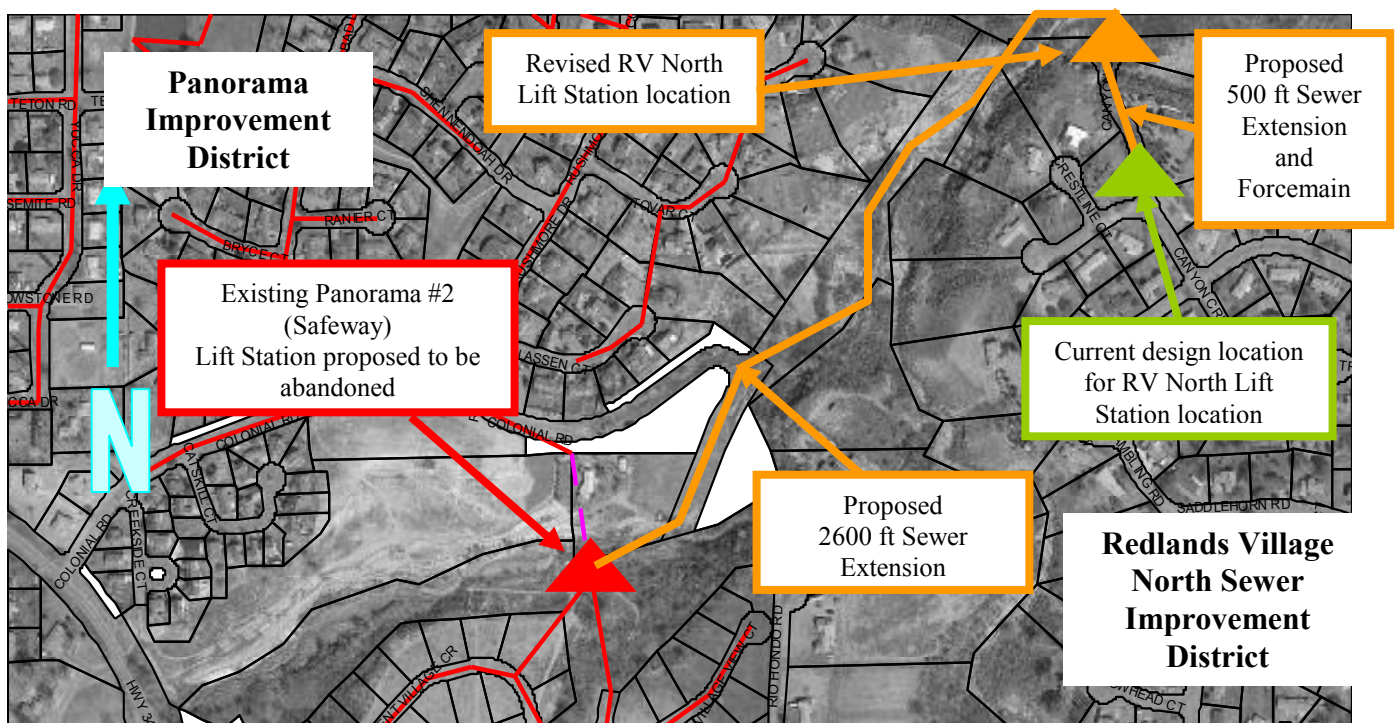
Available on request:

1. Summary Environmental Assessment, Sept 3, 2002

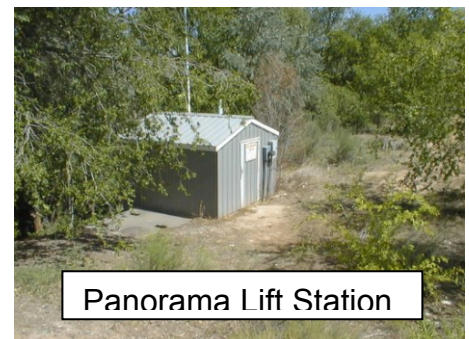
ATTACHMENT 1. 9/18/02 Council Staff Report Background Information:

The information is primarily from a September 3, 2002 Environmental Assessment that was completed for the project to address neighborhood concerns.

On January 16, 2002 City Council appropriated money to construct the 3100 foot sewer extension between Panorama Lift Station #2 and a revised Redlands Village Northwest lift station location. Redlands Village Northwest is a 170 lot, Mesa County sewer improvement district that is currently under construction via the Septic System Elimination Program (SSEP). The project map is shown below:



Opportunity. The Panorama Improvement District, just west of the Redlands Village area on the Redlands, was taken over by the City in September of 2001. This is the same time that Redlands Village Northwest sewer improvement district was under design. City sewer maintenance crews evaluated the condition of the Panorama Lift Station #2 north of Safeway and determined that a major upgrade to the facility was needed in order to increase reliability and ease maintenance efforts. Looking to eliminate the lift station altogether, master planning of the basin led to the current proposal to relocate the proposed Redlands Village Northwest Lift Station to a point at the end of Limekiln Gulch,



downstream of the Panorama Lift Station #2. By constructing 3,222 feet of sewer main between the Panorama lift station and the proposed Redlands Village Lift Station would allow for the elimination of Panorama lift Station #2.

The revised station location would also allow for the eventual elimination of the Desert Hills lift station located just under two miles upstream in Limekiln Gulch. This lift station is shown map in the Description of Planning Area section.

The project would also allow for future gravity sewer service to approximately 93 developable acres to the south and east of the proposed lift station location that are “below the rim” of Redlands Village North, thus eliminating the need for any future lift stations. A map of the developable properties is shown below.



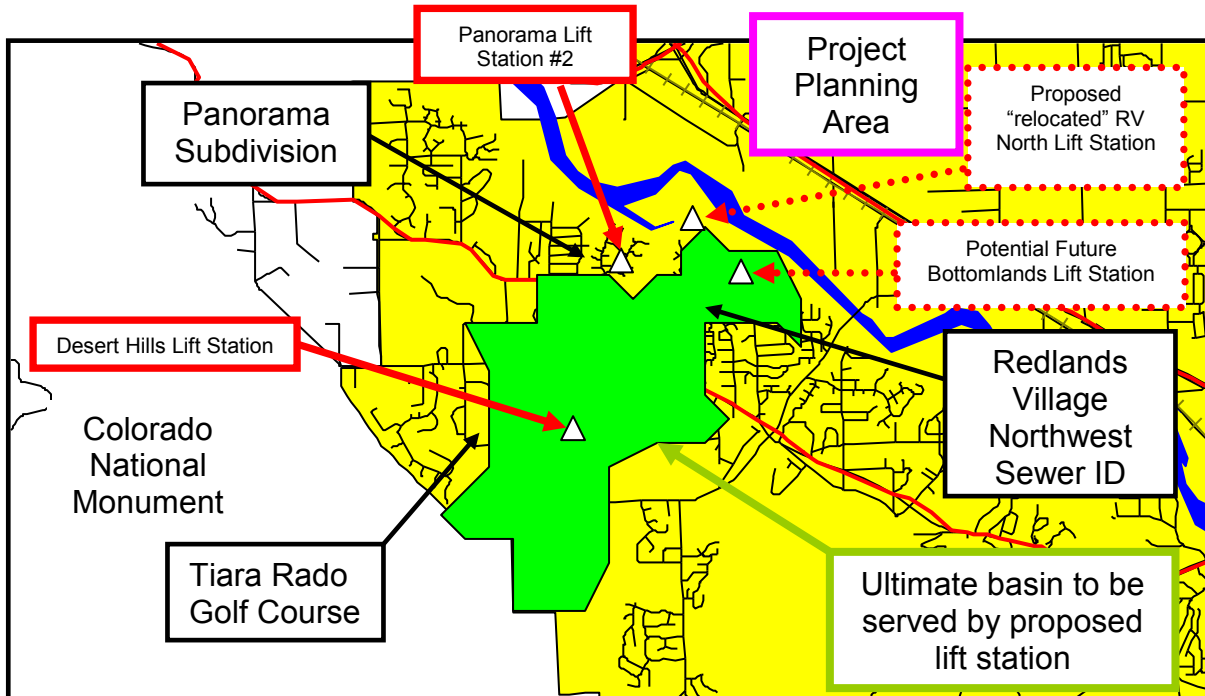
The benefits of the project include:

- Cost savings and better operational efficiency by the City's Persigo Wastewater Maintenance Crews. By having one lift station to maintain, operational costs are reduced which amount to a present value of over \$200,000 per station. The elimination of the two existing lift stations, PLS#2 and Desert Hills lift stations, would have a net savings to the Persigo system in present day dollars of **\$88,646.**

- Protection of Limekiln Gulch. As previously mentioned, lift stations do have the possibility of failure for a number of reasons as they are mechanical devices. Although frequency of maintenance and back up power generation can reduce the probability of the failure, the possibility of a spill still exists. By routing the PLS#2 flows and eventually the Desert Hills Lift Station flows to the “relocated” RVNW lift station, the risk is transferred to just one location, thereby protecting Limekiln Gulch from environmental damage associated with a lift station failure.
- Accommodates future development. Future development of the land shown above will not have to construct an additional publicly maintained lift station shown below as the “potential future bottom lands lift station”. Thereby saving the developer \$75,000 in capital costs and again saving the Persigo system approximately **\$199,200** worth of present value in operation and maintenance expenses in addition to the \$88,646 previously mentioned.

Description of Planning Area

The project planning area encompasses Limekiln Gulch from Panorama Lift Station #2 (PLS#2) to the Colorado River. This distance is approximately 3500 feet in length and is denoted in pink on the map below. The overall basin that would be served by the relocated lift station would include land shown in green below.



Financial Benefits / Costs. As shown on the attached Financial Analysis, and upsize of the Redlands Village North Lift Station to the mouth of Limekiln Gulch is

currently estimated at \$85,335.50 including design and construction. The 2,727 foot sewer extension from the new lift station location up Limekiln Gulch to Panorama Lift Station #2 is estimated at \$243,126 for a total estimated project cost of **\$328,461**.

The estimated project cost of \$328,461 is \$88,646 less than the estimated \$417,107 in present value of the benefits of eliminating operations and maintenance. Including the elimination of the future "bottom lands" lift station the operations and maintenance difference soars to \$287,846.

The relocation of the Redlands Village North lift station has a direct benefit to the Persigo System in present dollars of \$88,646 to \$287,846. Therefore staff's recommendation is additional sewer funds to be appropriated to fund the relocation and upsize of the Redlands Village North lift station. No additional costs would be incurred by the District itself as the proposed relocation is a "system" benefit that ultimately will save the Persigo rate payers in the long run.

Public Participation and Mitigation Measures for environmental impacts.

A public meeting was held on May 30, 2002 that led to the development of a Summary Environmental Assessment that was mailed to attendees of the May 30 meeting on September 3, 2002.

On September 9, another meeting was held to discuss the City's Summary Environmental Assessment that outlined their concerns as well as the various mitigation measures for the proposed project.

The mitigation measures below are from the Sept 3, Summary Environmental Assessment. Mitigation measures from the September 9, 2002 neighborhood meeting are included in the minutes of September 9, 2002 neighborhood meeting along with City proposed mitigation measures. This letter was mailed to concerned citizens on September 10, 2002 and is included in **Attachment #2**. An attendance / mailing list and map is included in **Attachment #3**.

The below information is taken from section 4.1 of the Sept 3, 2002 Summary Environmental Assessment.

4.1 Potential Impacts and Mitigation of Impacts

4.1.1 Construction and operation of a lift station within an area subject to periodic wildfires. Many residents recalled at least two fires in the last 25-30 years that had threatened homes on the ridges when the understory on the river bottom lands caught on fire. Their concern is that the lift station could potentially be destroyed by fire and create a water quality problem downstream.

The City currently maintains three lift stations in similar situations as the proposed lift station in that they are susceptible to wildfires. Control measures used in those locations include cleaning out understory and graveling (no vegetation at all) at least 20 feet surrounding the facilities.

Mitigation Measure based on May 30, 2002 meeting: Fire is an important concern for the City in that fire could affect the City's ability to reliably handle and convey sewage by knocking out the lift station. The City is proposing a 21 ft by 28 ft pad for the lift station, along with a cinderblock, stucco fire wall to enclose the diesel generator, lift station, and power appurtenances. To the north of the pad will be a 12 foot wide gravel road surface to further separate the area likely to burn and the lift station.

4.1.2 Noise Residents aired concerns over the noise from the lift station. Sounds apparently travel very well back and forth across the canyon to the point where some residents can hear conversations of people a ¼ mile away as if they were next door.

Mitigation measures: Sound will be mitigated by three factors: 1. Lift station location / pump selection and 2. Fire wall, and 3. Ultra-quiet backup generator.

Location / pump selection. The lift station location is proposed north of the mouth of Limekiln Canyon. With prevailing westerly winds and location at the base of the escarpment, sound conveyance across the canyon and up to residents above should be minimal. Today's lift stations cohabit very well in public settings primarily due to their quiet operations. Two of the most visible lift stations in the valley are at the northeast corner of the Outback Steakhouse parking lot at Mesa Mall and on the bike path behind South Rim Subdivision. The lift station is located only 50 feet from the back of two prominent residences.

Fire wall. The fire wall will also help contain noises to the project site and prevent them from reverberating up canyon.

Ultra-quiet back up generator. In order to increase reliability of the station the City is proposing a backup generator. The diesel power generator proposed is the Cummins "ultra-quiet" unit as it was originally proposed within 40 feet of a back porch. The specifications have not changed due to the location now being 300 feet away from the nearest habitable structure. Furthermore, the generator is only in operation once a week for a couple of hours or during situations where power to the station has been lost.

- 4.1.3 Lift Station design parameters.** General concerns about the lift station included the following: 1. Odors 2. Energy source 3. Fuel storage, 4. System redundancy to prevent sewage backups.

Mitigation Measures.

1. **Odors.** The location of the lift station below the "rim" of Redlands Village as well as the prevailing southwesterly winds coming down Limekiln Gulch should help ensure good dispersal of any smells emanating from the station to the area northeast of the lift station. However, if odors do become a problem, a separate chemical feed system will be installed that slowly feeds potassium permanganate into the sewage. This chemical is highly effective at treating the odors and has been used successfully throughout the Persigo system.
2. **Energy Source.** The station is proposed to have 3-phase power, however due to the size of the lift station, whether the station is located on the "rim" or below the "rim", a diesel powered back up generator is proposed for backup.
3. **Fuel Storage.** The diesel in the Cummins diesel powered generator is stored in a double walled, 173 gallon tank in accordance with EPA regulations for fuel storage.
4. **System redundancy.**

Design redundancies. Lift stations have multiple levels of redundancy designed into them. Two pumps are always standard on municipal lift stations to ensure not only proper cool down in between cycles, but also to back each other up in case one fails. Furthermore, to ensure continuous power feed, a backup generator is specified that could supply power up to 24 hours without refueling.

Lift station wet wells, or storage areas, are also oversized to handle more than normal flows to allow for backup pumps or generators to start prior to spilling. Generally these wet wells can handle up to one hour of peak flows before backing up.

Operation redundancies / safeguards. Persigo WWTP staff currently maintain 31 lift stations. The lift stations are all equipped with radio alarm systems that transmit a signal back to Persigo which is then relayed to a pager (standby personnel) during off hours in the case of an emergency such as a power failure or pump malfunction. Response time on the system has usually been within 45 minutes. Persigo staff also spends at least one hour each week with each station checking proper operation and performing any preventative maintenance that may be required based on hours of operation.

- 4.1.4 Access Issues.** The access concerns associated with the project were 1. accessibility of Lime Kiln Gulch through the path created by construction, 2. use of access road to lift station by unauthorized people traffic and 3. impacts of lift station maintenance traffic.

Mitigation Measures: The City is not interested in encouraging access to the project site and respects the desires of the neighborhood to have the Mesa County open space remain quietly unknown.

1. On the south end, access along the alignment is proposed to be mitigated through the transplanting of larger trees via a tree spade to construct a visual barrier along with reconstruction of any hills that were removed for construction. All existing fences will be re-established after construction.

2. For the north end, the City is proposing a gate, perhaps matching one of the adjacent property owners so that the road appears to be a private road belonging to that property owner. The City is open to considering any other neighborhood suggested alternatives.

3. Lift station maintenance traffic is generally limited to once a week to verify proper operation of the lift station and to refuel the back-up generator. This Persigo WWTP staff person generally spends about an hour with the lift station during his weekly visit.

- 4.1.5 Vegetation disturbance** The project impacts lands belonging to Mesa County, the State of Colorado Division of Wildlife's Walker State Wildlife Area (SWA) downstream of Limekiln Gulch as well as some private property. Vegetation, including wetlands identified in Section 3, will be disturbed along Limekiln Gulch and into the SWA.

Mitigation Measures: Winter time construction allows for disturbance of vegetation during their dormant states. A sediment trap will be placed within Limekiln Gulch approximately 50 feet inside the SWA Boundary to clean any water disturbed by the contractor prior to discharge to the Colorado River.

Very strict guidelines limit the contractor on how the work is to be completed within Lime Kiln Gulch. The limits of the disturbance are not to exceed 20 feet in width to minimize the impacted area. Details on handling wetlands, groundwater, clearing vegetation, tree root trimming, saving trees, construction of sediment traps as well as seeding and mulching requirements are laid out in the special provisions.



Redlands Village Parkway looking north toward Colorado River. Goat Wash Sanitary Sewer runs down the wash.

The City has many sewer lines within drainages on the Redlands that would be very difficult to find today without surveying equipment due to the amount of revegetation that has occurred. Both the Tiara Rado Interceptor and the Goat Wash Interceptor were constructed in 1984 and revegetated very quickly due to their proximity to the wash / drainage bottom.

- 4.1.6 Wildlife disturbance.** Wildlife will be affected, at least short term, by this project. DOW does have concerns with the effects of the construction on threatened and endangered species. The primary concern of the adjacent property owners appeared to be the resident deer population. Other species mentioned were the beaver and raccoons.

Background / Mitigation Measures: In regards to the impacts on wildlife, Shawn Deany of the Colorado Division of Wildlife was contacted. The only habitat of concern to threatened and endangered species was the Western Willow Flycatcher. As the project was to be constructed during the winter which is outside of the period of its nesting season, neither the Army Corp of Engineers nor the DOW had any immediate concerns. Furthermore, the boundaries of the believed habitat are currently being redrawn to show that the Grand Valley is no longer believed to have Western Willow Flycatcher habitat.

On June 6, 2002 the City received a Temporary Special Use Permit on Colorado Division of Wildlife Lands for construction a temporary sedimentation basin on the Walter Walker State Wildlife Area (WWSWA) to help protect downstream water quality across the SWA from sediment that may be generated from this project.

In regards to the adjacent property owner species of concerns, all of the above listed species are known to adapt and cohabitate in urban settings. With the WWSWA adjacent to the site, most of the larger species will most likely reside in that area during the period of construction. Neither the DOW, nor the Army Corp foresee any long term impacts on wildlife in the area. All species of concern should return to the area fairly quickly after construction is completed.

END OF ATTACHMENT 1. 9/18/02 Council Staff Report Background Information

ATTACHMENT 2

September 10, 2002

Interested Property Owner

**Project: Limekiln Gulch / Lift Station and outfall location****Subject: September 9, 2002 Meeting Minutes and Mitigation Measures**

The following is a summary of our September 9, 2002 meeting. We would like to thank you for taking the time to meet with City staff to discuss your concerns with the proposed sewer projects located within Lime Kiln Gulch adjacent to your homes. We feel that additional information regarding your concerns will be very helpful to us during our mitigation efforts for the proposed projects. We hope that we have addressed your concerns regarding impacts to vegetation and wildlife in the area.

The topics below are numbered in the order in which they were discussed during our meeting. As in the Summary Environmental Assessment, we have put our proposed mitigation efforts for each item in *italics*. If you feel that we have not included any items discussed during the meeting or have not adequately addressed your concerns please contact either Trent Prall, City Utility Engineer at 244-1590 or Bret Guillory, City Project Engineer at 256-4023.

Topics discussed during the September 9, 2002, Lime Kiln Gulch mitigation efforts meeting.

1. **Overview.** A brief overview of the Summary Environmental Assessment for the Lime Kiln Gulch area was provided.

The financial analysis of the EA was reviewed along with the proposed future basin to be served assuming the lower lift station placement.

2. **Force (pressure) main details.** Several questions were raised on the location and working pressure of the force main.

The location is to be in the road along Canyon Creek, Wagon Trail, Saddle Horn and Village Way with a termination at Tiffany Drive. There will be no force main located within Lime Kiln Gulch. The ultimate discharge of the lift station will be to Goat Wash located just east of the Redlands Parkway.

The working pressure of the system will be +/- 64 psi at the pump station with 8" pipe.

3. **Lift Station Reliability.** Several questions were raised on the reliability of lift stations

Redundancies built into the system were discussed. Back up pumps, back up power generation, additional wet well storage sized for typical power outage, and routine maintenance the stations receive from Persigo Staff.

4. **Cost Savings.** One property owner asked where the excess money would go that is saved as projected in the financial analysis.

Persigo's current rate structure was discussed along with general operation of the WWTP with staff having a mind set of saving money thus keeping rates low.

5. **Lift Station Location.** The question was raised about whether the station could be moved farther into the Walter Walker State Wildlife Refuge area.

Staff discussed that the lift station could be placed farther north but that would have the following consequences:

- a. Farther into the flood plain causing additional cost to construct due to additional fill materials needed for construction.
 - b. Sound would be more likely to carry up the embankment to the houses located above. The closer we keep the lift station to the toe of the embankment the less chance noise will carry over the hill.
6. **Wild Fires.** Concern was raised that the Environmental Assessment covered fire protection of the lift station, however did not address how the lift station, maintenance vehicles, maintenance staff might start a wildfire.

Mitigation of wild fires would be addressed through weed control around the lift station (+/- 25' clear distance around the station). The access road would be a gravel surface that will be maintained so the maintenance vehicles will not be exposed to driving over weeds or materials that may ignite. A cinderblock wall will be constructed around the lift station to protect the station from outside fire while containing any possible cause of fire to the surrounding area from the lift station.

The diesel maintenance vehicles used to maintain lift stations have raised exhaust systems as on semi-trucks thereby extending the exhaust approximately 10 feet above low lying weeds. This should minimize any likelihood of a fire starting. However, we will check on installation of spark arrestors for the maintenance vehicle and will research the likely hood of diesel engines causing fire from sparks generated by the engine or exhaust.

The power supply to the lift station will be underground so there will be no aerial power or transformer around the site.

The current maintenance staff does not smoke cigarettes and therefore the likelihood of a cigarette by City personnel starting a fire is virtually eliminated. Future maintenance

staff will be advised of the necessity to not smoke in high fire potential areas such as this location.

On September 10, the City contacted Ute Water with regard to installation of a fire hydrant at the top of the proposed access to the lift station from Canyon Creek Road. Ute Water has agreed to install a fire hydrant at this location. This will not only improve fire protection for the homes in the immediate area, but also for the lift station and the riparian area surrounding the lift station.

6. **Noise suppression.** Noise was again mentioned as a concern.

The quality of the pumping station and smooth operation of the pumps was reemphasized. Also mentioned that the fire wall and location of the lift station relative to the embankment would help to dissipate any noise. The generator will be installed with a quiet pack that will help to mitigate noise from the generator itself.

One resident asked if the lift station would be operating more frequently as more and more EQU's are collected into the system.

Staff explained how impellers of the pumps can be changed as the load on the lift station increases, thus keeping the run times fairly consistent.

7. **Odor.** Several property owners raised concerns about odor from the lift station.

The City only has one lift station of the 31 lift stations currently maintained by the Persigo System that currently requires any treatment for odors. That lift station is the Ridges Lift Station which has a potassium permanganate feed system. As stated in the Environmental Assessment, some of these lift stations are in high traffic areas such as right behind prominent houses in South Rim along a bike path as well as on the northeast corner of the parking lot for Outback Steakhouse.

Mitigation Measure. The City agrees to install a chemical feed system within the lift station at time of installation. The chemical feed would not be utilized unless odor complaints are received from property owners. We do not anticipate this lift station to generate odors based on the relatively short travel time from the proposed service area to the station.

8. **Energy Source.** Questions were raised on the source of back up generation and safety measures associated with the generator.

The generator will hold approximately 173 gallons of fuel when full. The fuel will be stored in a double wall tank that has been pressure tested by the manufacturer. The generator will run only when called on by the alarm within the station and should only run for several minutes at a time when needed.

9. **Access Issues.** The mitigation techniques described in the Environmental Assessment were discussed. These techniques were to be applied during and after construction for the potential future gravity sewer line and the lift station.

Vegetation should heal itself quickly as it has done along the Goat Wash interceptor and Tiara Rado interceptor alignments.

The mitigation efforts will include revegetation of the gulch with native trees at the south end of the project, cuttings within the gulch in wetland areas, and reseeding of the upland areas.

The City will have a locked gate at the north access (Canyon Creek Road) to the lift station and will install a no trespassing sign down the draw to the lift station. The gate will be constructed of materials so that it appears to belong to one of the adjacent properties.

Construction will be accomplished during the winter months when youngsters will be in school and daytime hours are shorter thereby eliminating the likelihood of additional people "discovering" the lower portion of Limekiln Gulch due to the access for construction.

10. **Vegetation and Construction Mitigation.** Concerns were raised dealing with possible damage of vegetation within the construction area.

All construction is proposed to be accomplished in the winter when plants are in a dormant state and are less likely to be damaged by being temporarily displaced.

Sediment traps will be constructed downstream of the construction areas that will contain silts and sediment which could migrate downstream of the disturbed areas.

Limits of disturbance will be limited if the contractor is allowed to access the site from both north and south ends of Lime Kiln Gulch during construction.

Again reference was made to the Goat Wash and Tiara Rado project.

Bret Guillory, Project Engineer with the City of Grand Junction, will meet with property owners to look at larger trees that may be impacted by construction and will coordinate evaluation of the trees by the forestry division.

11. **Wildlife Concerns.** Many residents stated that they had seen red tail hawks, deer, mountain lions, raccoons, coyotes, and many other types of animal life that use the gulch for habitat. They have concerns as to how we intend to protect and not impact the animals during construction of the proposed sewer improvements.

The City of Grand Junction contacted the Division of Wildlife earlier this year and met with a representative on site. The DOW has issued a permit for the City to accomplish

the work within Lime Kiln Gulch based on work being accomplished as winter time construction (November to March) and a finding that this temporary disturbance would have minimal impacts to wildlife in the area.

Based on one concern of newborn raccoons in March, the City agrees to plan on construction to be completed by the end of February.

Please either call me at 244-1590 or Bret Guillory, City Project Engineer at 256-4023 if you have additional concerns or comments regarding the proposed Limekiln Gulch sewer project.

I will be out of the office until the City Council Meeting on September 18, however Bret will be around through Friday September 13. If you would like to speak before the City Council, please contact Bret and he will make sure you are put on the list to speak.

Although I did not receive any calls today for any requests to speak to Council as we discussed last night, I did put down Mr. John McGee of 2004 Crestline Ct as he has been the neighborhood spokesman to this point. This does not require him to speak, however does hold a place for him.

I expect that by now you know more than you ever wanted to know about sewer systems and the various parameters that affect the overall sewer system rates and can understand why the project is proposed. I hope that the mitigation measures will help meet your expectations so that the project is something that you can accept not only as an adjacent resident but also as a current or future sewer rate payer.

Respectfully,
FOR THE CITY OF GRAND JUNCTION / MESA COUNTY SEWER SYSTEM

Trent Prall, P.E.
City Utilities Engineer

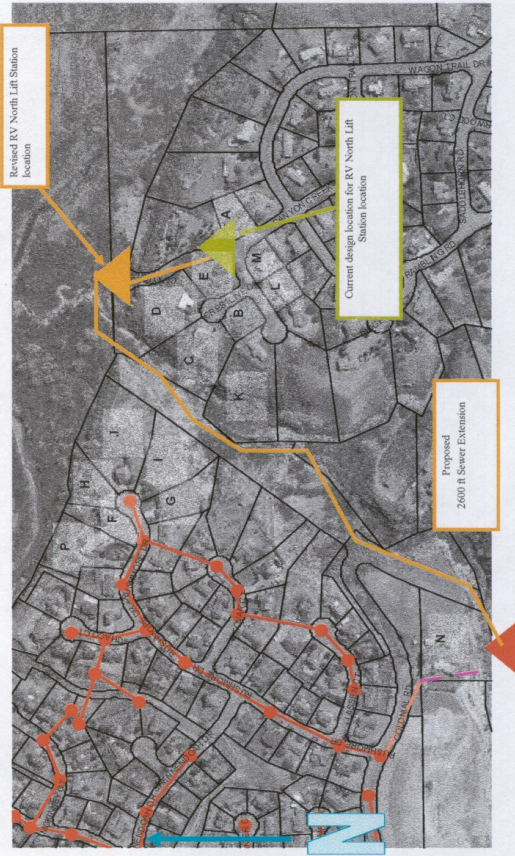
Cc: Nick Mezei, Army Corps of Engineers
Gerald Williams, Williams Engineering.
Bret Guillory, City Project Engineer

END OF ATTACHMENT 2

ATTACHMENT 3

Ref	Parcel Number	Owner Last Name	Owner First Name	Owner Mid Name	Joint Owner	Company Name	Location Address	Mailing Address	Mailing City	Mailing State	Zip
A	2945-083-01-010	ROADY	HAROLD	E	BEULAH M ROADY		618 CANYON CREEK RD	618 CANYON CREEK RD	GRAND JUNCTION	CO	81503-2651
B	2945-083-03-015	WILLIAMS	DEMMIS	R	JUDY L WILLIAMS		2202 CRESTLINE CT	2202 CRESTLINE CT	GRAND JUNCTION	CO	81503-2605
C	2945-083-03-016	MCCREE	CHRISTINE	A	JOHN		2204 CRESTLINE CT	2204 CRESTLINE CT	GRAND JUNCTION	CO	81503-2605
D	2945-083-03-017	FISHER	KEITH	E	M L FISHER		2206 CRESTLINE CT	2206 CRESTLINE CT	GRAND JUNCTION	CO	81503-2605
E	2945-083-03-018	KEELER	RICHARD	G	JOAN E KEELER		2208 CRESTLINE CT	2208 CRESTLINE CT	GRAND JUNCTION	CO	81503-2605
F	2947-144-01-063	GELSONINI	JAMES	R	CAROL A GELSONINI		627 RUSHMORE DR	627 RUSHMORE DR	GRAND JUNCTION	CO	81503-4018
G	2947-144-01-018	WITTECH	ROSALIE	M			628 RUSHMORE DR	628 RUSHMORE DR	GRAND JUNCTION	CO	81503-4017
H	2947-144-01-015	STEELE	WILLIAM	A	DOUGLASS		629 RUSHMORE DR	629 RUSHMORE DR	GRAND JUNCTION	CO	81503-4018
I	2947-144-01-059	BAKER	ALBERT	A	MARY J BAKER - TRUSTEES		630 RUSHMORE DR	630 RUSHMORE DR	GRAND JUNCTION	CO	81503-4017
J	2947-144-01-055	FEATHER	LARRY	V	JOANNA B FEATHER		631 RUSHMORE DR	631 RUSHMORE DR	GRAND JUNCTION	CO	81503-4018
K	2945-083-03-014	HUTCHINSON	SUZAN	E	STEVEN C HUTCHINSON		2206 SAND CASTLE LN	2206 SAND CASTLE LN	GRAND JUNCTION	CO	81503-2613
L	2945-083-03-011	NELSON	CHARLES	E	NORMA J NELSON		2206 SAND CASTLE LN	2206 SAND CASTLE LN	GRAND JUNCTION	CO	81503-2656
M	2945-083-03-010	MARVIN	EDWARD	R	ISABEL M		617 CANYON CRK RD	617 CANYON CRK RD	GRAND JUNCTION	CO	81503
N	2947-231-00-185	YOUNKER	JOHN	A	DIANA J		2151 F Road (Colonial Dr)	2151 F Road (Colonial Dr)	GRAND JUNCTION	CO	81503
P	2947-144-01-062	TALLON	JANE				625 RUSHMORE DR	625 RUSHMORE DR	GRAND JUNCTION	CO	81503-2605
		GUILLORY	BRET			PUBLIC WORKS DEPT.	250 N. 5TH ST.	250 N. 5TH ST.	GRAND JUNCTION	CO	81501
		PRALL	TRENT			PUBLIC WORKS DEPT.	250 N. 5TH ST.	250 N. 5TH ST.	GRAND JUNCTION	CO	81501
		WILLIAMS	GERALD			G.R.WILLIAMS ENGINEERING	1231 19 Rd.	1231 19 Rd.	FRUITA	CO	81521
		MEZEI	NICK			Corps of Engineers	400 Road Ave. Room 142	400 Road Ave. Room 142	Grand Junction	CO	81501

BOLDFACE ATTENDEES AT SEPTEMBER 9, 2002 PUBLIC MEETING
 Ref A through L
 ATTENDEES AT MAY 30, 2002 PUBLIC MEETING

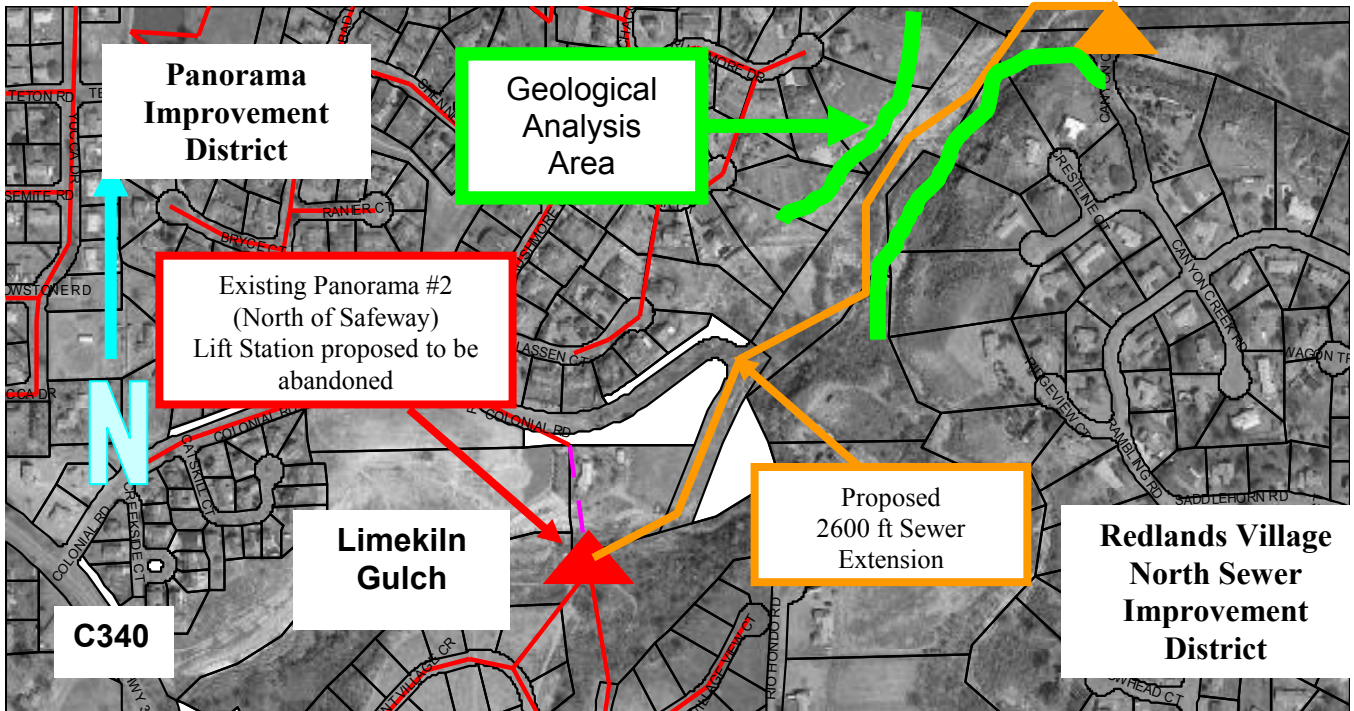


END OF ATTACHMENT 3

ATTACHMENT 4. 10/16/02 Council Staff Report Background Information:

Lambert & Associates, a geotechnical engineering firm located in Montrose, was selected to provide a geotechnical review of the proposed sewer alignment and recommend possible mitigation techniques to allow safe installation of the proposed sewer infrastructure. The proposed project was evaluated by both a geotechnical engineer and staff geologist.

The following is a location map showing areas that were evaluated by Lambert & Associates.



On October 2, 2002 Lambert & Associates completed a site visit of the area within Lime Kiln Gulch where the proposed sewer infrastructure would be located. They were also supplied with aerial photographs (stereo pairs) of the area, and copies of the design completed by GR Williams Engineering of Fruita, Colorado.

Lambert & Associates concluded that the proposed infrastructure could be constructed with minimal risk to adjacent slopes and cliffs within Lime Kiln Gulch if the following mitigation measures were followed:

1. Relocate the proposed lift station approximately 90 feet east of the currently proposed location,
2. Provide shoring of any open trenching and limit trench length to a maximum of 20 feet at any one excavation,
3. Use structural fill for any back fill below the native top soil,
4. Utilize the bedding material of the trench as drain material that would discharge to a natural stream or drainage,
5. If possible construct a portion of the sewer line via a directional boring method thus eliminating any open trenching within the first +/- 300 feet of the mouth of the Gulch.

Jim Soule with the Colorado Geological Society was also contacted. He is very familiar with the Limekiln Gulch area having walked it many times in the past. His recommendations were the same as Lambert and Associates #2 and #3.

Staff plans to implement recommendations 1 through 4 and if possible construct the proposed gravity sewer line through the mouth of the gulch utilizing a directional boring method.

