

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

WEDNESDAY, FEBRUARY 5, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Pastor Jim Hale, Spirit of Life Christian
Fellowship

PROCLAMATIONS / RECOGNITIONS

PRESENTATION OF DISTINGUISHED BUDGET AWARD FOR THE 2002-2003
BIENNIAL BUDGET AND CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN
FINANCIAL REPORTING IN 2001 TO BUDGETING AND ACCOUNTING MANAGER
LANNY PAULSON, ACCOUNTING SUPERVISOR KIM MARTENS AND
ACCOUNTANT/ANALYST JAY VALENTINE

PRESENTATION OF COLORADO APA AWARD FOR THE MESA COUNTY
SEPARATORS PROJECT

SCHEDULED CITIZEN COMMENTS

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

1. Minutes of Previous Meetings

[Attach 1](#)

*Action: Approve the Summary of the January 13, 2003 Workshop, the Minutes of
the January 13, 2003 Special Meeting and the Minutes of the January 15, 2003
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.

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

2. Notice of Election for the Regular Election to be Held on April 8, 2003[Attach 2](#)

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 10-03 - A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 8, 2003 in the City of Grand Junction

**Action: Adopt Resolution No. 10-03*

Staff presentation: Stephanie Tuin, City Clerk

3. Annual Hazardous Materials Agreement with Mesa County[Attach 3](#)

The Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental Agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Action: Authorize the City Manager to Sign the Annual SARA/DERA Agreement

Staff presentation: Jim Bright, Operations Officer

4. Setting a Hearing for Zoning the North Avenue Center Annexation Located at 2938 North Avenue [File #ANX-2002-243][Attach 4](#)

The North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed zoning is C-1, Light Commercial.

Proposed Ordinance Zoning the North Avenue Center Annexation to Light Commercial (C-1) Located at 2938 North Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003

Staff presentation: Scott D. Peterson, Associate Planner

5. **Setting a Hearing on Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive** [File # ANX-2002-230] [Attach 5](#)

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The Planning Commission at its January 28, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at Southerly End of Buena Vista Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

6. **Conveyance of a Nonexclusive Easement Across City Property in the Ridges to the Public Service Company of Colorado** [Attach 6](#)

Public Service Company is requesting an easement across City property in the Ridges to accommodate new facilities being installed in conjunction with the Ridges electrical system upgrade.

Resolution No. 11-03 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

**Action: Adopt Resolution No. 11-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Conveyance of a Nonexclusive Easement Across the City's Canyon View Park property to the Grand Junction Drainage District** [Attach 7](#)

The Grand Junction Drainage District has requested an easement across the City's Canyon View Park property to accommodate the piping of an existing open drainage channel known as the Mitchell Drain.

Resolution No. 12-03 – A Resolution Concerning the Granting of a Non-Exclusive Drainage Easement to the Grand Junction Drainage District

**Action: Adopt Resolution No. 12-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. Water Conservation Grant Applications [Attach 8](#)

Request for authorization to apply with the Bureau of Reclamation for two (2) water conservation grants for Water Year 2003. Deadline is February 15, 2003.

Action: Authorize the City Manager to Sign the Grant Applications

Staff presentation: Mark Relph, Public Works and Utilities Director

9. Setting the City Manager’s Salary for 2003 [Attach 16](#)

Article VII, Section 57 of the Charter states the City Manager’s salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager shall be increased the same as all city employees for 2003, 2.7%.

Proposed Ordinance Amending Ordinance 3481, Section 3, Setting the Salary of the City Manager

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing on the Ordinance for February 19, 2003

Staff presentation: Cindy Enos-Martinez, Mayor

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

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

9. Commitment to the Grand Junction Downtown Partnership [Attach 9](#)

The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining together in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area.

Resolution No. 13-03 – A Resolution Endorsing the Grand Junction Downtown Partnership Program

**Action: Adopt Resolution No. 13-03 and Reconfirm \$75,000 Commitment for Three Years*

Staff presentation: Doug Simons, President of DDA
 Karen Hildebrandt, President of DTA

10. Construction of Park Restrooms [Attach 10](#)

New construction of new restrooms at Riverside and Columbine Parks. The structure will consist of concrete masonry block walls, hipped tile roof, new plumbing and light fixtures per DKO Architect design.

Classic Constructors	Grand Junction	\$81,647.00
Alpine C. M.	Grand Junction	\$83,680.00
FCI Constructors	Grand Junction	\$84,395.00
Tusca II	Grand Junction	\$98,163.00
Phipps Newell Const.	Grand Junction	\$103,000.00
Groves Masonry	Grand Junction	\$115,400.00
Brown Construction	Westminster	\$129,600.00

Action: Authorization for the City Manager to Execute a Contract for the New Construction of the Riverside Park restroom and the Columbine Park Restroom with Classic Constructors for \$163,294.00

Staff presentation: Joe Stevens, Parks and Recreation Director

11. Public Hearing – Amendment to Retirement Plans to Conform to Changes in Federal Law [Attach 11](#)

The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan are being amended to incorporate Internal Revenue Code (IRC) amendments that have recently been passed by Congress. These amendments must be incorporated into the aforementioned Plans.

Ordinance No. 3496 - An Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

**Action: Adopt Ordinance No. 3496 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

12. Public Hearing – Rice Annexation #1 & #2 at 135 Burns Drive [File #ANX-2002-214] [Attach 12](#)

Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance. The 4.8673 acre Rice Annexations is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

a. Accepting Petition

Resolution No. 14-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Rice Annexation, a Serial Annexation Comprising Rice Annexation No. 1 and Rice Annexation No. 2 is Eligible for Annexation Located at 135 Burns Drive

**Action: Adopt Resolution No. 14-03*

b. Annexation Ordinance

Ordinance No. 3497 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #1, Approximately 3.1399 Acres Located Near 135 Burns Drive Within the B Road, 29 ½ Road Rights-of-Way

Ordinance No. 3498 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #2, Approximately 1.7278 Acres Located at 135 Burns Drive and Includes a Portion of 29 ½ Road, 30 Road, Hwy 50, and Burns Drive Rights-Of-Way

**Action: Adopt Ordinance No. 3497 and Ordinance No. 3498 on Second Reading*

Staff presentation: Senta Costello, Associate Planner

13. Public Hearing - Zoning Rice Annexations #1 & #2 at 135 Burns Drive [File #ANX-2002-214] [Attach 13](#)

Second reading of the Zoning Ordinance for the Rice Annexations #1 & #2 located at 135 Burns Drive. The 4.8673-acre Rice Annexation is a serial

annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive rights-of-way.

Ordinance No. 3499 - An Ordinance Zoning the Rice Annexation to RSF-4 (Residential Single Family Not to Exceed 4 Units/Acre) Located at 135 Burns Drive

**Action: Adopt Ordinance No. 3499 on Second Reading*

Staff presentation: Senta Costello, Associate Planner

14. Public Hearing – Siena View No. 1 and No. 2 – Annexation Located at 2495 D ½ Road [File #ANX-2002-228] [Attach 14](#)

Siena View Annexation, a serial annexation comprised of 4.6 acres, located at 2945 D ½ Road, has presented a petition for annexation as part of a preliminary plan. The applicants request acceptance of the Annexation Petition, and second reading of the Annexation Ordinance.

a. Accepting Petition

Resolution No. 15-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Siena View Annexation No. 1, and Siena View Annexation No. 2, is Eligible for Annexation Located at 2945 D ½ Road

**Action: Adopt Resolution No. 15-03*

b. Annexation Ordinance

Ordinance No. 3500 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View Annexation No. 1, Approximately 0.377 Acres Located at 2945 D ½ Road

Ordinance No. 3501 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View Annexation No. 2, Approximately 4.47 Acres Located at 2945 D ½ Road

**Action: Adopt Ordinance No. 3500 and No. 3501 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing - Zoning the Siena View Annexation, 2945 D 1/2 Road** [File #ANX-2002-228] [Attach 15](#)

The Siena View Annexation area consists of one parcel of land, approximately 4.6 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 2945 D 1/2 Road.

Ordinance No. 3502 - An Ordinance Zoning the Siena View Annexation to Residential Multi-Family, Not to Exceed 8 Dwelling Units Per Acre (RMF-8) Located at 2945 D 1/2 Road

**Action: Adopt Ordinance No. 3502 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

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

17. **OTHER BUSINESS**

18. **ADJOURNMENT**

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

January 13, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, January 13, 2003 at 7:11 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **VARIOUS PLANNING ITEMS WILL BE DISCUSSED INCLUDING THE GROWTH PLAN UPDATE:** Community Development Director Bob Blanchard introduced the update for City Council on a variety of issues. Chair of the Citizen Committee for the Growth Plan Update John Elmer reviewed with Council the work done on the Growth Plan update. Planning Manager Kathy Portner addressed Council on the recommendations of the committee. The transition areas were discussed. There was some discussion on adding some areas to those buffers areas. Under appearance, a review of the Sign Code was recommended. View corridors were also discussed. Infill and redevelopment policies were incorporated into the proposed revision. Councilmember Kirtland inquired about credits for sustainable communities. Ms. Portner noted that for discussion but stated the Committee has not discussed that issue. Ms. Portner stated there were other "housekeeping" items that were obvious errors in the initial plan, consistency with the Zoning Map and consistency with actually what is built. The potential growth in the Pear Park resulted in the Committee recommending an area plan, the planning for neighborhood commercial, school and parks. Anyone whose property will be affected will be notified. Councilmember Spehar suggested that in some cases surrounding property owners also should be notified. Larry Rasmussen, a committee member, said he will continue to work with Staff to ensure that the document brought forward accurately reflects the consensus of the committee.

Planning Manager Portner then reviewed the proposed change to the zoning categories to include a Residential Business District to only be used for a commercial use in a residential area. A list of

uses being proposed was provided to Council. Councilmember Terry voiced concerns that tying this allowance to the Growth Plan would allow the possibility of a commercial node in a neighborhood that is built at 4 units per acre. Councilmember Spehar expressed that the 30,000 square foot maximum for office space and maximum of 8 acres for the site seems too big. The proposal for this zone district will be a separate item before Council.

CD Director Blanchard reviewed Growth Plan consistency genesis and how the current policy became part of the Code. It was questioned why there is a consistency review when consistency of any proposal with the Growth Plan is standard procedure. The issue is when the Director deems something as consistent and then the majority of Council disagrees and denies the request. Various triggers were discussed for a Growth Plan amendment requirement. It was suggested that the Growth Plan consistency process be eliminated. City Attorney Dan Wilson summarized how the consistency review issue came up because there were times when a proposal may have been an issue and the consistency review process was in place to bring it before Council early on. It was suggested that Growth Plan Amendments should be possible more often than twice a year. Council said they will see if there is a need. **Council directed the deletion of this section and an explanatory statement as suggested by City Attorney Wilson.**

Mr. Blanchard then addressed rehearings. It was inserted into the Code to allow the opportunity to present new information since appeals only are a review of the record. Councilmember Terry explained the purpose was to allow the applicant to amend the plan to comply with the concerns for which he was denied. The City Attorney pointed out that the criteria never made it into the Code. Mr. Blanchard noted that the development review process cannot be circumvented. **Staff was directed to craft a new section of the Code to allow a re-review of a plan once amended without a new application being required. It will still go back through the process.**

Mr. Blanchard then addressed the Council on requests for single lot annexation. Council reiterated that if a lot is part of a subdivision then annexation cannot occur as the policy is not to split subdivisions. An isolated lot, not in a subdivision and where the owner desires annexation, then the answer is yes.

The remaining items include 3 items brought forward by Councilmember Spehar (#7, 8 & 9). Council thought they should be for another workshop. Councilmember Terry suggested that

since one of the Coffee Kiosks owners is present the issue should be discussed. The two being considered were developed under two different Codes. Council was comfortable with the current situation once the review process was explained.

Conditional approval amendments must go through the development process. It is not in the Code but it is a policy. **Staff was directed to bring a Code Amendment to reflect that policy.**

Regarding the proposal for staff report templates, Council liked the proposal. There was discussion on the disclaimer regarding Mesa County zoning designations. Council also wanted the relevant discussion portion of the Planning Commission minutes.

Regarding the Chamber exit survey, Council was in favor of the implementation.

Items 6, 8, 12 & 13 will be scheduled for a later time. Councilmember Spehar wanted the number of lots left to develop in the City to be included in the development review report.

Action summary:

1. Council directed the deletion of the consistency review section and an explanation by the legal department.
2. Staff was directed to craft a new section of the Code to allow a re-review of a plan once amended without a new application being required. It will still go back through the process.
3. Staff was directed to bring a Code Amendment to reflect the conditional approval policy.
4. Reschedule discussion of items 6, 8, 12 & 13.

Adjourn at 9:44 p.m.

City Council for the City of Grand Junction

Special Meeting

January 13, 2003

The City Council of the City of Grand Junction convened into special session on the 13th day of January, 2003 in the Administration Conference Room, City Hall, 250 N. 5th Street, Grand Junction, Colorado. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, and President of the Council Cindy Enos-Martinez. Also present were Municipal Judge David Palmer and City Clerk Stephanie Tuin.

Council president Enos-Martinez called the meeting to order at 6:34 p.m.

Councilmember Spehar moved to go into executive session for the purpose of discussing personnel matters under C.R.S. 24-6-402(4)(f)(i) relative to the employees of the City Council. Councilmember Kirtland seconded. The motion carried and Council went into Executive Session stating they will not be returning to open session.