**END OF ATTACHMENT 4. 10/16/02 Council Staff Report Background Information
ATTACHMENT 5**

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

October 10, 2002

Department of Public Works and Utilities
250 North 5th Street
Grand Junction, Colorado

M02273GE

Attention: Mr. Bret Guillory, P.E.

Subject: Redlands Village Northwest
Limekiln Gulch Interceptor Sewer Extension
Geological Stability

Mr. Guillory,

This letter presents our comments regarding the subject sewer extension route from about station 3+00 to about station 5+50. This portion of the route is from the narrow portion down stream of the breached embankment to near the outlet to the Colorado River valley.

Our comments are based on a 2 October 2002 site visit, a review of of the pages RVNLS-11 and 12 of the plans prepared by GR Williams Engineering, Inc. and the 03-09-02 areal stereo photographs of the area. We did not perform any geologic mapping or subsurface or laboratory studies. The comments presented here are based only on observations. We understand that the sewer installation will likely include an excavation trench, or similar, up to about eight (8) deep along the bottom of the valley.

Both sides of the small valley have weathered formational material exposed in the eroded valley sides. There appears to be an older slide feature on the west valley bank to the east of, and between, the cul-de-sac for Lassen Court and the cul-de-sac for Tovar Court. There appears to be an older slide feature on the east valley bank to the west of Sand Castle Lane. These areas will be weaker than the surrounding unweathered areas.

We suggest that the trench location be as near the middle of the valley as possible to result in the largest setback from each slope toe. Any construction excavation should follow OSHA rules and criteria. Any trench excavation should be braced. We recommend that the trench excavation expose the shortest portion of trench that can be utilized. If possible we suggest that no more than about twenty (20) feet of trench be open at any one time. The trench backfill should be compacted as a structural

M02273GE
10/10/02
Page Two

fill in order to maintain the integrity of the area. If possible the pipe bedding material could serve as a subsurface conduit to route accumulated subsurface water away from the area.

We suggest that the side slopes of the valley be monitored during the construction operation. Particularly the areas that appear to be near vertical and the areas that may have moved previously. The large block of soil, observed during our site visit, west of Sand Castle Lane, with exposed cracks at the surface and with the possible scarp above the soil block should be monitored often and closely during the construction operation.

We suggest that if possible the sewer line be bored through the valley bottom through the area observed. This will reduce the influence of the construction operation on the surrounding area.

We were asked to comment on the area of the lift station near the proposed intersection of the access road. We were not able to observe the slope above the lift station site during our site visit. A review of the areal stereo photographs indicates that the slope directly above the lift station site may be an ancient landslide. This has not been confirmed and the photographic evidence is not definitive. If this is the site of an ancient land slide then moving the lift station, possibly to the east, as much as possible would decrease the influence of the slope on the lift station site if a future event occurs. Relocating the lift station will also reduce the construction operation influences on the slope area. We recommend that you relocate the lift station to the east near the intersection of the planned access roadway. We recommend that you relocate the associated sewer line away from the toe of the slope as much as possible.

If a more definitive assessment is needed it will require additional study and likely subsurface and laboratory information collection and assessment. We are available to provide additional consultation during planning and during construction. If we can be of further service to you please contact us.

Respectfully submitted

LAMBERT AND ASSOCIATES



Dennis Lambert, P.E.

DDL/nr

Lambert and Associates
CONSULTING GEOTECHNICAL ENGINEERS AND
MATERIAL TESTING

Attach 3

Minutes of October 14, 2002 Special Joint Meeting and October 16, 2002 Regular Meeting

City Council/Board of County Commissioners

Annual Persigo Meeting

Monday, October 14, 2002

Two Rivers Convention Center

The Annual Persigo Meeting with the City Council and the Mesa County Commissioners was called to order by Chair Kathy Hall and President of the Council Cindy Enos-Martinez on October 14, 2002 at 7:13 p.m. at Two Rivers Convention Center. Grand Junction City Councilmembers present were Dennis Kirtland, Harry Butler, Bill McCurry, Reford Theobold, Janet Terry, Jim Spehar and President of the Council Cindy Enos-Martinez. Mesa County Commissioners present were Doralyn Genova, Jim Baughman and Chair Kathy Hall.

City staff members present were City Manager Kelly Arnold, City Attorney Dan Wilson, Public Works & Utilities Director Mark Relph, Community Development Director Bob Blanchard, Assistant City Attorney John Shaver, Police Chief Greg Morrison, Principal Planner Dave Thornton, Wastewater Treatment Plant Manager Mike Robertson, Utilities Manager Greg Trainor, Environmental Coordinator Eileen List, Utility Engineer Trent Prall, Planning Manager Kathy Portner and City Clerk Stephanie Tuin.

County staff members present were County Administrator Bob Jasper, Planning Director Kurt Larson, Director of Land Use Planning Linda Dannenberger, Public Works Director Pete Baier, Assistant County Administrator Jon Peacock, County Attorney Lyle Deschant, and Clerk to the Board Roberta Raley.

Also present: Larry Beckner, Special District Attorney.

Introduction of New Wastewater Director

Utilities Manager Greg Trainor introduced the new Wastewater Treatment Plant Director Mike Robertson.

Requested 201 Sewer System Boundary Changes

Public Works & Utilities Director Mark Relph identified the two areas that are to be considered for addition to the 201 district.

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Doyle and Sandra Files Request

Mr. Relph deferred to Utilities Manager Greg Trainor and Community Development Director Bob Blanchard regarding the inclusion of Doyle and Sandra Files property. The Files are asking for de-annexation. They are south of Monument Road and would probably never be sewerred. There is a tiny piece of the property north of the 201 boundary line. Mr. Blanchard stated the entire property is 35 Acres with two acres in the 201 Sewer Service Area. City Code requires any property developed in the 201 needs to be sewerred. That would include any lot splits. Variances within the 201 boundary were discussed briefly with a variance based on both the availability and practicability. The regulations do address the "practicability in the opinion of the manager."

Councilmember Jim Spehar asked about the 33 acres, whether it matters since it is outside the 201 boundary. Mr. Trainor said since there is only a small portion outside of the draw that can be developed, probably not. Assistant City Attorney Shaver stated that the Persigo Agreement contemplates that it would not matter, if it is developed it must be sewerred. He suggested the Council consider allowing unique exceptions for residential development as there is currently for non-residential development.

Councilmember Terry asked that she be provided a copy of the letter from the Files as it was not attached to the report.

Councilmember Theobald suggested that they not remove just the one two-acre site, but instead consider removing the whole drainage basin. Commissioner Genova asked how many other properties are in that area currently in the 201 boundary. Mr. Trainor identified one area just below the golf course. Councilmembers asked for a more specific analysis of other affected properties at another meeting with Councilmember Spehar noting he would like to restrict that property from any urban development. The general consensus was to leave it as status quo but it will be considered further at another meeting with additional information being provided.

Gay Johnson Request

Kurt Larson, Director of Planning, addressed the Gay Johnson addition in the area of 794 22 Road, north of H Road. Some of the areas are already developed as commercial (PUD) He reviewed the zoning, the land use classifications and the actual build out. He recommended that they be included in the 201 and ultimately annexed into the City. The areas not on 21 ½ Road but identified in red with some being north of H Road, some are south. Commissioner Genova suggested a site visit before any decision is made. Commissioner Baughman asked if the zoning occurred in the late 70's. Mr. Larson responded yes, the majority of the zoning occurred then. Council President Enos-Martinez suggested another meeting date to discuss the Files and Gay

Johnson properties. Councilmember Spehar suggested that property owners be approached first and their input be solicited. Mr. Larson added that the property owners should also be invited to the meeting where it is discussed.

Councilmember Theobald asked what issues will be considered for the decision. Mr. Larson suggested such things as roads, drainage, and capacity.

Commissioner Baughman asked if there is any reason to include the area between 22 and 23 Road, north of H Road. Mr. Larson said no, three of the areas are on 21 ½ Road and two of the areas are south of H Road, one area is at 22 Road and one is at 23 Road.

The governing bodies discussed a joint site visit prior to the next meeting.

Sewer Variance Requests

As this is related to boundary changes, variance requests were discussed. Public Works & Utilities Director Relph expressed concern over a decision that was made regarding a sewer variance. A large residential piece of property (Statler) requested a lot split. It was in the 201 Sewer Service Area and the petitioner requested a variance to hooking up to the sewer system. The Zoning and Development Code did allow a variance procedure and a variance was granted to split and use septic. However, the sewer regulations provides that new residential development must be sewered, only non-residential can be excepted yet the Persigo Agreement conflicts with the regulations. Therefore, Staff is suggesting a change to the City sewer regulations to make this clear and allowable for residential. Mr. Relph suggested the insertion of the word "residential" into the regulations or else provide that such requests be brought up for review at a joint meeting of the two governing boards. According to Mr. Shaver, the Persigo Agreement is administered by the regulations and therefore it would not be necessary to make a change to the Persigo Agreement to make the two documents coincide.

Bob Jasper, County Administrator, stated that a possible error does not necessarily mean the change should be made to the policy (regulations). He thought the City should just let it go. Councilmember Terry felt the regulations need to be consistent and it is a simple fix. Councilmember Kirtland thought the decision for the variance on the Statler property was a practical decision based the sewer being over 400 feet away (400 foot rule).

However, both governing boards were generally agreeable to adding the two words "and residential" to the City sewer regulations.

Septic System Elimination Project (SSEP) Update

Utilities Manager Trainor updated the two bodies on the septic system elimination project. So far 13 districts have been formed; the program has been an enormous success. The program has assisted 7 districts with funding. Through a loan from the Colorado Water Resources and Power Development Authority, funding to benefit 589 properties has been acquired, allowing acceleration of the program.

Combined Sewer Elimination Program Update

The project to eliminate the combined storm and sewer system is being designed and loan funds are in place. Construction is scheduled for early 2003.

Council President Enos-Martinez asked if any of the new lines will be affected by the Riverside Bypass. Utility Engineer Prall said the project engineers are coordinating with the Riverside Parkway group. One small area might be affected depending on the final alignment of the roadway.

Temporary Modification to the Persigo Wash Water Quality Standards

Stream standards have a potential impact on Persigo Wash and may require modification to the system that will be very expensive. The City is making an argument over the new stream standards. The Colorado Water Quality Control Commission is taking the argument into consideration and meanwhile the Grand Valley Selenium Task Force is evaluating the situation. The temporary modification work will allow time for the development of appropriate and attainable stream standards for the Wastewater Treatment Plant.

Environmental Coordinator Eileen List has developed a plan and the City will have until 2008 to collect data and file a standard suggestion. Staff wants to make sure that any requests for additional funds to meet these standards in the future are justified.

Councilmember Theobold inquired as to the daily discharge of the plant. Ms. List replied 8 million gallons per day.

Clifton Sanitation Districts #1 & #2

New regulations will require treatment of the effluent from Clifton Sanitation District's lagoons. There the District is desiring to either construct a treatment plant or hook up to Persigo Wastewater Treatment Plant. Clifton's engineers have to study and decide the best plan. They are aware that the Clifton area is not within the 201 boundary. Staff stated that hooking up to Persigo will probably be more expensive than building their own plant.

Councilmember Terry expressed that annexation is the biggest and most important issue and said City staff should do no more than answer questions from the Clifton Sanitation District. She voiced concern that the City is should not be characterized as trying to force the area into annexation. She had grave reservations about the City

being able to provide services to that area. She asked that Council be kept apprised of any additional meetings with the District.

A brief discussion took place on capacity gain with the elimination of the Clifton area versus loss with their re-inclusion.

Backbone System Capital Improvements and Volume Based Flow Rates Relative to Central Grand Valley and Orchard Mesa Sanitation Districts

The issue of infiltration within the Special District Sewer Systems was discussed and what role the Joint Sewer System should play in solving the problems with those systems. Much of the problem stems from the different definition of what constitutes the "backbone system" of the Joint Sewer System. Inclusion of more area that lies within the special district boundaries would have a great financial impact on the Persigo budget.

Larry Beckner, attorney for the Special Districts (Orchard Mesa Sanitation and Central Grand Valley Sanitation), stated the districts were opposed to the City using the backbone funds to cure infiltration within the City and they also objected to any increase in the City tap fee. Their argument is that both districts have paid into the joint backbone fund yet have not be granted any funding for their use on the backbone system within their district. Through discussions an agreement was developed to use the fees and also raise tap fees however, the districts wanted a chance to participate in the budget process and that has not happened. There are number of financial and contractual issues to be resolved. The districts want some funds but were not invited to the budget process discussions. Persigo bills districts for flow but then does not let the districts use some of the funds to solve their infiltration problems. He asked the two boards to give him and Mr. Relph a six month deadline to solve the problem.

Mr. Beckner noted that the districts have been working on their problem and have spent over \$2 million in repairs and system improvements.

County Administrator Jasper advised that the County supports the recommendation and asked the Mayor participate in the problem solving efforts. Councilmember Theobold noted that he wants to be fair about how the system is administered, but cautioned that the special districts are customers just like citizens and other governments, they are not plant owners.

Mr. Beckner said the districts simply want to submit a request for funds during the budget review process. Commissioner Genova said infiltration is a problem and all need to work together to solve the problem.

City Manager Arnold concurred with the recommendation but noted the governing bodies need to consider the life expectancy of the districts. County Administrator Jasper echoed the City Manager's comments, adding that it is in the plant's best interest not to have to take over a bankrupt leaky system. He said they need to start talking to Fruitvale Sanitation District, which is the worst off and almost all in the city limits.

Biosolids Issue

Staff advised the County has monitored for methane when effluent is disposed of at the landfill and has reported to the County Commissioners that the effluent is problematic due to the methane production. The City was unaware that it was a problem prior to the report. The effluent that comes from Persigo is gel-like and has to be managed with the equipment built for true solids. The City acknowledges the effluent is a contributor to the methane problem as is the rendering plant closure because of the animal waste coming to the landfill. Staff wants to come back with recommendations in around six months (April 15th) that will settle the issue of disposal for the long-term which may include alternative disposal sites.

Interest Rate for SSEP Improvement Districts

Bob Jasper, County Administrator, advised that the standard interest rate has been 8%. However, with the current interest rates, it is suggested that the rate being charged to property owners in improvement districts be lowered to 6%, apply to anything in process, not retroactive. The County Assessor was charging a premium for assessing these districts but won't be in the future.

Grease and Septage Receiving Facility

Utilities Manager Greg Trainor advised that the treatment plant is rapidly reaching maximums on receiving grease. Staff has been looking at other ways of disposing of grease. One possibility is privatizing the collection and disposal of the grease.

Utility Engineer Prall stated that there is currently only one private site, the Goodwin site in Delta, that accepts grease but there is a possibility of a new site coming on-line in the Grand Junction area.

Commissioner Baughman asked if there is a requirement for Persigo to accept and treat septic clean-out waste (septage). Mr. Prall answered that while not a requirement, Persigo is the closest plant. Septage is some cause for concern as it is a concentrated load, but the grease loads are the real issue.

Public Works & Utilities Director Relph advised that Staff has looked at what others do and most treatment plants won't take grease and septic waste. It is really a policy issue. A change in policy will affect local restaurants as a private disposal site will be more expensive. However, once a "sheen" is on the Persigo discharge, that constitutes a violation and Persigo is getting close. Private haulers want both grease and septic waste so if a policy change were to be made, it should include both types of waste.

The Commissioners and Councilmembers directed Staff to bring back information as to what other communities are doing and what the private costs are for disposal of grease and septic. Once that information is provided to the elected officials, then restaurant owners should be brought into the discussion.

City Managers and County Administrator's Update

City Manager Arnold and County Administrator Jasper have agreed to a fee to be charged for overhead costs of running Persigo, that is, costs associated with the enterprise fund. The City had proposed a flat 5% fee whereas the County preferred a formula based on a federal program for O & B (80-87 cost overhead allocation plan). Because the sewer fund is so stable, that formula works well and only varies from the 5% overhead charge slightly.

Councilmember Theobald voiced concern over the staff time necessary to develop and calculate the 80-87 formula. City Manager Arnold advised that the formula is in a spreadsheet so it is just a matter of dropping in the numbers to calculate the dollar amount.

Other Business

Commission Chair Kathy Hall distributed a letter from the Associated Governments of Northwest Colorado (Jim Evans) as to the results of the NW Colorado Oil and Gas Forum efforts to improve the reporting to the State that results in severance tax payments. The oil and gas companies had not been reporting the total number of employees due to a misunderstanding of the definition of an employee versus a contractor. The result of the improved reporting was an additional \$1 million in severance tax distributions in 2002 to both counties and municipalities in northwest Colorado.

Drought Update

Chairwoman Hall, who serves on the Colorado River Water Conservation District board, reported the ways they have tried to best manage water with the drought situation this year. They bought the energy from Redlands Water & Power and made a lot of

exchanges, in an effort to keep water in the ditches. The District is 280,000 acre feet in the hole at Green Mountain, and there are problems with the surrounding development. The District was asking the Bureau of Reclamation to participate in the filing of a lawsuit against the Northern River District but now the District needs to negotiate with them to address those development problems.

The District has a question on the ballot for an additional mill levy to pay for additional water storage to protect the water sources in future years in the case of drought. The monies from the mill levy will be used to reinforce the banks of existing reservoirs so their storage capacity could be increased, buy some existing government water and have it in storage and to comply with water quality issues. The monies will not going for additional staff. She encouraged every to vote for in favor of it. She added that the additional mill levy can also be used for leverage for other funding such as grants.

Utilities Manager Greg Trainor advised that the municipal water supply for drinking, which is different from irrigation, is in good shape this year. They are monitoring the snow pack and have been talking about different levels of drought response. Due to the City's water supplies and rights, even two more years of dry would not be a crisis. Clifton and Ute Water systems are also in good shape. He stated he will report more later as different drought scenarios are developed but advised that in his opinion if the City were ever in a situation where restrictions were needed it would be a conservation rate applied only for outside uses.

Commissioner Baughman inquired how much of the City supplies are going toward outside uses. Mr. Trainor said exact numbers can be generated through the metering systems but in general the summer peak demand is 12 million gallons versus 3 million gallons in the winter.

Next Meeting

The date for the next meeting was determined to be November 14 at 6:00 p.m. to discuss the 201 boundary changes relative to the Files and Gay Johnson properties and to discuss variance criteria.

Introduction of Assistant County Administrator

County Administrator Jasper introduced the new Assistant County Administrator Jon Peacock.

Adjourn

The meeting adjourned at 9:47 p.m.

Stephanie Tuin, CMC
City Clerk

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

October 16, 2002

The City Council of the City of Grand Junction convened into regular session on the 16th day of October 2002 at 7:36 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobold and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry 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 Theobold led in the pledge of allegiance. The audience remained standing for the invocation by Phil Olson, River of Life Alliance Church.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO THE URBAN TRAILS COMMITTEE MEMBER

Timothy Fry was present to receive his certificate.

TO PARKS AND RECREATION ADVISORY BOARD MEMBER

Appointee was not present and no Certificate of Appointment was presented.

SCHEDULED CITIZEN COMMENTS

There were none.

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

It was moved by Councilmember Theobold, seconded by Councilmember McCurry, and carried, to approve the Consent Calendar Items # 1 through 4.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the September 30, 2002 Workshop, Minutes of the September 30, 2002 Special Meeting, Minutes of the October 2, 2002 Regular Meeting, and Minutes of the October 8, 2002 Special Meeting

2. **Setting a Hearing on 430 30 Road Annexations No. 1 and No. 2 Located at 430 30 Road** [File #ANX-2002-182]

The 430 30 Road Annexation area consists of one parcel of land, approximately 11.18 acres in size. A petition for annexation has been presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County. The physical address for the property is 430 30 Road. This is a serial annexation.

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

Resolution No. 91- 02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, the 430 30 Road Annexation, Located at 430 30 Road

**Action: Adopt Resolution No. 91-02*

b. Set a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, 430 30 Road Annexation No. 1, Approximately 5.1706 Acres in Size, Located at 430 30 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, 430 30 Road Annexation No. 2, Approximately 6.2599 Acres in Size, Located at 430 30 Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for November 20, 2002

3. Setting a Hearing on Crista Lee Annexation Located at 2933 B ½ Road [File #ANX-2002-180]

The Crista Lee Annexation is an annexation comprised of one parcel of land located at 2933 B ½ Road, comprising a total of 6.1157 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. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 92-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, the Crista Lee Annexation Located at 2933 B ½ Road

**Action: Adopt Resolution No. 92-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crista Lee Annexation, Approximately 6.1157 Acres, Located at 2933 B ½ Road

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

4. **Setting a Hearing on Lucas Annexations No. 1 and No. 2 Located at 2220 Broadway** [File #ANX-2002-184]

The Lucas Annexation is an annexation comprised of two parcels of land located at 2220 Broadway including a portion of the Broadway right-of-way, comprising a total of 3.9221 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. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 93-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Lucas Annexation No. 1 & 2, a Serial Annexation, Located at 2220 Broadway

**Action: Adopt Resolution No. 93-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lucas Annexation No. 1, Approximately 0.0883 Acres in Size, Located at 2220 Broadway

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lucas Annexation No. 2, Approximately 3.8338 Acres in Size, Located at 2220 Broadway

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for November 20, 2002

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

Public Hearing – DM South Annexations #1 & #2 Located at 511 30 Road and Zoning DM South Annexation Located at 511 30 Road [File #ANX-2002-138]

Resolution for Acceptance of Petition to Annex/Second Reading of the Annexation Ordinance. The 1.7327-acre DM South Annexation is a serial annexation consisting of two parcels of land and a portion of the 30 Road right-of-way.

Annexation and zoning hearings were combined.

The public hearing was opened at 7:39 p.m.

Senta Costello, Associate Planner, reviewed this item.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:40 p.m.

a. Accepting Petition

Resolution No. 94-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as DM South Annexation, a Serial Annexation Comprising DM South Annexation #1 and DM South Annexation #2 is Eligible for Annexation Located at 511 30 Rd

b. Annexation Ordinances

Ordinance No. 3455 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado DM South Annexation #1 Approximately 0.0207 Acres Located near 511 30 Road within the 30 Road R.O.W.

Ordinance No. 3456 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, DM South Annexation #2 Approximately 1.712 Acres Located at 511 30 Road and Includes a Portion of 30 Road R.O.W.

c. Zoning Ordinance

Second Reading of the Zoning Ordinance for the DM South Annexations #1 & 2 located at 511 30 Rd. The 1.7327-acre DM South Annexation is a serial annexation consisting of one parcel of land and a portion of the 30 Road right-of-way. The Planning Commission reviewed the requested zoning on September 24, 2002 and recommended approval.

Ordinance No. 3457 – An Ordinance Zoning the DM South Annexation to B-1 (Neighborhood Business) Located at 511 30 Road

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland and carried by a roll vote, Resolution No. 94-02 was adopted and Ordinance No. 3455, No. 3456 and No. 3457 were adopted on Second Reading and ordered published.

Public Hearing – Summit View Meadows Annexations No. 1, No. 2 and No. 3 Located at 3146 D ½ Road [File #ANX-2002-153]

A Resolution for acceptance of petition to Annex/Second Reading of the Annexation Ordinance for the Summit View Meadows Annexation, Located at 3146 D ½ Road.

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

Lisa Gerstenberger, Senior Planner, reviewed this item. She stated that the zoning has been separated from the annexation so the zoning will not be heard until later.

Councilmember Spehar asked the City Attorney about the use of right-of-way for the serial annexation. The Attorney said all was in order.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:44 p.m.

a. Accepting Petition

Resolution No. 95-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit View Meadows Annexation area is Eligible for Annexation, Located at 3146 D ½ Road

b. Annexation Ordinances

Ordinance No. 3458 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Summit View Meadows Annexation No. 1 Approximately 0.1699 Acres Right-Of-Way Located along D ½ Road

Ordinance No. 3459 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Summit View Meadows Annexation No. 2 Approximately 0.5770 Acres Right-Of-Way Located along D ½ Road

Ordinance No. 3460 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Summit View Meadows Annexation No. 3 Approximately 11.8211 Acres Located at 3146 D ½ Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by a roll call vote, Resolution No. 95-02 was adopted and Ordinance No. 3458, No. 3459 and No. 3460 were adopted on Second Reading and ordered published.

Public Hearing – Iles Annexation Located at 3080 D ½ Road and Zoning Iles Annexation Located at 3080 D ½ Road [File #ANX-2002-171]

Resolution for Acceptance of Petition to Annex and Second Reading of the Annexation Ordinance for the Iles Annexation located at 3080 D ½ Road.

The Mayor announced that the annexation and zoning hearings will be combined.

The public hearing was opened at 7:45 p.m.

Lisa Gerstenberger, Senior Planner, reviewed this item.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:46 p.m.

a. Accepting Petition

Resolution No. 96-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Iles Annexation Area is Eligible for Annexation Located at 3080 D ½ Road

b. Annexation Ordinance

Ordinance No. 3461 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Iles Annexation Approximately 5.854 Acres Located at 3080 D ½ Road

c. Zoning Ordinance

Second Reading of the Zoning Ordinance to Zone the Iles Annexation Residential Multi-Family-5 (RMF-5), Located at 3080 D ½ Road.

Ordinance No. 3462 – An Ordinance Zoning the Iles Annexation to Residential Multi-Family-5 (RMF-5), Located at 3080 D 1/2 Road

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 96-02 was adopted and Ordinance No. 3461 and No. 3462 were adopted on Second Reading and ordered published.

Public Hearing – Assessments for Alley Improvement District 2002

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

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

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

The public hearing was opened at 7:48 p.m.

Rick Marcus, Real Estate Technician, reviewed this item. He identified the alleys that had been improved. He advised that one letter of opposition was received by the Clerk’s office and that letter had been provided to Council as well as being turned over to the Project Engineer.

There were no public comments.

The public hearing was closed at 7:49 p.m.

Ordinance No. 3463 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-02 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of said Assessment.

When roll was called Councilmember Harry Butler abstained due to his residence being next to one of the alleys that were improved.

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote with Councilmember Butler abstaining, Ordinance No. 3463 was adopted on Second Reading and ordered published.

Agreement between G.J. Rimrock General Improvement District and the Developer

This resolution authorizes an agreement between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District) and THF Belleville, the owner and developer of Rimrock.

Ron Lappi, Administrative Services Director and Dan Wilson, City Attorney, reviewed this item. Mr. Wilson identified two changes to the proposed

agreement. On page 5, paragraph c, strike the sentence starting with “the owner shall...”. On page 6 fill in the blank with “added to the cost of the project”.

Mr. Lappi added that on page 1, the date of approval to be filled in is October 3, 2002.

Mr. Lappi advised that the Council is acting as the Rimrock Marketplace General Improvement District Board of Directors when acting on this item. Their staff includes himself, the City Attorney and the City Clerk.

Councilmember Spehar inquired if the issuance of these bonds in any way obligates the City. Mr. Lappi said not at all. However, all the improvements that are done by the Improvement District with the use of the bond monies will be done to City standards and then dedicated to the City.

Councilmember Kirtland inquired if the City has done this before. Mr. Lappi stated that it had not, and that it is a new venture for the City.

There were no more questions.

Resolution No. 97-02 – A Resolution Approving a Special Improvement District Agreement between the City of Grand Junction Rimrock Marketplace General Improvement District and THF Belleville Development, L.P.; and Providing Other Details Relating Thereto

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 97-02 was adopted.

Intergovernmental Agreement with Rural Fire Protection District

At an August work session, the City Council directed staff to pursue an Intergovernmental Agreement with the Rural Fire District for the purposes of defining how the relationship for providing fire/EMS services, including a new Fire Station #5, and funding for those services to the subdistrict area (unincorporated Redlands) will be allocated.

Kelly Arnold, City Manager, reviewed this item and stated that the City Attorney Dan Wilson, Administrative Services Director Ron Lappi and Fire Chief Rick Beaty were present to answer any questions. He noted that the terms of the agreement are completely dependent on a successful ballot on November 5th.

Mr. Arnold referred Council to the most recent version of the proposed IGA. He and Mr. Wilson reviewed the highlights of the agreement including definitions,

the formulas for calculating the contract, the term of the contract, the ownership of the station and the service area, the use of the District's reserve funds, ways the District will pay the contract by using revenues from the mill levies, the dedication of the Districts' only piece of equipment to the City (the one engine), the amount of the District reserve fund (\$40,000) and a penalty for late payment.

Council inquired when property taxes are remitted to the Treasurer and then to the District. Mr. Lappi stated that by June the District would have 75% of the tax monies. Councilmember Kirtland asked if there is a history of late payment by the District. Mr. Lappi replied that it has happened in the past, but the agreement makes the due date and the location for the payment very clear.

Mr. Arnold felt that the City has a good relationship with the Board and sees no reason why the Board would not approve the agreement. He stated that the proposed resolution distributed tonight authorizes the City Manager to finalize the terms of the agreement since the Fire District Board has not given their certain approval. Any substantial changes will be brought back to Council.

Resolution No. 98-02 – A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement between the City of Grand Junction and the Rural Fire Protection District Regarding the Redlands Subdistrict

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 98-02 was adopted.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Geological Update on the Redlands Village Northwest Lift Station

Mark Relph, Public Works and Utilities Director, stated that a geotechnical engineer, Lambert & Associates, was hired to evaluate the stability of the slopes along Lime Kiln Gulch. The evaluation showed that the infrastructure can be constructed with minimal risk to the adjacent slopes and cliffs. Five mitigation measures were recommended and those measures will be followed.

Councilmember Kirtland inquired about the folks that had expressed concern at the consideration of the change order in September. Mr. Relph stated that

communications have been made and a newsletter has been drafted outlining the findings, which will be distributed.

No action was required, this was an update. Unless directed otherwise, Staff will go forward with the Change Order as approved on September 18, 2002.

Consideration of Setting a Time to Consider the Setting of a Time to Consider the Rehearing of the Rezoning of the Property at 12th Street and Patterson

Councilmember Kirtland moved to consider a request for rehearing to be decided on November 6, the next Council meeting. Councilmember Theobold seconded.

Comment was allowed from a member of the audience.

Joseph Coleman, an attorney on behalf of City Market, stated that there is a procedure in the City's Code that provides for a request for rehearing. He requested to talk common sense about whether or not there is a right to file a petition and that to be fair to the citizens; one would not put the petition in a drawer to collect dust. He wasn't requesting a change in the votes, he was asking for consideration of a rehearing. He went into great detail on how this motion tonight does not consider the merits of the project, but rather gives the Council time to advertise their consideration of whether to rehear it or not. He stated that placing the consideration for a rehearing on the next agenda is the intent of the Code.

Councilmember Kirtland asked if the next meeting is the only time this consideration can be set. Mr. Wilson said that Mr. Coleman was correct in his first impression of the Code. He shared another interpretation with the Council. It is not required of Council to go through the rehearing process to complete the process. An appeal to the District Court can also be the next step. The Council's consideration of a rehearing is the Council's option. In order for Council to have jurisdiction, a letter of appeal had to be received. An appeal letter does not mean it will be heard by Council, it is an option as to whether the Council has to debate the issue.

Councilmember Theobold stated that the Councilmembers do have a right to vote yes or no. The vote on the motion on the table is the end. If Council buys into the argument that Council is obligated to schedule a rehearing, it will open the door to anyone who is turned down. All seven Councilmembers voted as they intended at the October 2, 2002 hearing and certainly a vote tonight will remove any doubt and will not leave anything festering.

Councilmember Spehar said it will be two months before there will be a full Council so to let it go to then. The initial decision was made with a full Council.

Councilmember Kirtland said the motion is scheduling the consideration of a rehearing. It does not need a full Council present. If the majority does not make a motion to rehear on November 6, 2002, then the issue is over.

The motion was re-read by the Clerk. A roll call was taken and the motion failed with a 4 to 2 vote. Councilmembers Spehar, Theobald, Butler and McCurry voted no. Councilmembers Kirtland and President of the Council Enos-Martinez voted yes.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Stephanie Tuin, CMC
City Clerk

Attach 4
City Council Meeting Schedule

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		City Council Meeting Schedule								
Meeting Date		November 6, 2002								
Date Prepared		December 16, 2011								
Author		Stephanie Tuin			City Clerk					
Presenter Name		Kelly Arnold			City Manager					
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: Due to conflicts in December and January, Council may consider amending the meeting schedule. There will not be a quorum on December 4th and the first Wednesday in January, 2003 is January 1st, a holiday. Council may consider changing the accompanying workshops as well.

Budget: No impact.

Action Requested/Recommendation: Adopt resolution.

Attachments: Proposed Resolution

Background Information: In January, the Council adopted a resolution setting the meeting schedule for 2002 as required by the City's Code of Ordinances, Sec. 2-26. If the meeting dates are changed during the year, the schedule should be amended by

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

resolution. This resolution amends that action by rescheduling the December 4th meeting. Although the meeting schedule has not been set for 2003 yet, it is asked that Council consider rescheduling the first meeting of the year from its regular day. The resolution outlines one option to be considered.

CITY OF GRAND JUNCTION

RESOLUTION NO. ____-02

A RESOLUTION OF THE CITY OF GRAND JUNCTION
AMENDING THE CITY COUNCIL 2002 MEETING SCHEDULE
AND DETERMINING THE DATE FOR THE FIRST MEETING IN 2003

Recitals.

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

On January 2, 2002, the City Council adopted Resolution No. 01-02 that set the meeting schedule for the year 2002. That resolution was subsequently amended by Resolution No. 22-02.

The City Council desires to amend that schedule due to some conflicts in December. Also, the first regular meeting in January would fall on January 1, 2003, a holiday.

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

1. The meeting schedule for the regular meetings of the City Council is hereby amended to reschedule the December 4, 2002 meeting to December 2nd at 7:00 p.m.. The workshop will follow the Council meeting.
2. To cancel the January 1, 2003 meeting. The accompanying workshop on December 30, 2002 is also cancelled. Therefore, the first regular meeting in 2003 will be January 15, 2003.

Read and approved this ____ day of _____, 2002.

the Council

President of

ATTEST:

City Clerk

Attach 5
Setting Hearing – Issuance of Special Assessment & Issuance Bond for Rimrock Marketplace

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Rimrock Ordinances					
Meeting Date	November 6, 2002					
Date Prepared	October 31, 2002				File #	
Author	Ron Lappi		Administrative Services Director			
Presenter Name	Ron Lappi		Administrative Services Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: This is the first reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Budget: The issuance of the GID bonds are not a financial obligation of the City of Grand Junction. They will be paid over 15 years by property assessment against the five lots.

Action Requested/Recommendation: Approve the first reading of three ordinances; a Rimrock GID Special Assessment District Creation Ordinance; a Rimrock GID Bond Ordinance and an Assessment Ordinance and set a public hearing for Wednesday, November 20, 2002.

Attachments: Ordinances for Rimrock Market Place General Improvement District to be able to sell special assessment bonds to pay for the public improvement portions of Rimrock.

Background Information: The City Council sitting as the board of directors for the Rimrock G.I.D. approved on October 16, 2002 the Special Improvement District

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Agreement between the GID and the Developer of Rimrock. This agreement was the first step to actually selling Special Assessment Bonds to finance the public improvements associated with this development. These three ordinances are the next steps to actually issue the debt.

ORDINANCE NO. __

AN ORDINANCE CREATING THE RIMROCK
MARKETPLACE SPECIAL IMPROVEMENT DISTRICT
WITHIN THE CITY OF GRAND JUNCTION RIMROCK
MARKETPLACE GENERAL IMPROVEMENT DISTRICT.

WHEREAS, the City of Grand Junction Rimrock Marketplace General Improvement District (the "GID"), located in the City of Grand Junction, Mesa County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Grand Junction have been duly elected and qualified and serve ex officio as the Board of Directors of the GID (the "Board"); and

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish special improvement districts within the boundaries of the GID, pursuant to part 5, of Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "Owner"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"); and

WHEREAS, the pursuant to Section 31-25-503 (4.5), C.R.S., if a petition for an improvement is signed by 100% of the owners of the assessable property in a special

improvement district and contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S., the Board may waive all of such requirements; and

WHEREAS, the pursuant to Section 31-25-503 (9), C.R.S., a special improvement district may be created for the purpose of acquiring existing improvements in which case the provisions of the SID Act concerning construction of improvements, competitive bidding and preliminary plans and specifications do not apply; and

WHEREAS, the pursuant to Section 31-25-503 (10), C.R.S., the Boar is authorized to enter into agreements with any owner of property in the District concerning the construction or acquisition of improvements, the assessment of costs thereof, the waiver or limitation of legal rights or any other matter concerning the District; and

WHEREAS, pursuant to the Agreement, the Owner: (a) waived all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.; (b) agreed that the GID may proceed to form the District, order that the proposed improvements be acquired and improved, issue the bonds payable in part from the levy of assessments on property in the District, and otherwise finance the cost of the improvements described in the Agreement (the "Project"); (c) waived any and all formalities required by the laws of the United States and the State of Colorado in order to form the District including, but not limited to, the notice and hearing provisions of Sections 31-25-503, C.R.S. and the Owner's right to bring a legal or equitable action challenging the

formation of the District; (d) waived all powers, privileges, immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the GID, the Board and the officers of the GID (including, without limitation, the proper description of the property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District; (e) consented and agreed to be bound and consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS THE EX-OFFICIO BOARD OF DIRECTORS OF THE GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT:

Findings and Determinations. The Board hereby accepts the Agreement as a petition for the formation of a special improvement district within the GID to be known as "Rimrock Marketplace Special Improvement District." The Board hereby finds and determines as follows:

that the Agreement is signed by one hundred percent of the owners of taxable real property to be included within the District;

that the Agreement contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.;

that the proposed District's improvements to be acquired, constructed, installed, operated, or maintained:

are improvements that the City of Grand Junction is authorized to provide under the City's home rule charter (the "Charter"); and

do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;

that the organization of the District will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the GID and the proposed district;

the property to be included in the SID is especially benefited by the Project;

that the request for waiver is hereby granted; and

that the SID should be established.