Councilmember Reford Theobald entered the meeting at 6:50 p.m.

Adjourned into Executive Session at 6:35 p.m.

Stephanie Tuin, CMC
City Clerk

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

January 15, 2003

The City Council of the City of Grand Junction convened into regular session on the 15th day of January 2003, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry and President of the Council Cindy Enos-Martinez. Councilmember Reford Theobald 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. Council-member Butler led in the pledge of allegiance. The audience remained standing for the invocation by Gary Cake of the More Than Words Ministry.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE HOUSING AUTHORITY BOARD OF DIRECTORS

Appointee Gi Moon was present and received her Certificate of Appointment.

TO NEW MEMBER OF THE VCB BOARD OF DIRECTORS

Appointee Steve Meyer was present and received his Certificate of Appointment.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember Spehar, and carried, to approve Consent Items #1 through 9 with a change to Item #2 to cancel the March 19th Council meeting.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the December 16, 2002 Workshop, the Minutes of the December 16, 2002 Special Meeting, the Minutes of the December 17, 2002 Special Meeting and the Minutes of the December 18, 2002 Regular Meeting

2. **Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution. A special meeting is included in the meeting schedule the day following the municipal election for the canvassing of the election returns as required by City Charter.

Resolution No. 1-03 - A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, Scheduling a Special Meeting for April 9, 2003 and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 1-03

3. **Authorize the City Clerk to Proceed with the Necessary Actions for the Conduct of the Regular Municipal Election on April 8, 2003**

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a written plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and can process the ballots more efficiently than the City.

Resolution No. 2-03 - A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction for the April 8, 2003 Regular Municipal Election, Approving the Written Plan for the Conduct of a Mail Ballot Election and Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder

Action: Adopt Resolution No. 2-03

4. **Award of Fire Act Grant by FEMA**

On April 3, 2002, the City Council granted approval for the Fire Department to apply for a \$48,000 Fire Act Grant to purchase three (3) hand-held thermal imaging cameras. On January 1, 2003, the Department received official notification from FEMA of a \$33,600 Fire Act Grant award (70% of the amount requested).

Action: Authorize the City Manager to Accept a Fire Act Grant Award in the Amount of \$33,600

5. **Setting a Hearing for Zoning the Rice Annexations #1 & #2 Located at 135 Burns Drive** [File # ANX-2002-214]

The Rice Annexation consists of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive rights-of-way on approximately 4.8673 acres. A petition for annexation has been presented as part of a Simple Subdivision. The requested zoning for the property is RSF-4 (Residential Single Family, not to exceed 4 units per acre). The physical address for the property is 135 Burns Drive.

Proposed Ordinance Zoning the Rice Annexation to RSF-4 (Residential Single Family Not to Exceed 4 Units/Acre), Located at 135 Burns Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 5, 2003

6. **Setting a Hearing for Zoning the Siena View Annexation Located at 2945 D-1/2 Road** [File # ANX-2002-228]

The Siena View Annexation area consists of one parcel of land, approximately 4.6 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 2945 D ½ Road.

Proposed Ordinance Zoning the Siena View Annexation to Residential Multi-Family, Not to Exceed 8 Dwelling Units Per Acre (RMF-8), Located at 2945 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 5, 2003

7. **Setting a Hearing for the Red Tail Ridge Annexation Located at the South End of Buena Vista Drive** [File # ANX-2002-230]

The Red Tail Ridge Annexation is an annexation comprised of 1 parcel of land located at the south end of Buena Vista Drive, comprising a total of 10.38 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. 3-03 – 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, Red Tail Ridge Annexation, Located at the South End of Buena Vista Road

Action: Adopt Resolution No. 3-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance on Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge Annexation, Approximately 10.38 Acres, Located at the South End of Buena Vista Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003

8. **Setting a Hearing for the North Avenue Center Annexation located at 2938 North Avenue** [File # ANX-2002-243]

The North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 4-03 – 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, North Avenue Center Annexation, Located at 2938 North Avenue

Action: Adopt Resolution No. 4-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance on Annexing Territory to the City of Grand Junction, Colorado, North Avenue Center Annexation, Approximately 5.44 Acres, Located at 2938 North Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003

9. Subrecipient Contract with Western Slope Center for Children for the City's 2002 Program Year Community Development Block Grant Program [File # CDBG 2002-4]

The Subrecipient Contract formalizes the City's award of \$101,280 to Western Slope Center for Children (WSCC) for remodel and renovation of its existing facility located at 259 Grand Avenue. These funds were allocated from the City's 2002 Community Development Block Grant (CDBG) Program.

Action: Authorize the City Manager to Sign the Subrecipient Contract with WSCC for the City's 2002 Program Year, Community Development Block Grant Program in the Amount of \$101,280

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

Adoption of the City Council's Strategic Plan

The Strategic Plan was developed to help improve the quality of life for Grand Junction citizens and it is intended to be a guiding document for the City Council and City staff. This resolution will adopt the Strategic Plan.

Assistant City Manager David Varley introduced the discussion on the adoption of the Strategic Plan.

Councilmember Jim Spehar gave an overview of the development and purpose of the Strategic Plan. He said the Community Vision 20/20 project was one basis for the development of the Plan.

Councilmember Kirtland agreed with Councilmember Spehar and added that the Plan will give Council a direction for using resources and spending its time to make the City of Grand Junction a great community.

Council President Enos-Martinez added that a great amount of input was solicited from the community and the feedback helped Staff to develop the Plan.

Councilmember Terry noted the condensed version of the Plan is available at a variety of locations, including the City's website. She pointed out two new issues to be addressed by City government: a) housing, and b) dealing with youth. She deferred to Councilmembers Butler and McCurry for more details.

Councilmember Butler elaborated on the subject and said that people perish without a vision and that his top priority is giving youth a firm foundation.

Councilmember McCurry mentioned a youth council and that the City Council will be looking at other cities which already have successful youth councils.

Councilmember Spehar said discussions have taken place with School District 51 and this Council wants input from the young people in the community.

City Manager Kelly Arnold expressed his appreciation to Assistant City Manager David Varley for coordinating the project and to Council for its effort. He said the Plan was distributed to mid-level managers on Friday and discussions have already begun. Furthermore, Mr. Varley and he will be meeting with employees to explain the Plan and to relate its relevance to the front line employees who are daily dealing with the public. Mr. Arnold also said the Plan will also be presented to the Volunteer Board and Commission members at their recognition luncheon next week.

Steve Meyer said he was a member of the Vision 20/20 task force. He praised and thanked Council for its involvement and its efforts. He pointed out that now the community has a vision and a plan for the next 10 years. He explained that Vision 20/20 was really a grassroots effort.

Resolution No. 5-03 – A Resolution Adopting the City Council's Strategic Plan 2002-2012

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 5-03 was adopted.

Public Hearing - Dettmer II Annexation Located at 2918, 2924 and 2926 D 1/2 Road and Zoning the Dettmer II Nos. 2 and 3 Annexation Located at 2918, 2924 and 2926 D-1/2 Road [File #ANX-2002-221]

Resolution for acceptance of petition to annex and second reading of the annexation ordinance for the Dettmer II No. 2 and No. 3 Annexation located at 2918, 2924 and 2926 D-1/2 Road. This 2.95-acre annexation consists of three parcels of land.

The Dettmer II Nos. 2 and 3 Annexation consists of three parcels, totaling 2.95 acres located at 2918, 2924 and 2926 D-1/2 Road. The petitioner is requesting a zone of Residential Single Family 4 units per acre (RSF-4), which will conform to the Growth Plan Future Land Use Map that shows this area as Residential Medium Low with a density range of 2 to 4 units per acre.

The public hearing was opened at 7:59 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item and the zoning request in one presentation. She noted that the current zoning is in the County and is not in conformance with the City's Growth Plan. She said the request meets the criteria and both the Planning Commission and Staff recommend approval.

The applicant was present but had no comment.

There were no public comments.

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

a. Accepting Petition

Resolution No. 6-03 – A Resolution Accepting a Petition to Annex, Making Certain Findings, Determining that Property Known as a Serial Annexation Comprising Dettmer II No. 2 and No. 3 Annexation, Located at 2918, 2924 and 2926 D-1/2 Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3486 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dettmer II Annexation No. 2 , Approximately 0.85 Acres Located at 2918 and Including a Portion of 2924 and 2926 D-1/2 Road

Ordinance No. 3487 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dettmer II Annexation No. 3, Approximately 2.1 Acres Located at 2924 and 2926 D-1/2 Road

c. Zoning Ordinance

Ordinance No. 3488 – An Ordinance Zoning the Dettmer II No. 2 and No. 3 Annexation Residential Single Family with a Maximum Density of 4 Units per Acre (RSF-4), Located at 2918, 2924 and 2926 D-1/2 Road

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 6-03 was adopted, and Ordinances No. 3486, No. 3487, and No. 3488 were adopted on Second Reading and ordered published.

Public Hearing - Rowe Annexation Located at 176 28 ½ Road and Zoning the Rowe Annexation Located at 176 28 ½ Road [File #ANX-2002-223]

Resolution for acceptance of petition to annex and second reading of the annexation ordinance for the Rowe Annexation, located at 176 28 1/2 Road.

Second reading of the zoning ordinance to zone the Rowe Annexation Residential Single-Family-4 (RSF-4), Located at 176 28 1/2 Road.

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

Lisa Gerstenberger, Senior Planner, reviewed this item and the zoning request in one presentation. She said the request complies with all State requirements for annexation; that Staff recommends the acceptance of the petition and the annexation and Staff also recommends approval of the zoning request. She noted that the Planning Commission found that the requests meet the goals and policies of the Growth Plan.

The applicant was not present and there were no public comments.

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

a. Accepting Petition

Resolution No. 7-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Rowe Annexation is Eligible for Annexation Located at 176 28 ½ Road

b. Annexation Ordinance

Ordinance No. 3489 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rowe Annexation Approximately 7.3892 Acres Located at 176 28 ½ Road

c. Zoning Ordinance

Ordinance No. 3490 – An Ordinance Zoning the Rowe Annexation to Residential Single-Family-4 (RSF-4), Located at 176 28 1/2 Road

Upon motion made by Councilmember McCurry, seconded by Councilmember Terry, and carried by a roll call vote, Resolution No. 7-03 was adopted, and Ordinances No. 3489 and No. 3490 were adopted on Second Reading and ordered published.

Public Hearing - Smith Annexation Located South of 378 Evergreen Road Zoning the Smith Annexation Located South of 378 Evergreen Road [File #ANX-2002-222]

Resolution for acceptance of petition to annex and second reading of the annexation ordinance for the Smith Annexation located south of 378 Evergreen Road.

Second reading of the zoning ordinance to zone the Smith Annexation Residential Single-Family-4 (RSF-4), located south of 378 Evergreen Road.

The public hearing was opened at 8:08 p.m.

Lisa Gerstenberger, Senior Planner, reviewed this item and the zoning request in one presentation. She stated that the request complies with all State requirements for annexation and that Staff recommends acceptance of the petition and annexation. Staff also recommends approval of the zoning request of RSF-4. She said the property is currently zoned RSF-R by the County and the Planning Commission found that the request meets the goals and policies of the Growth Plan.

The applicant was present but had no comment.

There were no public comments.

The public hearing was closed at 8:10 p.m.

a. Accepting Petition

Resolution No. 8-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Smith Annexation is Eligible for Annexation Located South of 378 Evergreen Road

b. Annexation Ordinance

Ordinance No. 3491 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Smith Annexation Approximately 3.289 Acres Located South of 378 Evergreen Road

c. Zoning Ordinance

Ordinance No. 3492 – An Ordinance Zoning the Smith Annexation to Residential Single-Family-4 (RSF-4), Located South of 378 Evergreen Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 8-03 was adopted, and Ordinances No. 3491 and No. 3492 were adopted on Second Reading and ordered published.

Rezoning the King Property Located at 2610 Kelley Drive [File # RZ-2002-208]

Petitioner is requesting to rezone a 3.28 lot from RSF-R (Residential Single Family – 1 unit/5 acres) to RSF-1 (Residential Single Family not to exceed 1 unit/acre).

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

Senta Costello, Associate Planner, reviewed this item. She noted that the current zoning does not match what is built on the property and that the structure does not meet setback requirements. She said the Planning Commission and Staff recommend approval of the rezone request.

The applicant's representative was present but had no comment.

There were no public comments.

The public hearing was closed at 8:14 p.m.

Ordinance No. 3493 – An Ordinance Zoning a Parcel of Land Known as the King Property Located at 2610 Kelley Drive

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, Ordinance No. 3493 was adopted on Second Reading and ordered published.

Public Hearing - Oda Annexation Located at 2561 River Road and Zoning the Oda Annexation Located at 2561 River Road [File # ANX-2002-220]

The Oda Annexation consists of two parcels of land on 21.18 acres located at 2561 River Road. The Oda's are requesting annexation as part of a contract with the City as sellers of the property. In addition, the City currently owns land adjacent to the Oda property which is also included in the annexation request. The City-owned land is also adjacent to the Colorado River and has a portion of the riverfront trail system crossing it.

The proposed zoning is I-1 for the Oda property. The second parcel is owned by the City and is adjacent to the Oda property. The City-owned land is adjacent to the Colorado River and has a portion of the riverfront trail system crossing it. The proposed zoning for the City property is Community Services and Recreation (CSR).

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

David Thornton, Principal Planner, reviewed this item and the zoning request in one presentation. He identified the two parcels and said that one parcel is under contract by the City and that the other parcel is currently owned by the City. He said the request complies with all State requirements for annexation and Staff recommends acceptance of the petition and annexation. He added that the request is also consistent with the Persigo Agreement and Staff recommends approval of the zoning request. He said the Planning Commission found that the request meets the goals and policies of the Growth Plan.

One of the applicants, the City, was present but had no additional comments.

There were no public comments.

The public hearing was closed at 8:17 p.m.

a. Accepting Petition

Resolution No. 9-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Oda Annexation is Eligible for Annexation, Located at 2561 River Road and Including a Portion of the Riverfront Trail

b. Annexation Ordinance

Ordinance No. 3494 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Oda Annexation Approximately 21.18 Acres Located at 2561 River Road and Including a Portion of the Riverfront Trail

c. Zoning Ordinance

Ordinance No. 3495 – An Ordinance Zoning the Oda Annexation to Light Industrial (I-1) and Community Services and Recreation (CSR) Located at 2561 River Road and Adjacent to the Colorado River

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 9-03 was adopted, and Ordinances No. 3494 and No. 3495 were adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Council President Enos-Martinez mentioned the Neighborhood Beat System which was recently implemented by the Police Department. She said Officer Chavez is assigned to the Riverside neighborhood for the coming year and he met some of the residents on Sunday morning. She told Council about meeting Officer Chavez and her reaction. Ms. Enos-Martinez explained that the officer was only there to introduce himself to the residents and she thought he was going to be a good fit for the neighborhood.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 8:22 p.m.

Stephanie Tuin, CMC
City Clerk

**Attach 2
Notice of Election**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Approve the Notice of Election for the Regular Election to be held on April 8, 2003					
Meeting Date	February 5, 2003					
Date Prepared	December 16, 2011				File #	
Author	Stephanie Tuin		City Clerk			
Presenter Name	Stephanie Tuin		City Clerk			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Budget: The estimated cost for all six publications is \$4,000.

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution containing the notice

Background Information: The Charter, Section 17, requires that a notice of election be published three times within the ten days prior to the election. The Mail Ballot Election Act requires that such notice be published at least the twenty days prior to the election and that the contents include the voter qualifications. The notice therefore must be published by March 19, 2003 and again March 29, 30 and 31. We have, as a matter of practice, again published the notice the Sunday before the election (April 6 this year). I additionally propose to publish

the notice on February 14, 2003 in order to give the public advance notice of the mail ballot. This is not required nor prohibited. The proposed notice contained within the resolution includes the pertinent information specific to this election.

RESOLUTION NO. -03

**A RESOLUTION SETTING FORTH THE NOTICE OF ELECTION
FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD
ON APRIL 8, 2003 IN THE CITY OF GRAND JUNCTION**

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

The Election Notice hereinafter be the Notice of the Regular Municipal Election to be held in the City on April 8, 2003 and further that the same be published in accordance with election procedures:

ELECTION NOTICE

**CITY OF GRAND JUNCTION, COLORADO
NOTICE OF REGULAR MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, THE 8TH DAY OF APRIL, 2003**

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MUNICIPAL ELECTION WILL BE HELD BY MAIL-IN BALLOT ON TUESDAY, THE 8TH DAY OF APRIL, 2003, IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Regular Municipal Election will be held by mail-in ballot with ballots mailed to all active registered voters in said City of Grand Junction. Ballot packages will be mailed no later than March 24, 2003 and must be returned to the Mesa County Clerk no later than 7:00 p.m. on Election Day, Tuesday, April 8, 2003. Voted ballots may be mailed with proper postage affixed and received by Mesa County Clerk no later than 7:00 p.m. Election Day, or returned to the following locations, also no later than 7:00 p.m. Election Day:

City Clerk's Office
City Hall
250 N. 5th Street
Grand Junction, Co. 81501

Mesa County Elections Office
Old Courthouse
544 Rood Ave
Grand Junction, Co. 81501

Mesa County Clerk & Recorder
Motor Vehicle Registration
Mesa Mall
2424 Hwy 6 & 50, #414
Grand Junction, Co. 81505

Mesa County Clerk's Branch (Orchard Mesa)
Intermountain Veteran's Memorial Park
2775 Hwy 50
Grand Junction, Co. 81503

On April 8, 2003, the places designated will be open until the hour of 7:00 p.m. NO voting devices will be provided at any location. The election will be held and conducted as prescribed by law.

The Mesa County Elections Division at the Old Courthouse will be open for issue of ballots to "inactive voters", or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot, for the period of Thursday, April 3, 2003 to Monday, April 7, 2003, from 7:30 a.m. to 5:30 p.m. daily and Tuesday, April 8, 2003 7:00 a.m. to 7:00 p.m.

Registered voters within the city limits of Grand Junction are qualified to vote. Registration of voters for the said election has taken place in the time and manner now provided by law.

Candidates are:

DISTRICT B
Four-Year Term
(Vote for One)

JIM SPEHAR

DISTRICT C
Four-Year Term
(Vote for One)

BRIAN K. MCELHINEY

GREGG PALMER

AT-LARGE

Four-Year Term
(Vote for One)

ROLAND E. COLE

BRUCE HILL

BY ORDER OF THE CITY COUNCIL

Stephanie Tuin, City Clerk

PASSED and ADOPTED this ____ day of February, 2003.

ATTEST:

President of the Council

City Clerk

**Attach 3
Hazardous Materials Agreement
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Annual SARA and DERA Agreement					
Meeting Date	February 5, 2003					
Date Prepared	January 22, 2003				File #	
Author	Jim Bright			Operations Officer		
Presenter Name	Jim Bright			Operations Officer		
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 Fire Department is requesting renewal of the City of Grand Junction/Mesa County Inter-governmental agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Budget: Proposed funding from the County to the City for 2003 will be \$38,770 for DERA services, and \$25,846 for SARA services. Total funding is \$64,616.

Action Requested/Recommendation: The Fire Department recommends Council approval of this proposed agreement.

Attachments: Agreement

Background Information: This agreement has been in effect and has been renewed annually since 1992. Funding fluctuates based on actual incidents and program costs. If the agreement is not renewed, the City would provide the SARA/DERA services within the City boundaries only, with little cost reduction.

A G R E E M E N T

THIS AGREEMENT is made and entered into this ___ day of _____, _____, by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and MESA COUNTY, COLORADO, hereinafter referred to as the COUNTY.

WHEREAS, the COUNTY is obligated by law to respond to hazardous substance incidents within its jurisdiction and otherwise perform as the Designated Emergency Response Authority (D.E.R.A.) for Mesa County; and

WHEREAS, the COUNTY is required by law to provide hazardous materials inventory, containment and emergency planning services under the Superfund Amendment and Reauthorization Act of 1986 (S.A.R.A.), also known as the Emergency Planning and Community Right to Know Act of 1986 and/or S.A.R.A. Title III; and

WHEREAS, the CITY, owns hazardous substance emergency response equipment and employs trained personnel who can perform the D.E.R.A. functions; and

WHEREAS, the CITY employs trained personnel who can perform the S.A.R.A. function; and

WHEREAS, the CITY and the COUNTY are willing to enter into an agreement for the provision of required D.E.R.A. and S.A.R.A., Title III services by the CITY, for and on behalf of, the residents of the COUNTY, beyond those COUNTY residents living in the CITY;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. The CITY shall provide emergency hazardous substance response and SARA Title III services to the CITY and other corporate and unincorporated areas of the COUNTY in conformance with statutory obligations and as more particularly described in Exhibits A and B, incorporated herein by this reference as if fully set forth.
2. The COUNTY shall pay to the CITY, in two equal payments, for services provided for calendar year 2003, an amount of \$38,770 for the CITY serving as the D.E.R.A. for the COUNTY and an amount of \$25,846 for the CITY performing the S.A.R.A. services for the COUNTY. The first payments of \$19,385 for D.E.R.A. and \$12,923 for S.A.R.A. shall be due on or before June 30, 2003; the second payments shall be due on or before December 31, 2003.

3. Before any payment by the COUNTY is made to the CITY, the CITY agrees to provide the County's Emergency Management Coordinator with an invoice on or before the tenth working day of the month in which payment is due. The invoice shall contain a detailed account of all costs incurred by the CITY in performing, during the applicable billing period, those duties defined by, but not limited to Exhibit A and paragraph 4 of this agreement for D.E.R.A. and Exhibit B and paragraph 4 of this agreement for S.A.R.A.
4. The CITY agrees that it will furnish and pay for all of the labor, technical, administrative and professional services and all supplies, materials, equipment, office space and facilities, analyses, calculations and any other resources reasonably required to perform and complete the services, activities and functions of the D.E.R.A., as further described in Exhibit A and as required by Title III of S.A.R.A., as further described in Exhibit B.
5. This agreement is terminable by either the CITY or the COUNTY upon ninety days written notice. If this agreement is terminated, the CITY shall be compensated for and such compensation shall be limited to; (A) the reasonable value to the COUNTY of the services which the CITY performed prior to the date of termination, but which had not yet been paid for, and/or (B) the cost of any work the COUNTY approves in writing which it determines is needed to accomplish an orderly termination of this agreement.
6. The COUNTY hereby agrees to indemnify and hold harmless the CITY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the CITY and shall indemnify and hold harmless the CITY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's performance of this agreement, to the extent permitted by law. The COUNTY's obligation to indemnify or hold harmless the CITY, its officers, agents and employees under this agreement shall not apply to liability or damages resulting from the negligence of the CITY's officers, agents and employees nor to injuries covered by workers compensation. The CITY hereby agrees to indemnify and hold harmless the COUNTY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the COUNTY, and shall indemnify and hold harmless the COUNTY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's negligent performance under this agreement. This paragraph shall survive the termination of this agreement.

7. The CITY shall maintain adequate worker's compensation insurance through an authorized self-insurance plan approved by the State of Colorado, insuring the payment of workers benefits to its employees.
8. Notices concerning this agreement, notices of alleged or actual violations of the terms or provisions of this agreement and other notices of similar importance shall be made in writing by the CITY to the COUNTY at 544 Rood Avenue, Grand Junction, Colorado, 81501, and by the COUNTY to the CITY at 250 North 5th Street, Grand Junction, Colorado, 81501, by prepaid United States mail. Mailed notices shall be deemed effective upon deposit with the U.S. Postal Service.
9. The COUNTY shall have the right to audit, examine and copy the CITY's records related to work performed under this agreement. The CITY shall retain these records for three years after the termination of this agreement.
10. For all purposes under this agreement, the CITY shall be an independent contractor retained on a contractual basis to perform technical and professional work and it is not intended nor shall it be construed, that the CITY employees are employees, officers or agents of the COUNTY for any purpose whatsoever.
11. The CITY agrees to perform its work under this agreement in accordance with the reasonable operational requirements of the COUNTY.
12. The CITY shall promptly bill any and all persons or entities releasing or spilling hazardous substances or otherwise requiring hazardous substance emergency response under this agreement. All monies recovered shall be dedicated to the hazardous substance emergency response program and D.E.R.A. activities and services. For releases or spills of hazardous substances or other hazardous substances or emergency responses outside the corporate limits of the City where a responsible party is unknown or cannot be identified, the COUNTY shall pay any and all response costs. The CITY shall furnish the County Emergency Management Coordinator duplicate receipts or other satisfactory evidence showing payments received and all billings, debts and obligations incurred by the CITY performing work under this agreement.
13. The CITY shall exercise that degree of care and skill possessed by trained hazardous substance emergency response personnel to assure that all of the work performed under this agreement by the CITY shall comply with applicable laws, rules, regulations and safety requirements. The CITY further represents that the work performed will not intentionally violate any applicable laws, rules, regulations or codes including but not limited to the requirements of the most

recently adopted United States Code, Code of Federal Regulations and the Colorado Revised Statutes.

14. All emergency response plans and other documents submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and each may, without restriction, make use of such as it sees fit. There shall be no liability for any damage which may result from any use of any documents for purposes other than those intended or described in the document or plan.
15. All emergency contingency plans, chemical inventories or other information required by S.A.R.A. Title III submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and such shall be made available to the public in conformance with the requirements of section 324 of Title III.
16. In the event any of the provisions, or applications thereof, of this agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions, or applications thereof, shall not be affected.
17. The CITY shall have the right to include representations that it is serving as the D.E.R.A. and is performing S.A.R.A. functions for Mesa County among the CITY's promotional materials. The CITY's materials shall not include the COUNTY's confidential or proprietary information if the COUNTY has previously advised the CITY in writing of the specific information considered by the COUNTY to be confidential or proprietary.
18. The enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement, shall be strictly reserved to the CITY and the COUNTY and nothing contained in this agreement shall give or allow any claim or right of action by any other or third person on such agreement.
19. This agreement is made in Grand Junction, Colorado and shall be construed and interpreted under the laws of the State of Colorado. In the event any aspect of the Agreement is litigated by or among the parties, the prevailing party shall be entitled to its costs and reasonable attorneys fees.