These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

Establishment of District. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Board, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known

as "Rimrock Marketplace Special Improvement District", by which, in all proceedings, it shall hereafter be known.

District Boundaries. The District boundaries are:

LOT 1, RIMROCK MARKETPLACE
MESA COUNTY, COLORADO

District Improvements. The improvements are more specifically described in the Agreement. A general description of the improvements to be acquired within the District is as follows:

Improvement

1. Grand Junction Drainage Ditch
2. Rimrock Avenue / 25-1/2 Road
3. Highway 6 & 50
4. Signalization of Highway 6 & 50
5. Sam's Club ROW Construction
6. Roundabout
7. Golden Corral ROW Construction

The improvements are hereby ordered to be acquired as provided in the Agreement.

Filing of Ordinance. The Secretary shall file this ordinance after final passage and approval with the Mesa County Assessor, the Mesa County Treasurer, and the Division of Local Government in the Department of Local Affairs.

Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Repealer. All bylaws, orders, resolutions and ordinances of the GID, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This repealer shall not be

construed to revive any other such bylaw, order, resolution or ordinance of the GID, or part thereof, heretofore repealed.

Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

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

**INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON NOVEMBER ____, 2002.
INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON _____ __, 2002.**

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

President

Attest:

Secretary

(SEAL)

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)
 RIMROCK MARKETPLACE)
 GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction,
 Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace
 General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on _____, 2002. A quorum of the Board was in attendance at said meeting.

2. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on November __, 2002 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

Those Abstaining:

3. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on December __, 2002 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye:

Those Voting No:

Those Abstaining:

Those Absent:

4. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the District; and that the same remains of record in "The Ordinance Book" of the District.

5. That notices of the meetings of November __, 2002 and December __, 2002, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

6. That the Ordinance was published in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2002. The affidavit of publication is attached hereto as Exhibit B.

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

District this _____ day of _____, 2002.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)

ORDINANCE NO. ____**AN ORDINANCE CONCERNING THE RIMROCK
MARKETPLACE SPECIAL IMPROVEMENT DISTRICT
AND AUTHORIZING THE ISSUANCE OF SPECIAL
ASSESSMENT BONDS.**

WHEREAS, the City of Grand Junction Rimrock Marketplace General Improvement District (the "GID"), located in the City of Grand Junction, Mesa County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Grand Junction have been duly elected and qualified and serve ex officio as the Board of Directors of the GID (the "Board"); and

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish a special improvement district, within the boundaries of the GID, pursuant to part 5, Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "Owner"), the owner of 100% of the real property in the GID, have executed the Special Improvement District made and entered into on October 29, 2002 (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"); and

WHEREAS, the GID Board has heretofore, pursuant to the requisite preliminary proceedings, created the Rimrock Marketplace Special Improvement District (the "District") for the purpose of acquiring and improving local improvements described in the Agreement (the "Project"), and has provided that all or a portion of the cost and expense of the Project shall be paid by special assessment, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore provided for the payment of the cost and expense of the Project and by an ordinance heretofore passed and adopted (the "Assessment Ordinance") has levied assessments in the amount of \$3,980,000 against the assessable lots, tracts and parcels of land in the District benefited by the Project; and

WHEREAS, on November 6, 2001, the eligible electors of the GID approved the following question:

SHALL CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$3,980,000 WITH A REPAYMENT COST OF \$7,545,200 AND SHALL DISTRICT TAXES BE INCREASED \$1,036,800 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT SHALL BE USED FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF STREET IMPROVEMENTS AND ALL OTHER NECESSARY, INCIDENTAL, APPURTENANT, AND CONVENIENT FACILITIES, EQUIPMENT, LAND AND PROPERTY RIGHTS OR REFUNDING DEBT ISSUED FOR SUCH PURPOSES;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY WITHOUT LIMITATION AS TO RATE OR AMOUNT OR SPECIAL ASSESSMENTS, AS DETERMINED BY THE BOARD, THE PROCEEDS OF WHICH SHALL BE USED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT);

(3) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 8.00%;

(4) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;

AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

WHEREAS, the Board desires to issue its Rimrock Marketplace Special Improvement District Special Assessment Bonds, Series 2002 in the aggregate principal amount of not to exceed \$3,980,000 (the "Bonds") to provide funds to pay all or a portion of the cost and expense of the Project; and

WHEREAS, the Bonds are to be payable from the sources permitted by Parts 5 and 6 of Article 25 of Title 31, Colorado Revised Statutes, and all laws amendatory thereof and supplemental thereto (the "Act"), as more fully described herein; and

WHEREAS, the Bonds are to be sold by the GID to Kirkpatrick Pettis (the "Purchaser") on the terms set forth in the Bond Purchase Contract to be dated the date of sale of the Bonds in substantially the form filed with the Secretary (the "Bond Purchase Contract"); and

WHEREAS, all acts and proceedings required by law necessary to make the Bonds, when executed by the GID, authenticated and delivered by the Paying Agent (hereinafter defined) and duly issued, the valid, binding and legal obligations of the GID payable in accordance with their terms, and to constitute this Ordinance a valid and binding obligation of the GID of the parties hereto for the uses and purposes herein set forth in accordance with its terms, have been done and taken.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT DOES ORDAIN:

ARTICLE I.
DEFINITIONS; EQUAL SECURITY

SECTION 1.01 Short Title; Definitions. This Ordinance shall be known as, and may be cited by, the short title Special Improvement District Bond Ordinance. Unless the context otherwise requires, the terms defined in this section shall for all purposes hereof and of any Supplemental Ordinance and of any certificate, opinion, request or other document herein or therein mentioned have the meanings herein specified:

"Act" means Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes, and all laws amendatory thereof and supplemental thereto.

"Administration Costs" means the reasonable administration costs and other expenses of the GID incurred in connection with the Bonds, the Assessments, the Project and for certain other purposes, all as provided in the Financing Agreement.

"Administration Fund" means the "Rimrock Marketplace Special Improvement District Administration Fund" established in Section 3.05 hereof.

"Annual Debt Service" means, for each Bond Year, the sum of (1) the interest falling due on all Outstanding Bonds in such Bond Year, assuming that all Outstanding Serial Bonds are retired as scheduled and that all Outstanding Term Bonds, if any, are redeemed as may be scheduled (except to the extent that such interest is to be paid from the proceeds of sale of any Bonds), (2) the principal amount of the Outstanding Serial Bonds, if any, maturing by their terms in such Bond Year, and (3) the minimum amount of such Outstanding Term Bonds required to be paid or called and redeemed in such Bond Year. "Annual Debt Service" shall not include interest on Bonds that is to be paid from amounts constituting capitalized interest.

"Assessment" or "Assessments" means the aggregate special assessment or individual portions thereof, as the case may be, levied by the GID constituting a first lien and charge upon benefited lots, tracts and parcels of land within the District, co-equal with the latest lien thereon to secure the payment of general (ad valorem) taxes.

"Assessment Credit" means a credit applied equally against the next two Assessment Installments due but not yet billed, which shall be applied on a pro rata basis, based on the unpaid principal balance (not including any delinquent installment of principal) assessed, against each parcel of property.

"Assessment Installments" means the installments of principal and interest of the Assessments to be paid by the owners of the benefited lots, tracts and parcels of land within the District.

"Assessment Ordinance" means the assessment ordinance adopted by the Board on _____, 2002 and any ordinance amending such ordinance.

"Average Annual Debt Service" means the average Bond Year Annual Debt Service over all Bond Years.

"Bonds" means the Rimrock Marketplace Special Improvement District Special Assessment Bonds, Series 2002 issued hereunder.

"Bond Fund" means the "Rimrock Marketplace Special Improvement District Bond Fund" established in Section 3.03 hereof.

"Bond Reserve Fund" means the "Rimrock Marketplace Special Improvement District Bond Reserve Fund" established in Section 3.04 hereof.

"Bond Year" means (i) with respect to the initial Bond Year, the period extending from the date the Bonds are originally delivered to and including December 1, 2003 and (ii) thereafter, each successive twelve month period. Notwithstanding the foregoing, the term Bond Year as used in the Tax Certificate is defined in the manner set forth in the Tax Certificate.

"Business Day" means any day on which the Paying Agent is open for business at its Principal Corporate Trust Office.

"Certificate of the GID" means an instrument in writing signed by the GID President, GID Treasurer or by any other officer of the GID duly authorized by the Board for that purpose.

"Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds.

"Construction Fund" means the "Rimrock Marketplace Special Improvement District Construction Fund" established in Section 3.02 hereof.

"Contingencies" means amounts determined by the Treasurer to be necessary to create a prudent reserve to pay (i) anticipated costs of the GID associated with the District, including (without limitation) legal expenses, engineering fees, financial or other consultant fees, and other out-of pocket costs, and (ii) scheduled principal and interest on the Bonds to the extent funds will not otherwise be available therefor in the Bond Fund; provided, that the Treasurer has a reasonable basis for such determination.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate executed by the President and dated as of the date of delivery of the Bonds, in substantially the form now before the Board, and any amendments and supplements thereto.

"Developer" means THF Belleville Development, L.P.

["Developer Continuing Disclosure Certificate" means the Continuing Disclosure Certificate executed and delivered by the Developer in substantially the form now before the Board, and any amendments and supplements thereto.]

"District" means Rimrock Marketplace Special Improvement District.

"Excess Revenues" means the portion of the Assessment installments and penalties, if any, thereon received by the GID in any Bond Year that is in excess of the amount required to pay the principal of and interest on the Bonds in such Bond Year, plus the amount, if any, needed to increase the amount on deposit in the Bond Reserve Fund to the Reserve Requirement.

"Financing Agreement" means the Special Improvement District Agreement made and entered into on October 29, 2002, between the GID and the Developer, and any amendments and supplements thereto.

"GID" means City of Grand Junction Rimrock Marketplace General Improvement District.

"Government Obligations" means:

- (1) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America; and
- (2) obligations of any of the following federal agencies, which obligations are secured by the full faith and credit of the United States of America, including:
 - Export - Import Bank
 - Farmers Home Administration
 - General Services Administration
 - U.S. Maritime Administration
 - Small Business Administration
 - Government National Mortgage Association (GNMA)
 - U.S. Department of Housing & Urban Development (PHA's)
 - Federal Housing Administration.

"Holder" means any person who shall be the registered owner of any Outstanding Bond.

"Independent Certified Public Accountant" means any certified public accountant or firm of such accountants duly licensed and entitled to practice and practicing as such under the laws of the State or a comparable successor, appointed and paid by the GID, and who, or each of whom --

- (1) is in fact independent according to the Statement of Auditing Standards No. 1 and not under the domination of the GID;
- (2) does not have a substantial financial interest, direct or indirect, in the operations of the GID; and
- (3) is not connected with the GID as a member, officer or employee of the GID, but who may be regularly retained to audit the accounting records of and make reports thereon to the GID.

"Letter of Credit" means _____.

"Maximum Annual Debt Service" means the largest Annual Debt Service during the period from the date of such determination through the final maturity date of any Outstanding Bonds.

"Opinion of Counsel" means a written opinion of Sherman & Howard L.L.C. or such other counsel of recognized national standing in the field of law relating to municipal bonds, appointed by the GID.

"Ordinance" means this Ordinance, as the same may be supplemented and amended from time to time as provided herein.

"Outstanding," when used as of any particular time with reference to Bonds, means (subject to the provisions of Section 7.03) all Bonds except

- (1) Bonds theretofore canceled by the Paying Agent or surrendered to the Paying Agent for cancellation;
- (2) Bonds paid or deemed to have been paid within the meaning of Section 8.01; and
- (3) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the GID pursuant hereto.

"Paying Agent" means _____, being the GID's agent for the payment of the Bonds and interest thereon, or its successors and assigns appointed in accordance with the provisions hereof.

"President" means the President of the City of Grand Junction City Council, the ex officio President of the GID.

"Principal Corporate Trust Office" means the corporate trust office of the Paying Agent located in _____, or such other office or offices as the Paying Agent shall designate from time to time. In the event the City Treasurer becomes the Registrar or Paying Agent, the Principal Corporate Trust Office shall be the office of the City Treasurer in North Las Vegas, Colorado.

"Project" means the public improvements to be constructed in the District as described in the Creation Ordinance relating to the District, adopted by the GID on December __ 2002.

"Purchaser" means Kirkpatrick Pettis.

"Rebate Fund" means the "Rimrock Marketplace Special Improvement District Rebate Fund" created in Section 3.06 hereof.

"Record Date" means the fifteenth day of the calendar month preceding the calendar month in which each regularly scheduled interest payment date for the Bonds occurs

"Registrar" means the Paying Agent, being the GID's agent for the registration, transfer and exchange of the Bonds, or its successors and assigns appointed in accordance with the provisions hereof.

"Reserve Requirement" means an amount equal to the lesser of: (i) ten percent (10%) of the original principal amount of the Bonds; (ii) one hundred twenty-five percent (125%) of Average Annual Debt Service on the Bonds; and (iii) Maximum Annual Debt Service on all Bonds Outstanding, less the sum of all downward adjustments to the Reserve Requirement due to the prepayment of Assessments as provided in Section 3.04(e) hereof or due to the issuance of Refunding Bonds as provided in Section 2.11 hereof. The amount of the Reserve Requirement upon initial delivery of the Bonds shall be confirmed in the Sales Certificate.

"Sales Certificate" means a certificate of the President or the GID Treasurer, dated on or before the date of delivery of the Bonds, setting forth the rates of interest on the Bonds, the dates on which and prices at which Bonds may be called for redemption, the price at which the Bonds will be sold, the total principal amount of the Bonds and the amount of principal maturing on each date, the existence and amount of capitalized interest, and the amount to be initially deposited to the Reserve Fund, subject to the requirements of this Ordinance.

"Secretary" means the City Clerk of the City of Grand Junction, the ex officio Secretary of the GID.

"Serial Bonds" means Bonds for which no sinking fund payments are provided.

"Special Record Date" means a special date fixed by the Paying Agent to determine the names and addresses of Holders for the purpose of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 2.02 hereof.

"Supplemental Act" means Part 2 of Article 57 of Title 11, Colorado Revised Statutes.

"Supplemental Ordinance" means any ordinance then in full force and effect which has been duly adopted by the Board amendatory hereof or supplemental hereto; but only if and to the extent that such Supplemental Ordinance is specifically authorized hereunder.

"Tax Certificate" means the Federal Tax Exemption Certificate delivered by the GID at the time of the issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with its terms.

"Term Bonds" means Bonds that are payable on or before their specified maturing dates from sinking fund payments established for that purpose and calculated to retire such Bonds on or before their specified maturity dates.

"Treasurer" means the Treasurer of the City of Grand Junction, the ex officio Treasurer of the GID.

"Trust Estate" means (i) all Assessments, (ii) all moneys and securities from time to time held by the GID in the Bond Reserve Fund and the Bond Fund (including all earnings thereon except to the extent deposited in the Rebate Fund), (iii) the proceeds of draws under the Letter of Credit deposited by the GID in the Bond Fund and (iv) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds

SECTION 1.02 Equal Security. In consideration of the acceptance of the Bonds by the Holders thereof, this Ordinance shall be deemed to be and shall constitute a contract between the GID and the Holders from time to time of all Bonds authorized, executed, issued and delivered hereunder and then Outstanding to secure the full and final payment of the interest on and principal of and redemption premiums, if any, on all Bonds that may from time to time be authorized, executed, issued and delivered hereunder, subject to the agreements, conditions, covenants and provisions contained herein; and all agreements and covenants set forth herein to be performed by or on behalf of the GID shall be for the equal and proportionate benefit, protection and security of all Holders of the Bonds without distinction, preference or priority as to security or otherwise of any Bonds over any other Bonds by reason of the number or date thereof or the time of authorization, sale, execution, issuance or delivery thereof or for any cause whatsoever, except as expressly provided herein or therein.

ARTICLE II. ISSUANCE AND TERMS OF BONDS

SECTION 2.01 Ratification of Actions: Authorization and Purpose of Bonds.
All actions, proceedings, matters and things heretofore taken, had and done by the

GID and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the acquisition and improvement of the Project, the levy of Assessments for those purposes, the validation and confirmation of the assessment roll and the Assessments therein, and the sale of the Bonds to the Purchaser, are ratified, approved and confirmed, including, without limitation, the execution and delivery of the Bond Purchase Contract and the distribution of the Preliminary Official Statement for the Bonds. The GID has reviewed all proceedings heretofore taken relative to the authorization of the Bonds and has found, as a result of such review, and hereby finds and determines that all acts, conditions and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds do exist, have happened and have been performed in due time, form and manner as required by law, and that the GID is now duly authorized, pursuant to each and every requirement of law, to issue the Bonds in the form and manner provided herein and that the Bonds shall be entitled to the benefit, protection and security of the provisions hereof.

Section 11-57-204 of the Supplemental Act provides that a public entity, including the GID, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Bonds. The Bonds are issued under the authority of the Supplemental Act and shall so recite. Pursuant to Section 11-57-210 C.R.S., such recital conclusively imparts full compliance with all provisions of said sections, and the Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value. Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to the President or to the Treasurer the authority to accept the proposal of the Purchaser to purchase the Bonds and to execute any purchase contract in connection therewith, as well as the authority to make determinations in relation to the Bonds contained in the Sale Certificate subject to the parameters and restrictions contained in Section 2.02 hereof.

SECTION 2.02 Terms of the Bonds. For the purpose of defraying the entire cost and expense to the GID of the Project, there shall be issued the GID's special assessment bonds designated as the "Rimrock Marketplace Special Improvement District Special Assessment Bonds, Series 2002" in the aggregate principal amount of not to exceed \$3,980,000, which Bonds shall be dated as the date of delivery of the Bonds and shall be in the form of fully registered Bonds in denominations of \$5,000 and any integral multiple thereof. The Bonds shall bear interest at the rates per annum designated in the Sales Certificate, from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds, to their respective maturity, payable semiannually on June 1 and December 1 of each year, commencing on June 1, 2003.

The Bonds shall mature, bear interest from their dated date to maturity or prior redemption and be sold, all as provided in the Sale Certificate; provided that (a) the aggregate principal amount of the Bonds shall not exceed \$3,980,000; (b) the net effective interest rate of the Bonds does not exceed the maximum net effective interest rate authorized at the November 6, 2001; (c) the Bonds shall mature no later than December 1, 2017; and (d) the purchase price of the Bonds shall not be less than ____%.

The Bonds shall mature on December 1 in each of the years and in the amounts designated in the Sales Certificate. The principal of each Bond shall be payable at the Principal Corporate Trust Office upon presentation and surrender of the Bond. Except as provided in Section 2.09 hereof, payment of interest on any Bond shall be made to the Holder thereof, as of the close of business on the Record Date for such interest payment date, by check mailed by the Paying Agent to such Holder's address as it appears on the registration records kept by the Registrar, but any such interest not so timely paid shall cease to be payable to the Holder thereof as of the close of business on the Record Date and shall be payable to the Holder thereof as of the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to such Holders not less than ten days prior thereto by first-class postage prepaid mail, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to in writing between the Holder of such Bond and the Paying Agent. If any Bond is not paid upon its presentation and surrender at or after its maturity or prior redemption and moneys are not available therefor, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months. All such payments shall be made in lawful money of the United States of America.

The Holder of \$1,000,000 or more in aggregate principal amount of Bonds may request in writing that the Paying Agent pay the interest thereon by wire transfer to an account in the United States, such request to be filed with the Paying Agent not later than the applicable Record Date.

SECTION 2.03 Redemption of Bonds.

(a) The Bonds will be subject to redemption at the option of the GID from any legally available funds on the dates set forth in the Sales Certificate in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such manner as the GID may determine (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to 100% of the principal amount of each Bond, or

portion thereof, so redeemed and accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Sales Certificate.

Any Assessment that is voluntarily prepaid shall be used to redeem Bonds on the next interest payment date that is at least 45 days after receipt of such prepayment; provided that the amount of any such prepaid Assessment that is less than \$5,000 and cannot be used by such interest payment date to redeem Bonds may be used to pay principal of or interest on the Bonds due on such interest payment date; and provided further that all or any portion of such prepaid Assessment may be used to pay principal of or interest on the Bonds if necessary to avoid or cure a default in payment of principal of or interest on the Bonds. The Paying Agent shall not be required to give notice of any such redemption unless it has received written instructions from the GID in regard thereto at least twenty days prior to such redemption date; provided, that the Paying Agent may waive said twenty-day requirement.

(b) The Term Bonds shall be subject to mandatory sinking fund redemption at the times, in the amounts and at the prices provided in the Sales Certificate. Not more than sixty days nor less than fifteen days prior to each such sinking fund redemption date, the Registrar, shall proceed to redeem the Bonds so designated for mandatory prior redemption from such sinking fund on the next sinking fund redemption date, and shall give notice of such redemption as provided in Section 2.04 without further instruction or notice from the GID.

At its option, to be exercised on or before the sixtieth day next preceding each sinking fund redemption date, the GID may (i) deliver to the Registrar, for cancellation, Term Bonds of the appropriate maturity in an aggregate principal amount desired by the GID, or (ii) specify a principal amount of Term Bonds of the appropriate maturity, which prior to said date have been redeemed (other than through the operation of the sinking fund) and canceled by the Registrar or the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each such Term Bond or portion thereof so delivered or previously redeemed will be credited by the Registrar at 100% of the principal amount thereof against the obligation of the GID on such sinking fund redemption date and any excess over such amount shall be credited against future sinking fund redemption obligations for the Term Bonds of that, maturity in chronological order or any other order specified by the GID.

(c) If less than all of the Bonds are to be redeemed pursuant to paragraph (a) of this Section, the Bonds to be redeemed shall be selected proportionately from each outstanding maturity of the Bonds, including any sinking fund installments pursuant to paragraph (b) of this Section, unless the Treasurer determines that using a different method of selecting Bonds to be redeemed, the Assessment Installments will be sufficient to pay the principal and interest of the Bonds that would remain outstanding on each interest payment date subsequent to the redemption date. The redemption

premium, if any, shall be paid from a prepayment penalty provided for in the Assessment Ordinance; provided, however, that nothing herein shall prevent the payment of any such redemption premium from any other funds available for that purpose. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, at the request of, and without charge to, the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

SECTION 2.04 Notice of Redemption.

(a) Unless waived by the Holder of a Bond to be redeemed, notice of redemption shall be given by the Registrar in the name of the GID by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the Holders of the Bonds to be redeemed at their addresses as shown on the registration records. Failure to give such notice to the Holder of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds. All such notices of redemption shall be dated and shall state: (i) the redemption date, (ii) the redemption price, (iii) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (iv) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and (v) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Corporate Trust Office. Except as provided in subsection (c) below, after such notice has been given in the manner provided herein, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the GID will pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as provided in this Ordinance for the payment of interest. A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Bondholder of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

(b) All Bonds redeemed pursuant to the provisions of this Section shall be canceled and destroyed by the Paying Agent and shall not be reissued.

(c) Notwithstanding the provisions of subsection (a) above, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the

Holders of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 2.05 Execution of Bonds. Pursuant to 11-55-103, C.R.S., the President, the Secretary and Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, each of the Bonds shall be signed and executed in the name of the GID with the manual or facsimile signature of the President, countersigned with the manual or facsimile signature of the Treasurer, and attested with the manual or facsimile of the signature of the Secretary. The seal of the GID or a facsimile thereof shall be affixed to each Bond. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the GID (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign any Bond at the time of its execution and of the execution of a signature certificate may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the Bond. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the manual signature of the Registrar (or a duly authorized officer thereof), and such certificate of authentication of the Registrar upon any Bond shall be the only competent evidence that such Bond has been duly issued and delivered.

SECTION 2.06 Lost, Stolen, Destroyed or Mutilated Bonds. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the Holder thereof a replacement for such Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar shall direct the Paying Agent to pay such Bond in lieu of replacement.

SECTION 2.07 Registration, Transfer and Exchange. Records for the registration and transfer of the Bonds shall be kept by the Registrar. A Bond shall be fully transferable by the Holder thereof in person or by such Holder's duly authorized attorney on the registration records kept at the office of the Registrar upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of any Bond at the Principal Corporate Trust Office, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the Holder or such Holder's attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be

exchanged at the Principal Corporate Trust Office for an equal aggregate principal amount of Bonds of other authorized denominations. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from the redemption of a portion of a Bond. The Registrar shall not be required to transfer or exchange (i) any Bond during the period beginning on and including the 15th day before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption, except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, as the case may be, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar.

The person in whose name a Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes and neither the GID, the Paying Agent nor the Registrar shall be affected by any notice to the contrary. Payment of principal of, premium, if any, and interest on any Bond shall be made only to or upon the written order of the Holder thereof or such Holder's legal representative (except as provided above for the payment of interest to the Holder as of the Record Date or a Special Record Date). All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

The foregoing provisions of this Section are subject to the provisions of Section 2.09 hereof.

SECTION 2.08 Bonds as Negotiable Instruments. Subject to the registration provisions hereof, the Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Holder or Holders thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code - Negotiable Instruments and the Uniform Commercial Code - Investment Securities.

SECTION 2.09 Book Entry System. Notwithstanding the provisions of Sections 2.02 and 2.07 hereof, the Bonds shall initially be evidenced by one Bond for each year in which Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or as otherwise required by the securities depository for the Bonds. Such initially delivered Bonds shall be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), the securities

depository for the Bonds. So long as the Bonds are held by DTC, the Paying Agent, the Registrar and the GID may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Holders under this Ordinance, registering the transfer of such Bonds, obtaining any consent or other action to be taken by the Holders and for all other purposes whatsoever, and neither the Paying Agent, the Registrar nor the GID shall be affected by any notice to the contrary. Neither the Paying Agent, the Registrar nor the GID shall have any responsibility or obligation to any DTC participant or indirect participant, any beneficial owner of the Bonds, or any other person which is not shown on the registration records of the Registrar as being a Holder with respect to the accuracy of any records maintained by DTC or any DTC participant or indirect participant; the payment by DTC or any DTC participant or indirect participant of any amount in respect of the Bonds; any notice which is permitted or required to be given to the Holders under this Ordinance; the selection by DTC or any DTC participant or indirect participant of any person to receive payment in the event of a partial redemption of the Bonds or any consent given or other action taken by DTC as owner. After such initial issuance of the Bonds, the Bonds may not thereafter be transferred or exchanged except:

(a) to any successor of DTC or its nominee, which successor must be both a "clearing corporation" as defined in Section 4-8-102(5), C.R.S., and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(b) upon the resignation of DTC or a successor or new depository under paragraph (a) or this paragraph b, or a determination by the GID that DTC or such successor or new depository is no longer able to carry out its functions, and the designation by the GID of another depository institution, which new depository institution must be both a "clearing corporation" as defined in Section 4-8-102(5), C.R.S., and a qualified and registered if clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of DTC or such successor or new depository; or

(c) upon the resignation of DTC or a successor or new depository under paragraph (a) or paragraph (b), or a determination by the GID that DTC or such successor or new depository is no longer able to carry out its functions, and the failure by the GID, after reasonable investigation, within 90 days thereafter to locate another qualified depository institution under paragraph (b) to carry out such depository functions or upon a determination by the GID that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain Bond certificates, and the delivery by the GID of written notice thereof to the Registrar and the Paying Agent.

In the case of a transfer to a successor of DTC or its nominee as referred to in paragraph (a) above or designation of a new depository pursuant to paragraph (b) above, upon receipt of the Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under paragraph C above and, if applicable, the failure after reasonable investigation within 90 days thereafter to locate another qualified depository institution for the Bonds as provided in paragraph C above, and upon receipt of the Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 and any integral multiple thereof, as provided in Section 2.02 hereof, registered in the names of such persons and in such denominations as are requested in such written transfer instructions; provided, however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

The GID, the Registrar and the Paying Agent shall endeavor to cooperate with DTC or any successor or new depository named pursuant to paragraph (a) or (b) above in effectuating payment of the principal of, premium, if any, and interest on the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Upon any partial redemption of any of the Bonds, Cede & Co. (or its successor) in its discretion may request the GID to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

SECTION 2.10. Form of Bond; Recital. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the form set forth in Appendix A attached hereto and by this reference incorporated herein, with such omissions, insertions, endorsements and variations as may be required by the circumstances, be required or permitted by this Ordinance, or necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto. Pursuant to 11-57-210, C.R.S., the Bonds shall contain a recital that they are issued pursuant to the Supplemental Act, which recital shall conclusively impart full compliance with all of the provisions of the Act, and all Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

ARTICLE III.
DELIVERY OF BONDS; FUNDS AND ACCOUNTS

SECTION 3.01 Delivery of Bonds; Application of Proceeds. When the Bonds have been duly executed and authenticated, they shall be delivered to the Purchaser upon receipt of the agreed purchase price. The proceeds realized by the GID from the sale of the Bonds (net of the Purchaser's discount) shall be applied as follows:

- (a) an amount equal to interest on the Bonds from the date of issuance to _____, shall be deposited to the Bond Fund;
- (b) an amount equal to the Reserve Requirement shall be deposited in the Reserve Fund; and
- (c) the remainder of such proceeds shall be deposited in the Construction Fund.

SECTION 3.02 Construction Fund. There is hereby created a special fund to be held by the Treasurer to be designated as the "Rimrock Marketplace Special Improvement District Construction Fund." All money in the Construction Fund shall be applied by the GID for the payment of the cost (as defined in the Act) of the acquisition and improvement of the Project, which includes the payment of the costs of issuance of the Bonds, all in accordance with the Financing Agreement. The amount of any income realized from the investment of the money in the Construction Fund shall be retained in the Construction Fund or, at the option of the GID, transferred to the Rebate Fund. When the acquisition and improvement of the Project have been completed, the GID shall either (i) transfer any remaining balance of money in the Construction Fund to the Bond Fund or (ii) retain such balance in the Construction Fund to be applied for the payment of the cost of any additional projects permitted by the Act and agreed to by the GID and the Developer pursuant to the Financing Agreement. Any such moneys transferred to the Bond Fund shall be credited against the interest due on the Assessments, as provided in the Assessment Ordinance.

SECTION 3.03 Bond Fund. There is hereby created a special account to be held by the Treasurer and to be designated as the "Rimrock Marketplace Special Improvement District Bond Fund." The Treasurer is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments made and levied for the Project, and all installments thereof and all interest and penalties thereon, as provided by law and as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof and the interest and penalties thereon, to the person or persons entitled thereto pursuant to the provisions of this Ordinance, the Financing Agreement and the Act. All moneys received from the Assessments, including principal and interest and all penalties thereon, and all other amounts specified by this Ordinance shall be deposited in the Bond Fund (except to the extent required to replenish the Bond Reserve Fund). All moneys deposited in the Bond Fund shall be used as soon as the funds are

available for the purpose of paying or prepaying the principal of and the interest and redemption premiums, if any, on the Bonds as they become due and payable, and (except as provided herein and in the Financing Agreement) for no other purpose whatsoever, and the Bond Fund is hereby pledged as security for such purposes. Interest and other earnings or gain on moneys in the Bond Fund shall (i) prior to the completion of the acquisition and improvement of the Project (including any additional projects pursuant to Section 3.02 hereof) but in no event later than December 1, 2004, be transferred quarterly to the Construction Fund, and (ii) after such completion, be retained in the Bond Fund.

Notwithstanding the foregoing, on December 1 of each year, commencing December 1, 2003, (after the Treasurer has paid the principal of and the interest and redemption premiums, if any, on the Bonds due and payable on such December 1) the Treasurer shall determine the amount of Excess Revenues that are anticipated in the sole discretion of the Treasurer to be needed for Administration Costs and Contingencies and shall transfer such amount to the Administration Fund. Any Excess Revenues not so transferred to the Administration Fund shall remain in the Bond Fund and shall be applied as Assessment Credits. The Bonds and the interest thereon shall be payable from the Bond Fund, which shall contain the receipts upon the collection of the Assessments and the remainder of the Trust Estate.

This section does not prevent the GID from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of Excess Revenues in connection with a refunding of the Bonds and the owners of the property assessed in the District have no entitlement to payment of Excess Revenues in the event of such an amendment.

SECTION 3.04 Reserve Fund.

(a) There is hereby created a special fund to be held by the Treasurer to be designated as the "Rimrock Marketplace Special Improvement District Bond Reserve Fund."

Whenever there is a deficiency in the Bond Fund, the deficiency shall be paid from amounts in the Bond Reserve Fund. The Bond Reserve Fund shall be a continuing reserve to secure the payment of the Bonds by meeting possible deficiencies in the payment of the principal of and the interest on the Bonds resulting from the failure to deposit into the Bond Fund sufficient funds to pay the principal and interest on the Bonds as the same become due. The GID hereby pledges the Bond Reserve Fund for such purpose.

(b) The Bond Reserve Fund will be used as additional security for the Bonds to pay any principal and interest on the Bonds when due, if the payments of the Assessment Installments are insufficient for that purpose.

(c) All amounts in the Bond Reserve Fund in excess of the Reserve Requirement derived from interest earned on amounts in the Bond Reserve Fund or otherwise shall be applied to the following in the following order of priority:

(i) First, when needed to pay the principal of and interest on the Bonds then due to the extent not provided from Bond proceeds or from the Assessment Installments and interest. Interest used under this clause to pay the principal of and interest on the Bonds shall be applied before a withdrawal is made from the balance in the Bond Reserve Fund.

(ii) Second, when needed for transfer to the Administration Fund to pay Administration Costs.

(iii) Third, at the time of any prepayment of any Assessment, to provide any credit then owed under paragraph (e) of this section.

(iv) Fourth, prior to the completion of the acquisition and improvement of the Project (including any additional projects pursuant to Section 3.02 hereof), to be transferred to the Construction Fund.

(v) Fifth, on December 1 of each year, commencing December 1, 2003, to be transferred to the Bond Fund and applied as Assessment Credits.

(d) If because of any delinquent Assessment an amount is withdrawn from the Bond Reserve Fund to pay the principal of or interest on the Bonds, and that Assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of such delinquent Assessment), to the extent available from that payment of the delinquent Assessment (including penalty and interest but after payment of costs of collection), an amount equal to the amount necessary to restore the Bond Reserve Fund to the Reserve Requirement, shall be paid to the Bond Reserve Fund from the payment of the delinquent Assessment.

(e) At the time the Assessment against any parcel of property is voluntarily prepaid in full or in part, (1) the person who owned the property at the time of the prepayment in full or in part shall be entitled to a credit equal to a pro rata share of the Reserve Requirement, based upon the amount of the Assessment prepaid, and (2) the Reserve Requirement shall then be recalculated to reflect such credit. The credit shall be withdrawn from the Bond Reserve Fund only to the extent the balance in the Bond

Reserve Fund after applying the credit would not be less than the Reserve Requirement, as recalculated, but if this limitation prevents all or a part of such a credit, that credit (or, an additional partial credit, as the case may be) shall be made if and when money is available in the Bond Reserve Fund to apply such credit and as otherwise provided in paragraph (c) of this section. This section does not prevent the GID from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of the Bond Reserve Fund in connection with a refunding of the Bonds and the owners of the property assessed in the District have no entitlement to payment of any amounts in the Bond Reserve Fund in the event of such an amendment.

SECTION 3.05 Administration Fund. There is hereby created a special account to be held by the Treasurer and designated "Rimrock Marketplace Special Improvement District Administration Fund." Amounts in the Administration Fund shall be used to pay Administration Costs and Contingencies.

SECTION 3.06 Rebate Fund. There is hereby created a special account to be held by the Treasurer and designated "Rimrock Marketplace Special Improvement District Rebate Fund." There shall be deposited into the Rebate Fund any amounts paid by the GID for deposit therein. The Rebate Fund shall be held by the Treasurer, but such Fund and the moneys therein shall not constitute part of the Trust Estate. Notwithstanding any other provision of this Ordinance or of the Financing Agreement, any investment income or other earnings or gain on moneys in the Construction Fund, the Bond Fund or the Bond Reserve Fund may be transferred to the Rebate Fund to enable the GID to satisfy the requirements of Section 148(f) of the Code. Moneys in the Rebate Fund shall be paid to the United States of America by the GID in the amounts and at the times required by the Code. Any excess moneys contained in the Rebate Fund shall be transferred to the Bond Fund. Upon payment of all amounts due to the United States of America pursuant to Section 148 of the Code, any moneys remaining in the Rebate Fund shall be transferred to the GID's general fund.

SECTION 3.07 Investment of Moneys in Funds and Accounts. Amounts in all of the funds and accounts established pursuant to the Ordinance may be invested by the GID in securities that are permitted investments for GID funds under the laws of the State of Colorado. Investment income is to remain in such funds and accounts unless otherwise provided herein.

ARTICLE IV.

PLEDGE OF TRUST ESTATE; ENFORCEMENT OF ASSESSMENTS

SECTION 4.01 Pledge of Trust Estate. The Trust Estate is hereby irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of

the Bonds as set forth in Section 3.03 hereof, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessment Installments shall constitute a first and exclusive lien on the Assessment Installments for the foregoing purposes in accordance with the terms hereof; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

SECTION 4.02 Enforcement of Assessments. Upon a default in the due and punctual payment of any Assessment Installment due hereunder and under the Assessment Ordinance, the Treasurer promptly (but in no event later than 45 days after the installment due date) shall mark the Assessment Installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to such owner's last-known address. Said assessment shall be enforced by the Treasurer and other officers of the GID as provided in Title 31, Article 25, Part 5, C.R.S., and the assessment roll and certified copy of the Assessment Ordinance shall be prima facie evidence of the regularity of the proceeding.