CITY/COUNTY

Page 5

20. This agreement shall become effective on the day and year first written above and shall continue in effect until December 31, 2003. Payment and indemnification obligations, as provided herein, shall continue in effect and survive termination until discharged.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

CITY OF GRAND JUNCTION:

by: _____
Cindy Enos-Martinez
President of the Council

RECOMMENDED AND APPROVED:

by: _____
Rick Beaty
Fire Chief

ATTEST:

by: _____
City Clerk

Mesa County Commissioners:

by: _____
Kathy Hall
Chairperson

ATTEST:

by: _____
Mesa County Clerk and Recorder

EXHIBIT A

HAZARDOUS SUBSTANCE INCIDENT RESPONSE - DERA

The CITY agrees that it will provide 24 hour response to all hazardous substance incidents occurring within Mesa County.

The CITY will provide all of the manual, technical, administrative and professional labor and all equipment, supplies, materials, office space and facilities required to perform as the Designated Emergency Response Authority (D.E.R.A.) as agreed in the foregoing agreement. D.E.R.A. responsibilities include but are not necessarily limited to, providing initial hazardous substance response, analysis and or containment or arranging for containment, notification of law enforcement or other appropriate authorities, providing for the initial notification of citizens that are or may be affected, and determining, documenting and reporting potentially responsible parties.

The CITY, by and through the Grand Junction Fire Department shall supervise cleanup and mitigation activities.

The CITY will provide hazardous substance incident awareness level training to COUNTY employees at intervals agreed to by the parties, or as warranted by current legislation.

The Mesa County Emergency Manager shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel and the specialized equipment, as determined by the City to be reasonably required to discharge the D.E.R.A. responsibilities.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

_____ City
_____ County

EXHIBIT B

Superfund Amendments and Reauthorization Act (S.A.R.A. Title III, also known as the Emergency Planning and Community Right to Know Act of 1986).

The CITY agrees that it will perform inspections and surveys at hazardous and regulated material facilities in Mesa County pursuant to S.A.R.A. Title III. CITY also agrees to provide the County's Emergency Management Coordinator with a written report detailing such inspections and surveys. Such report shall be submitted annually.

The CITY will conduct investigations of hazardous and regulated material incidents and disposal activities, including but not necessarily limited to, identification of potentially responsible parties and initiation of enforcement and compliance efforts.

The CITY will provide hazardous substance awareness level training to COUNTY employees at intervals agreed to by the parties or as warranted by current legislation.

The Mesa County Emergency Management Coordinator shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel, as determined by the City to be reasonably required to perform the S.A.R.A. services.

The CITY will maintain records, reports and documentation as required by S.A.R.A. Title III and provide copies of same to the County's Emergency Management Coordinator upon request.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

_____ City
_____ County

Attach 4
Zoning North Ave. Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a Hearing for Zoning the North Avenue Center Annexation located at 2938 North Avenue						
Meeting Date	February 5, 2003						
Date Prepared	January 29, 2003				File #ANX-2002-243		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate 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 North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed zoning is C-1, Light Commercial.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and set a hearing for February 19, 2003.

Attachments:

1. Background Information/Staff Analysis
2. Annexation Map
3. Site Location Map
4. Aerial Photo Map
5. Future Land Use Map
6. Existing City & County Zoning Map
7. Proposed Ordinance for City Council action

BACKGROUND INFORMATION				
Location:		2938 North Avenue		
Applicants:		North Avenue Center, LLC		
Existing Land Use:		Vacant		
Proposed Land Use:		Commercial retail/office lease space		
Surrounding Land Use:	North	Residential (Palace Estates Condominiums)		
	South	Commercial & Vacant (School Dist. Career Center)		
	East	Commercial (Auto Sales)		
	West	Commercial (Retail/Office)		
Existing Zoning:		County C-2		
Proposed Zoning:		C-1		
Surrounding Zoning:	North	RMF-8 (County) (4 - 8 DU/Acre)		
	South	C-2 (County)		
	East	C-2 (County)		
	West	C-1 (City)		
Growth Plan Designation:		Residential Medium (4 - 8 DU/Acre)		
Zoning within density range?		n/a	Yes	No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zone district of C-1 would be in keeping with the Persigo Agreement and current County zoning.

Project Analysis: Currently, the Growth Plan Future Land Use Map indicates this area of North Avenue to be residential with a density of 4 to 8 units per acre, however this area is proposed to be revised during the next update of the Growth Plan to reflect the current County zoning of commercial and also the current land uses along North Avenue.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zone district of C-1 would be in keeping with the Persigo Agreement and current County zoning.

C-1 ZONE DISTRICT

- The proposed Light Commercial (C-1) zoning currently does not conform to the recommended future land use as identified on the Growth Plan Future Land Use map, however this area along North Avenue is proposed to be revised during the next update of the Growth Plan Land Use Map to commercial to reflect current City and County zoning.
- Zoning this annexation as Light Commercial (C-1), meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is bordered on three (3) sides to current City and County commercial zoning, east, west and south, with County residential 4 to 8 DU/Acre zoning to the north.

ZONING AND DEVELOPMENT CODE CRITERIA:

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

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

- 1. The existing zoning was in error at the time of adoption;**
The existing Mesa County zoning of C-2 is currently not consistent with the current land use classification of medium density residential as indicated on the Future Land Use Map of the Growth Plan. However, this area is proposed to be revised during the next update of the Growth Plan to commercial. The annexation and zone request of C-1 is consistent with current adjacent County and City commercial zoning along North Avenue.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;**
The property is located in an area that is currently developed and zoned in a commercial manner. All public utilities are located adjacent to the property. The subject parcel will provide an infill opportunity for commercial development that will be compatible with surrounding uses.
- 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;**
Any proposed commercial retail/office development would not create adverse impacts to the adjacent existing commercial and residential areas as all development applications will be required to meet or exceed all City

standards regarding street access, parking, landscaping, drainage, lighting and other infrastructure and design items.

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

The proposed zoning is equivalent to the existing land uses in the area and meets the requirements of the Zoning and Development Code.

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

Public facilities and services are located adjacent to the property and are available for commercial use.

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

Not applicable. This proposal is to zone property to be in conformance with the current land uses along North Avenue.

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

The proposed zone will benefit the area as it is allowing the subject property to be equivalent to the surrounding area.

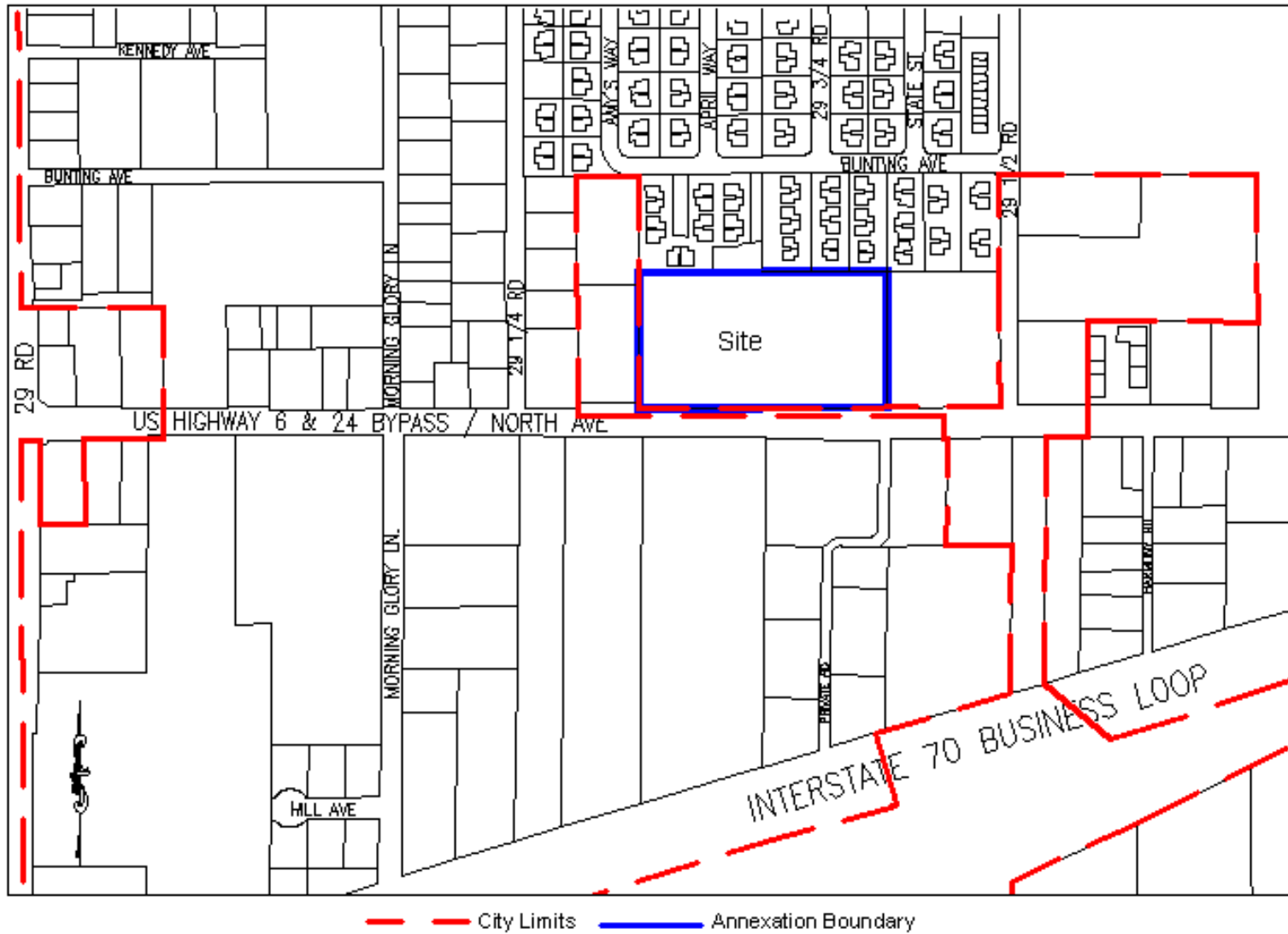
FINDINGS AND CONCLUSIONS:

1. Consistent with current County zoning as allowed under the Persigo Agreement.
2. Consistent with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zoning for the North Avenue Center Annexation to Light Commercial (C-1) at their January 28, 2003 meeting.