The Board shall direct the Treasurer to give notice of the sale of the property subject to the lien of the delinquent Assessment Installment, or all of the Assessment with respect to such property if the Board has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of Section 4.03 hereof), and shall sell such property as provided in and pursuant to the Act. In the event that the owner of such property does not prior to the day of sale pay the amount of all delinquent Assessment Installments, with accrued interest thereon and penalties and costs of collection (as further provided in the Assessment Ordinance), and such property is not sold to a third party purchaser at such sale, the property may be stricken off to the GID and held in trust for the benefit of the District pursuant to the Act.

Upon the sale of real property which is the subject of such delinquent Assessment Installment, or upon the owner of such property paying prior to the day of sale the amount of all delinquent Assessment Installments and accrued interest and penalties thereon, the GID shall deposit such moneys received in the Bond Reserve Fund, if necessary, and then in the Bond Fund.

SECTION 4.03 Action by Holders. Upon a default in the due and punctual payment of an Assessment Installment and if sale proceedings are not promptly filed and diligently prosecuted by the GID, then any Holder may:

- (a) file and prosecute a foreclosure action in the name of the GID, and
- (b) proceed against the GID to protect and enforce the rights of the Holders under the Act or hereunder by suit, action or special proceedings in equity or at law,

either for the appointment of a receiver or for the specific performance of any provisions contained in the Act or herein or in an award of execution of any power granted for the enforcement of any proper legal or equitable remedy as such Holder may deem most effectual to protect and enforce the rights aforesaid.

All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Holders then outstanding. The failure of the Holders so to foreclose upon the property that is the subject of such delinquent Assessment Installment, or so to proceed against the GID, or both, shall not relieve the GID or any of its officers, agents or employees of its duty so to take the actions set forth in Section 4.02.

ARTICLE V. COVENANTS

SECTION 5.01 Books and Records. The GID covenants for the benefit of the Holders that so long as any of the Bonds remain outstanding, the GID will keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of the Assessment Installments, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Construction Fund, the Bond Fund, the Bond Reserve Fund, the Administration Fund and the Rebate Fund, and covering the payment of the principal of, premium, if any, and interest on the Bonds. The GID will permit an inspection and examination of all records and accounts at all reasonable times by a representative of the Purchaser and any property owner in the District.

SECTION 5.02 Continuing Disclosure. The GID covenants for the benefit of the Holders to comply with the provisions of the Continuing Disclosure Certificate in substantially the form presented to the Board at this meeting with only such changes therein, if any, as are not inconsistent herewith. The President is hereby authorized and directed to execute the Continuing Disclosure Certificate and the Secretary is hereby authorized and directed to affix the seal of the GID thereon and to attest the Continuing Disclosure Certificate. As a condition precedent to the issuance of the Bonds, the Developer shall execute and deliver the Developer's Continuing Disclosure Certificate in substantially the form presented to the Board at this meeting with only such changes therein, if any, as are not inconsistent herewith. The Developer's Continuing Disclosure Certificate shall provide that any Bondholder or beneficial owner of the Bonds may take such actions as may be necessary and appropriate to cause the Developer to comply with its obligations thereunder.

SECTION 5.03 Tax Covenants. The GID covenants for the benefit of the Holders of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the GID or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax

purposes under Section 103 of the Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the GID in fulfilling the above covenant under the Code have been met.

Notwithstanding any provision of this Section 5.03 if the GID shall obtain an Opinion of Counsel that any specified action required under this Section 5.03 is no longer required or that some further or different action is required to maintain the tax-exempt status of interest on the Bonds, the GID may conclusively rely on such opinion in complying with the requirements of this Section, and the covenants hereunder shall be deemed to be modified to that extent.

ARTICLE VI. THE REGISTRAR AND PAYING AGENT

SECTION 6.01 Appointment of Registrar and Paying Agent.
_____ is hereby appointed as Registrar and Paying Agent for the Bonds for the purpose of paying the interest on and principal of and redemption premiums, if any, on the Bonds presented for payment at the Principal Corporate Trust Office, with the rights and obligations provided herein.

Notwithstanding the foregoing, the Treasurer may elect to serve as Registrar and/or Paying Agent. It shall not be required that the same institution or person serve as both Registrar and Paying Agent hereunder, but the GID shall have the right to have the same institution or person serve as both Registrar and Paying Agent hereunder.

SECTION 6.02 Removal of Registrar or Paying Agent. The GID may, upon not less than 14 days prior written notice (which notice may be waived by the Registrar or Paying Agent), remove the Registrar or Paying Agent initially appointed and any successor thereto and may appoint a successor or successors thereto by an instrument in writing; provided that any such successor shall be either (i) the Treasurer or (ii) a bank or trust company subject to supervision or examination by federal or state authority.

SECTION 6.03 Resignation of Registrar or Paying Agent. The Registrar or Paying Agent may at any time resign by giving written notice of such resignation to the GID and mailing to the Holders notice of such resignation. Upon receiving such notice of resignation, the GID shall promptly appoint a successor Registrar or Paying Agent (which may be the Treasurer) by an instrument in writing. No resignation or removal of

the Registrar or Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Registrar or Paying Agent or both, as the case may be. If, within thirty (30) days after notice of the removal or resignation of the Registrar or Paying Agent no successor shall have been appointed and shall have accepted such appointment, the Treasurer shall become the Registrar and/or Paying Agent and shall so notify the Holders in writing.

SECTION 6.04 Compensation of Registrar and Paying Agent. The GID shall from time to time, subject to any agreement between the GID and the Registrar and/or Paying Agent then in force, pay to the Registrar and/or Paying Agent compensation for its services and reimburse the Registrar and/or Paying Agent for all its advances and expenditures. Such payments shall be made from the Administration Fund.

SECTION 6.05 Merger or Consolidation. Any bank or trust company into which the Registrar or Paying Agent may be merged or converted or with which it may be consolidated or any bank or trust company resulting from any merger, conversion or consolidation to which it shall be a party or any bank or trust company to which the Registrar or Paying Agent may sell or transfer all or substantially all of its corporate trust business, provided such bank or trust company shall be eligible under Section 6.02 shall be the successor to such Registrar or Paying Agent, without the execution or filing of any paper or any further act, anything herein to the contrary notwithstanding.

ARTICLE VII.
AMENDMENT OF ORDINANCE

SECTION 7.01 Amendment with Consent of Holders. This Ordinance may be amended or supplemented by Supplemental Ordinance adopted by the Board, without the receipt by the GID of any additional consideration, with the written consent of the Holders of not less than sixty per cent (60%) of the Bonds outstanding at the time of the adoption of such Supplemental Ordinance, provided, however, that no Supplemental Ordinance shall have the effect of permitting:

- (a) An extension of the maturity of any Bond authorized by this Ordinance; or
- (b) A reduction in the principal amount of any Bond or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or

(d) A reduction of the principal amount of Bonds required for consent to such Supplemental Ordinance; without the expressed written consent of the Holder of each Bond affected by such Supplemental Ordinance.

SECTION 7.02 Amendments Without Consent of Holders. The GID may, without the consent of or notice to the Holders, adopt any Supplemental Ordinance which shall thereafter form a part hereof, for any one or more of the following purposes, and only to the extent permitted by law and after receipt of an approving Opinion of Counsel; provided that such purpose will not materially adversely affect the interests of the Holders:

(a) to add to the agreements and covenants required herein to be performed by the GID other agreements and covenants thereafter to be performed by the GID, or to surrender any right or power reserved herein to or conferred herein on the GID;

(b) to make such provisions for the purpose of curing any ambiguity or of correcting, curing or supplementing any defective provision contained herein or in regard to questions arising hereunder that the GID may deem desirable or necessary and not inconsistent herewith or to make any provision necessary or desirable due to a change in law;

(c) to add to the agreements and covenants required herein, such agreements and covenants as may be necessary to qualify the Ordinance under the Trust Indenture Act of 1939;

(d) to pledge additional revenues, properties or collateral as security for the Bonds;

(e) to grant or confer upon the Registrar or Paying Agent for the benefit of the Holders any additional rights, remedies, power or authorities that may lawfully be granted to or conferred upon the Holders; or

(f) for the purpose of providing for the issuance of Refunding Bonds.

SECTION 7.03 Disqualified Bonds. Bonds owned or held by or for the account of the GID shall not be deemed Outstanding for the purpose of any consent or other action or any calculation of Outstanding Bonds provided in this article, and shall not be entitled to consent to or take any other action provided in this article.

SECTION 7.04 Endorsement or Replacement of Bonds After Amendment. After the effective date of any action taken as hereinabove provided, the GID may determine that the Bonds may bear a notation by endorsement in form approved by the GID as to such action, and in that case upon demand of the Holder of any Outstanding

Bonds and presentation of his Bond for such purpose at the Principal Corporate Trust Office a suitable notation as to such action shall be made on such Bond. If the GID shall so determine, new Bonds so modified as, in the opinion of the GID, shall be necessary to conform to such action shall be prepared and executed, and in that case upon demand of the Holder of any Outstanding Bond a new Bond or Bonds shall be exchanged at the Principal Corporate Trust Office without cost to each Holder for its Bond or Bonds then Outstanding upon surrender of such Outstanding Bonds.

SECTION 7.05 Amendment by Mutual Consent. The provisions of this article shall not prevent any Holder from accepting any amendment as to the particular Bonds held by such Holder, provided that due notation thereof is made on such Bonds.

ARTICLE VIII. DEFEASANCE

SECTION 8.01 Discharge of Bonds.

(a) If the GID shall pay or cause to be paid or there shall otherwise be paid to the Holders of all Outstanding Bonds the interest thereon and the principal thereof and the redemption premiums, if any, thereon at the times and in the manner stipulated herein and therein, then the Holders of such Bonds shall cease to be entitled to the pledge of and charge and lien upon the Trust Estate as provided herein, and all agreements, covenants and other obligations of the GID to the Holders of such Bonds hereunder shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agent shall execute and deliver to the GID all such instruments as may be necessary or desirable to evidence such discharge and satisfaction.

(b) Any Outstanding Bonds shall prior to the maturity date or redemption date thereof be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) in case any of such Bonds are to be redeemed on any date prior to their maturity date, the GID shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to provide notice in accordance with Section 2.04, (2) there shall have been deposited with the Paying Agent either (A) money in an amount which shall be sufficient or (B) Government Obligations that are not subject to redemption prior to maturity (including any such Government Obligations issued or held in book-entry form on the books of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient, as set forth in a written report of an Independent Certified Public

Accountant, to pay when due the interest to become due on such Bonds on and prior to the maturity date or redemption date thereof, as the case may be, and the principal of and redemption premiums, if any, on such Bonds, and (3) in the event such Bonds are not by their terms subject to redemption within the next succeeding sixty (60) days, the GID shall have given the Paying Agent in form satisfactory to it irrevocable instructions to mail as soon as practicable, a notice to the Holders of such Bonds that the deposit required by clause (2) above has been made with the Paying Agent and that such Bonds are deemed to have been paid in accordance with this section and stating the maturity date or redemption date upon which money is to be available for the payment of the principal of and redemption premiums, if any, on such Bonds. If a forward supply contract is employed in connection with such defeasance of the Bonds, (i) the written report of the Independent Certified Accountant shall expressly state that the adequacy of the escrow to accomplish the defeasance relies solely on the initial escrowed investments and the maturing principal thereof and interest income thereon and does not assume performance under or compliance with the forward supply contract, and (ii) the applicable escrow agreement shall provide that in the event of any discrepancy or difference among the terms of the forward supply contract and the escrow agreement and this Ordinance, the terms of the escrow agreement and this Ordinance shall be controlling.

SECTION 8.02 Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds that remains unclaimed for two (2) years after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for redemption prior to maturity, if such money was held by the Paying Agent at such date, or for two (2) years after the date of deposit of such money if deposited with the Paying Agent after the date when such Bonds have become due and payable, shall be repaid by the Paying Agent to the GID as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Holders shall not look to the Paying Agent for the payment of such Bonds; provided, however, that before being required to make any such payment to the GID, the Paying Agent may, and at the request of the GID shall, at the expense of the GID, cause to be published once a week for two (2) successive weeks in a financial newspaper of general circulation in North Las Vegas, Colorado and in the same or a similar financial newspaper of general circulation in New York, New York, a notice that such money remains unclaimed and that, after a date named in such notice, which date shall not be less than thirty (30) days after the date of the first publication of each such notice, the balance of such money then unclaimed will be returned to the GID.

ARTICLE IX.
MISCELLANEOUS

SECTION 9.01 Liability of GID Limited. Notwithstanding anything contained herein, the GID shall not be required to advance any money derived from any source other than the Trust Estate as provided herein for the payment of the interest on or principal of or redemption premiums, if any, on the Bonds or for the performance of any agreements or covenants herein contained. The GID may, however, advance funds for any such purpose so long as such funds are derived from a source legally available for such purpose without incurring any indebtedness.

The Bonds are limited obligations of the GID and are payable, as to interest thereon, principal thereof and any premiums upon the redemption of any thereof, solely from the Trust Estate as provided herein, and the GID is not obligated to pay them except from the Trust Estate. All the Bonds are equally secured by a pledge of and charge and lien upon the Trust Estate, and the Trust Estate constitutes security for the payment of the interest on and principal of and redemption premiums, if any, on the Bonds as provided herein.

SECTION 9.02 Benefits of the Ordinance Limited. Nothing contained herein, expressed or implied, is intended to give to any person other than the GID, the Paying Agent, and the Holders any right, remedy or claim under or by reason hereof. Any agreement or covenant required herein to be performed by or on behalf of the GID or any member, officer or employee thereof shall be for the sole and exclusive benefit of the Paying Agent, and the Holders.

SECTION 9.03 Successor Is Deemed included In All References To Predecessor. Whenever herein either the GID or any member, officer or employee thereof or of the State is named or referred to, such reference shall be deemed to include the successor to the powers, duties and functions with respect to the District that are presently vested in the GID or such member, officer or employee, and all agreements and covenants required hereby to be performed by or on behalf of the GID or any member, officer or employee thereof shall bind and inure to the benefit of the respective successors thereof whether so expressed or not.

SECTION 9.04 Execution of Documents by Holders. Any declaration, request or other instrument that is permitted or required herein to be executed by Holders may be in one or more instruments of similar tenor and may be executed by Holders in person or by their attorneys appointed in writing. The fact and date of the execution by any Holder or his attorney of any declaration, request or other instrument or of any writing appointing such attorney may be proved by the certificate of any notary public or other officer authorized to make acknowledgments of deeds to be recorded in the state or territory in which he purports to act that the person signing such declaration,

request or other instrument or writing acknowledged to him the execution thereof, or by an affidavit of a witness of such execution duly sworn to before such notary public or other officer. The ownership of any Bonds and the amount, maturity, number and date of holding the same may be proved by the registration books relating to the Bonds at the Principal Corporate Trust Office.

Any declaration, request or other instrument or writing of the Holder of any Bond shall bind all future Holders of such Bond with respect to anything done or suffered to be done by the GID in good faith and in accordance therewith.

SECTION. 9.05 Acquisition of Bonds by GID. All Bonds acquired by the GID, whether by purchase or gift or otherwise, shall be surrendered to the Paying Agent for cancellation.

SECTION 9.06 Destruction of Canceled Bonds. Whenever provision is made for the return to the GID of any Bonds which have been canceled pursuant to the provisions hereof, the GID may, by a Written Request of the GID, direct the Paying Agent to destroy such Bonds and furnish to the GID a certificate of such destruction.

SECTION 9.07 Content of Certificates. Every Certificate of the GID with respect to compliance with any agreement, condition, covenant or provision provided herein shall include (a) a statement that the person or persons making or giving such certificate have read such agreement, condition, covenant or provision and the definitions herein relating thereto; (b) a brief statement as to the nature and scope of the examination or investigation upon which the statements contained in such certificate are based; (c) a statement that, in the opinion of the signers, they have made or caused to be made such examination or investigation as is necessary to enable them to express an informed opinion as to whether or not such agreement, condition, covenant or provision has been complied with; and (d) a statement as to whether, in the opinion of the signers, such agreement, condition, covenant or provision has been complied with.

Any Certificate of the GID may be based, insofar as it relates to legal matters, upon an Opinion of Counsel unless the person making or giving such certificate knows that the Opinion of Counsel with respect to the matters upon which his certificate may be based, as aforesaid, is erroneous, or in the exercise of reasonable care should have known that the same was erroneous. Any Opinion of Counsel may be based, insofar as it relates to factual matters or information in the possession of the GID, upon a representation by an officer or officers of the GID unless the counsel executing such Opinion of Counsel knows that the representation with respect to the matters upon which his opinion may be based is erroneous, or in the exercise of reasonable care should have known that the same was erroneous; provided that nothing herein shall be

deemed to require the counsel rendering any such opinion to conduct an independent investigation of factual matters contained in any such representation.

SECTION 9.08 Accounts and Funds; Business Days. Any account or fund required herein to be established and maintained by the GID may be established and maintained in the accounting records of the GID either as an account or a fund, and may, for the purposes of such accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or a fund; but all such records with respect to all such accounts and funds shall at all times be maintained in accordance with the Tax Certificate and sound government accounting practice and with due regard for the protection of the security of the Bonds and the rights of the Holders. Any action required to occur hereunder on a day which is not a Business Day shall be required to occur on the next succeeding Business Day.

SECTION 9.09 Article and Section Headings and References. The headings or titles of the several articles and sections hereof and the table of contents appended hereto shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof. All references herein to "Articles," "Sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof; and the words "hereby," "herein," "hereof," "hereto," "herewith," "hereunder" and other words of similar import refer to the Ordinance as a whole and not to any particular article, section, subdivision or clause hereof.

SECTION 9.10 Partial Invalidity. If any one or more of the agreements or covenants or portions thereof required hereby to be performed by or on the part of the GID or the Paying Agent shall be contrary to law, then such agreement or agreements, such covenant or covenants or such portions thereof shall be null and void and shall be deemed separable from the remaining agreements and covenants or portions thereof and shall in no way affect the validity hereof or of the Bonds, and the Holders shall retain all the benefit, protection and security afforded to them under the Act or any other applicable provisions of law. The GID hereby declares that it would have executed and delivered the Ordinance and each and every other article, section, paragraph, subdivision, sentence, clause and phrase hereof and would have authorized the issuance of the Bonds pursuant hereto irrespective of the fact that any one or more articles, sections, paragraphs, subdivisions, sentences, clauses or phrases hereof or the application thereof to any person or circumstance may be held to be unconstitutional, unenforceable or invalid.

SECTION 9.11 No Recourse Against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the GID acts in good faith, no civil recourse shall be available against such Board member, officer, or agent for payment of the principal, interest or prior redemption premiums on the Bonds. Such recourse shall not be available either

directly or indirectly through the Board or the GID, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bonds and as a part of the consideration of their sale or purchase, any person purchasing or selling such Bond specifically waives any such recourse.

SECTION 9.12 Governing Law. This Ordinance shall be governed by and construed in accordance with the laws of the State of Colorado. Any action brought to enforce the County's obligations pursuant to this Ordinance shall be brought in the District Court in and for the County of Mesa, State of Colorado.

SECTION 9.13 Authorizations. The form, terms and provisions of the Bond Purchase Contract be, and they hereby are, approved and the GID shall enter into the Bond Purchase Contract in substantially the form of such document presented to the Board at this meeting, with only such changes therein, if any, as are approved by the Treasurer of the GID, such approval to be evidenced by the execution of the Bond Purchase Contract by the Treasurer; and the Treasurer is hereby authorized and directed to execute and deliver the Bond Purchase Contract, provided that the Bond terms and details are consistent with this Ordinance.

(b) The officers of the GID are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing:

(i) The printing of the Bonds, including, without limitation, the printing of such additional blank bond certificates as shall be required by the Registrar, and

(ii) The printing and distribution of the Preliminary Official Statement in substantially the form presented to the Board at this meeting with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith, and the final official statement for the Bonds in substantially the form of the Preliminary Official Statement, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith; and

(iii) The execution of such certificates as may be reasonably required by the Purchaser, relating, *inter alia*, to the signing and registration of the Bonds, the tenure and identity of the officials of the Board and the GID, the delivery of the Bonds, the receipt of the purchase price for the Bonds, the exemption of interest on the Bonds from federal and state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the GID to hereafter take all action necessary for the GID to comply with the provisions of the Act, as hereafter amended and supplemented from time to time.

(c) Subject to the requirements of this Ordinance, the Treasurer is authorized and directed to execute and deliver the Sales Certificate and to determine in the Sales Certificate the rate of interest on the Bonds, the dates on which and prices at which Bonds may be called for redemption, the price at which the Bonds will be sold, the total principal amount of the Bonds and the amount of principal maturing on each date. The Treasurer shall also confirm in the Sales Certificate the dated date of the Bonds and the amount to be initially deposited to the Reserve Fund. The Treasurer is authorized to deem the Preliminary Official Statements final for purposes of SEC Rule 15c2-12.

SECTION 9.14 Repeal of Inconsistent Provisions. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution or order, or part thereof, heretofore repeated.

SECTION 9.15 Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the GID and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 9.16 Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON NOVEMBER ____, 2002.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON _____, 2002.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

President

Attest:

Secretary

(SEAL)

APPENDIX A

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the GID or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
 STATE OF COLORADO
 MESA COUNTY
 CITY OF GRAND JUNCTION RIMROCK MARKET PLACE
 GENERAL IMPROVEMENT DISTRICT

NO. R-___ \$_____

RIMROCK MARKETPLACE
 SPECIAL IMPROVEMENT DISTRICT
 SPECIAL ASSESSMENT BOND
 SERIES 2002

Interest Rate	Maturity Date	Dated as of	CUSIP Number
% per annum		, 2002	

REGISTERED OWNER CEDE & CO.

PRINCIPAL AMOUNT _____ DOLLARS

City of Grand Junction Rimrock Market Place General Improvement District General Improvement District (the "GID"), for value received, hereby promises to pay, out of funds available for that purpose as hereinafter set forth, to the registered owner specified above or registered assigns the principal amount specified above on the

maturity date specified above (unless this Bond shall have been called for prior redemption, in which case on such redemption date) and to pay solely from such available funds interest hereon at the interest rate per annum specified above, said interest being payable on June 1 and December 1 in each year, commencing June 1, 2003. This Bond shall bear interest from the most recent interest payment date to which interest has been paid, or if no interest has been paid, from the date of this Bond. Both principal and interest are payable in lawful money of the United States of America without deduction for exchange or collection charges. The principal of this Bond shall be payable to the person in whose name this Bond is registered (the "registered owner") on the registration records maintained by the registrar of the GID, presently _____ in _____ (the "Registrar"), upon presentation and surrender of this Bond as it becomes due. The interest hereon shall be paid by check mailed by the paying agent of the GID, presently _____ in _____ (the "Paying Agent"), on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner at his or her address as it last appears on the registration records kept for that purpose by the Registrar on the fifteenth day of the calendar month preceding the calendar month in which such interest payment date occurs or on a special record date established by the Registrar for the payment of defaulted interest. Alternative means of payment of interest may be used if mutually agreed to between the registered owner of this Bond and the Paying Agent. If, upon presentation and

surrender to the Paying Agent at maturity or prior redemption, payment of this Bond is not made as herein provided, interest hereon shall continue at the same rate per annum until the principal hereof is paid in full. Interest on this Bond shall be calculated based on a 360-day year consisting of twelve 30-day months.

This Bond is one of a series of bonds designated as the "Rimrock Marketplace Special Improvement District Special Assessment Bonds, Series 2002" (the "Bonds") issued by the GID in the aggregate principal amount of \$3,980,000 for the purpose of providing funds to pay the cost and expenses of acquiring and improving a streets, sanitary sewers, storm sewers, and water mains (the "Project") within the Rimrock Marketplace Special Improvement District (the "District"). The Bonds have been authorized and issued pursuant to an ordinance (the "Ordinance") duly adopted by the GID Board and the Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes (the "Act"). Pursuant to Section 11-57-210, Colorado Revised Statutes, this recital shall be conclusive evidence of the validity and regularity of the issuance of the Bonds after their delivery for value.

[The Bonds are subject to redemption at the caption of the GID from any legally available funds on any interest payment date in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such a manner as the GID may determine, (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to 100% of the principal amount of each Bond, or portion thereof, so

redeemed, and accrued interest thereon to the redemption date, plus a premium computed in accordance with the following schedule:

<u>Redemption Period</u>	<u>Redemption Premium</u>
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

The Bonds maturing December 1, _____ are subject to mandatory sinking fund redemption as provided in the Ordinance at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. The Bonds to be so redeemed shall be selected by lot in such manner as the Registrar shall determine (giving proportionate weight to Bonds in denominations larger than \$5,000).]

Redemption shall be made upon not less than fifteen days' prior notice by mailing to the registered owner of each Bond to be redeemed at the address shown on the registration records in the manner and upon the conditions provided in the Ordinance.

Upon any partial prior redemption of this Bond, Cede & Co., in its discretion, may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment.

Pursuant to the Ordinance, the payment of the principal of, premium, if any, and interest on the Bonds shall be made from and as security for such payment there is pledged, a special fund designated as the "Rimrock Marketplace Special Improvement District Bond Fund" (the "Bond Fund") containing the receipts upon the collection thereof from the special assessments (the "Assessments") levied against and secured by a lien upon the property in the District specially benefited by the Project, which fund shall be used for the full and prompt payment of the Bonds and the interest thereon, and shall be used for no other purpose whatsoever except as permitted by the Ordinance. Whenever there is a deficiency in the Bond Fund, the deficiency must be paid out of the special fund designated as the "Rimrock Marketplace Special Improvement District Bond Reserve Fund" in the priority specified in the Ordinance (the Assessments, the Bond Fund, the Bond Reserve Fund, such other special funds collectively, the "Trust Estate").

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of the Bonds and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding.

The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

The Treasurer shall collect, receive and enforce the payment of all Assessments made and levied for the Project, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Ordinance, the Financing Agreement and the other proceedings of the GID relating thereto.

The Bonds are issuable as fully registered Bonds in denominations of \$5,000 and any integral multiple thereof. Upon surrender of any Bond at the principal office of the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his or her duly authorized attorney, and receipt by the Registrar of the fees and charges provided in the Ordinance, such Bond may be exchanged for an equal aggregate principal amount of Bonds of other authorized denominations, subject to the terms and conditions set forth in the Ordinance.

This Bond is fully transferable by the registered owner hereof in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar, and upon the payment of the fees and charges provided in the Ordinance. Upon such transfer a new fully registered Bond or Bonds of authorized denomination or denominations of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to the terms and conditions set forth in the Ordinance.

The Registrar will not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part.

The Bonds shall not be transferable or exchangeable, except as set forth in the Ordinance.

The GID, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of making payment (except to the extent otherwise provided hereinabove and in the Ordinance with respect to Record Dates and Special Record Dates for the payment of interest) and for all other purposes, and neither the GID, the Registrar nor the Paying Agent shall be affected by any notice to the contrary.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be modified or amended by action of the GID taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the

amount authorized by law nor the total unpaid special assessments levied to cover the cost of the Project; that this Bond is issued under the authority of the Act and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings with reference to the Project, the levying of the assessments to pay the cost and expense of the Project and the issuance of the Bonds have been regularly had and taken in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefited by the Project and of the liability of the owner or owners of such property therefor have been performed.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Rimrock Marketplace has caused this Bond to be signed and executed in the name of and on behalf of the GID with the manual or facsimile signature of the President of the GID, to be countersigned with the manual or facsimile signature of the Treasurer, and to be countersigned, subscribed, executed and attested with the manual or facsimile signature of the Secretary, has caused the seal of the GID or a facsimile thereof to be affixed hereon, and has caused this Bond to be dated as of the date specified above.

(For Manual or Facsimile Signature)
President

(For Manual or Facsimile Signature)
Treasurer

(MANUAL OR FACSIMILE SEAL)

Attested:

(For Manual or Facsimile Signature)
Secretary

-
- * Insert only if Bonds are delivered pursuant to paragraph 2.07 of this Ordinance.
 - ** Insert only if Bonds are initially delivered to The Depository Trust Company pursuant to the first paragraph of Section 2.09 of this Ordinance.

(Form of Registrar's Certificate of Authentication)

Date of Registration:

This is one of the Bonds described in the above mentioned Ordinance and this Bond has been duly registered in the registration records kept by the undersigned as Registrar for the Bonds.

_____, as Registrar

By _____ (Manual Signature)

(End of Form of Registrar's Certificate of Authentication)

** (Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Authorized Representative of DTC</u>

(End of Form of Prepayment Panel)**

(Form of Assignment Provision)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR ' 240.17 ad-15(a)(2).

Signature Guaranteed:

Address of Transferee:

Social Security or other identification number of transferee:

(End of Form of Assignment)

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)
 RIMROCK MARKETPLACE)
 GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction,
 Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace
 General Improvement District (the "District") do hereby certify:

7. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on _____, 2002. A quorum of the Board was in attendance at said meeting.

8. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on November __, 2002 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

Those Abstaining:

9. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on December __, 2002 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye:

Those Voting No:

Those Abstaining:

Those Absent:

10. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the District; and that the same remains of record in "The Ordinance Book" of the District.

11. That notices of the meetings of November __, 2002 and December __, 2002, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

12. That the Ordinance was published in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2002. The affidavit of publication is attached hereto as Exhibit B.

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

District this _____ day of _____, 2002.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT "B"

(Attach Copy of Notice of Meeting of _____, 2002)

EXHIBIT "C"

(Attach Affidavit of Publication)

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS TO BE MADE IN THE RIMROCK MARKETPLACE SPECIAL IMPROVEMENT DISTRICT; ASSESSING A SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND IN THE DISTRICT; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS

WHEREAS, the City of Grand Junction Rimrock Marketplace General Improvement District (the "GID"), located in the City of Grand Junction, Mesa County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the GID Board of the City of Grand Junction (the "Board") have been duly elected and qualified and serve ex officio as the Board of Directors of the GID (the "Board"); and

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish the special improvement district, within the boundaries of the GID, pursuant to part 5, of Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "Owner"), the owners of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"); and

WHEREAS, the GID has created the Rimrock Marketplace Special Improvement District (the "District") for the purpose of constructing, installing, completing, and acquiring certain improvements (the "Project") in the District, and assessing the costs thereof against the property in the District; and

WHEREAS, the total cost of the Project has been reasonably ascertained, and a statement of expenses and an assessment roll (the "Assessment Roll") apportioning such costs have been prepared and filed in the office of the City Clerk, ex officio Secretary of the GID; and

WHEREAS, pursuant to the Agreement the Owner has: (a) agreed that the GID may proceed to order that the Project be acquired and improved, issue bonds and otherwise finance the cost of the Project and levy assessments; (b) elected to pay the assessments on all of the Owner's property in the District in installments of principal and interest as may thereafter be fixed by the Assessment Ordinance; (c) waived the right to pay the whole assessment within 30 days after final publication of this Ordinance; (d) agreed that all of the property owned by each of the Owner is benefited by the Project by an amount at least equal to the amount proposed assessment; (e) waived any and all formalities required by the laws of the United States and the State in order to impose the assessments, including, but not limited to, the notice and hearing provisions of Sections 31-25-520 and 521, C.R.S. and the Owner's right to bring a legal or equitable action challenging the assessments, the assessment ordinance, or the bonds pursuant to Section 31-25-538, C.R.S.; (f) waived all powers, privileges,

immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the GID, the Board and the officers of the GID (including, without limitation, the proper description of all property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District and the levying of special assessments to meet the cost and expenses of the improvements in the District; (g) consented and agreed to be bound and consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel; and

WHEREAS, in reliance upon the Agreement, the Board intends to levy assessments without complying with said notice and hearing provisions Sections 31-25-520 and 521, C.R.S.; and

WHEREAS, the Board has determined that the Assessment Roll should be approved; and

WHEREAS, it appears that the total cost of the Project is \$3,980,000, that no portion thereof is to be paid by the GID and that the total cost of the Project should be assessed against the property within the District; and

WHEREAS, it is hereby determined by the Board to assess the cost of the Project against the property in the District in the amounts set forth in the Assessment Roll.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT:

Section 1. Confirmation of Assessment Roll. The whole cost of the Project and the apportionment of the same, as set forth in the Assessment Roll, is hereby approved and confirmed. Said apportionment is hereby declared to be in accordance with the special benefits which the property in the District will receive by reason of the construction of the Project. A share of said cost is hereby assessed to and upon each lot or tract of land within the District in the proportions and amounts set forth in the Assessment Roll.

Section 2. Payment of Assessments. Pursuant to the Owner's Agreement, the Owner has elected to pay in installments. Accordingly, the Owner shall be conclusively held and considered as consenting to the Project and a waiving any right to question the power or jurisdiction of the GID to construct the Project, the quality of the work, the regularity or sufficiency of the proceedings, the validity or correctness of the assessments, or the validity of the lien thereof.

The assessments shall be payable to the City of Grand Junction Treasurer as ex officio Treasurer of the GID (the "Treasurer") in thirty (30) equal semi-annual

amortized installments of principal and interest, payable on April 1 and October 1 of each year beginning April 1, 2003 and in each year thereafter until paid in full, with the last payment due on October 1, 2017. Interest shall accrue on unpaid installments of principal at the rate of _____% per annum until paid in full. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal with a prepayment premium of 3%. The Board may in its discretion waive or lower the prepayment premium if the bonds to be issued to finance the Project may be redeemed without a prepayment premium of 3%.

Section 3. Penalty for Default. Failure to pay any installment, whether of principal or interest, when due shall cause the whole of the unpaid principal to become due and collectible immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate established pursuant to Section 5-12-106(2) and (3), C.R.S., until the day of sale; provided, that, at any time prior to the day of sale, the owner may pay the amount of all unpaid installments, with interest at the penalty rate of 12% per annum, and all costs of collection accrued and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered.

Section 4. Assessment Lien; Recordation. All assessments together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same shall constitute, from the effective date of this ordinance, a perpetual lien in the several amounts assessed against each lot or tract of land and shall have priority over all other liens excepting general tax liens.

The Secretary shall file copies of this ordinance after its final adoption by the Board with the County Clerk and Recorder of Mesa County for recording in the real estate records of each lot or tract of land assessed within the County, as provided in Section 31-25-522(2), C.R.S. In addition, the Secretary shall file copies of this ordinance after its final adoption by the Board with the County Assessor and County

Treasurer for Mesa County. The County Assessor is authorized to create separate schedules for each lot or tract of land assessed pursuant to this ordinance, pursuant to Section 31-25-522(2), C.R.S.

Section 5. Assessments Against Divided or Subdivided Tracts. As to any subdivision of land assessed hereunder, the assessment shall in each case be a lien upon all the subdivisions in proportion to their respective areas; provided that in the event any subsequent subdivision includes any public rights-of-way, the assessment which otherwise would be imposed against such public rights-of-way will be deemed to be imposed uniformly, on an area basis, upon the remaining area of the subdivided property.

The Treasurer is hereby authorized and directed to take such action with respect to the foregoing allocations as may be necessary or desirable under the circumstances.

Section 6. Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 7. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

Section 8. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 9. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON NOVEMBER ____, 2002.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON DECEMBER __, 2002.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

President

Attest:

Secretary

(SEAL)

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)
 RIMROCK MARKETPLACE)
 GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on December __, 2002. A quorum of the Board was in attendance at said meeting.

2. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on November __, 2002 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on December __, 2002 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye:

Those Voting No:

Those Abstaining:

Those Absent:

4. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the City; and that the same remains of record in "The Ordinance Book" of the City.

5. That notices of the meetings of November __, 2002 and _____ __, 2002, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

6. That the Ordinance was published in pamphlet form and notice of hearing was published in the The Daily Sentinel, a daily newspaper published and of general circulation in the City on _____ __ and _____ __, 2002. The affidavit of publication is attached hereto as Exhibit B.

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

District this _____ day of _____, 2002.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)

Attach 6

Setting a Hearing – Zoning the Lucas Annexation, 2220 Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Lucas Annexation, 2220 Broadway						
Meeting Date	November 6, 2002						
Date Prepared	October 28, 2002				File #ANX-2002-184		
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	X	Consent		Individual Consideration

Summary: The Lucas Annexation is requesting that a zoning of RSF-4 be applied to the 3.747 acres. The Planning Commission, at its October 22, 2002 hearing recommended approval of the zoning.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and set a public hearing date of November 20, 2002 for the second reading of the ordinance.

Attachments:

1. Staff report/Background information
2. Aerial Photo
3. Annexation map
4. Ordinance

Background Information: See attached Staff Report/Background Information

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Staff Report/ Background Information

BACKGROUND INFORMATION			
Location:		2220 Broadway	
Applicants:		Dennis and Karen Lucas	
Existing Land Use:		Existing residence and outbuildings (to be removed)	
Proposed Land Use:		Residential development	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-4 (County)	
Proposed Zoning:		RSF-4 (Residential Single Family -4 dwelling units per acre.	
Surrounding Zoning:	North	Planned Residential (County)	
	South	R-2 (County)	
	East	R-2 (County)	
	West	Planned Residential (County)	
Growth Plan Designation:		Residential Medium Low 2-4	
Zoning within density range?	X	Yes	No

Rezoning: The requested zone of annexation to the RSF-4 district implements the Growth Plan density of 2-4 dwelling units per acre and is consistent with the existing County zoning.

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;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request.

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.;

Response: The zoning request is in conjunction with an annexation request and is a result of the annexation.

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;

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Responses: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

Response: Not applicable.