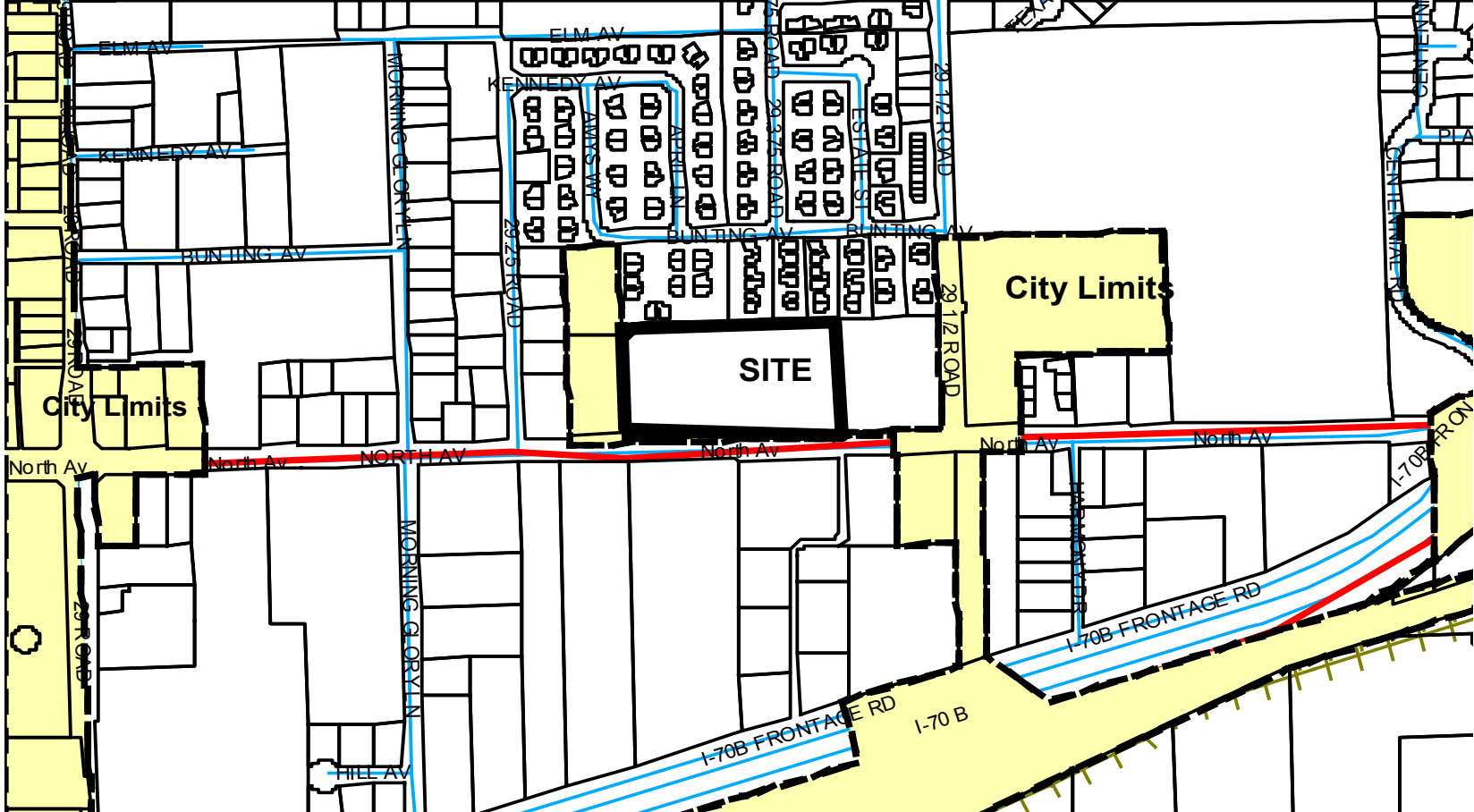
North Ave Center Annexation

Figure 1



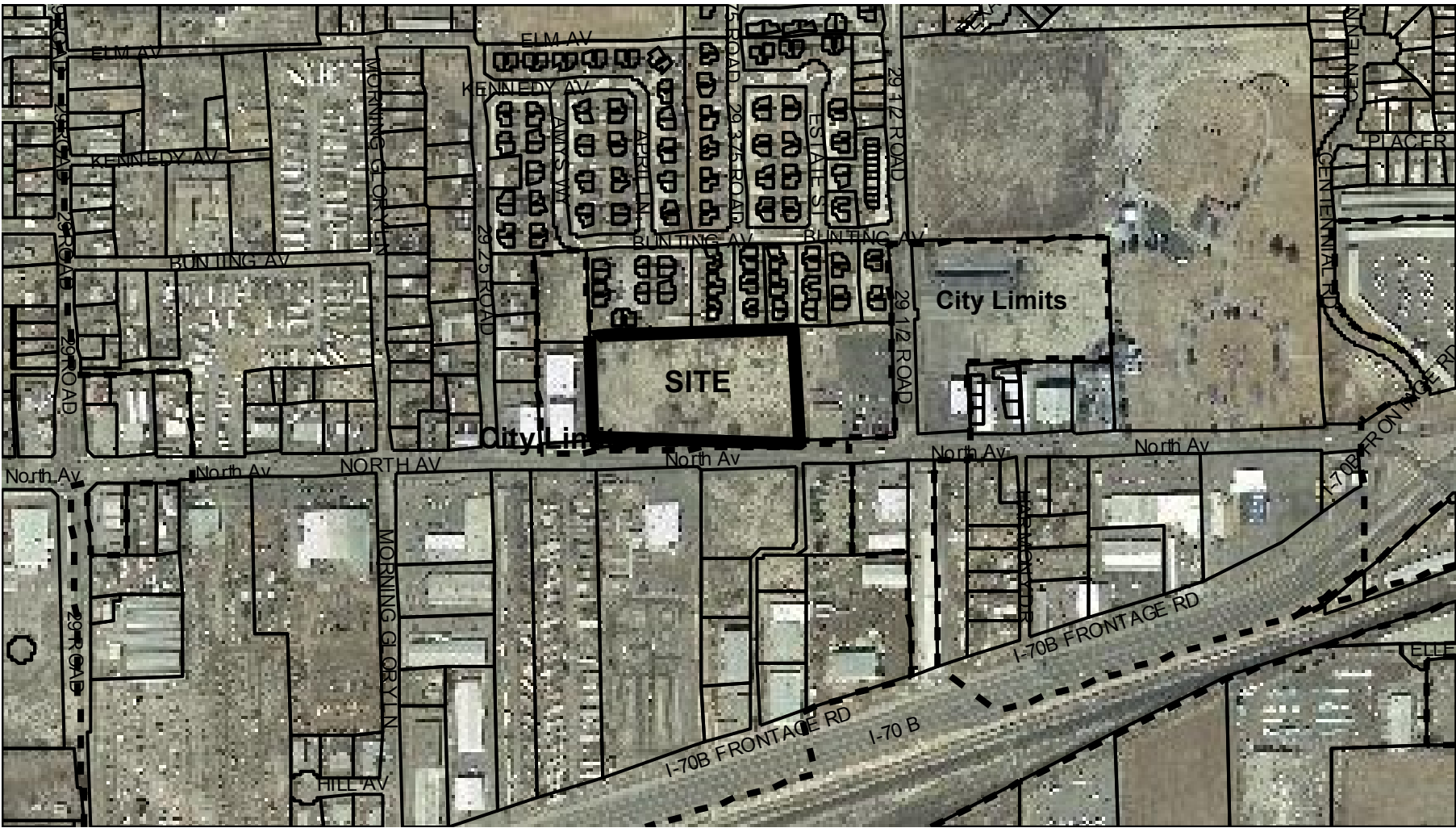
Site Location Map

Figure 2



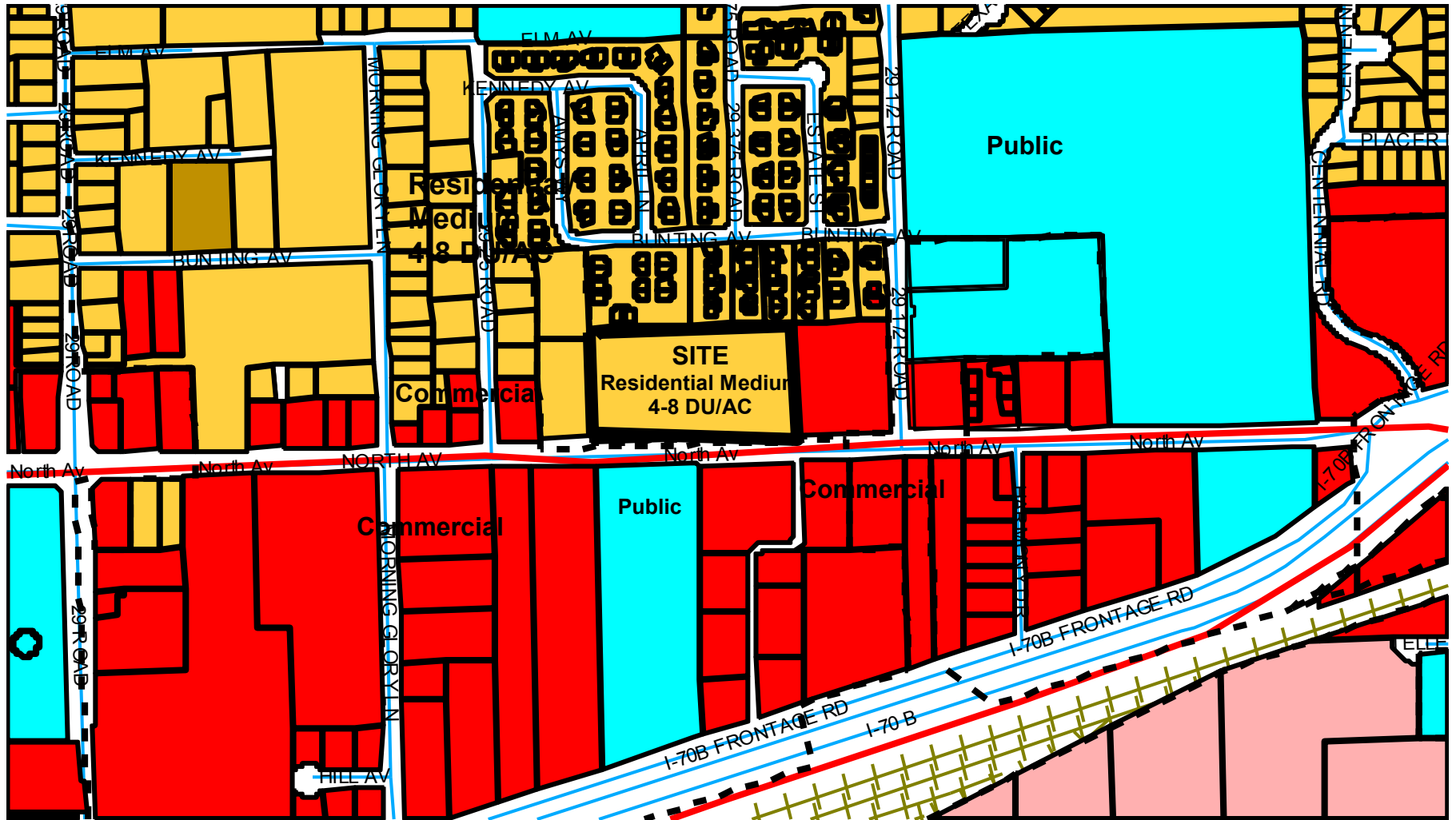
Aerial Photo Map

Figure 3



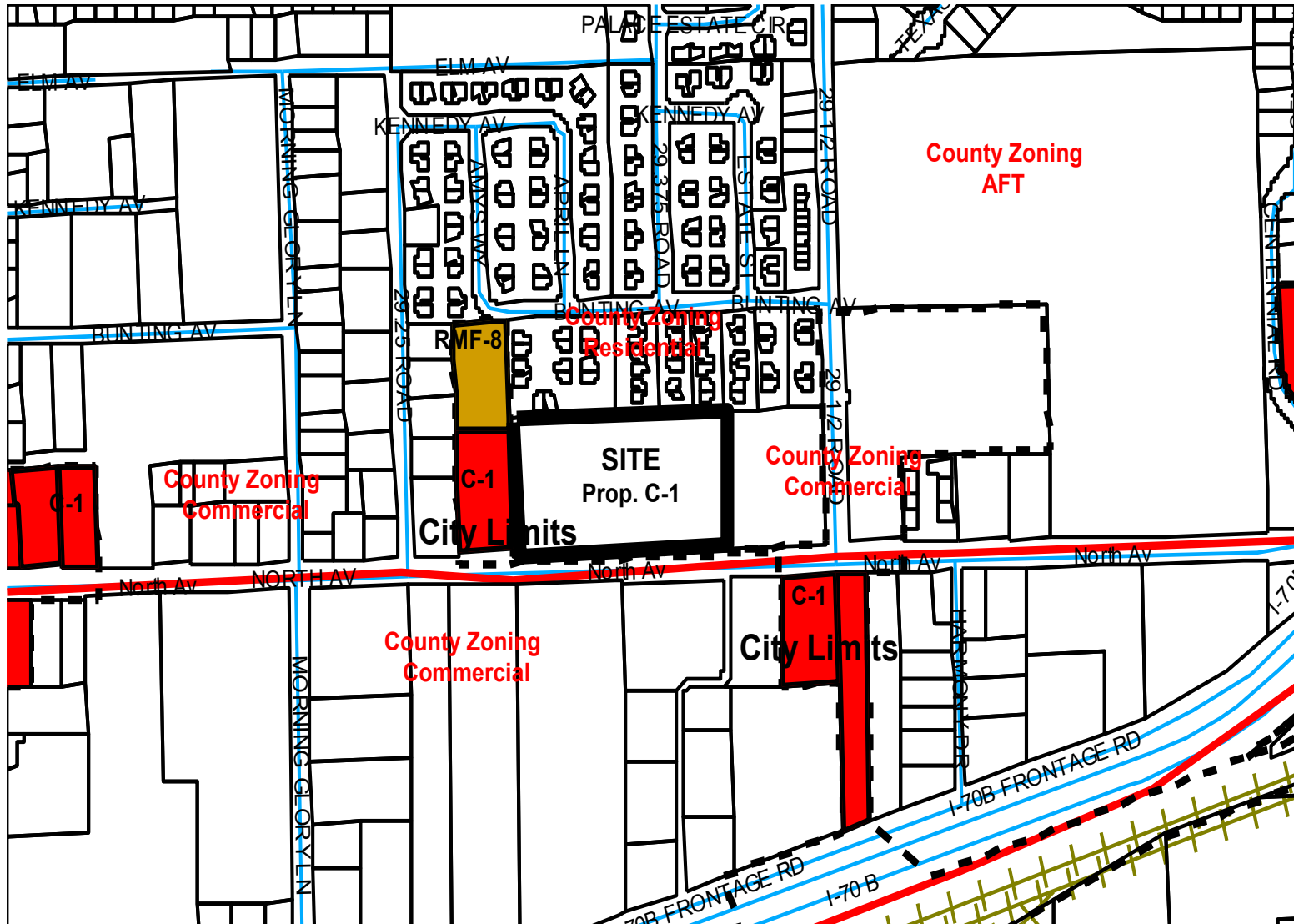
Future Land Use Map

Figure 4



Existing City and County Zoning

Figure 5



NOTE: "Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE NORTH AVENUE CENTER ANNEXATION TO
LIGHT COMMERCIAL (C-1)**

LOCATED AT 2938 NORTH AVENUE

Recitals.

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

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

- The zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by conforming to the current County zoning.
- 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 Light Commercial (C-1) zone district

Includes the following tax parcel: 2943-083-00-099

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 8, 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 SE 1/4 SW 1/4 of said Section 8, and assuming the South line of the SE 1/4 SW 1/4 of said Section 8 bears N 89°53'09" W and all other bearing mentioned herein are relative thereto; thence from said Point of Commencement, N 89°53'09" W along the South line of the SE 1/4 SW 1/4 of said Section 8 a distance of 332.50 feet; thence N 00°05'12" W a distance of 40.00 feet to a point on the North right of way for North Avenue (US Hwy 6) and the POINT OF BEGINNING; thence from said Point of Beginning, N 89°53'09" W along the North right of way for North Avenue, said line lying 40.00 feet North of and parallel to, the South line of the SE 1/4 SW 1/4 of said Section 8, a distance of 659.00 feet; thence N 00°00'07" E along the East line of Cantrell Subdivision, as same is recorded in Plat Book 18, Page 261, Public Records of Mesa County, Colorado, a distance of 359.97 feet; thence S 89°53'18" E, along the South line of several Palace Estates Condominiums, as they are recorded

in Condominium Book 2, Pages 88 through 93 and Page 153, Public Records of Mesa County, Colorado, a distance of 658.45 feet; thence S 00°05'12" E along a line 332.50 feet West of and parallel to, the East line of the SE 1/4 SW 1/4 of said Section 8, a distance of 360.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.4440 Acres (237,141.00 Square Feet), more or less, as described.