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

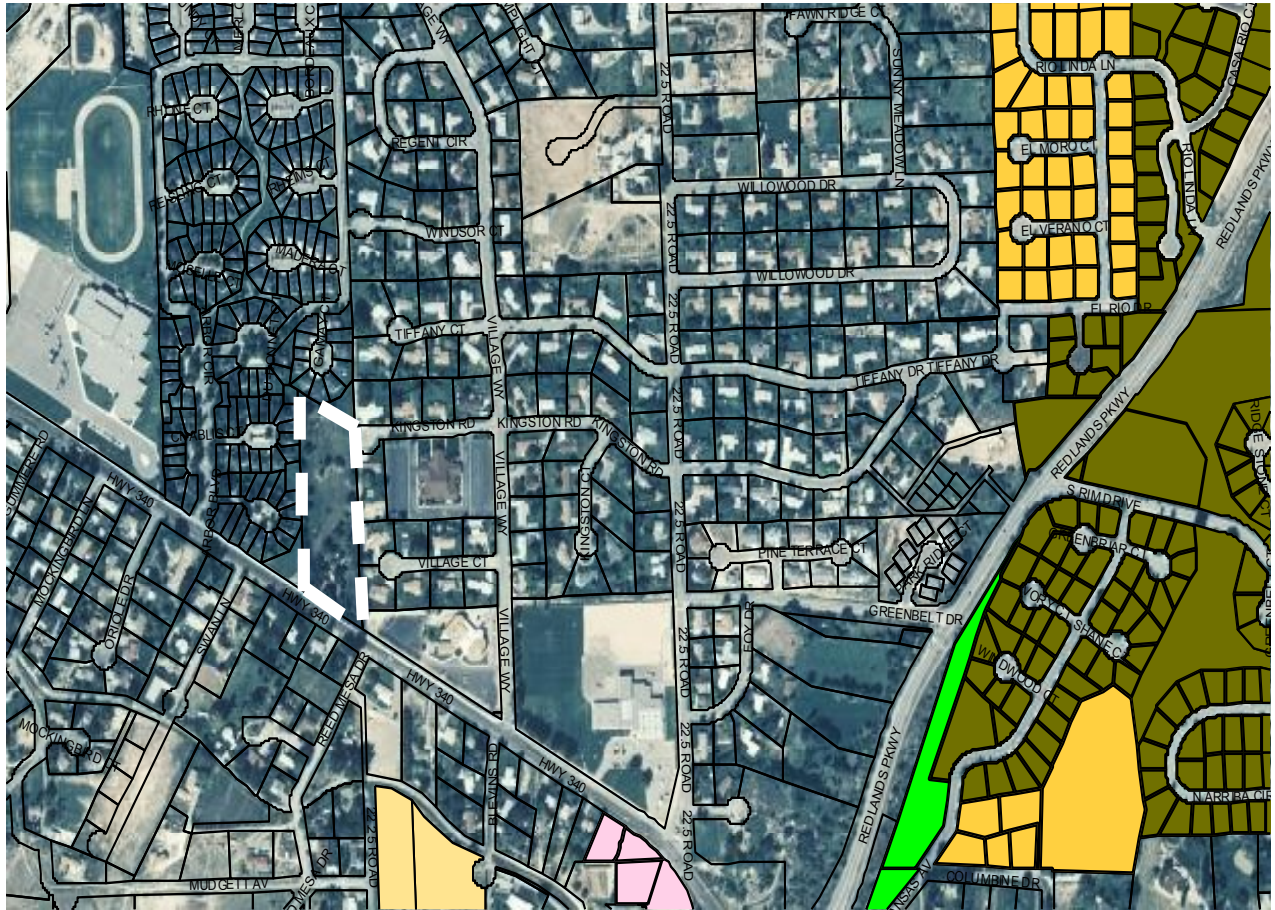
Response: Not applicable.

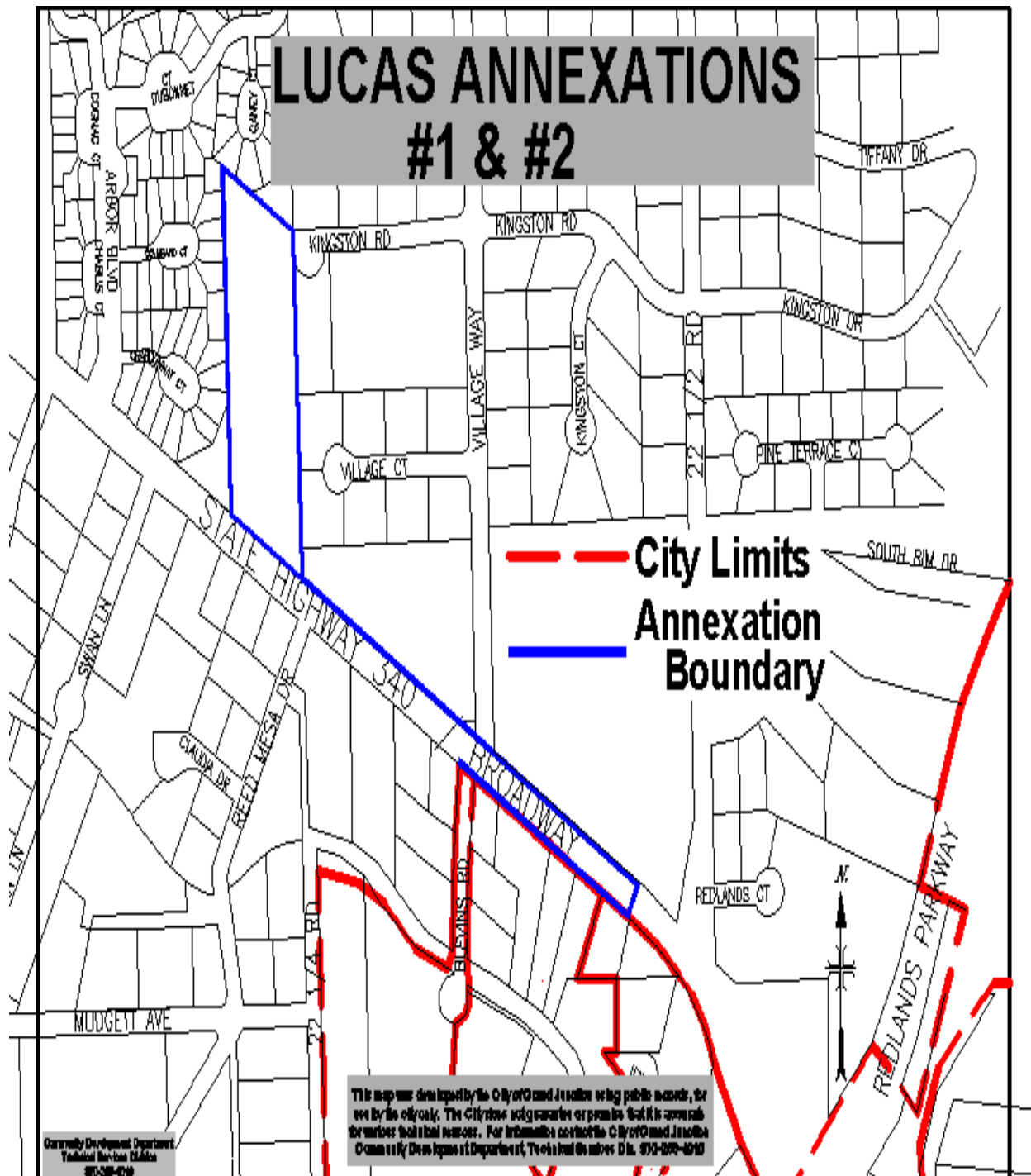
Drainage: A retention basin will be constructed to collect storm water generated as a result of this development.

Access/Streets: The project site fronts on and will take access from Kingston Road to the east.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code and existing County zoning.

LUCAS ANNEXATION
GENERAL LOCATION
ANX-2002-184





CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the Lucas Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district

Located at 2220 BROADWAY

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 parcel: 2945-073-00-002

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast Corner of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County,

Colorado, and considering the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Meridian to bear N 00°48'00" W with all bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 00°48'00" W along the East line of said Vineyard Filing No. One, a distance of 710.76 feet, more or less, to a point on the South line of The Vineyard Filing No. Two, as same is recorded in Plat Book 13, Pages 62 and 63, Public Records of Mesa County, Colorado; thence S 59°11'00" E, along said South line, a distance of 269.49 feet, more or less, to a point on the West line of The Redlands Village Filing No. 10, as same is recorded in Plat Book 11, Page 105, Public Records of Mesa County, Colorado; thence S 00°48'00" E, along said West line, said line being the East line of the NW 1/4 SW 1/4 of said Section 7, a distance of 711.67 feet, more or less, to a point on the North Right of Way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), said point being the Southwest corner of Lot 1, said Redlands Village Filing No. 10; thence S 59°01'04" E along the North Right of Way of said Colorado Highway 340 (Broadway), a distance of 75.00 feet; thence S 30°58'56" W a distance of 2.00 feet; thence S 59°01'04" E along a line 2.00 feet South of and parallel to the North Right of Way of said Colorado Highway 340 (Broadway), a distance of 1204.25 feet; thence S 30°58'56" W a distance of 2.00 feet; thence N 59°01'04" W along a line 4.00 feet South of and parallel to the North Right of Way for said Colorado Highway 340 (Broadway), a distance of 1546.75 feet; thence N 00°48'00" W along a line being the Southerly projection of the East line of said Vineyard Filing No. One, a distance of 4.71 feet, more or less, to the Point of Beginning.

CONTAINING 3.8338 Acres (167,000.65 Square Feet), more or less, as described.

Introduced on the first reading this 6th day of November, 2002.

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

President of Council

ATTEST:

City Clerk

Attach 7

Setting a Hearing – Zoning Summit View Meadows Annexation, 3146 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Summit View Meadows Annexation, located at 3146 D ½ Road					
Meeting Date	November 6, 2002					
Date Prepared	October 25, 2002			File # ANX-2002-153		
Author	Lisa Gerstenberger		Senior Planner			
Presenter Name	As above		As above			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: First reading of the Zoning ordinance to zone the Summit View Meadows Annexation Residential Multi-Family-8 (RMF-8), located at 3146 D ½ Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance.

Attachments:

1. Staff Report
2. Annexation Map
3. Zoning Ordinance

Background Information: See attached staff report

CITY OF GRAND JUNCTION

MEETING DATE: Nov. 6, 2002

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

AGENDA TOPIC: Summit View Meadows Annexation, ANX-2002-153.

SUMMARY: First reading of the Zoning ordinance to zone the Summit View Meadows Annexation Residential Multi-Family-8 (RMF-8), located at 3146 D 1/2 Road.

BACKGROUND INFORMATION				
Location:		3146 D 1/2 Road		
Applicant:		Kenneth & Pauline Duffy, Owner Casa Tiara Develop., Owner		
Existing Land Use:		Single Family Residence		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-R (Mesa County)		
Proposed Zoning:		RMF-8 (Residential Multi-Family, not to exceed 8 units/acre)		
Surrounding Zoning:	North	PUD (Mesa County)		
	South	RSF-R (Mesa County)		
	East	RSF-R (Mesa County)		
	West	RSF-R (Mesa County)		
Growth Plan Designation:		Residential Medium, 4-8 units/acre		
Zoning within density range?		X	Yes	No

Action Requested/Recommendation: Recommend that City Council approve first reading of the Zoning ordinance.

Staff Analysis:

ZONING OF ANNEXATION:

The proposed zoning for the Summit View Meadows Annexation is the Residential Multi-family, 8 units/acre (RMF-8) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-8 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into 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.

REZONING CRITERIA:

The annexed property or rezone 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.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with developing residential uses. The request for Residential Multi-family, 8 units/acre (RMF-8) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 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 RMF-8 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 proposed 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 proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed**

development. Adequate public facilities and services are available at this time or will be installed with development of the site.

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

An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 8 units/acre (RMF-8) zone district is appropriate for this property when it develops.

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

The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 8 dwelling units per acre (RMF-8) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

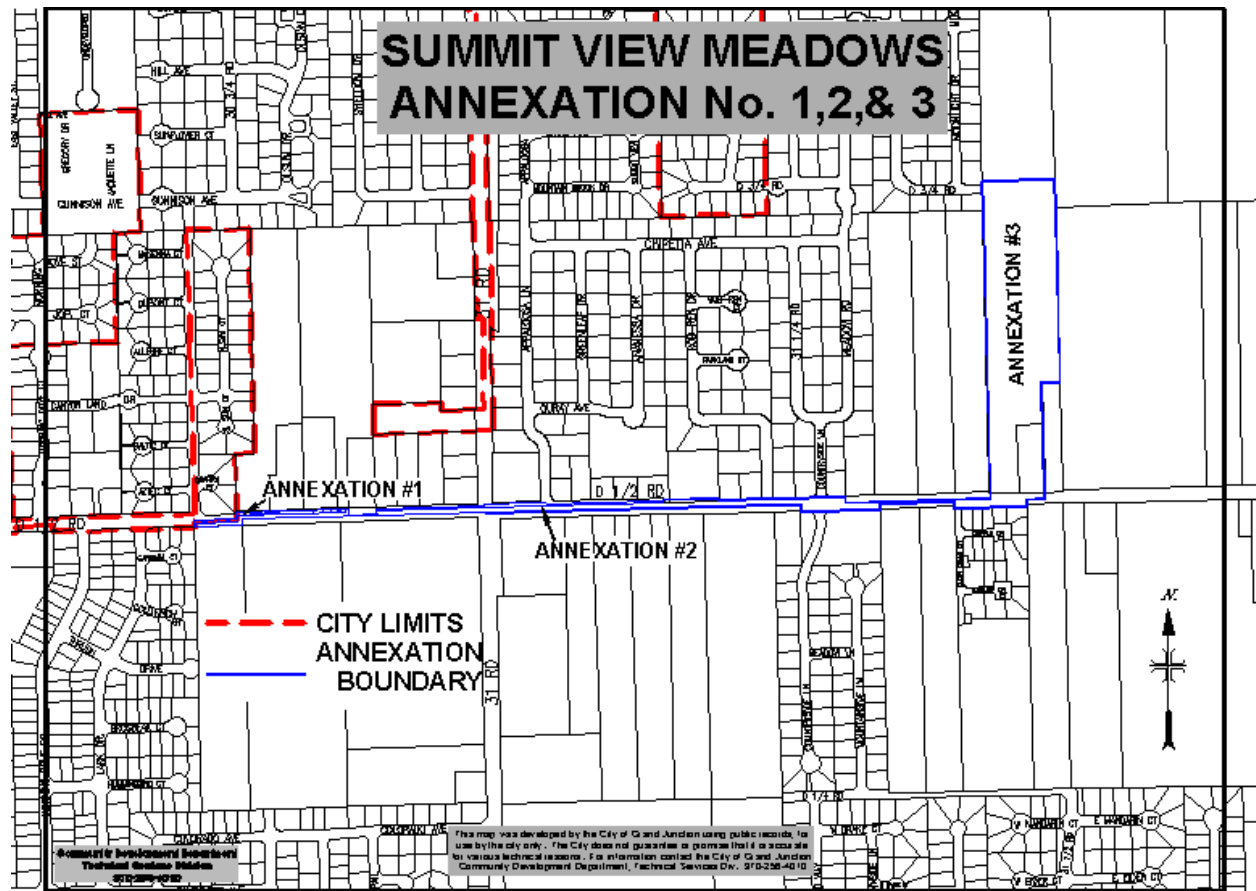
Approval of the Residential Multi-Family-8 (RMF-8) zone district for the following reasons:

- RMF-8 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-8 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

Attachments:

- Annexation Map
- Zoning Ordinance
-

H:Projects2002/ANX-2002-153/SVMCityZord1



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**Ordinance Zoning the Summit View Meadows Annexation to
Residential Multi-Family-8 (RMF-8),
Located at 3146 D 1/2 Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Summit View Meadows Annexation to the **RMF-8** zone district for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the **RMF-8** zone district be established.

The Planning Commission and City Council find that the **RMF-8** zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-8, Residential Single Family with a density not to exceed 8 units per acre, zone district:

SUMMIT VIEW MEADOWS ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4), the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15 and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, all lying within Township 1 South, Range 1 East of the Ute Meridian and being more particularly described as follows:

BEGINNING at the Southeast Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the South line of the SE 1/4 NE 1/4 of said Section 16 to bear N 89°51'59" E with all bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°51'59" W, along the South line of said SE 1/4 NE 1/4 of said Section 16, a distance of 490.00 feet; thence N 00°00'00" W a distance of 25.00 feet; thence N 89°51'59" E along a line 25.00 feet North of and parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 490.00 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 16; thence S 89°57'40" E along a line 25.00 feet North of and parallel to the South line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 15, a distance of 809.66 feet; thence N 00°02'20" E a distance of 15.00 feet; thence S 89°57'40" E along the South line of Palomino Acres, as same is recorded in Plat Book 10, Page 57, Public Records of Mesa County, Colorado, a distance of 249.94 feet to a point on the West line of Lot 2, Blair Subdivision, as same is recorded in Plat Book 12, Page 272, Public Records of Mesa County, Colorado; thence S 00°02'48" E, along said West line, a distance of 10.00 feet to a point being the Southwest corner of said Lot 2; thence S 89°57'40" E along the South line of said Blair Subdivision, said line being 30.00 feet North of and parallel to the South line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 15, a distance of 250.00 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 15; thence S 89°57'40" E along the South line of Countryside Subdivision Filing No. One, as same is recorded in Plat Book 11, Page 241, Public Records of Mesa County, Colorado, a distance of 327.45 feet to a point being the Southeast corner of Lot 1, Block One; thence S 00°02'46" E along the Southerly projection of the East line of said Countryside Subdivision Filing No. One, a distance of 25.00 feet; thence S 89°57'40" E along a line 5.00 feet North of and parallel to the South line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 15, a distance of 655.14 feet to a point on the West line of that certain parcel of land surveyed and a copy of same deposited and recorded in the Public Records of Mesa County, Colorado, Deposit No. 2491-01; thence N 00°01'52" W along said West line, a distance of 1313.42 feet to a point being the Southeast corner of Lot 4, Block 4, Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado, said point lying on the North line of the SE 1/4 NW 1/4 of said Section 15; thence N 00°12'04" W along the East line of said Sundown Village No. 2, a distance of 127.12 feet; thence S 89°55'16" E along a line parallel to the North line of the SE 1/4 NW 1/4 of said Section 15, a distance of 327.23 feet to a point on the East line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 15; thence S 00°12'40" E along said East line, a distance of 127.12 feet to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 15; thence S 00°02'46" E, along the East line of the SE 1/4 NW 1/4 of said Section 15, a distance of 790.20 feet to a point lying 528.00 feet North of, as measured along the East line of SE 1/4 NW 1/4 of said Section 15, the Southeast corner of the Northwest Quarter (NW 1/4) of said Section 15; thence N 89°57'40" W a distance of 82.50 feet; thence S 00°02'46" E,

parallel to the East line of the SE 1/4 NW 1/4 of said Section 15, a distance of 528.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 15, said point lying 82.50 feet West of, as measured along said South line, the Southeast corner of the NW 1/4 of said Section 15; thence N 89°57'40" W, along said South line, a distance of 82.42 feet; thence S 00°07'50" E along the Northerly extension of the East line of the Replat of Brookdale, as same is recorded in Plat Book 13, Pages 262 and 263, Public Records of Mesa County, Colorado, a distance of 33.00 feet; thence N 89°57'40" W along the North line of said Replat of Brookdale, said line being 33.00 feet South of and parallel to the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 15, a distance of 329.98 feet to a point on the West line of said Replat of Brookdale; thence N 00°07'50" W, along the Northerly projection of said West line, a distance of 33.00 feet to a point on the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 15; thence N 89°57'40" W, along said South line, a distance of 332.99 feet; thence S 00°06'22" E, along the Northerly projection of the East line of Grove Creek Subdivision Filing No. 3, as same is recorded in Plat Book 16, Pages 303 and 304, Public Records of Mesa County, Colorado, a distance of 30.00 feet; thence N 89°57'40" W along the North line of said Grove Creek Subdivision Filing No. 3, said line being 30.00 feet South of and parallel to the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 362.31 feet to a point on the West line of said Grove Creek Subdivision Filing No. 3; thence N 00°04'06" W, along the Northerly projection of said East line, a distance of 30.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 15; thence N 89°57'40" W, along said South line, a distance of 120.00 feet to a point being the Southeast corner of the SW 1/4 NW 1/4 of said Section 15; thence N 89°57'40" W, along the South line of the SW 1/4 NW 1/4 of said Section 15, a distance of 1309.64 feet, more or less, to a point being the Southwest corner of the SW 1/4 NW 1/4 of said Section 15 and the Point of Beginning.

CONTAINING 11.8211 Acres (514,926.41 Square Feet) more or less, as described.

Housing type, density and bulk standards shall be for the **RMF-8** zone district.

Introduced on first reading this 6th day of November, 2002.

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

City Council

November 6, 2002

Mayor

ATTEST:

City Clerk

Attach 8

Setting a hearing – Zoning the Crista Lee Annexation, 933 B ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Crista Lee Annexation, 2933 B ½ Road						
Meeting Date	November 6, 2002						
Date Prepared	October 29, 2002				File #ANX-2002-180		
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	X	Consent		Individual Consideration

Summary: The Crista Lee Annexation is requesting that a zoning of RSF-4 be applied to the 6.1157 acres. The Planning Commission at it's October 22, 2002 hearing recommended approval of the zoning.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and set a public hearing date of November 20, 2002 for the second reading of the ordinance.

Attachments:

5. Staff report/Background information
6. Aerial Photo
7. Annexation map
8. Ordinance

Background Information: See attached Staff Report/Background Information

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Staff Report/ Background Information

BACKGROUND INFORMATION			
Location:		2933 B ½ Road	
Applicants:		Alan C. Helmick	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Residential development	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-4 (County)	
Proposed Zoning:		RSF-4 (Residential Single Family -4 dwelling units per acre.	
Surrounding Zoning:	North	RSF-R (County)	
	South	RSF-4 (County)	
	East	RSF-R (County)	
	West	RSF-4 (City)	
Growth Plan Designation:		Residential Medium Low 2-4	
Zoning within density range?	X	Yes	No

Rezoning: The requested zone of annexation to the RSF-4 district is consistent with adjacent City zoning to the east and County zoning to the south. The proposed zoning also implements the Growth Plan density of 2-4 dwelling units per acre.

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

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

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request.

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.;

Response: The zoning request is in conjunction with an annexation request and is a result of the annexation.

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;

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Responses: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

Response: Not applicable.

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

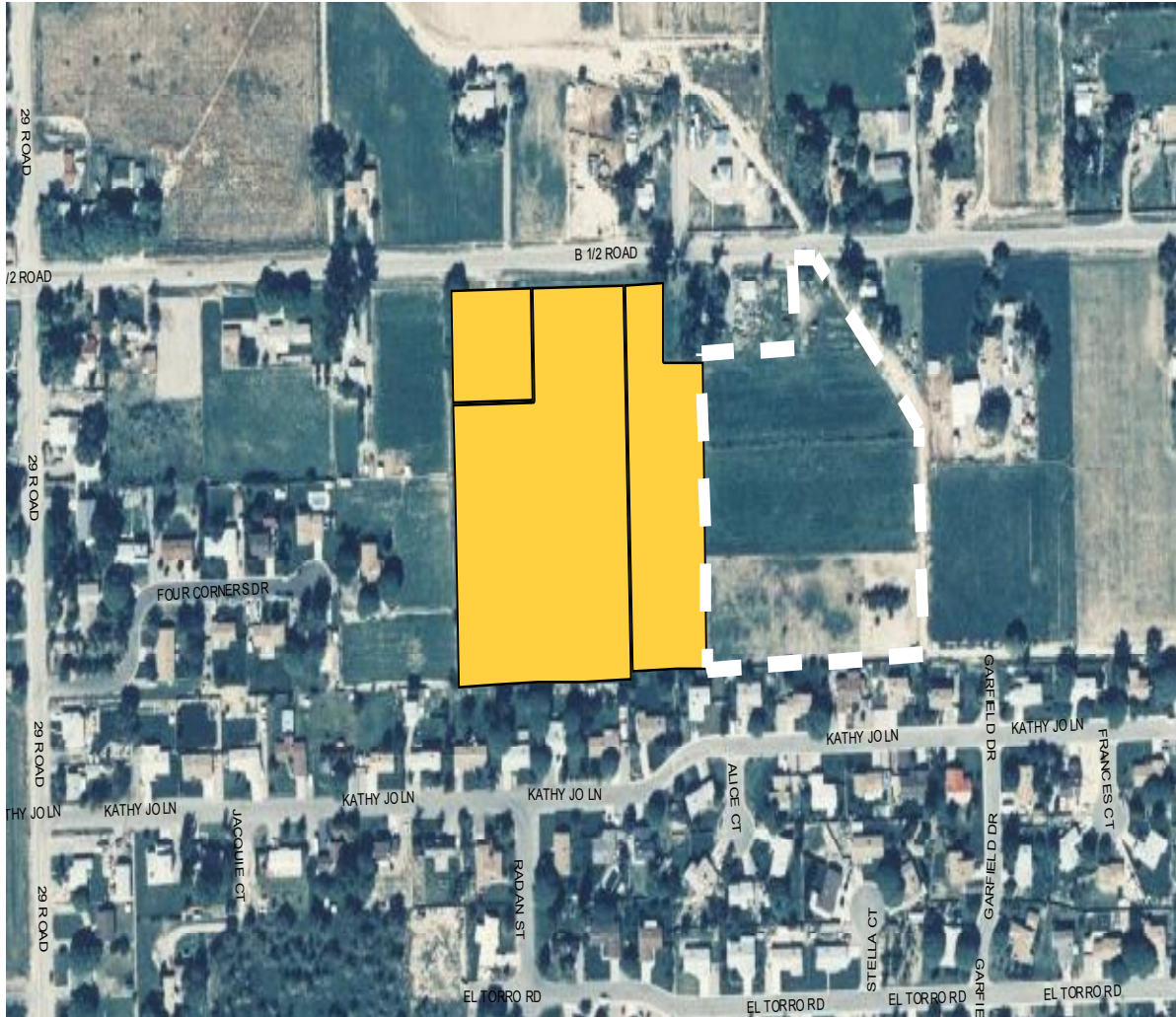
Response: Not applicable.

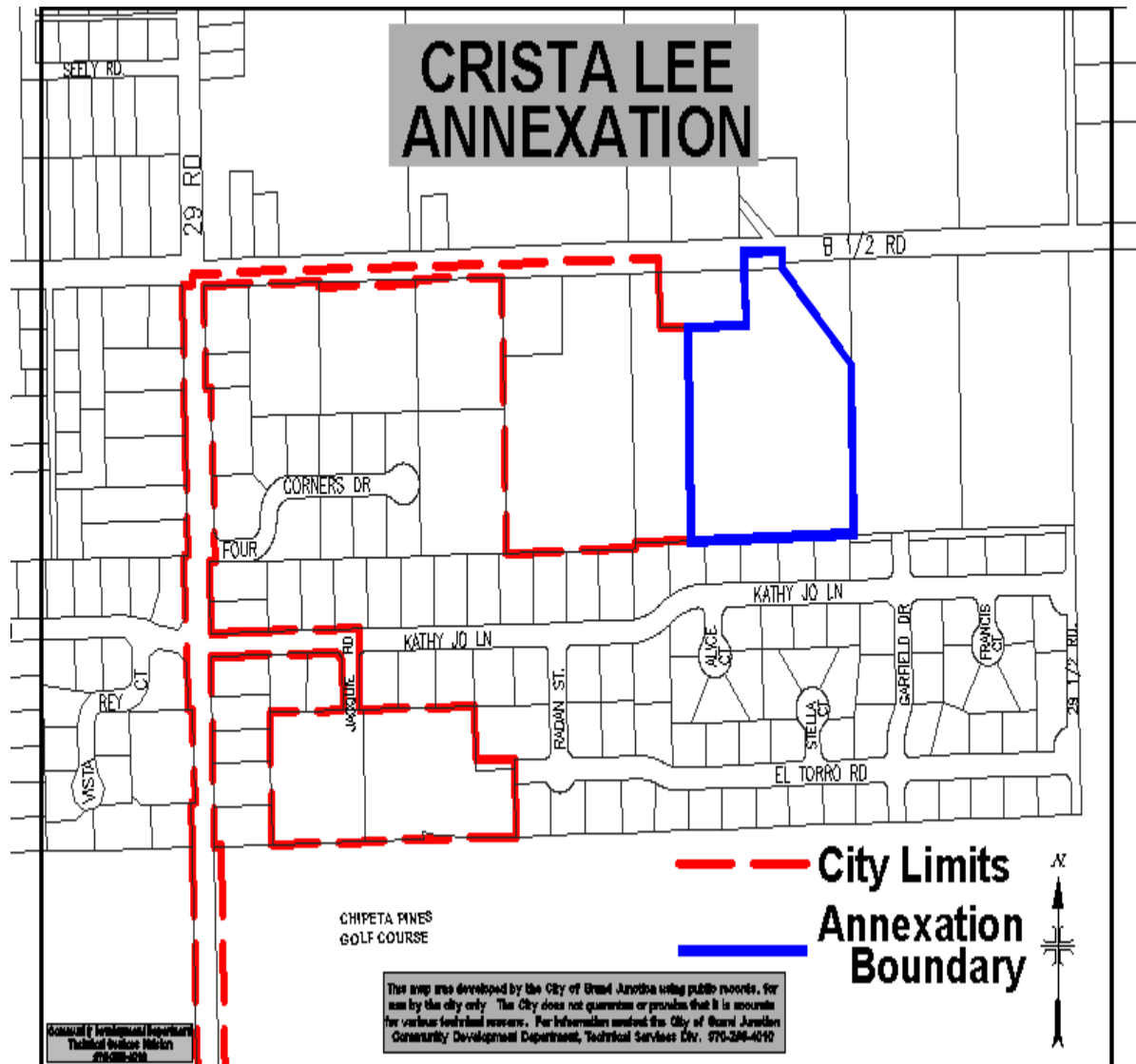
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from B ½ Road. Additional access points will be developed from the property to the east and the west.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code and adjacent property zoning.

CRISTA LEE ANNEXATION
ANX-2002-180





CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the CRISTA LEE Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district

Located at 2933 B ½ 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 parcel: 2943-293-00-141

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest Corner of the NE 1/4 SW 1/4 of said Section 29, and considering the North line of the NE 1/4 SW 1/4 of said Section 29 to bear N 90°00'00" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 90°00'00" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 348.08 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 90°00'00" E, along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 114.19 feet; thence S 00°00'00" E a distance of 40.00 feet; thence S 43°15'05" E, along the Northeasterly bank of the Mesa Mutual Canal, a distance of 288.32 feet; thence S 00°01'19" W a distance of 408.68 feet, more or less, to a point on the North line of Loma Linda Subdivision First Addition, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°57'43" W, along said North line, a distance of 493.21 feet; thence N 00°00'12" E a distance of 494.01 feet; thence 90°00'00" E a distance of 181.59 feet; thence N 00°00'00" E a distance of 165.00 feet, more or less, to the Point of Beginning.

CONTAINING 6.1157 Acres or 266,399.16 Square Feet, more or less, as described.

Introduced on the first reading this 6th day of November, 2002.

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

President of Council

ATTEST:

City Clerk

Attach 9

Setting a Hearing- Rezoning the ISRE Property, 2990 D 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Rezoning ISRE Property Located at 2990 D-1/2 Road						
Meeting Date	November 6, 2002						
Date Prepared	October 30, 2002				File: ANX-2002-177		
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: Request to approve a rezone from the Residential Single Family 4 units per acre (RSF-4) zone district to the Residential Multifamily 8 units per acre (RMF-8) zone district for the ISRE property located at 2990 D-1/2 Road.

Budget: N/A

Action Requested/Recommendation: Adopt the ordinance rezoning the ISRE property on first reading and set a hearing for November 20, 2002.

Attachments:

1. Background Information/Staff Analysis
2. Location Map
3. Existing City Zoning Map
4. Ordinance

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

BACKGROUND INFORMATION			
Location		2990 D-1/2 Road	
Applicant		ISRE, LLC	
Existing Land Use		Large Lot Single Family Residential	
Proposed Land Use		Single or Multifamily Residential	
Surrounding Land Use	North	Commercial/Industrial and Large Lot Single Family Residential	
	South	Single Family Residential	
	East	Large Lot Single Family Residential	
	West	Single Family Residential	
Existing Zoning		RSF-4	
Proposed Zoning		RMF-8	
Surrounding Zoning (Mesa Co)	North	RSF-R and I	
	South	RSF-R and PUD	
	East	RSF-R	
	West	RSF-R and I	
Growth Plan Designation		Residential Medium Low – 2 to 4 units per acre	
Zoning within density range?	X	Yes	No

STAFF ANALYSIS

The property located at 2990 D-1/2 Road was recently annexed and zoned Residential Single Family 4 units per acre (RSF-4). In addition, a subsequent part of the annexation application was a request for a Growth Plan Amendment. The request for amendment from Residential Medium Low 2 to 4 units per acre to Residential Medium 4 to 8 was approved. The applicant is now proposing to rezone the property from the RSF-4 zone district applied at the time of annexation to the high end of the land use range, RMF-8. The same owner has also applied for a similar Growth Plan Amendment for the property adjacent to the west (2980 D-1/2 Road). If the Growth Plan Amendment for that property and this rezone application are successful, the recommended zone of annexation for the 2980 parcel will also be RMF-8. Ultimately, the applicant is proposing to develop the two parcels (2980 and 2990) as one project.

In the Fall of 1999, the City and County re-examined the land uses shown on the Future Land Use Map of the Growth Plan in the Fruitvale/Pear Park area. The area was generally defined as that between the Southern Pacific Railroad south to D Road and from 29 Road to 32 Road. At that time, after having used the Growth Plan for over two years, City and County staff had discovered that implementation of the Plan in this area was problematic. The majority of the parcels in the area had been designated as Residential Low (1/2 to 2-acre lots) as it was originally foreseen as a transitional area. Actual development and zoning, however, had occurred at a much higher density. Consequently, densities across most of the area were revised from Residential Low to Residential Medium (4-8 units per acre). However, it was not apparent why the parcels on the north side of D-1/2 Road were assigned a lower density of Residential Medium Low (2-4 units per acre).

Since that time, there has been more development activity in the area, both residential and non-residential. Several properties in the Banner Industrial subdivision adjacent to both ISRE properties along the north have recently developed and annexed to the City of Grand Junction. In addition, a new development, Grand Meadows at Gunnison and east of 30 Road was zoned RMF-5.

Clearly, there is development pressure in this area and, with the upgrade of 30 Road under construction, it will likely continue. With the increased traffic on 30 and D-1/2 Roads and the commercial/industrial development directly north, it follows that the ISRE property is better suited to higher density residential.

FINDINGS OF REVIEW: Section 2.6.A. of the Zoning and Development Code outlines the criteria by which City staff and the Planning Commission shall review and approve a Rezone application. Staff's findings of the pertinent criteria are summarized below:

Existing Zoning in Error at the Time of Adoption. The zoning assigned at the time the parcel was annexed was at the low end of the range of residential density per the Growth Plan (4 to 8 dwelling units per acre). Current land uses, zoning and trends in the area have been at a residential intensity higher than the current zoning of RSF-4.

Change in Character of Neighborhood. The area has continued to develop at residential densities at or greater than the existing zoning on this parcel. In addition, the adjacent industrial park has experienced growth. Thus, the development character of the surrounding area is more conducive to higher residential densities such as the proposed RMF-8.

Proposed Rezone is Compatible with the Neighborhood. The proposed rezone to higher density residential is compatible with the level of traffic on the adjacent roadways

(30 and D-1/2 Roads) and provides a buffer between the lower density residential to the south and the commercial development on the north.

Proposal Conforms with Growth Plan and Other Adopted Plans. The Clifton Goals and Policies adopted in 1985 recommend 4 to 8 units per acre for this area, which is consistent with the Plan's intent for urban infill. This proposed change is consistent with the surrounding land use designation of 4 to 8 units per acre and can provide for a better transition adjacent to the commercial/industrial designation to the north.

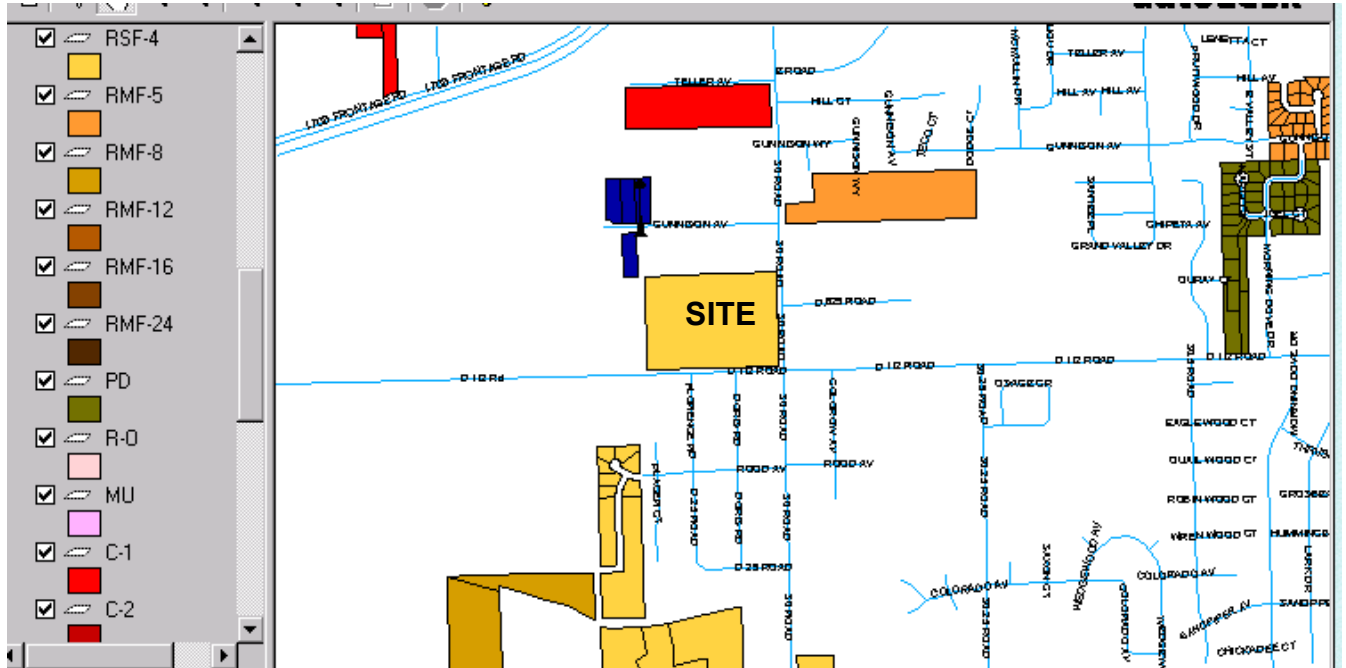
Adequate Public/Community Facilities. This site, being located at the corner of a minor arterial (30 Road) and an urban collector (D-1/2 Road), has existing, available urban services and infrastructure. The City and County are in the process of upgrading 30 Road and D-1/2 Road will continue to be upgraded as development occurs.

Benefit of Proposed Rezone. The proposed rezone is consistent with the community's goals for urban infill and reduction of sprawl by increasing densities in areas serviced by existing, adequate infrastructure.

PLANNING COMMISSION RECOMMENDATION (10/22/02 7-0): Approval of the RMF-8 zone district for the ISRE property located at 2990 D-1/2 Road.



LOCATION MAP



EXISTING CITY ZONING

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

**Rezoning the ISRE Property to Residential Multifamily
with a Maximum Density of 8 units per acre (RMF-8)
Located at 2990 D-1/2 Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RMF-8 zone district to this property.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district meets the criteria found in Section 2.6 of the Zoning and Development Code for the following reasons:

- Current land uses, zoning and trends in the area have been at a residential intensity consistent with the RMF-8 zone district.
- The RMF-8 zone district is compatible with the level of traffic on the adjacent roadways and provides a better buffer between the lower density residential to the south and the commercial development on the north.
- The RMF-8 zone district is consistent with the Growth Plan and the community's goals for urban infill and reduction of sprawl by increasing densities in areas serviced by existing, adequate infrastructure.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED THE RESIDENTIAL MULTIFAMILY 8 UNITS PER ACRE (RMF-8) ZONE DISTRICT:

A certain parcel of land lying in the East half (E ½) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the East Quarter (E ¼) corner of said Section 17 and considering the South line of the South half of the Southeast Quarter of the Northeast Quarter (S ½ SE ¼ NE ¼) of said Section 17 to bear N 89°59'59" W with all bearings contained herein being relative thereto; thence N 89°59'59" W along the South line of the S ½ SE ¼ NE ¼ of said Section 17 a distance of 30.00 feet to the TRUE POINT OF BEGINNING; thence from said Point of Beginning, S 00°00'33" W along a line 30.00 feet West of and parallel with the East line of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 17, a distance of 30.00 feet to a point on the South right of way for D

1/2 Road; thence N 89°59'59" W, along the South right of way for D 1/2 Road, said line being 30.00 feet South of and parallel with the South line of the S 1/2 SE 1/4 NE 1/4 of said Section 17, a distance of 893.22 feet; thence N 00°05'59" W along the East line of the West 6.0 acres of the S 1/2 SE 1/4 NE 1/4, and its Southerly extension, a distance of 689.66 feet, more or less, to a point on the South line of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado; thence S 89°59'39" E along said Southerly line and the Easterly extension thereof, a distance of 894.24 feet, more or less, to a point on the West right of way for 30 Road; thence S 00°00'59" E, along said West right of way for 30 Road and its Southerly extension thereof, said line being 30.00 feet West of and parallel with the East line of the S 1/2 SE 1/4 NE 1/4 of said Section 17, a distance of 659.57 feet, more or less, to the Point of Beginning.

Containing 616,336.1 Square Feet or 14.149 Acres, more or less, as described.

INTRODUCED on first reading this 6th day of November, 2002.

PASSED and ADOPTED on second reading this 20th day of November, 2002.

Mayor

ATTEST:

City Clerk

Attach 10

Setting a Hearing – Zoning the 430 30 Road Annexation, 430 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the 430 30 Road Annexation					
Meeting Date	November 6, 2002					
Date Prepared	October 30, 2002				File # ANX-2002-182	
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		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 430 30 Road Annexation area consists of one parcel of land, approximately 11.18 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. The requested zoning for the property is RMF-8 (Residential Multi-family, not to exceed 8 units per acre). The physical address for the property is 430 30 Road.

Budget: N/A

Action Requested/Recommendation: First reading of the Zoning Ordinance and setting the public hearing for the second reading for November 20, 2002.

Attachments:

Staff Report
Annexation Map

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Zoning Ordinance

Background Information: Please see attached Staff Report

STAFF REPORT / BACKGROUND INFORMATION			
Location:		430 30 Road	
Applicant:		Darren Davidson, Owner/developer John Kornfeld, Rhino Engineering, representative	
Existing Land Use:		Vacant land	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential & vacant land	
	South	Residential & vacant land	
	East	Residential & vacant land	
	West	Residential	
Existing Zoning:		Mesa County PUD	
Proposed Zoning:		RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre)	
Surrounding Zoning:	North	PUD (Mesa County)	
	South	PUD & AFT (Mesa County)	
	East	PUD (Mesa County)	
	West	PUD (Mesa County)	
Growth Plan Designation:		Residential Medium – 4 to 8 dwelling units per acre	
Zoning within density range?		X	Yes
			No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium”, 4 to 8 dwelling units per

acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

The 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."

STAFF ANALYSIS: Due to the Perisgo Agreement, the property owner is required to annex into the City for consideration of a major subdivision. Staff is currently reviewing the preliminary plan.

Zoning- the applicant requests the zoning designation of RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre). The zoning is consistent with the Growth Plan for this area. While the maximum number of units per acre is 8, the Code also requires a minimum number of units. In an RMF-8 zoning district, the minimum number of units is 4. RMF-8 zoning allows for attached and detached single-family, duplex, townhouse, and multi-family dwelling units.

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:

2. The existing zoning was in error at the time of adoption;
Not applicable, this is a rezone from a county PUD zoning to City RMF-8.
3. 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.;
This parcel is surrounded by residential with a few larger lots adjacent to it. There are several new residential developments in the vicinity. The Growth Plan supports the requested density.
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 rezone is compatible with the Growth Plan 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;

*This proposal is consistent with the growth plan's land use goals and policies.
It is the intent to conform to all other applicable codes and regulations.*

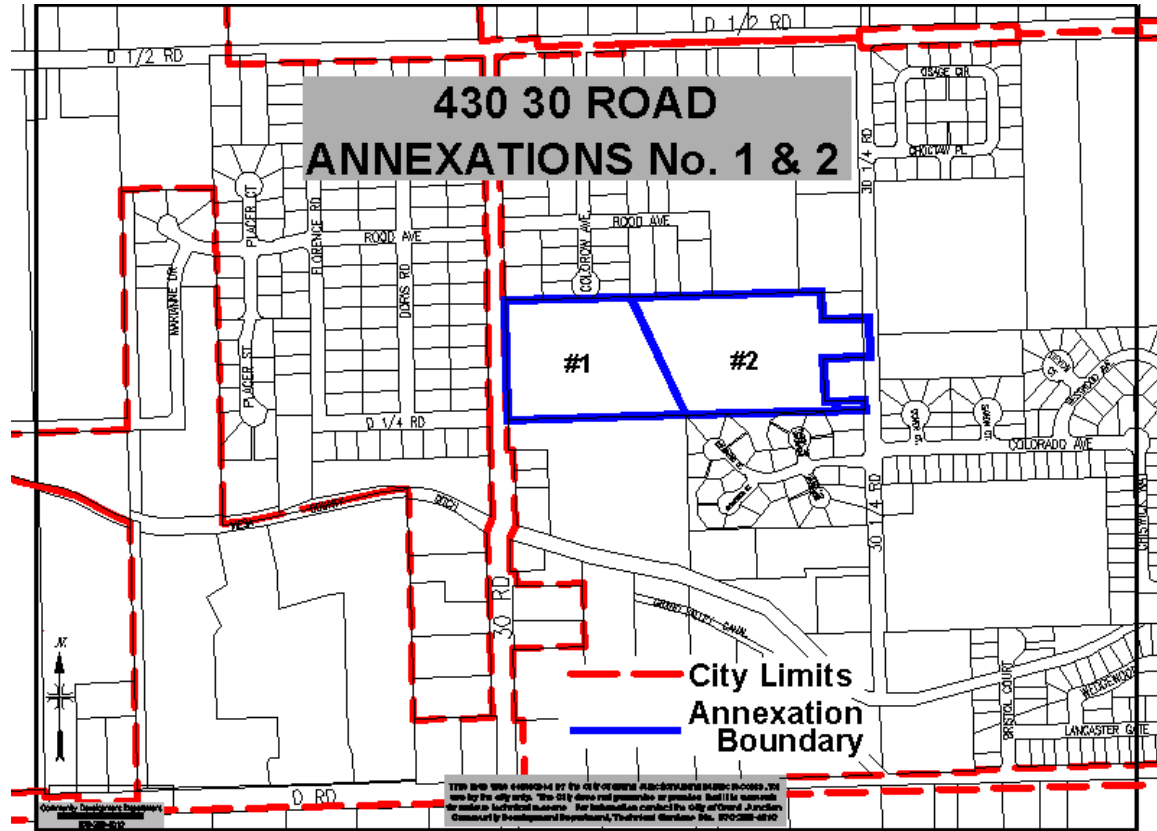
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
It appears that all facilities and services are available.

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)

2. The community or neighborhood will benefit from the proposed zone.
The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission at their regularly scheduled meeting of October 22, 2002, recommended to City Council the zoning designation of RMF-8, finding it consistent with the Growth Plan, the Persigo Agreement and Sections 2.14 and 2.6 of the Zoning and Development Code.



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**ZONING THE 430 30 ROAD ANNEXATIONS
TO RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 8 DWELLING UNITS PER ACRE
(RMF-8)**

LOCATED AT 430 30 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 RMF-8 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 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 Multi-Family, not to exceed 8 dwelling units per acre (RMF-8) zone district.

Includes the following tax parcel 2943-163-00-073

**Perimeter Boundary Legal Description
430 Road Annexations**

A serial annexation comprising 430 30 Road Annexation No. 1 and 430 30 Road Annexation No. 2

430 30 Road Annexation No. 1

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 SW 1/4 of said Section 16 and considering the West line of the NW 1/4 SW 1/4 of said Section 16 to bear N 00°01'23" E with all bearings mentioned herein relative thereto; thence from said Point of Commencement, N 89°55'08" E along the South line of the NW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to a point on the East right of way line for 30 Road and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°55'08" E along the South line of the NW 1/4 SW 1/4 of said Section 16 a distance of 630.65 feet to a point being the Northwest corner of the Plat of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records of Mesa County, Colorado; thence N 23°39'54" W a distance of 455.87 feet to a point being the Southeast corner of Farley-Swehla-Mead Amended Subdivision, as same is recorded in Plat Book 8, Page 60, Public Records of Mesa County, Colorado; thence S 89°55'20" W, along the South line of said Farley-Swehla-Mead Amended Subdivision, a distance of 447.50 feet to a point being the Southwest corner of said Farley-Swehla-Mead Subdivision; thence S 00°01'23" W along the East right of way line of 30 Road, being a line 30.00 feet East of and parallel to the West line of the NW 1/4 SW 1/4 of said Section 16, a distance of 417.82 feet, more or less, to the Point of Beginning.

CONTAINING 5.1706 Acres, (225,230.12 sq. ft.) more or less, as described.

430 30 Road Annexation No. 2

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 SW 1/4 of said Section 16 and considering the West line of the NW 1/4 SW 1/4 of said Section 16 to bear N 00°01'23" E with all bearings mentioned herein relative thereto; thence from said Point of Commencement, N 89°55'08" E along the South line of the NW 1/4 SW 1/4 of said Section 16 a distance of 660.65 feet to a point being the Northwest corner of the Plat of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records of Mesa County, Colorado and the POINT OF BEGINNING; thence from said Point of Beginning,; thence N 23°39'54" W a distance of 455.87 feet to a point being the Southeast corner of Farley-Swehla-Mead Amended Subdivision, as same is recorded in Plat Book 8, Page 60, Public Records of Mesa County, Colorado; thence N 89°55'20" E along a line being the Easterly extension of the South line of said Farley-Swehla-Mead Subdivision, a distance of 678.53 feet; thence S 00°02'08" W along a line 165.00 feet West of and parallel to the East line of the NW 1/4 SW 1/4 of said Section 16, a distance of 99.00 feet; thence N 89°55'20" E a distance of 165.00 feet to a point on the East line of the NW 1/4 SW 1/4 of said Section 16; thence S 00°02'08" W, along the

East line of the NW 1/4 SW 1/4 of said Section 16, a distance of 140.00 feet; thence S 89°55'20" W a distance of 165.00 feet; thence S 00°02'08" W along a line 165.00 feet West of and parallel to the East line of the NW 1/4 SW 1/4 of said Section 16, a distance of 148.50 feet; thence N 89°55'20" E a distance of 145.00 feet to a point on the West right of Way line for 30 1/4 Road, as same is described in Book 767, Page 175, Public Records of Mesa County, Colorado, said line lying 20.00 feet West of and parallel to the East line of the NW 1/4 SW 1/4 of said Section 16; thence S 00°02'08" W along said West Right of Way, a distance of 30.25 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 16; thence S 89°55'08" W along said South line, also being the North line of said Plat of Ironwood, a distance of 640.29 feet, more or less, to the Point of Beginning.

CONTAINING 6.2599 Acres, (272,682.44 sq. ft.) more or less, as described.

Introduced on first reading this 6th day of November, 2002.

PASSED and ADOPTED on second reading this ___ day of _____, 2001.

Attest:

President of the Council

City Clerk

Attach 11

Setting a Hearing – Zoning Dakota West Annexation, 3088 and 3090 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Dakota West Annexation, 3088 and 3090 D ½ Road						
Meeting Date	November 6, 2002						
Date Prepared	October 28, 2002				File # ANX-2002-168		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		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 Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. Request is for first reading of the Zoning Ordinance, zoning the annexation area to RMF-5 (Residential Multi-family, not to exceed 5 units per acre). The physical address for the properties are 3088 and 3090 D ½ Road.

Budget: N/A

Action Requested/Recommendation: First Reading of the Zoning Ordinance and setting a public hearing for the 2nd reading for November 20, 2002.

Attachments:

- Staff Report
- Annexation Map
- Zoning Ordinance

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Background Information: Please see attached Staff Report

<i>STAFF REPORT / BACKGROUND INFORMATION</i>					
Location:		3088 & 3090 D ½ Road			
Applicant:		Robbie & Gwendolyn Sandidge David & Regina Wens, Owners G & R West - Developers			
Existing Land Use:		Single family residence and vacant land			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Vacant land (Proposed Iles annexation)			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre)			
Surrounding Zoning:	North	PUD (Mesa County)			
	South	PUD (Mesa County)			
	East	R-2 (Mesa County)			
	West	RMF-5 (Mesa County)			
Growth Plan Designation:		Residential Medium – 4 to 8 dwelling units per acre			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium”, 4 to 8 dwelling units per

acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

The 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."

STAFF ANALYSIS: Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Major Subdivision. The Preliminary Plan is currently under review and will be presented to the Planning Commission when the review is complete.

Zoning- the applicant requests the zoning designation of RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre). The zoning is consistent with the Growth Plan for this area. The minimum density for the RMF-5 zoning designation is 2 units per acre. This zoning district allows for attached and detached single-family, duplex, and townhouse dwelling units.

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:

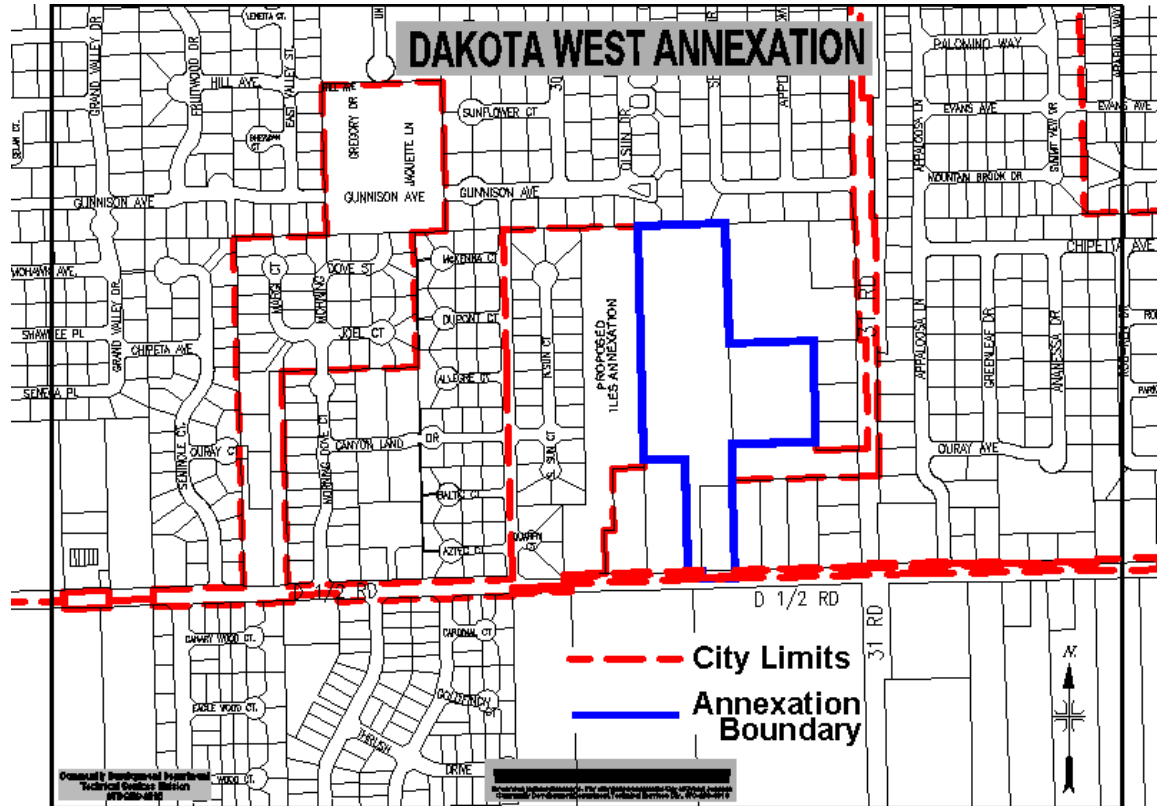
1. The existing zoning was in error at the time of adoption;
Not applicable, this is a rezone from a county PUD zoning to City RMF-5.
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
The area is experiencing a change from rural to urban residential. There are several new residential developments in the vicinity. The Growth Plan supports the requested density.
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 rezone is compatible with the Growth Plan 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;
This proposal is consistent with the growth plan's land use goals and policies.

It is the intent to conform to all other applicable codes and regulations.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
It appears that all facilities and services are available.
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 benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of October 22, 2002, the Planning Commission recommended to the City Council the zoning designation of RMF-5 (Residential Multi-family, not to exceed 5 units per acre) for the Zone of Annexation of the Dakota West Annexation, located at 3088 and 3090 D ½ Road, finding that the project is consistent with the Growth Plan, the Persigo Agreement and Sections 2.14 and 2.6 of the Zoning and Development Code.



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**ZONING THE DAKOTA WEST ANNEXATION
TO RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 5 UNITS PER ACRE (RMF-5)**

LOCATED AT 3088 AND 3090 D 1/2 ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RMF-5 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 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 Multi-family, not to exceed 5 units per acre (RMF-5) zone district

Includes the following tax parcels: 2943-161-00-187
2943-161-00-053
2943-101-00-214

**PERIMETER BOUNDARY LEGAL DESCRIPTION
DAKOTA WEST ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the North line of the

Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear N 89°51'29" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'29" E along the North line of the SE 1/4 NE 1/4 of said Section 16, a distance of 501.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°51'29" E a distance of 325.22 feet; thence S 00°00'00" E a distance of 449.87 feet; thence N 89°51'36" E a distance of 310.00 feet; thence S 00°00'00" E along a line 185.00 feet West of and parallel to the East line of the SE 1/4 NE 1/4 of said Section 16, a distance of 369.81 feet; thence S 89°51'59" W a distance of 310.00 feet; thence S 00°00'00" E, along the West line (and its Northerly projection) of Voegely Minor Subdivision a distance of 495.00 feet; thence S 89°51'59" W along a line 5.00 feet North of and parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 125.00 feet; thence N 00°00'00" E a distance of 25.00 feet; thence S 89°51'59" W along a line 30.00 feet North of parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 49.54 feet; thence N 00°10'50" E a distance of 417.00 feet; thence S 89°51'59" W a distance of 154.75 feet; thence N 00°10'50" E a distance of 872.61 feet, more or les, to the Point of Beginning.

CONTAINING 10.9105 Acres (475,263.53 Square Feet) more or less, as described.

Introduced on first reading this 6th day of November, 2002.

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

Attest:

President of the Council

City Clerk

Attach 12
Setting a Hearing – Krizman Annexation, 626 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Setting a Hearing for the Krizman Annexation located at 626 30 Road					
Meeting Date		November 6, 2002					
Date Prepared		October 15, 2002			File #ANX-2002-192		
Author		Ronnie Edwards		Associate Planner			
Presenter Name		Ronnie Edwards		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop			Formal Agenda	X	Consent	Individual Consideration

Summary: The Krizman Annexation No. 1 and No. 2 is an serial annexation comprised of 1 parcel of land on 18.485 acres located at 626 30 Road. The owner is seeking annexation in anticipation of an infill opportunity for single family residential development, pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approve the Resolution of Referral, first reading of the annexation ordinance, exercise land use jurisdiction immediately and set a hearing for December 18, 2002.

Attachments:

1. Staff Report
2. Annexation Map
3. Aerial Location Map
4. Resolution of Referral
5. Annexation Ordinance

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Background Information: See attached Staff Report

BACKGROUND INFORMATION			
Location:		626 30 Road	
Applicants:		Eugene & Mary Krizman, Janice Gruden	
Existing Land Use:		Residential Single Family	
Proposed Land Use:		Future Residential Single Family	
Surrounding Land Use:	North	Residential Single Family	
	South	Residential Single Family	
	East	Residential Single Family	
	West	Residential Single Family	
Existing Zoning:		County RSF-R	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RMF-5	
	South	County RSF-4	
	East	City RSF-4	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low (2 – 4 du/acre)	
Zoning within density range?		X	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 Krizman Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;

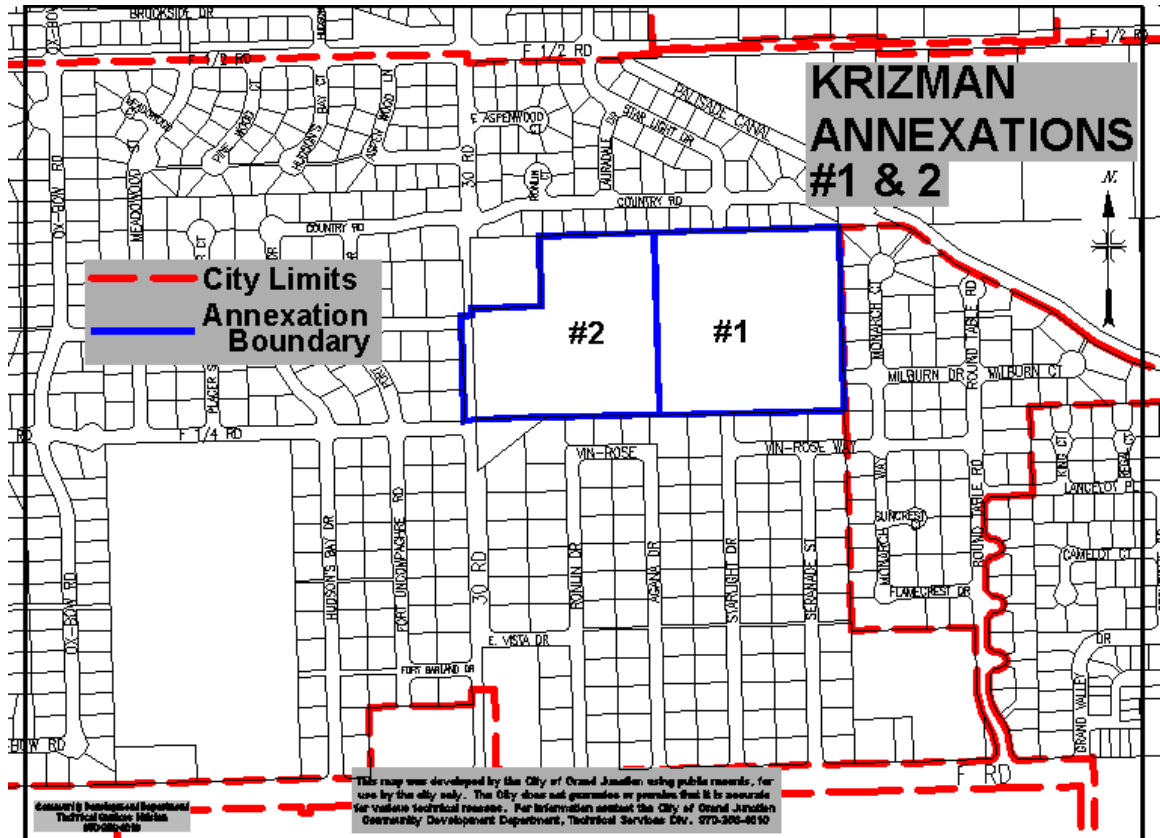
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

<u>KRIZMAN ANNEXATION SUMMARY</u>		
File Number:		ANX-2002-192
Location:		626 30 Road
Tax ID Number:		2943-043-00-150
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		18.485 acres for annexation area
Developable Acres Remaining:		18.138 acres
Right-of-way in Annexation:		378' of the west 40' of 30 Road; See Map
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential
Values:	Assessed:	= \$ 7,390
	Actual:	= \$ 62,960
Census Tract:		11
Address Ranges:		626 to 640 30 Road; 3000 to 3025 for proposed E/W rights-of-way
Special Districts:	Water:	Clifton Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Drainage:	Grand Junction Drainage District

	School:	District 51
--	----------------	--------------------

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
November 6, 2002	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
November 12, 2002	Planning Commission considers Zone of Annexation
November 20, 2002	First Reading on Zoning by City Council
December 18, 2002	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
January 19, 2003	Effective date of Annexation and Zoning



AERIAL LOCATION MAP



626 30

F Road

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

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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

KRIZMAN ANNEXATION

**LOCATED AT 626 30 ROAD AND INCLUDING
A PORTION OF THE 30 ROAD RIGHT-OF-WAY**

WHEREAS, on the 6th day of November, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
KRIZMAN ANNEXATION**

**A serial Annexation comprising
Krizman Annexation No. 1 and Krizman Annexation No. 2**

KRIZMAN ANNEXATION NO. 1

A certain parcel of land lying in the South Half of the Northwest Quarter of the Southwest Quarter (S 1/2 NW 1/4 SW 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4, and considering the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4 to bear N 89°58'25" W with all bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°58'25" W along the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Fourth Filing, as same is recorded in Plat Book 11, Page 349, and the North line of Village East Third Filing, as same is recorded in Plat Book 11, Page 191, all in the Public Records of Mesa County, Colorado, a distance of 660.52 feet; thence N 00°09'19" W a distance of 665.80 feet to a point on the

North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 89°59'53" E along the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, said line being the South line of Lauradale Subdivision Filing No. Two, as same is recorded in Plat Book 12, Page 246, Public Records of Mesa County, Colorado, a distance of 660.54 feet to a point being the Northeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 00°09'11" E along the East line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, said line being the West line of Mountain Vista Subdivision, as same is recorded in Plat Book 17, Pages 264 through 266, inclusive, Public Records of Mesa County, Colorado, a distance of 657.08 feet, more or less, to the Point of Beginning.

CONTAINING 9.615 Acres (433,9241.77 Square Feet), more or less, as described.

KRIZMAN ANNEXATION NO. 2

A certain parcel of land lying in the South Half of the Northwest Quarter of the Southwest Quarter (S 1/2 NW 1/4 SW 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4, and considering the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4 to bear N 89°58'25" W with all bearings mentioned herein being relative thereto; thence, from said Point of Commencement, N 89°58'25" W along the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Fourth Filing, as same is recorded in Plat Book 11, Page 349 and the North line of Village East Third Filing, as same is recorded in Plat Book 11, Page 191, all in the Public Records of Mesa County, Colorado, a distance of 660.52 feet to the POINT OF BEGIIING; thence, from said Point of Beginning, continue N 89°58'25" W along the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Second Filing, as same is recorded in Plat Book 11, Page 95, Public Records of Mesa County, Colorado, a distance of 660.52 feet to a point being the Southwest corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence N 89°52'45" W, along the South line of the NE 1/4 SE 1/4 of said Section 5, a distance of 40.00 feet to a point being the Southwest corner of Lot 1, Block One, Little Trio Subdivision Second Addition, First Filing, as same is recorded in Plat Book 11, Page 278, Public Records of Mesa County, Colorado; thence N 00°09'29" W, along a line 40.00 feet West of and parallel to the East line of the NE 1/4 SE 1/4 of said Section 5, a distance of 377.92 feet to a point on the North right of way for F 3/10 Road; thence N

89°43'31" E, along said North right of way, a distance of 40.00 feet to a point on the West line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence N 00°09'29" W, along the West line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, a distance of 28.31 feet; thence S 89°59'53" E a distance of 250.00 feet; thence N 00°09'29" W a distance of 250.00 feet, more or less, to a point on the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 89°59'53" E along the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the South line of Lauradale Subdivision Filing No. Two, as same is recorded in Plat Book 12, Page 246, Public Records of Mesa County, Colorado, a distance of 410.55 feet; thence S 00°09'19" E a distance of 656.80 feet, more or less, to the Point of Beginning.

Containing 8.8697 Acres (386,362.76 Square Feet), more or less, as described.

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

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

1. That a hearing will be held on the 18th day of December, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning

approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 6th day of November, 2002.

Attest:

City Clerk

President of the Council

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

City Clerk

<i>PUBLISHED</i>
November 8, 2002
November 15, 2002
November 22, 2002
November 29, 2002

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

KRIZMAN ANNEXATION NO. 1

APPROXIMATELY 9.615 ACRES

LOCATED AT 626 30 ROAD

WHEREAS, on the 6th day of November, 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 18th day of December, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
KRIZMAN ANNEXATION NO. 1**

A certain parcel of land lying in the South Half of the Northwest Quarter of the Southwest Quarter (S 1/2 NW 1/4 SW 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4, and considering the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4 to bear N 89°58'25" W with all bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°58'25" W along the South line of the

S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Fourth Filing, as same is recorded in Plat Book 11, Page 349, and the North line of Village East Third Filing, as same is recorded in Plat Book 11, Page 191, all in the Public Records of Mesa County, Colorado, a distance of 660.52 feet; thence N 00°09'19" W a distance of 665.80 feet to a point on the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 89°59'53" E along the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, said line being the South line of Lauradale Subdivision Filing No. Two, as same is recorded in Plat Book 12, Page 246, Public Records of Mesa County, Colorado, a distance of 660.54 feet to a point being the Northeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 00°09'11" E along the East line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, said line being the West line of Mountain Vista Subdivision, as same is recorded in Plat Book 17, Pages 264 through 266, inclusive, Public Records of Mesa County, Colorado, a distance of 657.08 feet, more or less, to the Point of Beginning.

CONTAINING 9.615 Acres (433,9241.77 Square Feet), more or less, as described.

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

INTRODUCED on first reading on the 6th day November, 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**

KRIZMAN ANNEXATION NO. 2

APPROXIMATELY 8.8697 ACRES

LOCATED AT 626 30 ROAD AND INCLUDING A PORTION OF 30 ROAD

WHEREAS, on the 6th day of November, 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 18th day of December, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
KRIZMAN ANNEXATION NO. 2**

A certain parcel of land lying in the South Half of the Northwest Quarter of the Southwest Quarter (S 1/2 NW 1/4 SW 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4, and considering the South line of the S 1/2 NW 1/4 SW 1/4 of said

Section 4 to bear N 89°58'25" W with all bearings mentioned herein being relative thereto; thence, from said Point of Commencement, N 89°58'25" W along the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Fourth Filing, as same is recorded in Plat Book 11, Page 349 and the North line of Village East Third Filing, as same is recorded in Plat Book 11, Page 191, all in the Public Records of Mesa County, Colorado, a distance of 660.52 feet to the POINT OF BEGIINNG; thence, from said Point of Beginning, continue N 89°58'25" W along the South line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the North line of Village East Second Filing, as same is recorded in Plat Book 11, Page 95, Public Records of Mesa County, Colorado, a distance of 660.52 feet to a point being the Southwest corner of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence N 89°52'45" W, along the South line of the NE 1/4 SE 1/4 of said Section 5, a distance of 40.00 feet to a point being the Southwest corner of Lot 1, Block One, Little Trio Subdivision Second Addition, First Filing, as same is recorded in Plat Book 11, Page 278, Public Records of Mesa County, Colorado; thence N 00°09'29" W, along a line 40.00 feet West of and parallel to the East line of the NE 1/4 SE 1/4 of said Section 5, a distance of 377.92 feet to a point on the North right of way for F 3/10 Road; thence N 89°43'31" E, along said North right of way, a distance of 40.00 feet to a point on the West line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence N 00°09'29" W, along the West line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, a distance of 28.31 feet; thence S 89°59'53" E a distance of 250.00 feet; thence N 00°09'29" W a distance of 250.00 feet, more or less, to a point on the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4; thence S 89°59'53" E along the North line of the S 1/2 NW 1/4 SW 1/4 of said Section 4, being the South line of Lauradale Subdivision Filing No. Two, as same is recorded in Plat Book 12, Page 246, Public Records of Mesa County, Colorado, a distance of 410.55 feet; thence S 00°09'19" E a distance of 656.80 feet, more or less, to the Point of Beginning.

Containing 8.8697 Acres (386,362.76 Square Feet), more or less, as described.

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

INTRODUCED on first reading on the 6th day November, 2002.

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

Attest:

City Clerk

President of the Council

Attach 13
Construction Contract for South Camp Trail, Phase 2

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Construction Contract for South Camp Trail, Phase 2				
Meeting Date		November 6, 2002				
Date Prepared		October 23, 2002	File # N/A			
Author		T. Kent Harbert, Project Engineer				
Presenter Name		Tim Moore, Public Works Manager				
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: The Project involves the construction of three sections of trail along South Camp Road. The first section is 3300 feet of 10-foot wide trail along the southwest side of South Camp Road from Rimrock Road to Monument Road. The second section is 180 feet of 10-foot wide trail, two 30-inch culverts and an MSE retaining wall to replace the existing crossing of the Red Canyon Draw on the southwest side of South Camp Road, approximately 600 feet southeast of East Dakota Drive. The third section is 675 feet of 10-foot wide curb, gutter and sidewalk along the northern end of the east side of South Camp Road, beginning at South Broadway.

Funding for the project will be through the Colorado Department of Transportation (CDOT) Enhancement Funds and by local government match. Davis-Bacon wage rates will apply.

The following bids were received on October 22, 2002:

Bidder	From	Bid Amount
Mays Concrete, Inc.	Grand Junction	\$243,445.00
Professional Pipeline & Concrete, Inc.	Fruita	\$250,291.25

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.

*** Indicates New Item

* Requires Roll Call Vote

Reyes Construction, Inc	Grand Junction	\$269,402.00
Colorado Constructors, Inc.	Denver	\$280,956.75
Skyline Contracting, Inc.	Grand Junction	\$312,562.80
Vista Paving Corporation	Grand Junction	\$439,443.59
Engineer's Estimate		\$365,143.00

The reasons the Engineer's Estimate is substantially higher than the bid is because this is a normally slow time of year for construction and good prices were submitted and because too large of an allowance was made for Davis-Bacon wages.

Budget: The City has a total budget of \$403,000 for the South Camp Trail, Phase 2 project:

Federal Funds (Enhancement STE M555-015)	\$251,200
City matching funds	31,400
Mesa County matching funds	<u>31,400</u>
Subtotal	\$314,000
Additional City funds	<u>89,000</u>
Total	<u>\$403,000</u>

The anticipated expenditures for the project are as follows:

Design	\$16,000
Construction	243,445
Inspection and Administration	<u>12,000</u>
Total	<u>\$271,445</u>

Available contingency and unused funds 131,555

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **South Camp Trail, Phase 2** with **Mays Concrete, Inc.** in the amount of **\$243,445.00**.