Introduced on first reading on the 5th day February, 2003.

PASSED and ADOPTED on second reading this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council

Attach 5
Zoning Red Tail Ridge Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Red Tail Ridge Annexation, located at the south end of Buena Vista Drive						
Meeting Date	February 5, 2003						
Date Prepared	January 28, 2003				File #ANX-2002-230		
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 Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The Planning Commission at its January 28, 2003 hearing recommended approval of the zone of annexation.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and set a public hearing date of February 19, 2003 for the second reading of the ordinance.

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Annexation map
7. Ordinance

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

BACKGROUND INFORMATION			
Location:		South end of Buena Vista Drive	
Applicants:		La Cima I, LLC, petitioner Gemni Development, LLC, developer Ciavonne & Assoc., representative	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Residential development	
Surrounding Land Use:	North	Residential	
	South	Orchard Mesa Irrigation District land	
	East	Orchard Mesa Irrigation District land	
	West	Residential	
Existing Zoning:		RSF-R (County)	
Proposed Zoning:		RSF-4 (Residential Single Family -4 dwelling units per acre.	
Surrounding Zoning:	North	RSF-R (County) (1-3 acre parcels)	
	South	RSF-R (County) (OM Irrigation District)	
	East	RSF-R (County) (OM Irrigation District)	
	West	RSF-R (County) (1-3 acre parcels)	
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 the Growth Plan density of 2-4 dwelling units per acre. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or 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.

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

Response: Not applicable.

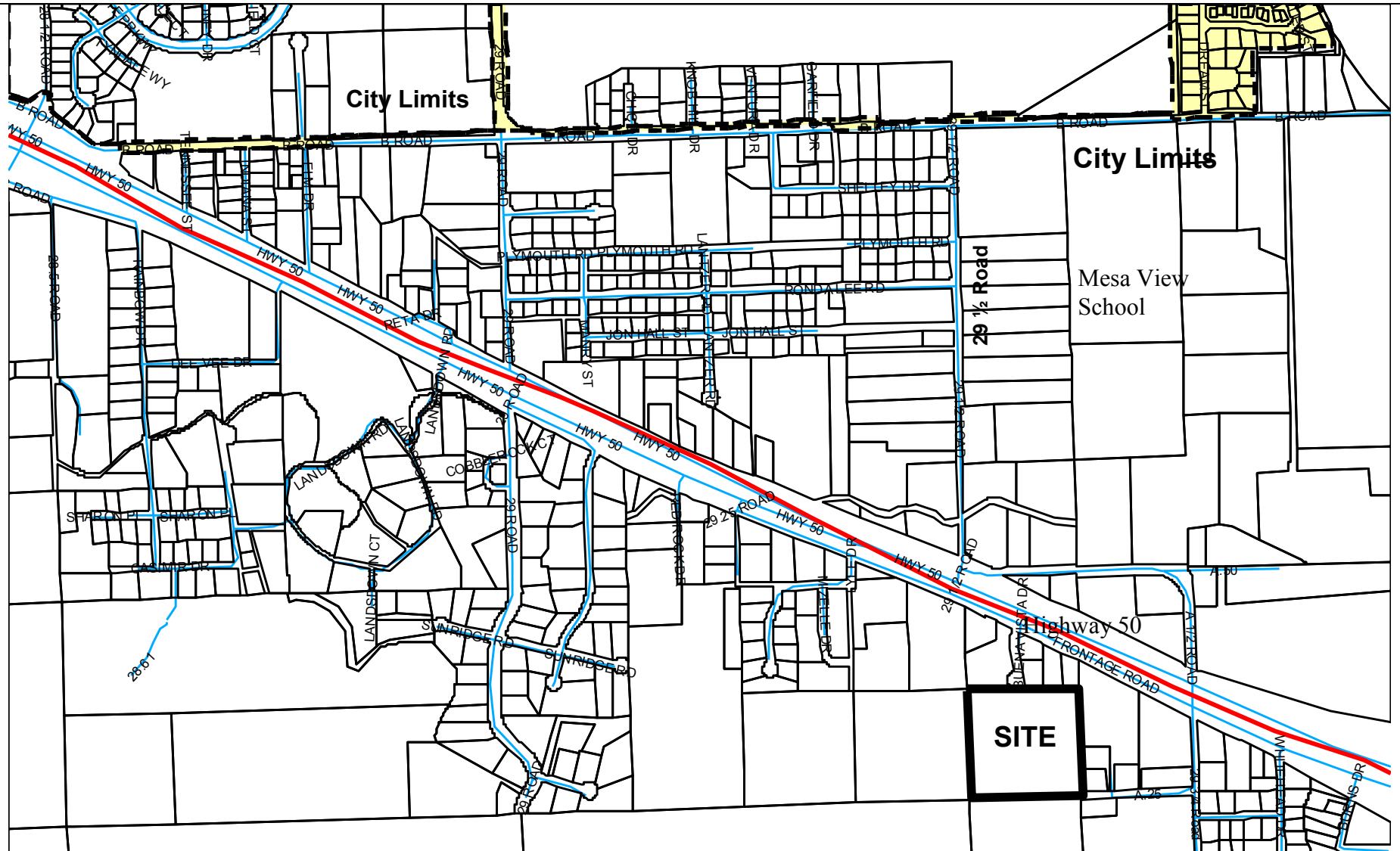
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from Buena Vista Road and from A 1/4 Road. Additional access points will be developed from the property to the east and the south.

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.