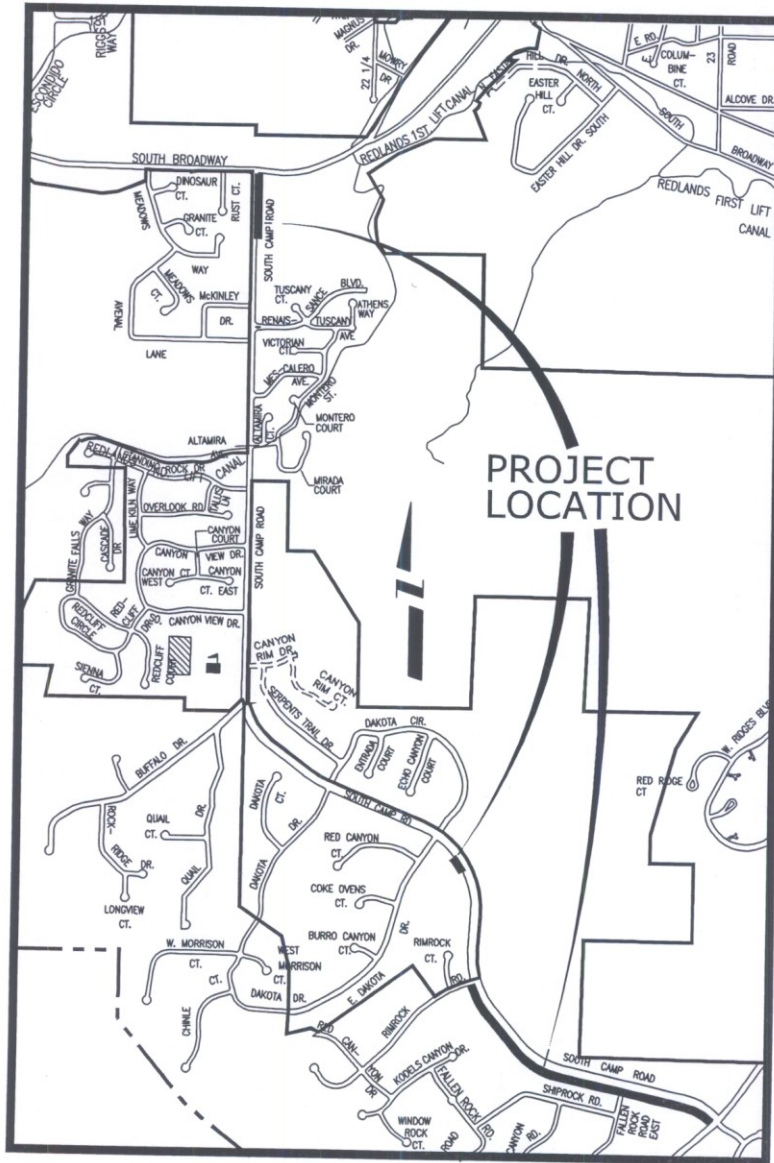
Attachments: Map

Background Information: The contractor will be allowed to work on the trail during the winter, if the weather conditions are favorable, or they can perform all of the work next Spring.

Staff will explore options on utilize the full amount of the grant, including additional trail construction or using the funds somewhere else if the conditions of the grant allow.

The grant requires concurrence by CDOT before the contract is awarded. The bid results and forms have been submitted to CDOT. It is anticipated that their concurrence will be received prior to the November 6 City Council meeting. If not, the item will be deferred to the November 20 meeting.

VICINITY MAP



Attach 14
Change Order Combined Sewer Elimination Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Approve change order to the design contract for Combined Sewer Elimination Project.					
Meeting Date	November 6, 2002					
Date Prepared	October 28, 2002					
Author	Trent Prall		City Utility Engr			
Presenter Name	Trent Prall		City Utility Engr			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary:

Approve a change order to the **Combined Sewer Elimination Project** design contract with Sear-Brown in the amount of \$82,019 for additional work associated with the aerial photography, environmental assessment, North Ave analysis, and Basin 10 Storm sewer design.

Budget: The Combined Sewer Elimination Project was budgeted as follows:

	2002	2003	2004	Total
Approved for funding through loan	\$ 610,931	\$5,107,225	\$3,754,052	\$ 9,472,208
Existing Budgeted Expenses	\$ 624,315	\$4,024,417	\$3,675,472	\$ 8,324,204
Amount available for extra expenses	\$ (13,384)	\$1,082,808	\$ 78,580	\$ 1,148,004
Change Order*	\$ 62,019			\$ 62,019
Revised Budgeted Expenses	\$ 686,334	\$4,024,417	\$3,675,472	\$ 8,386,223
Rev. Amnt avail for extra expenses	\$ (75,403)	\$1,082,808	\$ 78,580	\$ 1,085,985

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.

*** Indicates New Item

* Requires Roll Call Vote

*\$20,000 of the \$47,985 in additional aerial topography survey work was to be paid for by the Colorado River Transportation Corridor project (Fund 2011-Activity F04600).

The \$75,403 shortfall for 2002 will not be able to be reimbursed by the State until 2003. As shown above, there still would be \$1,085,985 remaining in approved loan capacity for other unforeseen expenses.

Action Requested/Recommendation:

City Council motion authorizing the City Manager to execute a design contract change order in the amount of \$82,019 with Sear-Brown and Associates.

Background Information:

The additional amount is described in detail on the attached sheets, however in summary the following is:

1. Facility Plan / Environmental Assessment

+\$16,150

At the time the RFP was compiled and subsequent fees were developed, the extent of the Colorado Department Public Health and Environment (CDPHE) requirements for this document had not been fully determined. This document was a requirement for the Colorado State Revolving Fund which is funding the CSEP project. The RFP anticipated \$25,000 worth of expenses. The \$16,150 in additional funds covers the larger scope and addressing US Fish and Wildlife concerns associated with the project.

2. Aerial Topography

+\$47,985

The original fee proposal included field survey effort for controls and a topographic survey of the project corridors using conventional and aerial survey methods. Subsequent to the submittal of the proposal it was recommended by Sear-Brown to perform aerial photography and topography for the entire project area from North Ave. to the Colorado River and 1st Street to 28 Road. There were several reasons behind obtaining aerial topographic data for the project site:

- Decrease the time required to obtain topographic data.
- Facilitate evaluation of alternative alignments without performing full corridor survey.
- Provide a topographic database for use on other City projects such as the Colorado River Transportation Corridor Project (CRTC). The CRTC is paying for \$20,000 of this aerial topography work.

3. North Avenue Analysis

+\$3,660

This effort involves hydrology and hydraulics to define inflow into basins 7, 8, 13, 14 and 15 from drainage area north of North Avenue. This was not

originally defined in the scope of work as the Williams CSEP Master Plan did not fully evaluate offsite inflows.

4. Basin 10, 5th St Storm Sewer +\$14,224

The Williams CSEP Masterplan called for 630 L.F. of pipeline for Basin 10. The design review for Basin 10 revealed several problems with the proposed Masterplan concept. A number of alternatives were evaluated and the end result was final design was performed on 1,716 L.F. of pipeline alignment.

Total Amount of proposed change order	+\$82,019
Total to be paid by CSEP	62,019
Total to be paid by Colorado River Trans Corridor	\$20,000

End of Background.

Attach 15
Contract Chip Spreader

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase Chip Spreader						
Meeting Date	November 6, 2002						
Date Prepared	October 28, 2002					File #	
Author	Ron Watkins			Purchasing Manager			
Presenter Name	Chuck Leyden Ron Watkins			Fleet & Facilities Manager 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: This recommended purchase is based on competitive solicitation and subsequent contract award by the State of Colorado Department of Transportation.

Budget: Funds for the replacement of this unit are available in the 2003 Equipment Replacement Fund.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one, new 2003 Etnyre Hydrostatic chip spreader per State of Colorado Bid Award # 7553011AA01M for the **net amount** of **\$122,235** from Faris Machinery Company, Grand Junction, Colorado.

Attachments: State of Colorado Department of Transportation Notice of Award
Faris Machinery Company correspondence delineating option pricing.

Background Information: Collaboration at the 2003 equipment replacement meeting identified Unit #1230 (1993 Etnyre Chip Spreader) as in need of replacement. The existing unit will be traded in on the new unit for a credit of **\$45,000** towards the purchase price of **\$167,235**, delivered to Grand Junction. The additional freight (\$350.) delivered to Grand Junction is included in the purchase price. Due to extensive production time, this unit must be ordered now for receipt in 2003 to insure delivery for the 2003 construction season.

NOTICE OF AWARD RENEWAL
COLORADO DEPARTMENT OF TRANSPORTATION

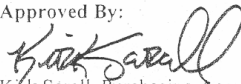

AWARD NUMBER 75530 HAA 01M (THIS IS NOT A PURCHASE ORDER: SEE NOTE BELOW)	Re: Invitation For Bid # HAA 20-144BA Period Covered: 07/01/02 – 06/30/03
VENDOR NO. (FEIN): 84-0424667 VENDOR NAME: Faris Machinery Co. CONTACT: Randy Shamy ADDRESS: 5770 East 77 th Avenue Commerce City CO 80022-1099 PHONE: 970-242-4997 FAX NO: 970-242-4783 PAYMENT TERMS: N-30 DELIVERY: 90 days	INVOICE TO: Invoice address on Purchase Order for Colorado State Agencies, Institutions and political subdivisions COMMODITY NUMBERS: 755-30 asphalt paver, self-propelled

Etnyre hydrostatic four-wheel drive Chipsreader equipped with all standard equipment plus the following: 10'/20' hopper, Cummins 6CTA8.3 engine, power shift seat, 385/65R tires, orange paint, seat belt, work lights on hopper and conveyor, cleated conveyor belts, and spare tire and wheel. Warranty is for a period of 12 months after date of delivery.

per terms & conditions of Bid # HAA 20-144BA \$164,685.00

Conditions of Award: Award is made to above referenced vendor for supplying the commodity/service specified above and on any attached supplementary pages per bid specifications to be ordered on an "as needed" basis for the period from 07/01/02 through 06/30/03, with two (2) one year renewal periods, at CDOT option. Prices shall be firm through 06/30/03. Requests for any proposed price changes after 06/30/03 must be submitted, along with supporting documentation, to CDOT Purchasing a **minimum of sixty (60) days** prior to the proposed effective date of such change. A new award notice will be issued for each additional renewal year that CDOT selects. Either party may cancel on 30 days written notice.

NOTE: THIS AWARD IS A NOTICE OF INTENT TO PURCHASE ONLY. MATERIALS WILL BE ORDERED AS NEEDED BY VARIOUS CDOT PERSONNEL, WITH QUANTITIES BASED UPON ACTUAL REQUIREMENTS. MATERIAL ORDERED BY CDOT THAT EQUAL OR EXCEED \$5000.00 PER ITEM, OR IN AGGREGATE, MUST BE ORDERED VIA PURCHASE ORDER. OTHER COLORADO STATE AGENCIES, INSTITUTIONS OR POLITICAL SUBDIVISIONS ORDERING MATERIAL BASED ON THIS AWARD MUST ORDER VIA THEIR OWN PURCHASE ORDER SYSTEM. CDOT WILL NOT BE RESPONSIBLE FOR MATERIAL ORDERED AND RECEIVED BY OTHER AGENCIES.

Please direct inquiries on this award to CDOT Purchasing phone: 303-757-9861 fax: 303-757-9669	Approved By:  Kirk Sarell, Purchasing Agent /  Michael Moore
---	--

FARIS  MACHINERY COMPANY
CONSTRUCTION EQUIPMENT AND SUPPLIES

Mr. Chuck Leyden
Fleet Maintenance
2549 River Road
Grand Junction, CO. 81505

September 5, 2002

Dear Chuck,

I have enclosed a copy of the state bid and notice of award from Colorado Department of Transportation on a new Etnyre Chipspreader.

There are some options not on this machine that you had previously ordered.

- 1) Spare tire and wheel front and rear are shown on state bid which you ordered last time.
- 2) Umbrella \$400.00
- 3) Special headlight flasher \$125.00
- 4) Limited ship valve for front and rear posi-traction \$800.00

If you are interested in trading your machine in on this new unit, the trade in value is \$45,000.00 if the new unit is ordered by January 1st and delivery is made by May 1st. This will allow us to take possession of your trade in early January so we can spend time in the winter rebuilding the machine in preparation of the spring chipping season.

Thank you for your time and interest in Faris Machinery Company.

Best Regards,



Giles Poulson

5770 East 77th Avenue
Commerce City, Colorado
80022-1099
Phone (303) 289-5743
e-mail: farismachinery@earthlink.net

web site: www.farismachinery.com



772 Valley Court
Grand Junction, Colorado
81505-9714
Phone (970) 242-4997
e-mail: farisgj@gj.net

April 25, 2002

Mr. Mike Moore
Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222

Dear Mike:

In reference to award number 7553011AA01M, an ETNYRE Chipsreader, we would like to request a change in pricing for the next 12 month period. Due to increase in labor and materials, the ETNYRE factory has passed on a 4% price increase. The new prices are as follows:

One - ETNYRE Hydrostatic Chipsreader with all standard equipment, and to include 4-wheel drive, 10' - 20' variable width hopper; Cummins 6CTA8.3 230 hp diesel engine, power shift console/seat assembly; 385/65R 22.5 radial tires; seat belt; work lights; spare tire and wheel front.

7-1-01 to 6-30-02 Price FOB Denver, Colorado -----	\$ 158,350.00
New Price for 7-1-02 to 6-30-03 (4% -----	\$ 164,685.00 >
For spare tire and wheel Rear ----- Add -----	\$ < 875.00 >

A price list from ETNYRE is enclosed for your review. If you have any questions, please contact our office.

Sincerely

FARIS MACHINERY COMPANY

Randy Shamy
District Manager

RS/jo

Enc.

Colorado Dept of Trans-ms.042502

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.

******* *Indicates New Item*

***** *Requires Roll Call Vote*

Attach 16
Contract Side Load Trash Truck

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase Side Load Trash Truck						
Meeting Date	November 6, 2002						
Date Prepared	October 28, 2002				File #		
Author	Ron Watkins			Purchasing Manager			
Presenter Name	Chuck Leyden Ron Watkins			Fleet & Facilities Manager 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: This recommendation is to facilitate the purchase through the City Sole Source Purchase Process. The original Sole Source Purchase for this truck/trash compactor configuration was approved by the Council 4/15/98 to facilitate equipment compatibility, reduction of repair parts and authorized warranty service by the City Shops on the trash compactor unit.

Budget: Funds for the replacement of unit #2278 are available in the 2003 Equipment Replacement Fund.

Action Requested/Recommendation: Authorize the City Purchasing Manager to Purchase one new 2003 Mack MR Truck complete with Heil side load automated trash compactor for the **net amount of \$148,756** from Mesa Mack Sales & Service, Inc., Grand Junction, Colorado.

Attachments:

- Mesa Mack Quotation
- Kois Brothers Quotation
- Sole Source Justification Form
- Sole Source memorandum of explanation
- Copy of Council Agenda 4/15/98

Background Information: Collaboration at the 2003 equipment replacement meeting identified Unit #2278 (1996 Mack chassis with 1996 Heil side load automated trash compactor) as in need of replacement. This sole source recommendation supports uniformity within the current Solid Waste fleet. Solid Waste currently has eleven Mack trucks equipped with Heil trash compactor units. Parts inventory can be maintained at a minimum because of equipment compatibility. City mechanics have been trained by Heil and are certified to accomplish all warranty repairs resulting in reduced down time.

The existing unit will be traded in on the new unit for a credit of **\$30,000** towards the purchase price of **\$178,756**, delivered to Grand Junction, Colorado. Due to extensive production time, this unit must be ordered now for receipt in 2003.



CHASSIS SPECIFICATIONS SUMMARY

October 2, 2002

2003 MACK MR618S

REFUSE, SIDE LOADER. On/Off Hwy
STRAIGHT TRUCK WITHOUT TRAILER

Engine	MACK 350 350 HP	Transmission Clutch	HD4560P-6 OMIT CLUTCH
Front Axle Suspension	20000# FAW20 20000#	Rear Axle Suspension	40000# SB38 Ratio 5.02 40000# SSB38
Tires	Front: 425/65R22.5 Rear: 12R22.5	Wheels	22.5x12.25 STEEL DISC (10-HOLE) 22.5x8.25 STEEL DISC (10-HOLE)
Ratings	GVW: 60000# GCW:	Fuel Tanks	LH: 80 gal RH: gal
Fifth Wheel		Sleeper	

PRICING SUMMARY

	Total Price
SELLING PRICE (Exclude Taxes/Fees/Trade)	\$93,923.50
Chassis Surcharge	900.00
Engine Surcharge	2400.00
Net Fret or Canadian GST Taxes	\$0.00
Tire Tax Credit (Municipal Only)	(\$447.50)
Sales/Usage Taxes	\$0.00
License, Title, etc	\$0.00
Miscellaneous Fees	\$0.00
Trade	\$0.00
UNIT ACQUISITION COST (Incl Trade if applies)	\$96,776.00
Less Down Payment	\$0.00
BALANCE DUE Per Unit	\$96,776.00
PRICE (Total Order)	\$96,776.00
BALANCE DUE (Total Order)	\$96,776.00

ROBIN & DARRIN;
PLEASE FIND THE QUOTATION AND SPECIFICATION FOR 1 NEW
2003 MACK TRUCK.
ROOF MOUNTED AIR CONDITIONING ADD \$1803.00
NOTE: HUB PILOT WHEELS NEW STANDARD FROM STUD PILOT
PRICE REFLECTS NEW EPA ENGINE SURCHARGE,
STANDARDS AND PRICE INCREASES. THANKS

Total Quantity: 1

Estimated Total Weight: 18,713#

Reference #: LBBC004303B

x _____
Customer Signature Date

Prepared For:
CHUCK LEYDEN GRAND JUNCITON (CITY OF)
2549 RIVER ROAD
GRAND JUNCTION, CO 81501
PHONE: --
FAX: --

x _____
Dealer Signature Date

Presented By:
Bob Caldwell
MESA MACK SALES & SVC, INC.
2394 Highway 6850
Grand Junction, Colorado 81505
(970) 243-3307

K O I S EQUIPMENT COMPANY INC.

BROTHERS

5200 COLORADO BLVD. COMMERCE CITY, CO 80022
 PHONE: 303-298-7370 FAX: 303-298-8527
 COLORADO: 800-344-0638 U.S.: 800-672-6010

August 6, 2002

Mr. Chuck Leyden
 Fleet & Facility Manager
 City of Grand Junction
 2549 River Road
 Grand Junction, CO 81505

Dear Chuck,
 We are pleased to submit the following budget quotation as per your request.

1) H.E.I.L. Rapid Rail 26 Cubic Yard Automated Side Loading Solid Waste Collection Body.
STANDARD EQUIPMENT INCLUDED IN BASE PRICING

- * 1,600 lb. Capacity Lift Mechanism
- * 96" Lift Arm Reach
- * 3.0 Cubic Yard Self Cleaning Hopper
- * Continuous Sweep Blade Packing Panel
- * Fully Automated Tailgate Latches
- * Center Mounted Brake Light
- * Combination Tail, Stop, & Directional Lights
- * FMVSS #108 Clearance Lights and Reflectors
- * Back-up and License Plate Lights
- * Backup Alarm
- * ICC Reflective Tape
- * ANSI Z245.1 Compliant
- * Body and Tailgate Service Props
- * 6 Point Manifold Block for Packer Lubrication (Manual Lube)
- * Electric Over speed Control
- * Factory Installation
- * Lift Cylinders Cushioned Up and Down with Chrome Piston Rods
- * In Cab Electrical Lift & Tailgate Controls
- * In Cab Electrical Packing Controls
- * In Cab Soft Touch Lift Controls
- * Mid-Body Turn Signal
- * 6 Micron Return Line Filter & Magnetic Trap w/In-Cab Filter By-Pass Monitor
- * 140 Micron Suction Line Strainer
- * Underbody Hydraulic Oil Tank w/Level & Temperature Sight Gauge, Oil Suction Shut-Off & "Y" Fitting
- * Rear Anti-Spary Mud Flaps
- * Hydraulic Tank Magnetic Plug
- * Rear Under ride Protection
- * O.I.G.A.I. Front Engine Crankshaft Driven Tandem Vane Pump
- * Customer Choice of One Color Paint

ADDITIONAL ACCESSORIES INCLUDED IN PRICING

- * Universal Grabbers 90-300 Gallon
- * Tandem Steel Fenders
- * Multi-Connector Plug
- * Joy Stick Control
- * Steel Underbody Toolbox 18"x18"x24"
- * Whelen Remote Strobes System One Strobe on Cab Roof Two Round Strobes Rear
- * One Year Factory Warranty
- * Manual - Hopper Cover Expanded Metal
- * Dual Hopper Work Lights
- * Remote Control
- * Oil Shut Off on Suction Line
- * Wheel Chock's & Wheel Chock Holder
- * First Aid Kit Cab Mounted
- * Grease Gun in Toolbox
- * Freight to Grand Junction

New unit complete installed on new truck chassis and delivered, \$81,980.00 ✓
 F.O.B. Grand Junction, CO.
 Remove old Rapid Rail body prepare chassis, ship chassis to factory, install new body onto the cities existing Mack truck add to above pricing. \$5,605.00
 Estimated trade in value of complete used 1996 Mack/26 yd. Rapid Rail \$30,000.00

Sincerely,

Gary G. Kois

Form A

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

Date: <u>9/27/02</u>	Requested By: <u>ROBIN LAURIN</u>
Department: <u>SOLID WASTE</u>	Division: <u>UTILITIES</u>
Vendor Name: <u>KOIS BROS/MESA MACK</u>	Net Cost Delivered: \$ <u>178,756.00</u>

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: 2003 HEIL RAPID RAIL ON MACK CHASSIS

- The Vendor is the original equipment manufacturer and there are no regional distributors;
- The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
- The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
- No other equipment is available that shall meet the specialized needs of the department or perform the intended function; or
- Detailed justification is available which establishes beyond doubt that the Vendor is the only source practically available to provide the item or service required.
- Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval:

Signed: _____, _____, _____
title date

Purchasing Approval:
Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Purchasing Manager Approval: [Signature] Date: 10/28/02

Final Authorization

City Council Approval Required (\$25K and over) yes / no

City Manager Approval Required (\$10K to less than \$25K) yes / no

Attach Justification Documentation and Forward to City Purchasing Manager

To: Ron Watkins
Purchasing Manager

From: Robin Laurin
Solid Waste Supervisor

Subject: Side Loader Purchase

October 26, 2002

Our current fleet of side load collection trucks consists of four 1996 Mack/Rapid Rail units and one 1999 Mack/Rapid Rail unit. Current industry standards on the life of a side loader are six years. We attempted to run those eight years but maintenance costs are creeping up on us. We are bumping up unit 2278 to seven years and plan to replace it in 2003. The remainder 1996 models will be replaced in 2004 with accruals adjusted for all side load units to allow replacement every six years.

Solid Waste has been working with Fleet Services on this proposal. Chuck, Darren and I agree that it would be in the best interest of the City of Grand Junction to pursue a sole source purchase request for this unit to maintain uniformity of the current fleet.

Solid Waste is currently running eleven Mack chassis which have shown to be very dependable and low maintenance. Side loader bodies are a very complex piece of machinery having extensive electrical and hydraulic components. This sole source purchase would allow maintenance and inventory costs to remain at a minimum. Fleet Technicians are factory trained in the repair and maintenance of our current units and no additional training would be required. Parts inventory requirements would remain as the new unit's parts would be interchangeable. Equipment operators are proficient in the operation of our current fleet and this purchase would continue to provide consistency of safe operation. In addition, Rapid Rail bodies have the lowest profile, allowing us to travel the alleys with minimum overhead wire damage claims, as well as the best visibility in the industry from the standard left driver's side operation.

Manufacturers advise us that the time frame from placing an order until delivery is at least five months out from the time we order. As a result of this I would like to recommend we obtain approval from the authorizing parties of the city to order this unit as early as possible, to be delivered in April/May of 2003 to prevent any extensive delay.

Please let me know if you need anything else to help this request along.

Thanks,

Robin Laurin

cc: Darren Starr
Greg Trainor
Chuck Leyden

Memorandum

To: Ronald Watkins, Purchasing Manager

From: Chuck Leyden, Fleet & Facilities Manager

Date: 12/16/2011

Re: 2003 Replacement, Solid Waste Division Unit # 2278, Side Loader

The 2003 Vehicle replacement meeting identified the need to replace unit # 2278 a 1996 Mack MR Truck with a Heil side loader automated trash compactor. Replacement funds are budgeted for the replacement of this unit during 2003. Due to manufacturing production date it is necessary to order the replacement unit during the early part of November 2002 so the unit will be received in the mid-year 2003. As part of the sole source request to City Council for approval to purchase this unit it will be necessary to obtain permission to order the unit during November of 2002 and purchase in 2003.

I have attached the written sole source justification from Rob Laurin, Solid Waste Supervisor along with the purchasing sole source form. I have also included a written proposal from the local Mack dealership Mesa Mack and Kois Brothers for the automated Heil side loader. The purchase price for this unit will be \$178,756 including freight. There will be an accepted trade-in of \$30,000 for our used unit.

I have read the written sole source justification provided by Rob Laurin and support the Solid Waste Divisions request. This request continues to provide consistency within the current Solid Waste Fleet. Parts Inventory will remain the same as all parts currently in stock will interchange with the new unit and additional inventory will not be required. The requested vendors are the suppliers of our current auto-mated side load units. The Mack trucks have proven to be highly durable and dependable in the trash collection application and environment. Fleet Services is an authorized in-house warranty repair center through Kois Brothers for the repair and maintenance of the Heil automated side loaders. The in-house warranty authorization has allowed Fleet Services to perform warranty repairs in-house with minimal mechanical related downtime for repairs. Heil along with Kois Brothers has and will continue to provide factory training on site for our mechanical technicians.

Approved by Council 4/15/98

CITY OF GRAND JUNCTION

DATE: 4/15/98

CITY COUNCIL

STAFF PRESENTATION:

Darren Starr, Sanitation Superintendent
Rob Laurin, Sanitation Supervisor
Mark Smith, Purchasing Agent

AGENDA TOPIC: 1) Request Council authorization to purchase a new Automated Side-Loader Sanitation Truck for residential service rather than a commercial Front-Loader as currently budgeted for replacement in 1999. 2) Request Council authorization to place an order for a Automated Side-Loader Sanitation Truck in 1998 for delivery and payment in 1999. 3) Request Council authorization to cause the sole source acquisition of Heil Rapid Rail 26 CY Automated Side Loader body mounted on a 1999 Mack MR690S Cab and Chassis from Kois Brothers Equipment Company at a cost of \$160,587.00.

SUMMARY: The city's solid waste division is scheduled to replace a commercial front-loading sanitation truck in 1999. Due to a large federal government order for Allison transmissions, it will take 12 to 13 months to receive delivery of 60,000 GVW rated cab and chassis to carry the loader body. Due to an increase in residential accounts, the division's management staff requests the authorization to purchase an automated side-loader instead of the commercial front-loader, and, due to the lengthy delivery time, place the order this year for delivery and payment in '99. With consideration for maintaining the cost advantages of fleet compatibility (operation/maintenance knowledge and experience, and single inventory of interchangeable parts), staff requests authorization to sole-source purchase another (we have 4) Heil Rapid Rail Side-Loader mounted on a 1999 Mack Cab and Chassis from Kois Brothers Equipment Co., Commerce City, for \$160,587.00. The cab and chassis (@ \$89,764) would be ordered from and warranted by the local Mack Truck dealer, Mesa Mack.

*Bid
State Contract*

ACTION REQUESTED: Approve staff request to cause the sole source purchase of Heil Rapid Rail Side-Loader mounted on a 1999 Mack Cab and Chassis from Kois Brother, Commerce City, for \$160,587.00. Approve staff request to order the truck this year for delivery and payment in 1999.

BACKGROUND INFORMATION: In 1996, as a result of a competitive sealed bid, the City's Solid Waste Division purchased from Kois Brothers Equipment Co. four (4) Heil Rapid Rail Automated Side-Loading Sanitation bodies mounted on Mack Trucks for \$146,786.75 each, \$86,372.75 for the Mack Cab and Chassis and \$60,414.00 for the Rapid Rail Loader Body. At that time we received two (2) body bids, Rapid Rail and Curbtender, and one cab and chassis bid (Mack). At this point the City has four (4) side-loaders for residential pick-up and five (5) front-loaders for commercial accounts. In 1999, the Solid Waste Division, due to an increase in residential accounts, recommends increasing the residential service fleet to five (5) side-loaders and reducing the commercial service fleet to four (4) front-loaders; this mix will improve residential service with no negative impact on commercial services. Anticipated "life span" for side-loaders is seven (7) years. The '99 side-loader will cost roughly 9% more than paid in '96.

FISCAL IMPACT: By year-end, the Equipment Replacement Fund will have \$134,458.00 in accruals for the acquisition of a new truck. The short-fall will be covered by the proceeds from the sale of a 1983 Kenworth/Lodal Front-Loader and future replacement accruals.

RECOMMENDATION: Staff recommends replacing commercial front-loader with residential side-loader to be "sole-source" ordered now from Kois Brothers for delivery in mid-year 1999 at a cost of \$160,587.00.

cc: Jim Shanks, Ron Lappi, Greg Trainor, John Kenney

*** Indicates New Item

* Requires Roll Call Vote

Attach 17
Holiday Parking

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Free Holiday Parking								
Meeting Date		November 6, 2002								
Date Prepared		October 29, 2002					File #			
Author		Harold Stalf			DDA Executive Director					
Presenter Name		Harold Stalf			DDA Executive Director					
Report results back to Council		x	No		Yes	When				
Citizen Presentation			Yes	x	No	Name				
	Workshop	X		Formal Agenda				Consent	X	Individual Consideration

Summary: The previous three years the City Council agreed to suspend parking meters for the holiday season. The merchants found it to be a great success and both the DTA and DDA support the request again this year.

Budget: This could result in a loss of revenue of approximately \$20,000

Action Requested/Recommendation: Approval of suspended parking fees from Thanksgiving to January 2, 2003.

Attachments: none

Background Information: This is the 4th year that the suspension of meters has been proposed. The positive feedback has been outstanding. Therefore, the DDA Board of Directors proposes that we repeat the "Free Holiday Parking" this year. Parking bags have been ordered to place over each of the meters; perhaps a sticker stating "Happy Holidays from the Downtown merchants and the City" will be placed on the bags. The

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.

*** Indicates New Item

* Requires Roll Call Vote

DDA Board recommends that the parking officials still patrol the free-parking areas and watch to make certain there are no violators parking in the handicapped spots or beyond the limit in the free signed time-limited (2-hour) parking areas. Citations should still be issued for violations in those two designated areas. The DDA and DTA will advertise "Free Holiday Parking" in their holiday promotions. The DDA and Downtown Association are committed to increasing revenue to the parking fund; however, they are also committed to making Downtown parking a positive experience for the community and this short period of parking fee suspension works toward that end.

Attach 18
Public Hearing – ISRE Annexation No. 2, 2980 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	ISRE Annexation No. 2 Located at 2980 D-1/2 Road					
Meeting Date	November 6, 2002					
Date Prepared	October 30, 2002			File: ANX-2002-176		
Author	Kristen Ashbeck		Senior Planner			
Presenter Name	Kristen Ashbeck		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Jeffory Crane, Representative
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The ISRE Annexation No. 2 area consists of a 6.27-acre parcel of land located at 2980 D-1/2 road. The property owner has requested annexation into the City as the result of proposing a Growth Plan Amendment for the property to be considered by City Council at a later date. Under the Persigo Agreement all such types of development require annexation and processing in the City.

Budget: N/A

Action Requested: Approval of Resolution accepting Annexation Petition and second reading of Annexation

Attachments:

1. Background Information/Staff Analysis
2. Annexation Map
3. Resolution of Acceptance
4. Annexation Ordinance

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

BACKGROUND INFORMATION				
Location		2980 D-1/2 Road		
Applicant		ISRE, LLC		
Existing Land Use		Large Lot – Vacant Residence		
Proposed Land Use		Single or Multifamily Residential		
Surrounding Land Use	North	Commercial/Industrial and Large Lot		
	South	Large Lot Single Family Residential		
	East	Large Lot Single Family Residential		
	West	Large Lot Single Family Residential		
Existing Zoning (Mesa County)		RSF-R and I (Industrial)		
Proposed Zoning		Pending Growth Plan Amendment		
Surrounding Zoning	North	Industrial (I – Mesa County)		
	South	RSF-R (Mesa County)		
	East	RSF-4 (City – Proposed RMF-8)		
	West	RSF-R and I (Mesa County)		
Growth Plan Designation		Residential Medium Low – 2 to 4 units per acre		
Zoning within density range?			Yes	<input checked="" type="checkbox"/> No

STAFF ANALYSIS

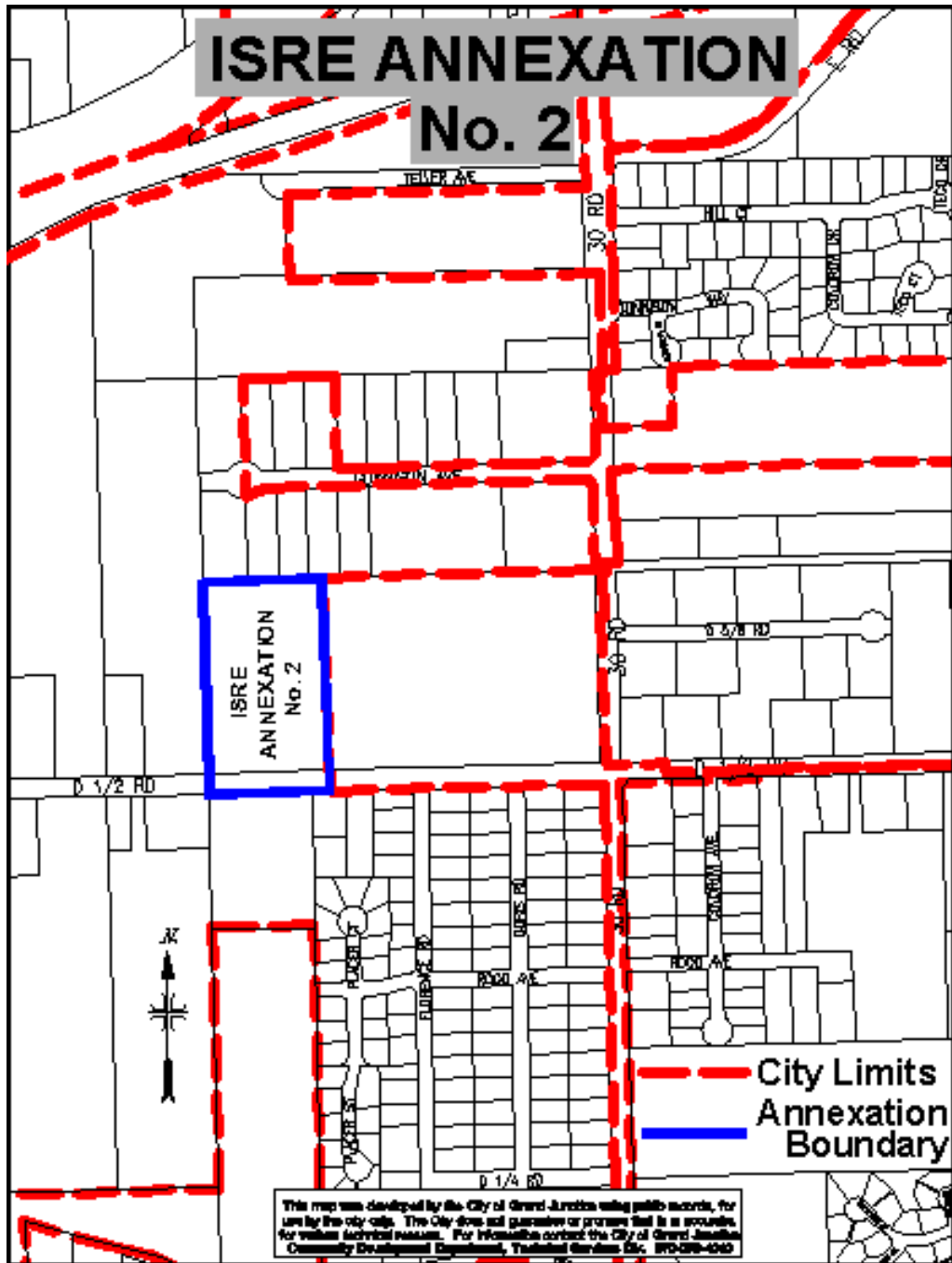
It is staff’s professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the ISRE Annexation No. 2 is eligible to be annexed because of compliance with the following:

- 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.

ISRE ANNEXATION No. 2 SUMMARY		
File Number	ANX-2002-176	
Location	2980 D-1/2 Road	
Tax ID Number	2943-171-00-143	
Parcels	1	
Estimated Population	0	
# of Parcels (owner occupied)	0	
# of Dwelling Units	1 - Vacant	
Acres land annexed	6.27	
Developable Acres Remaining	5.72	
Right-of-way in Annexation	396.16 feet of 60-foot right-of-way for D-1/2 Road	
Previous County Zoning	RSF-R and I	
Proposed City Zoning	Petitioner has 60 days to seek a Growth Plan Amendment for this property and wait for results of rezoning request for adjacent property (same owner). If favorable, petitioner will request an RMF-8 zone, otherwise, City will propose an RSF-4 zoning, currently the same as adjacent property.	
Current Land Use	Large Lot with Vacant Residence	
Future Land Use	Single or Multifamily Residential	
Values	Assessed	\$ 9,780
	Actual	\$106,920
Census Tract	8	
Address Ranges	2974-2980 D-1/2 Road, even only	
Special Districts	Water	Ute Water
	Sewer	Central Grand Valley

	Fire	Grand Junction Rural
	Drainage	Grand Junction Drainage District
	School	Mesa County Valley District 51
	Pest	N/A



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

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

ISRE ANNEXATION No. 2

Located at 2980 D-1/2 Road

And Including a Portion of the D-1/2 Road Right-of-Way

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of September, 2002, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A certain parcel of land lying in the East half (E 1/2) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of the South Half of the Southeast Quarter of the Northeast Quarter (S 1/2 SE 1/4 NE 1/4) of said Section 17 and considering the South line of the S 1/2 SE 1/4 NE 1/4 of said Section 17 to bear N 89°59'59" W with all bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°05'59" W along the West line of the S 1/2 SE 1/4 NE 1/4 of said Section 17, a distance of 659.70 feet, more or less, to a point being the Northwest Corner of the S 1/2 SE 1/4 NE 1/4 of said Section 17, also being the Southwest Corner of the Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado; thence S 89°59'39" E along the South line of said Plat of Banner Industrial Park and being the North line of the S 1/2 SE 1/4 NE 1/4 of said Section 17, a distance of 396.12 feet, more or less, to a point on the East line of the West 6.0 Acres of the S 1/2 SE 1/4 NE 1/4 of said Section 17; thence S 00°05'59" E, along said East line, a distance of 689.66 feet, more or less, to a point on a line 30.00 feet South of and parallel to, the South line of the S 1/2 SE 1/4 NE 1/4 of said Section 17; thence N 89°59'59" W, along said parallel line, a distance of 396.16 feet, more or less, to a point on the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 17; thence N 00°00'59" W, along said West line, a distance of 30.00 feet, more or less, to the Point of Beginning.

Containing 273,196.20 Square Feet or 6.272 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of November, 2002; and

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

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

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

ADOPTED this 6th day of November, 2002.

President of the Council

Attest:

City Clerk

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

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

ISRE ANNEXATION No. 2
Approximately 6.27 ACRES
Located at 2980 D-1/2 Road
And Including a Portion of the D-1/2 Road Right-of-Way

WHEREAS, on the 18th day of September, 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 6th day of November, 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:

ISRE ANNEXATION No. 2

A certain parcel of land lying in the East half (E 1/2) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of the South Half of the Southeast Quarter of the Northeast Quarter (S 1/2 SE 1/4 NE 1/4) of said Section 17 and considering the South line of the S 1/2 SE 1/4 NE 1/4 of said Section 17 to bear N 89°59'59" W with all bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°05'59" W along the West line of the S 1/2 SE 1/4 NE 1/4 of said Section 17, a distance of 659.70 feet, more or less, to a point being the Northwest Corner of the S 1/2 SE 1/4 NE 1/4 of said Section 17, also being the Southwest Corner of the Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado; thence S 89°59'39" E along the South line of said Plat of Banner Industrial Park and being the North line of the S 1/2 SE 1/4 NE 1/4 of said

Section 17, a distance of 396.12 feet, more or less, to a point on the East line of the West 6.0 Acres of the S 1/2 SE 1/4 NE 1/4 of said Section 17; thence S 00°05'59" E, along said East line, a distance of 689.66 feet, more or less, to a point on a line 30.00 feet South of and parallel to, the South line of the S 1/2 SE 1/4 NE 1/4 of said Section 17; thence N 89°59'59" W, along said parallel line, a distance of 396.16 feet, more or less, to a point on the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 17; thence N 00°00'59" W, along said West line, a distance of 30.00 feet, more or less, to the Point of Beginning.

Containing 273,196.20 Square Feet or 6.272 Acres, more or less, as described.

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

INTRODUCED on first reading on the 18th day of September, 2002.

ADOPTED and ordered published this 6th day of November, 2002.

President of the Council

Attest:

City Clerk

Attach 19

Public Hearing – Dakota West Annexation, 3038 and 3090 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Dakota West Annexation, 3088 and 3090 D ½ Road					
Meeting Date	November 6, 2002					
Date Prepared	October 30, 2002				File # ANX-2002-168	
Author	Lori V. Bowers			Senior Planner		
Presenter Name	Lori V. Bowers			Senior Planner		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent
						Individual Consideration

Summary: The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County. The physical address for the properties are 3088 and 3090 D ½ Road.

Budget: N/A

Action Requested/Recommendation: Acceptance of the annexation petition, and second reading of the Annexation Ordinance.

Attachments:

- Staff Report
- Annexation Map
- Resolution
- Annexation Ordinance

Background Information: Please see attached Staff Report

<i>STAFF REPORT / BACKGROUND INFORMATION</i>					
Location:		3088 & 3090 D ½ Road			
Applicant:		Robbie & Gwendolyn Sandidge David & Regina Wens, Owners G & R West - Developers			
Existing Land Use:		Single family residence and vacant land			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Vacant land (Proposed Iles annexation)			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre)			
Surrounding Zoning:	North	PUD (Mesa County)			
	South	PUD (Mesa County)			
	East	R-2 (Mesa County)			
	West	RMF-5 (Mesa County)			
Growth Plan Designation:		Residential Medium – 4 to 8 dwelling units per acre			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium”, 4 to 8 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

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 Dakota West Annexation is eligible to be annexed because of compliance with the following:

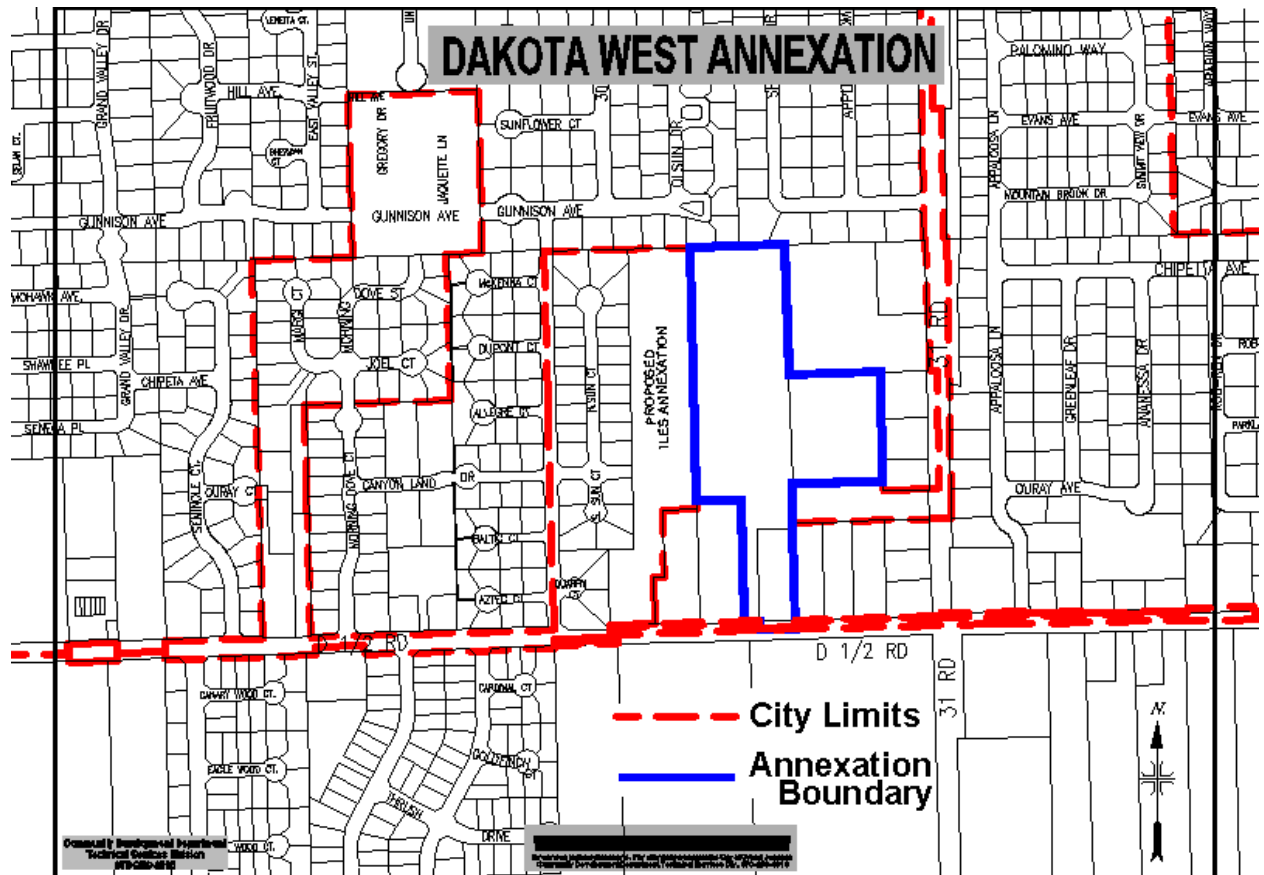
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- 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.

<i>ANNEXATION SCHEDULE</i>	
Sept. 18th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Oct. 8th	Planning Commission considers Zone of Annexation
Oct. 16th	First Reading on Zoning by City Council
Nov. 6th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Nov. 20th	Second Reading on Zoning by City Council
Dec. 8th	Effective date of Annexation (Zoning effective date December 20 th)

DAKOTA WEST SUBDIVISION ANNEXATION		
File Number:	ANX-2002-168	
Location:	3088 & 3090 D ½ Road	
Tax ID Numbers:	2943-161-00-187 2943-161-00-053 2943-101-00-214	
Parcels:	3	
Estimated Population:	Proposed 48 residential lots	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	Existing house to be razed	
Acres land annexed:	10.9105 acres	
Developable Acres Remaining:	10.9105 acres	
Right-of-way in Annexation:	None	
Previous County Zoning:	RSF-4 (County)	
Proposed City Zoning:	RMF-5 (Residential Multi-Family not to exceed 5 dwelling units per acre)	
Current Land Use:	Vacant (with one residence / razed)	
Future Land Use:	Residential	
Values:	Assessed:	= \$ 28,220
	Actual:	= \$ 136,310
Census Tract:	8	
Address Ranges:	3088 to 3090 D ½ Road	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	Upper Grand Valley



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-02

A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE DAKOTA WEST SUBDIVISION IS ACCEPTABLE FOR ANNEXATION LOCATED AT 3088 AND 3090 D 1/2 ROAD IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of September 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 BOUNDARY LEGAL DESCRIPTION
DAKOTA WEST ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the North line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear N 89°51'29" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'29" E along the North line of the SE 1/4 NE 1/4 of said Section 16, a distance of 501.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°51'29" E a distance of 325.22 feet; thence S 00°00'00" E a distance of 449.87 feet; thence N 89°51'36" E a distance of 310.00 feet; thence S 00°00'00" E along a line 185.00 feet West of and parallel to the East line of the SE 1/4 NE 1/4 of said Section 16, a distance of 369.81 feet; thence S 89°51'59" W a distance of 310.00 feet; thence S 00°00'00" E, along the West line (and its Northerly projection) of Voegely Minor Subdivision a distance of 495.00 feet; thence S 89°51'59" W along a line 5.00 feet North of and parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 125.00 feet; thence N 00°00'00" E a distance of 25.00 feet; thence S89°51'59" W along a line 30.00 feet North of parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 49.54 feet; thence N 00°10'50" E a distance of 417.00 feet; thence S 89°51'59" W a distance of 154.75 feet; thence N 00°10'50" E a distance of 872.61 feet, more or les, to the Point of Beginning.

CONTAINING 10.9105 Acres (475,263.53 Square Feet) more or less, as described.

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.

*** *Indicates New Item*

* *Requires Roll Call Vote*

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of November, 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**

**DAKOTA WEST SUBDIVISION
APPROXIMATELY 10.9105 ACRES
LOCATED AT 3088 & 3090 D 1/2 ROAD**

WHEREAS, on the 18th day of September, 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 6th day of November, 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:

DAKOTA WEST ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the North line of the

Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear N 89°51'29" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'29" E along the North line of the SE 1/4 NE 1/4 of said Section 16, a distance of 501.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°51'29" E a distance of 325.22 feet; thence S 00°00'00" E a distance of 449.87 feet; thence N 89°51'36" E a distance of 310.00 feet; thence S 00°00'00" E along a line 185.00 feet West of and parallel to the East line of the SE 1/4 NE 1/4 of said Section 16, a distance of 369.81 feet; thence S 89°51'59" W a distance of 310.00 feet; thence S 00°00'00" E, along the West line (and its Northerly projection) of Voegely Minor Subdivision a distance of 495.00 feet; thence S 89°51'59" W along a line 5.00 feet North of and parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 125.00 feet; thence N 00°00'00" E a distance of 25.00 feet; thence S89°51'59" W along a line 30.00 feet North of parallel to the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 49.54 feet; thence N 00°10'50" E a distance of 417.00 feet; thence S 89°51'59" W a distance of 154.75 feet; thence N 00°10'50" E a distance of 872.61 feet, more or les, to the Point of Beginning.

CONTAINING 10.9105 Acres (475,263.53 Square Feet) more or less, as described.

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

INTRODUCED on first reading on the ___ day of _____, 2002.

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

Attest:

President of the Council

City Clerk

Attach 20
Public Hearing – Create Alley Improvement District 2003

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public Hearing of a Resolution to Create Alley Improvement District ST-03, 2003					
Meeting Date	November 6th, 2002					
Date Prepared	October 25th, 2002				File #	
Author	Rick Marcus			Real Estate Technician		
Presenter Name	Rick Marcus			Real Estate Technician		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

Budget:

2003 Alley Budget	\$360,000
Carry in from 2002 Budget	\$ 13,710
Estimated Cost to construct 2003 Alleys	\$336,252
Estimated Balance	\$ 37,458

Action Requested/Recommendation: Conduct public hearing and review and adopt proposed resolution.

Attachments: 1) Summary Sheets 2) Maps 3) Resolution

Background Information: Peoples Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed. Council may also establish assessment rates

by resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-family uses, \$15.00 per abutting foot for residential multi-family uses, and \$31.50 per abutting foot for non-residential uses.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 2nd STREET TO 3rd STREET EAST SHERWOOD AVENUE TO NORTH AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• TWAG, LLP (Baird Brown)	190.50	\$ 31.50	\$ 6,000.75
Bevill Family, LLP	61.80	\$ 15.00	\$ 927.00
Bevill Family, LLP	52.60	\$ 15.00	\$ 789.00
• North Third Venture, LLP	90.00	\$ 31.50	\$ 2,835.00
• Michael Wiarda & Laura Bond	114.00	\$ 15.00	\$ 1,710.00
• Linda Moran	30.90	\$ 31.50	\$ 973.35
• Michael & Loretta Klaich	30.90	\$ 31.50	\$ 973.35
• Jane & James Jenkins	75.00	\$ 31.50	\$ 2,362.50
John & Betty Dunning	190.40	\$ 31.50	\$ 5,997.60
• Janet Pomrenke	71.10	\$ 31.50	\$ 2,239.65
Harbert Investment Co.	310.00	\$ 31.50	\$ 9,765.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$37,723.20
ASSESSABLE FOOTAGE	1,317.20		

Estimated Cost to Construct \$ 97,593.00

Absolute Cost to Owners \$ 37,723.20

Estimated Cost to City \$ 59,869.80

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

- Indicates Property Owners Signing Petition = 7/13 or 54% of Owners & 46% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 6th STREET TO 7th STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Mesa County	75.00	\$ 31.50	\$ 2,362.50
• Anthony Williams, et al	50.00	\$ 31.50	\$ 1,575.00
• RMEC Properties	25.00	\$ 31.50	\$ 787.50
• RMEC Properties	25.00	\$ 31.50	\$ 787.50
• Courthouse Place Associates	25.00	\$ 31.50	\$ 787.50
• Ken Rabideau, et al	50.00	\$ 31.50	\$ 1,575.00
• Roy & Pamela Blythe	50.00	\$ 31.50	\$ 1,575.00
David & Collen hawks	75.00	\$ 31.50	\$ 2,362.50
• Harry Williams	125.00	\$ 31.50	\$ 3,937.50
• Dale Cole	185.00	\$ 31.50	\$ 5,827.50
• Carroll Multz	135.00	\$ 31.50	\$ 4,252.50
• Courthouse Place Associates	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$27,405.00
ASSESSABLE FOOTAGE	870.00		

Estimated Cost to Construct	\$ 71,725.00
Absolute Cost to Owners	<u>\$ 27,405.00</u>
Estimated Cost to City	\$ 44,320.00

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

- Indicates Property Owners Signing Petition = 11/12 or 92% of Owners & 90% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11th STREET TO 12th STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
William & Tanya Bollacker	50.00	\$ 8.00	\$ 400.00
• Marilyn Seuferer	37.50	\$ 8.00	\$ 300.00
• Norma Mattie	37.50	\$ 8.00	\$ 300.00
• Eileen Bird	50.00	\$ 8.00	\$ 400.00
Dwain Partee, et al	50.00	\$ 8.00	\$ 400.00
James Fuchs	50.00	\$ 8.00	\$ 400.00
• Gary Kunz & Melanie Porter	75.00	\$ 8.00	\$ 600.00
Cynthia McRobbie	50.00	\$ 8.00	\$ 400.00
• David & Terri Klements	50.00	\$ 8.00	\$ 400.00
Lucinda Cross	50.00	\$ 8.00	\$ 400.00
• Rodney Johnson	50.00	\$15.00	\$ 750.00
• Dennis Haberkorn	50.00	\$ 8.00	\$ 400.00
Lori Rattan	50.00	\$ 8.00	\$ 400.00
Charles & Roberta McIntyre	50.00	\$15.00	\$ 750.00
• Linda Villa	50.00	\$ 8.00	\$ 400.00
• William Mertz	50.00	\$ 8.00	\$ 400.00
• Neola Miller	50.00	\$ 8.00	\$ 400.00
• Deborah Lehman	50.00	\$ 8.00	\$ 400.00
TOTAL			\$7,900.00
ASSESSABLE FOOTAGE	900.00		

Estimated Cost to Construct \$ 47,500.00

Absolute Cost to Owners \$ 7,900.00

Estimated Cost to City \$ 39,600.00

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

- Indicates Property Owners Signing Petition = 11/18 or 61% of Owners & 61% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET CHIPETA AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• James & Sharon Armstrong	50.00	\$ 8.00	\$ 400.00
• Tracy & Michael Lefebre	62.50	\$ 8.00	\$ 500.00
• Charles Buss	62.50	\$ 8.00	\$ 500.00
• Harry Tiemann	62.50	\$ 8.00	\$ 500.00
• Janet Breckenridge & William McNulty	62.50	\$ 8.00	\$ 500.00
Robert Joyner & Marsha Blacker	50.00	\$ 8.00	\$ 400.00
• Scott & Mandie Mercier	50.00	\$ 8.00	\$ 400.00
• William McCracken & Robin Dearing	50.00	\$ 8.00	\$ 400.00
• Conrad Gulden & Marsha Bradford	50.00	\$ 8.00	\$ 400.00
• Harry Tiemann	50.00	\$ 8.00	\$ 400.00
Kellie Clark	50.00	\$ 8.00	\$ 400.00
• David & Joni Davis	50.00	\$ 8.00	\$ 400.00
Bruce Binkley	50.00	\$ 8.00	\$ 400.00
• Ruth Price & Douglas Stark	50.00	\$ 8.00	\$ 400.00
Vicki Winger	50.00	\$ 8.00	\$ 400.00
TOTAL			\$6,400.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct \$ 42,750.00

Absolute Cost to Owners \$ 6,400.00

Estimated Cost to City \$ 36,350.00

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

- Indicates Property Owners Signing Petition = 11/15 or 73% of Owners & 75% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Shawn & Lorinda Stratton	77.07	\$ 8.00	\$ 616.56
Jessie Morris	77.06	\$ 8.00	\$ 616.48
Dennis Svaldi	77.07	\$ 8.00	\$ 616.56
• Max, Vicki & Shannon Stites	76.00	\$ 8.00	\$ 608.00
• Roland & Frances Gearhart	77.07	\$ 8.00	\$ 616.56
• Charles Theisen	77.06	\$ 8.00	\$ 616.48
• Bill Ashcraft	77.07	\$ 8.00	<u>\$ 616.56</u>
TOTAL			\$4,307.20
ASSESSABLE FOOTAGE	538.40		

Estimated Cost to Construct \$ 33,934.00

Absolute Cost to Owners \$ 4,307.20

Estimated Cost to City

\$ 29,626.80

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

- Indicates Property Owners Signing Petition = 4/7 or 57% of Owners & 57% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET MAIN STREET TO COLORADO AVENUE

ASSESSMENT	OWNER	FOOTAGE	COST/FOOT	
• Beverly Hughes		50.00	\$ 8.00	\$ 400.00
• David Berry		50.00	\$ 8.00	\$ 400.00
• Irene Hannigan		50.00	\$ 8.00	\$ 400.00
• Benjamin Arnold		50.00	\$ 8.00	\$ 400.00
• Hulda & Glenn Webster		50.00	\$ 8.00	\$ 400.00
• Hulda Webster		50.00	\$ 8.00	\$ 400.00
• Delos & Alice Else		50.00	\$ 8.00	\$ 400.00
Betty, Jack & Lisa Tanksley		50.00	\$ 8.00	\$ 400.00
• Melvin & Margaret Southam		50.00	\$ 8.00	\$ 400.00
Jonnie Baldwin		50.00	\$ 8.00	\$ 400.00
Larry & Lori Holloway		50.00	\$ 8.00	\$ 400.00
• Michael Mclaughlin		50.00	\$ 8.00	\$ 400.00
• Theresa Williamson		50.00	\$ 8.00	\$ 400.00
• Mark Lawton		50.00	\$ 8.00	\$ 400.00
• Donald & Judy Hackney		50.00	\$ 8.00	\$ 400.00
• Zelda Brookins		50.00	\$ 8.00	\$ 400.00
			TOTAL	\$ 6,400.00
ASSESSABLE FOOTAGE		800.00		

Estimated Cost to Construct	\$ 42,750.00
Absolute Cost to Owners	<u>\$ 6,400.00</u>
Estimated Cost to City	\$ 36,350.00

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

- Indicates Property Owners Signing Petition = 13/16 or 81% of Owners & 81% of Abutting Footage

13th to 14th, Main to Colorado



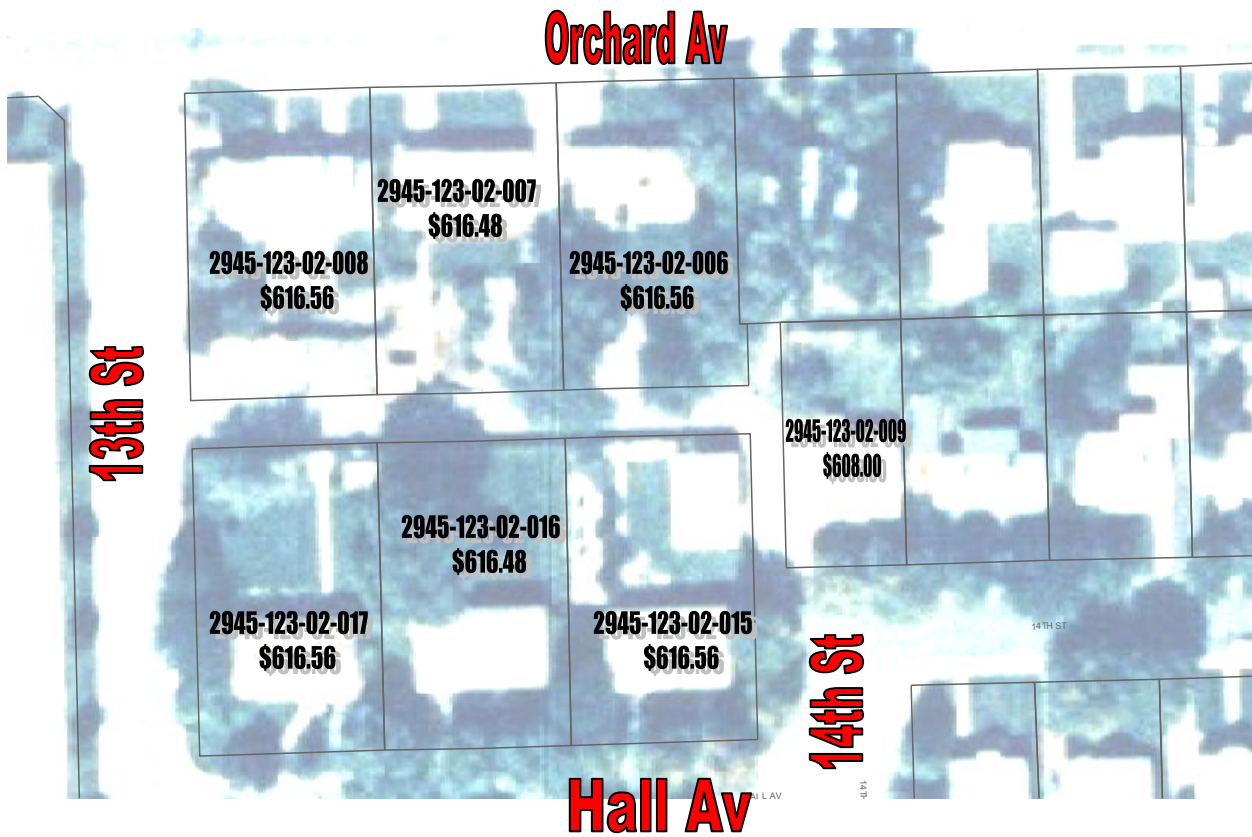
13th to 14th, Chipeta to Ouray

Parcel Address	Value
2945-132-10-016	\$400.00
2945-132-10-006	\$400.00
2945-132-10-005	\$500.00
2945-132-10-004	\$500.00
2945-132-10-003	\$500.00
2945-132-10-002	\$500.00
2945-132-10-001	\$400.00
2945-132-10-015	\$400.00
2945-132-10-014	\$400.00
2945-132-10-013	\$400.00
2945-132-10-012	\$400.00
2945-132-10-011	\$400.00
2945-132-10-010	\$400.00
2945-132-10-009	\$400.00
2945-132-10-008	\$400.00

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.

- *** Indicates New Item
- * Requires Roll Call Vote

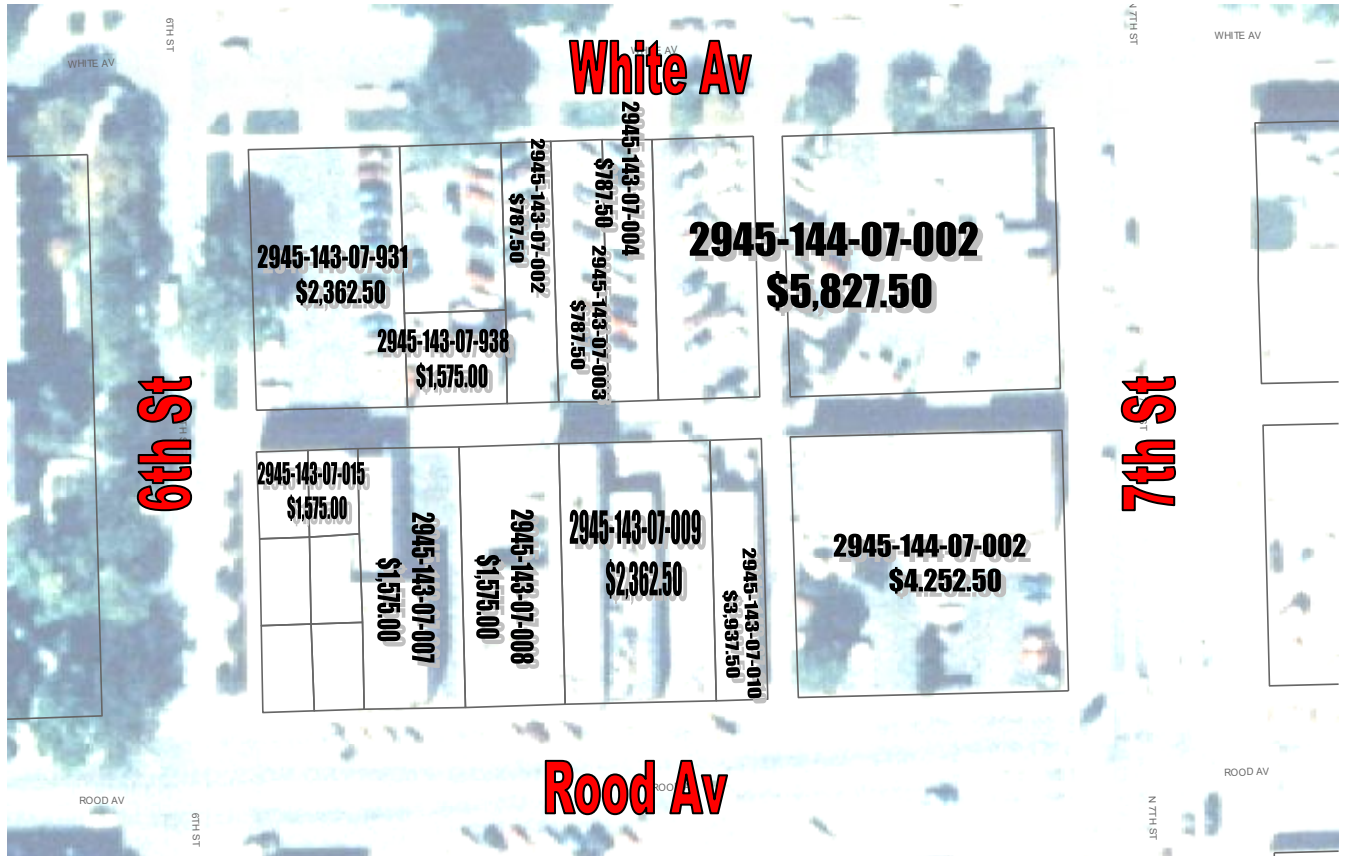
13th to 14th, Hall to Orchard



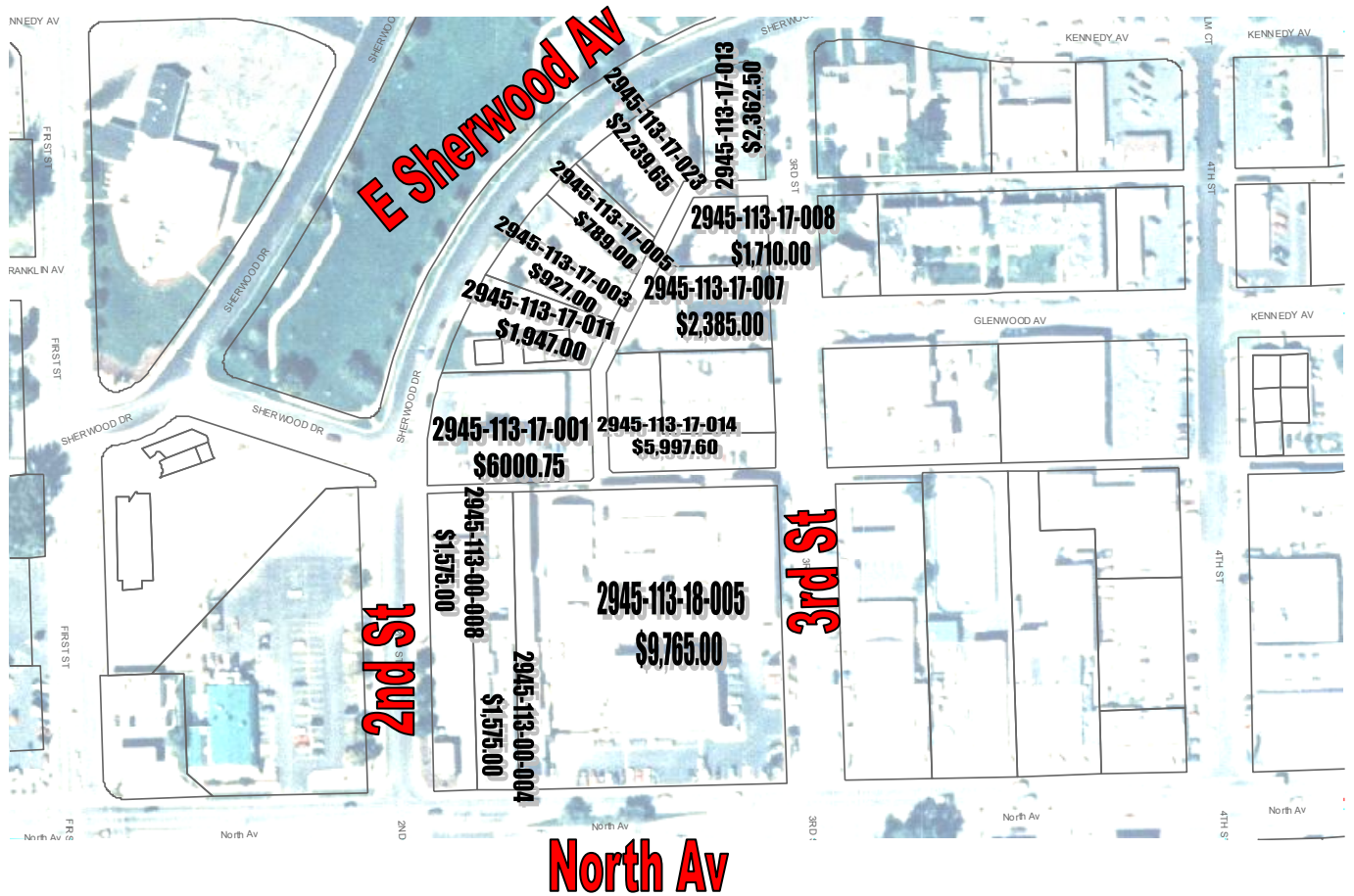
11th to 12th, Road to White



6th to 7th, Rood to White



2nd to 3rd, E Sherwood to North



RESOLUTION NO. _____

**CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-03
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 2nd day of October, 2002, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-03 Authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and Authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

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

1. That the real property (also known as the "District Lands") to be assessed with a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

LOT 1 BLK 13 SHERWOOD ADD; and also,
 ALL THAT PT LOT 2 BLK 13 SHERWOOD ADD N OF A LI EXTENDING FR
 MIDPOINT ON WLY BDRY TO MIDPOINT OF ELYBDRY LOT; and also,
 BEG INTERS OF SWLY LI LOT 3 BLK 13 SHERWOOD ADD WISELY ROW OF
 EAST SHERWOOD DR NELY ALG DR 50FT S43DEG36MIN E 126.24FT TO ALY S
 28DEG W ALG ALY 52.65FT TO SWLY LI LOT 3 N 43DEG36MIN W ALG LI 143.35FT
 TO BEG; and also,
 N 80FT OF LOT 5 BLK 13 SHERWOOD ADD; and also,
 S 100FT OF LOT 5 BLK 13 SHERWOOD ADD; and also,
 UNIT 1 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS SHERWOOD PARK
 CONDOMINIUM AS RECD RECEPTION NO 1014611; and also,
 UNIT 2 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS SHERWOOD PARK
 CONDOMINIUM AS RECD RECEPTION NO 1014611; and also,
 A PORTION OF LOT 4 SHERWOOD ADD SEC 11 1S 1W DESC AS FOLLOWS
 BEG SE COR SD LOT 4 N 89DEG42' W 75FT N 0DEG13' W 119.05FT ALG CVE TO
 RIGHT 51.5FT RAD 583.3FT CHORDBEAR S N 68DEG39'08SEC E 51.48FT
 ALG CVE TO RIGHT 38.68FT RAD 20FT CHORD BEARS S 55DEG24'13SEC
 E 32.86FTS 0DEG13' E 119.53FT TO BEG; and also,
 BEG S 0DEG13' E 97FT FR NE COR LOT 6 BLK 13 SHERWOOD ADD SEC 11 1S 1W
 S0DEG13' E 43FT N 89DEG36'30SEC W 190.53FT N 44DEG54'45SEC W 7.11FT
 N0DEG13' W 112.16FT N 28DEG08' E 25.81FT S 89DEG36'30SEC E 51.78FT
 S 0DEG13' E 97FT S 89DEG36'30SEC E 131.50FT TO BEG; and also,
 UNITS 101 THRU 105 INC & UNITS 201-202-204 & 205 SHERWOOD PARK PLAZA
 RECPT NO1274960 DECL RECD B-1343 P-570 THRU P-600 MESA CO
 RECD & COMMON ELEMENTS; and also,
 LOTS 1-2-3 BLK 4 SHAFROTH RODGERS ADDITION SEC 11 1S 1W & BEG 520FT E
 OF SWCOR SD SEC 11 N 400FT E 50FT S 400FT W TO BEG & THAT PT OF W 10FT
 OF VAC ROW OF 3RD ST ADJ ON E PER CITY ORD DESC IN B-1704 P-668 EXC N
 10FT FOR ALLEY AS DESC IN B-1020 P-965 MESA CO RECORDS; and also,
 BEG 470FT E OF SW COR SEC 11 1S 1W N 390FT E 50FT S 390FT W TO
 BEG EXC S 50FT FOR RD AS PER B-1451 P-530 MESA CO RECORDS; and also,
 BEG 420FT E OF SW COR SEC 11 1S 1W N 390FT E 50FT S 390FT W TO
 BEG EXC S 50FT FOR RD AS PER B-1451 P-530 MESA CO RECORDS.
 AND ALSO; Lots 1 through 32, inclusive, Block Q, Keiths Addition.
 AND ALSO; Lots 1 through 34, inclusive, Block 89, Grand Junction.
 AND ALSO; Lots 1 through 32, inclusive, Block 2, Dundee Place.
 AND ALSO; Lots 1 through 4, inclusive; and Lots 16 through 20, inclusive, Block 1,
 Eastholme in Grandview Subdivision.
 AND ALSO; Lots 1 through 32, inclusive, Block K, Keiths Addition.
 All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not

be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("District Improvements"), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family

residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 2(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted (“home occupation”) which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

Dated at Grand Junction, Colorado, this 7th day of November, 2002.

BY ORDER OF THE CITY COUNCIL

CITY OF GRAND JUNCTION, COLORADO

By: _____
City Clerk

PASSED and **ADOPTED** this 7th day of November, 2002.

President of the Council

Attest:

City Clerk

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.

**** Indicates New Item*

** Requires Roll Call Vote*