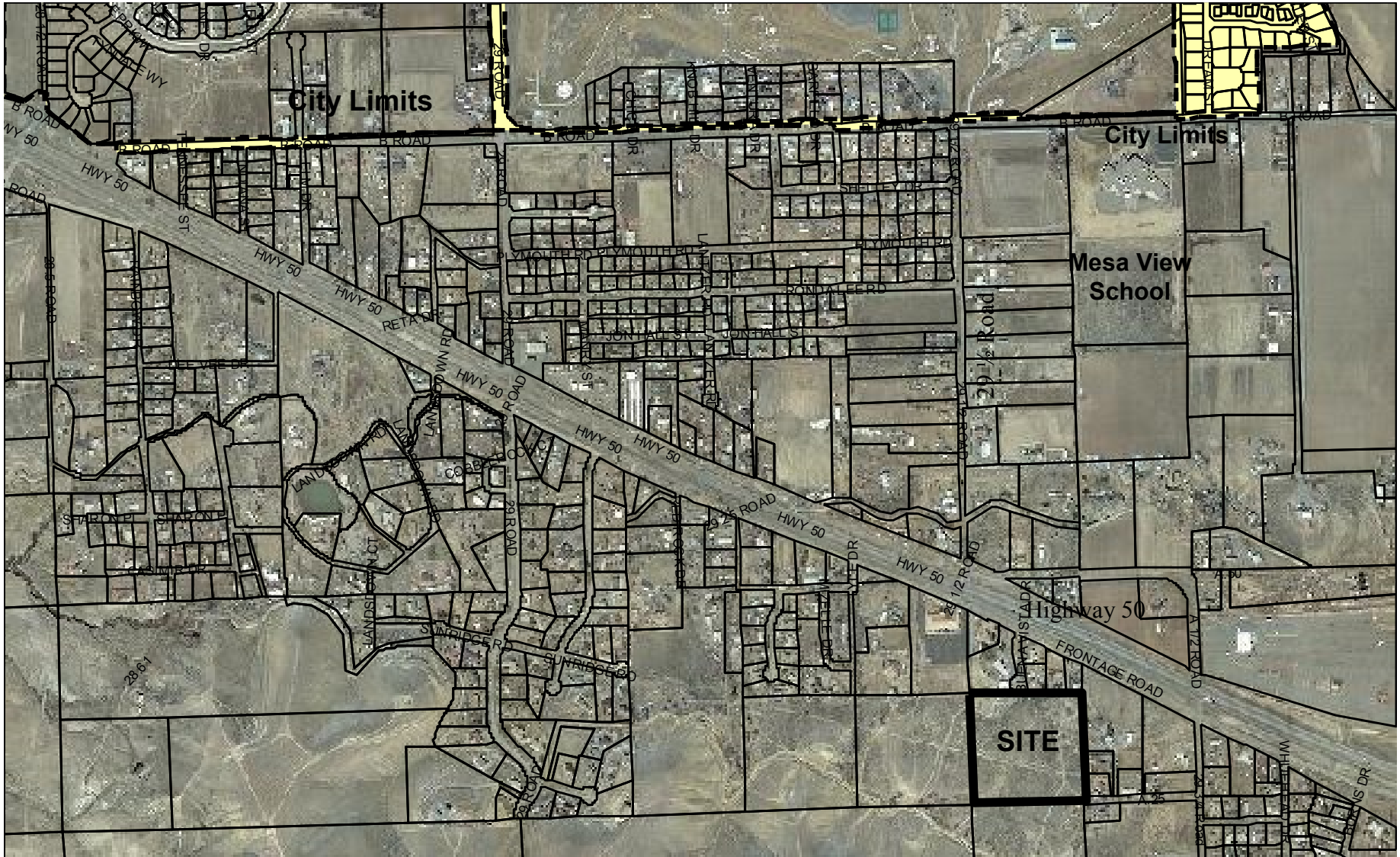
Site Location Map

Figure 1



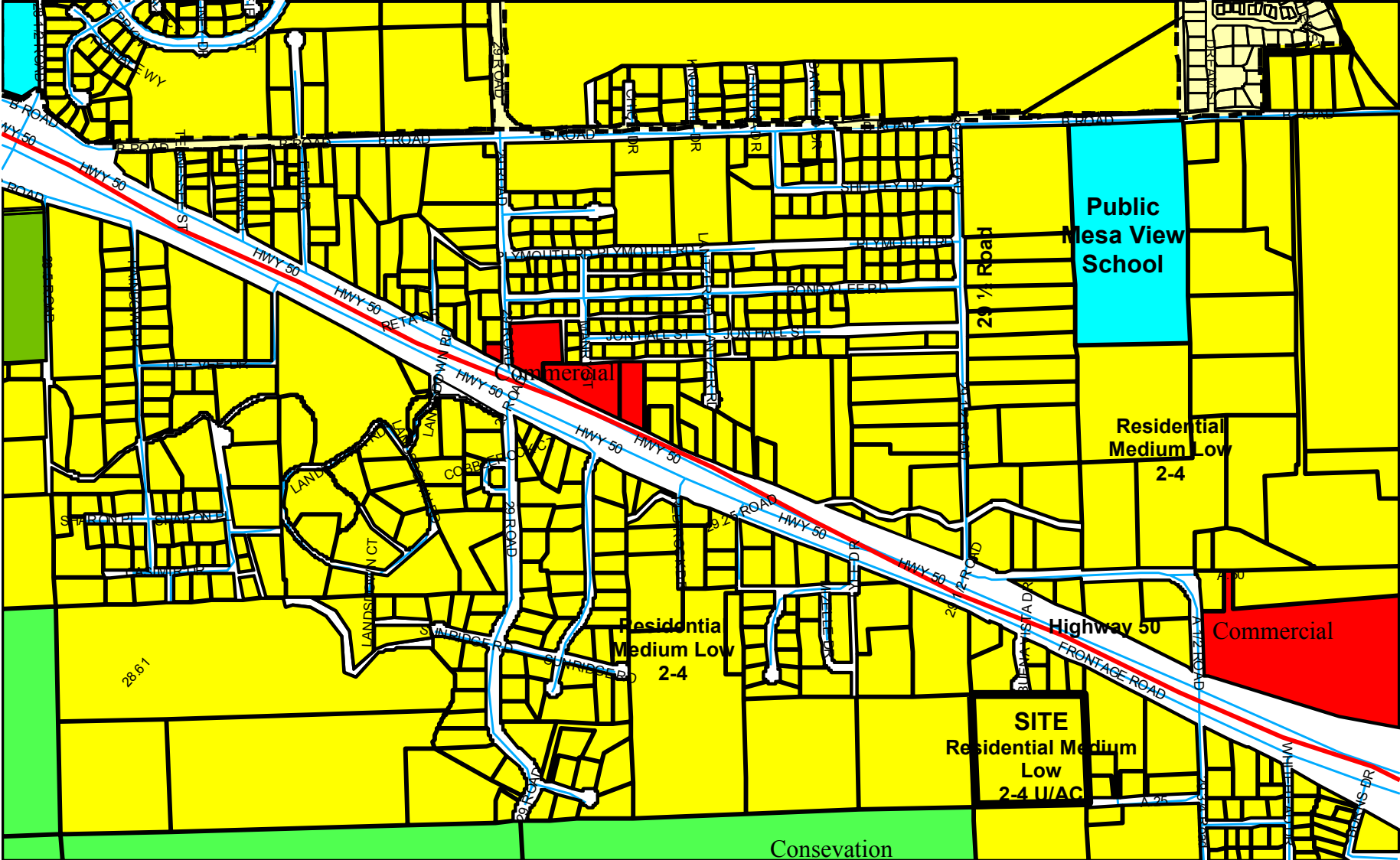
Aerial Photo Map

Figure 3



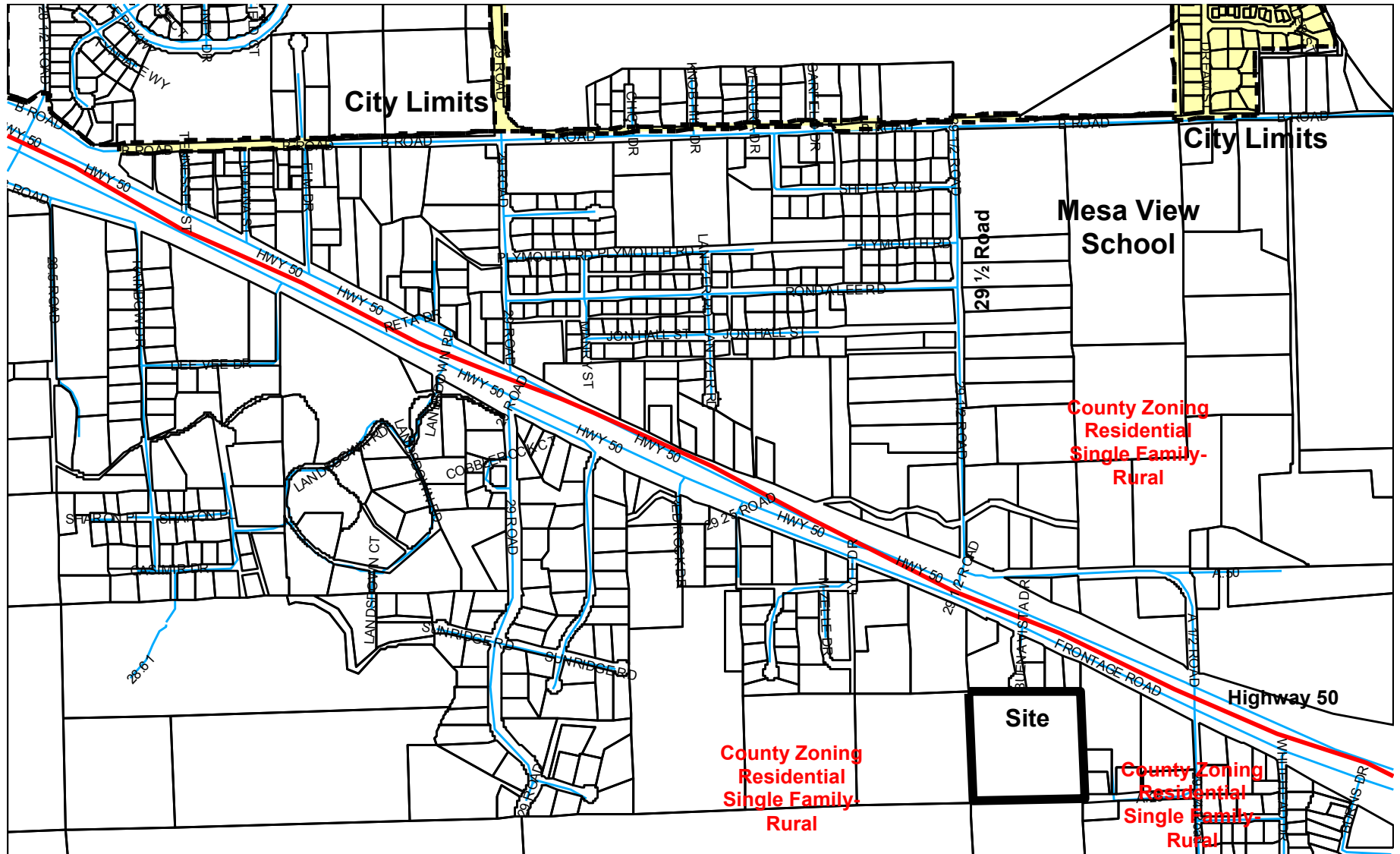
Future Land Use Map

Figure 4



Existing City and County Zoning

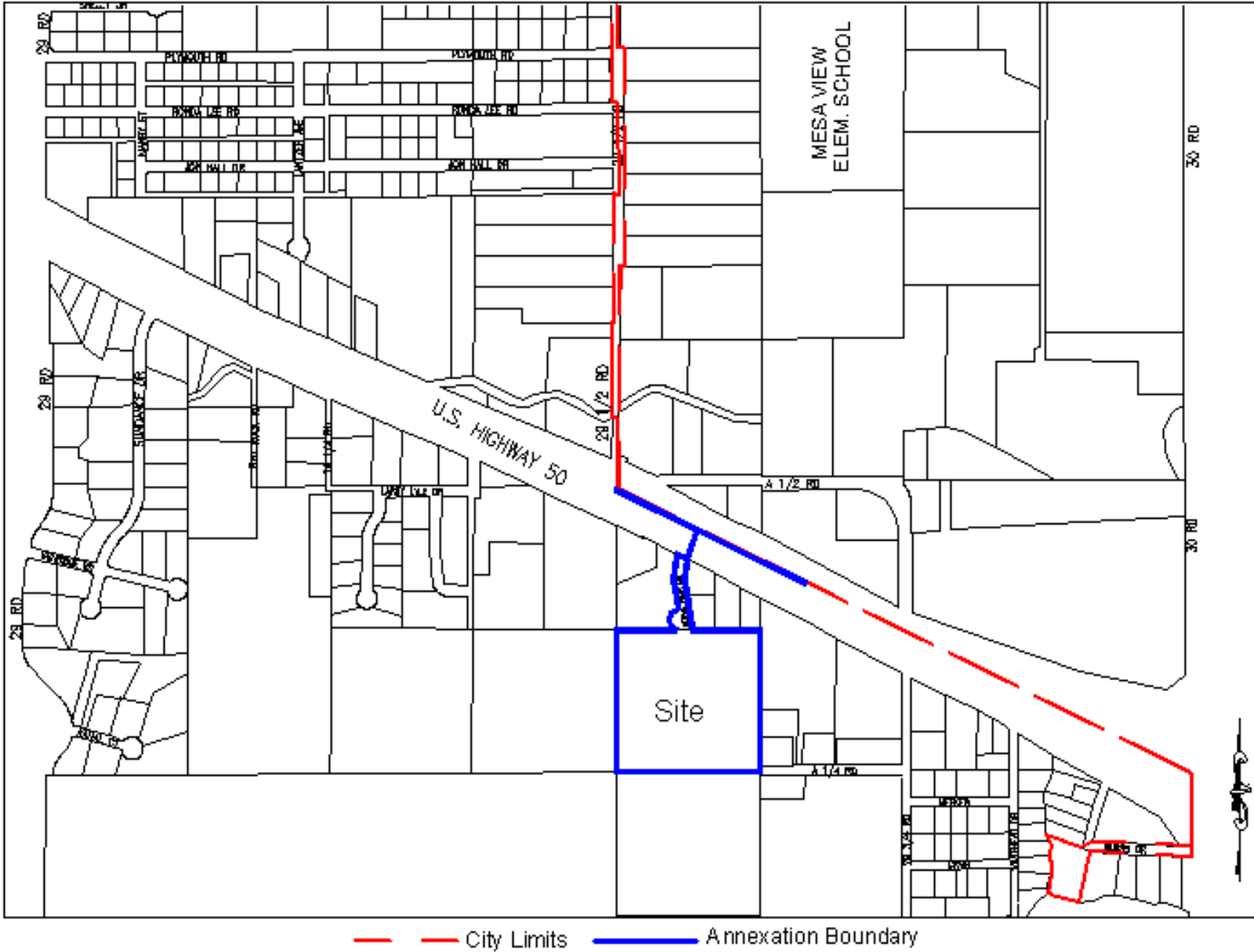
Figure 5



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

RED TAIL RIDGE ANNEXATION

Figure 6



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District

Located at southerly end of Buena Vista 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: 2943-324-00-007

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa

CONTAINING 9.88 Acres (430,372.8 Sq. Ft.), more or less, as described.

Introduced on the first reading this 5th day of February, 2003.

PASSED and ADOPTED on second reading this _____ day of _____, 2003.

President of Council

ATTEST:

City Clerk

**Attach 6
Easement in the Ridges**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Conveyance of a Nonexclusive Easement across City property in the Ridges to the Public Service Company of Colorado.					
Meeting Date		February 5, 2003					
Date Prepared		January 30, 2003			File #		
Author		Tim Woodmansee		City Real Estate Manager			
Presenter Name		Mark Relph		Director of Public Works & Utilities			
Report results back to Council		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Public Service Company is requesting an easement across City property in the Ridges to accommodate new facilities being installed in conjunction with the Ridges electrical system upgrade.

Budget: No Fiscal Impact.

Action Requested/Recommendation: Adopt resolution authorizing the City Manager to execute a Grant of Easement Agreement with the Public Service Company of Colorado.

Attachments: 1) Vicinity Map; 2) Proposed Resolution; 3) Proposed Easement Agreement

Background Information: Public Service Company is in its third year of upgrading the Ridges electrical system. The upgrade is being pursued to cure periodic failures caused by the age of its system and increased usage.

The proposed easement will allow Public Service Company to replace an existing switch cabinet and install new underground electric conduits. The easement would be nonexclusive, meaning the City reserves the right to use and occupy the encumbered property for any purpose. To comply with the City's Charter, the initial term of the proposed easement is for a period of 25 years with an option to extend for additional 25 year terms.

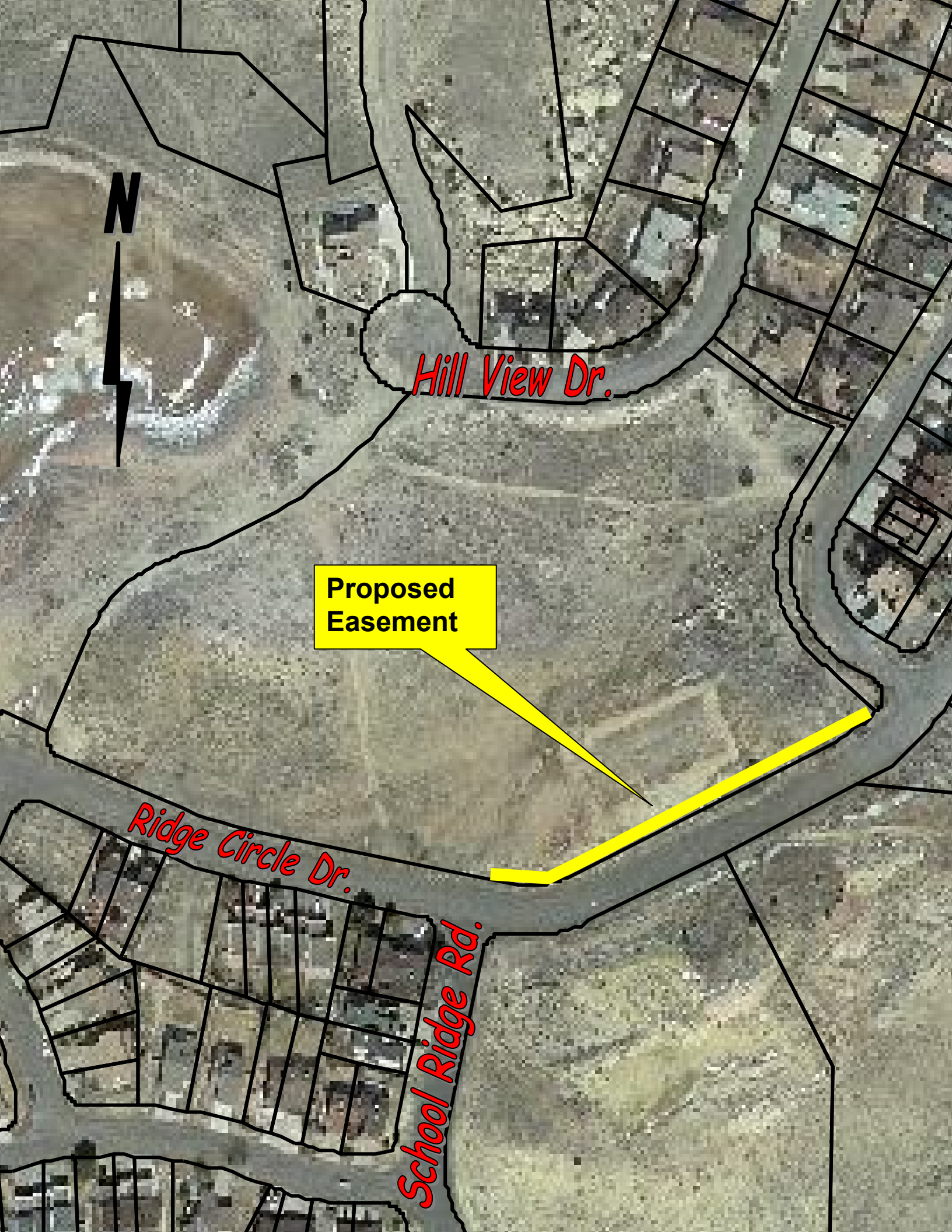


Hill View Dr.

**Proposed
Easement**

Ridge Circle Dr.

School Ridge Rd.



RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE GRANTING OF A
NON-EXCLUSIVE ELECTRIC UTILITY EASEMENT
TO THE PUBLIC SERVICE COMPANY OF COLORADO**

WHEREAS, the City of Grand Junction believes it is the owner of certain real property described as Lot 1, Block 22 of The Ridges Filing No. Five, situate in Section 20, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; and

WHEREAS, the Public Service Company of Colorado has requested a non-exclusive electric utility easement across said City property for the purposes of installing, operating, maintaining repairing and replacing underground electric utilities and facilities appurtenant thereto.

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

That the City Manager is hereby authorized, on behalf of the City and as the act of the City, to execute the attached Easement Agreement conveying to the Public Service Company of Colorado a non-exclusive easement over and across the limits of the City property described therein.

PASSED and ADOPTED this 5th day of February, 2003.

Attest:

President of the Council

City Clerk

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into as of the _____ day of _____, 2003, by and between The City of Grand Junction, a Colorado home rule municipality ("City"), whose address is 250 North 5th Street, Grand Junction, Colorado 81501, and Public Service Company of Colorado, a Colorado corporation ("Public Service"), whose address is Seventeenth Street Plaza, 1225 17th Street, Denver, Colorado 80202-5533.

RECITALS

- A. The City believes it is the owner of certain real property described as Lot 1, Block 22 of The Ridges Filing No. Five, situate in Section 20, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado.
- B. Public Service is proposing to install, operate and maintain underground electric lines and facilities appurtenant thereto to provide upgraded electric service to the community commonly known as The Ridges ("the Project").
- C. The parties desire to provide for the conveyance of a non-exclusive easement required for the Project pursuant to the terms and conditions stated in this Agreement.

NOW, THEREFORE, in consideration of the recitals above and the terms, covenants, conditions, restrictions, duties and obligations contained herein, the parties agree as follows:

- Consideration, Grant. For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the City hereby grants and conveys to Public Service, by quit claim, a non-exclusive easement on, along, over, under, through and across the limits of the City Property described in Exhibit "A" attached hereto and incorporated herein by reference ("Easement"), and Public Service accepts such grant and conveyance subject to the terms and conditions of this Agreement.
- Term. The initial term of this grant shall be twenty-five (25) years, beginning on the day and year first above written.
- Option to Extend. Subject to the provisions of paragraph 5 below, Public Service shall be entitled to exercise successive extensions of this grant and conveyance, and the City hereby grants such right, for additional twenty-five (25) year periods ("later terms"). If the grant is extended for later terms, each such later term shall be upon the same terms and conditions of this Agreement or upon such other terms as may hereafter be negotiated between the City and Public Service.
- Abandonment/Automatic Termination. In the event of permanent abandonment of the Easement by Public Service, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have occurred if Public Service shall fail to use the Easement for any twelve (12) consecutive month period.

5. Express Limitations. Public Service's utilization of the Easement shall be specifically limited to the installation, operation, maintenance and repair of underground electric service lines and facilities directly related or appurtenant thereto. The easement rights herein granted do not include the right to expand utilization of the Easement for any other purposes unless such uses are authorized by subsequent conveyance instrument(s).

6. General Indemnification. Public Service hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold the City, its officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including reasonable attorneys' fees and costs (except those caused by the City's gross negligence or its willful or wanton acts) to any person or with regard to any property, including claims arising from injury or death, resulting from Public Service's gross negligence or willful act or failure to act pursuant to this Agreement. The foregoing indemnification obligations shall extend to claims which are not reduced to a suit and any claim which may be compromised by Public Service prior to the culmination of any litigation or the institution of any litigation.

7. Default. Should Public Service (a) default in the performance of this Agreement and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to Public Service, or (b) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed, or (c) fail to timely cure such default, the City, at its option, may file an action to cancel and annul this Agreement and obtain an order from a court of competent jurisdiction to enter and take possession of the Easement. This Agreement shall then terminate upon such occupation. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against Public Service, including, but not limited to, the right of the City to obtain injunctive relief. If the City succeeds in such effort, Public Service shall pay the City's reasonable attorneys' fees.

8. Public Service Acceptance Subject to Existing Conditions.

8.1 Public Service has inspected the Easement and accepts the same in its present condition and location. Public Service agrees that the condition of the Easement is sufficient for the purposes of Public Service. The City makes no warranties, promises or representations, express or implied, that the Easement is sufficient for the purposes of Public Service. If the Easement is damaged due to fire, flood or other casualty, or if the Easement is damaged or deteriorates to the extent that it is no longer functional for the purposes of Public Service, the City shall have no obligation to repair the Easement nor to otherwise make the Easement usable or occupiable, since such damages shall be at Public Services' own risk.

8.2 The City makes no representations or warranties regarding the presence or existence of any toxic, hazardous or regulated substances on, under or about the Easement, except to the extent that the City states it has not deposited or caused to be deposited any toxic, hazardous or regulated substances on, under or about the Easement.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

10. Total Agreement, Applicable to Successors. This Agreement contains the entire agreement between the parties and, except for automatic termination or expiration, cannot be changed or modified except by a written instrument subsequently executed by both parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have each executed and entered into this Easement Agreement as of the day and year first above written.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Public Service Company of Colorado,
a Colorado corporation

By _____
Nicholas B. Faes, Manager,
Siting and Land Rights,
Xcel Energy Services, Inc., Agent for
Public Service Company of Colorado

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Kelly Arnold as City Manager and attested to by Stephanie Tuin as City Clerk of the City of Grand Junction, a Colorado home rule municipality.

My commission expires: _____
Witness my hand and official seal

Notary Public

State of Colorado)
)ss.
City and County of Denver)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Nicholas B. Faes, Manager, Siting and Land Rights, Xcel Energy Services, Inc., Agent for Public Service Company of Colorado, a Colorado corporation.

My commission expires: _____
Witness my hand and official seal

Notary Public

Exhibit "A"

Legal Description of Easement

A non-exclusive easement situated upon Lot 1, Block 22 of The Ridges Filing No. Five, situate in Section 20, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Pages 316 through 320 in the office of the Mesa County Clerk and Recorder, said Easement being more particularly described by metes and bounds as follows, to wit:

Beginning at the Southeasterly corner of Lot 1, Block 22 of The Ridges Filing No. Five, said point being located on the Northerly right-of-way line for Ridge Circe Drive at its intersection with Ridge Circle Drive;

thence along the Southerly boundary line of said Lot 1 the following four (4) courses:

1. 49.01 feet along the arc of a curve concave to the North, having a radius of 171.65 feet, a central angle of $16^{\circ}21'38''$, and a long chord bearing $S 56^{\circ}28'25'' W$ a distance of 48.85 feet;
2. $S 64^{\circ}39'14'' W$ a distance of 300.61 feet;
3. 49.94 feet along the arc of a curve concave to the North, having a radius of 75.00 feet, a central angle of $38^{\circ}09'00''$, and a long chord bearing $S 83^{\circ}43'44'' W$ a distance of 49.02 feet;
4. $N 77^{\circ}11'46'' W$ a distance of 20.0 feet;

thence leaving the Southerly boundary line of said Lot 1, $N 12^{\circ}48'14'' E$ a distance of 20.0 feet;

thence $S 77^{\circ}11'46'' E$ a distance of 20.0 feet;

thence $S 12^{\circ}48'14'' W$ a distance of 6.0 feet;

thence parallel with and 14.0 feet Northerly of the Southerly boundary line of said Lot 1 the following three (3) courses:

1. 40.62 feet along the arc of a curve concave to the North, having a radius of 61.0 feet, a central angle of $38^{\circ}09'00''$, and a long chord bearing $N 83^{\circ}43'44'' E$ a distance of 39.87 feet;
2. $N 64^{\circ}39'14'' E$ a distance of 300.61 feet;
3. 44.17 feet along the arc of a curve concave to the North, having a radius of 157.65 feet, a central angle of $16^{\circ}03'17''$, and a long chord bearing $N 56^{\circ}37'34'' E$ a distance of 44.03 feet to a point on the Easterly boundary line of said Lot 1;

thence $S 45^{\circ}08'16'' E$ along the Easterly boundary line of said Lot 1 a distance of 14.03 feet to the Point of Beginning.

END OF EXHIBIT "A"

Attach 7
Easement in Canyon View Park
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Conveyance of a Nonexclusive Easement across the City's Canyon View Park property to the Grand Junction Drainage District.							
Meeting Date		February 5, 2003							
Date Prepared		January 30, 2003				File #			
Author		Tim Woodmansee			City Real Estate Manager				
Presenter Name		Mark Relph			Director of Public Works & Utilities				
Report results back to Council		X	No		Yes	When			
Citizen Presentation		X	Yes		No	Name			
	Workshop	X		Formal Agenda		X	Consent		Individual Consideration

Summary: The Grand Junction Drainage District has requested an easement across the City's Canyon View Park property to accommodate the piping of an existing open drainage channel known as the Mitchell Drain.

Budget: No Fiscal Impact.

Action Requested/Recommendation: Adopt resolution authorizing the City Manager to execute a Grant of Easement Agreement with the Grand Junction Drainage District.

Attachments: 1) Vicinity Map 2) Proposed Resolution; 3) Proposed Easement Agreement

Background Information: The developers of Spanish Trails Subdivision, located adjacent to Canyon View Park, have asked the Grand Junction Drainage District to pipe an existing open drainage channel known as the Mitchell Drain.

This portion of the Mitchell Drain is located on the boundary between Canyon View Park and Spanish Trails Subdivision. The owners of Spanish Trails have granted an easement to the Drainage District. An easement across the City's property is also needed to allow this drain to be piped.

To comply with the City's Charter, the initial term of the proposed easement is for a period of 25 years with an option to extend for additional 25 year terms. The Drainage District will be responsible for all installation and maintenance costs.

Interstate 70

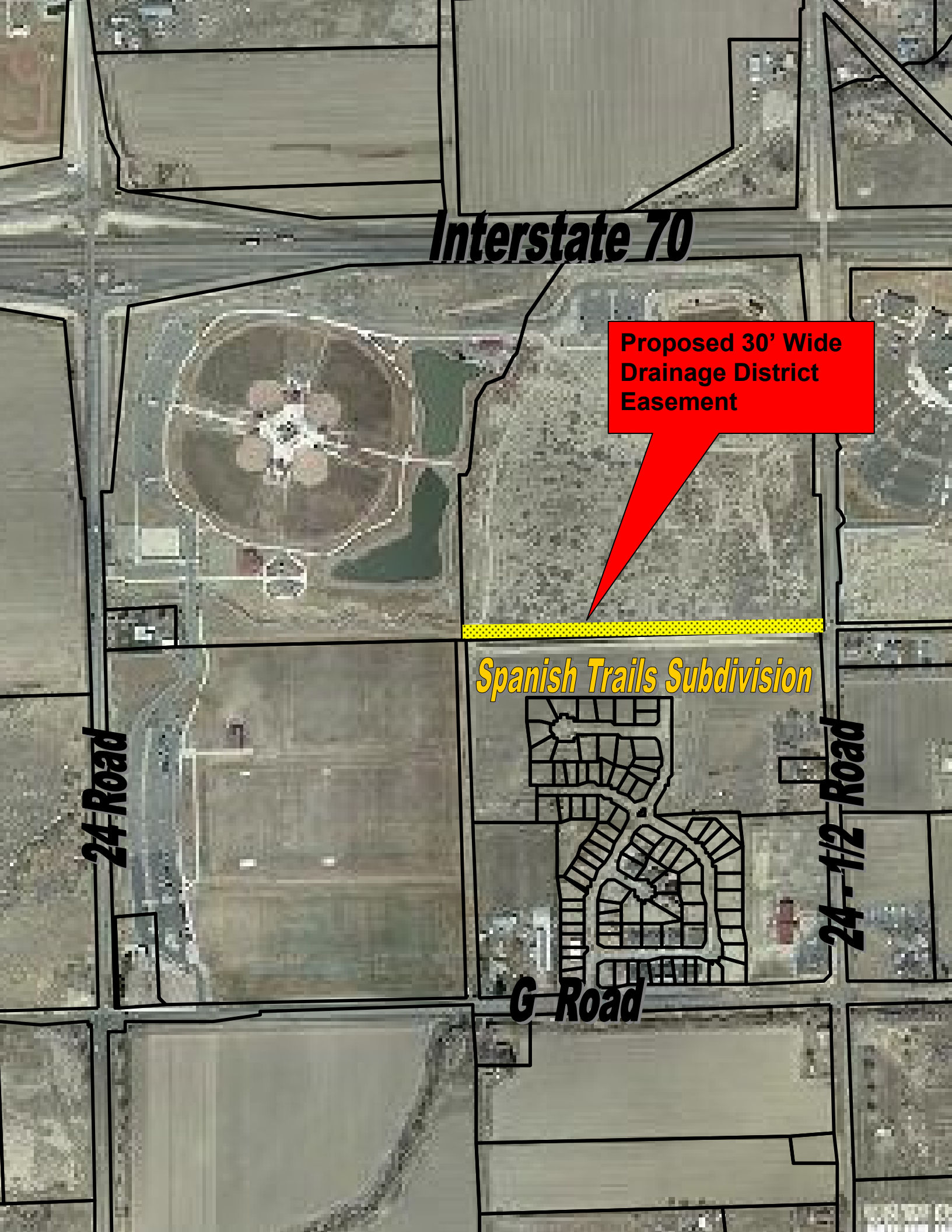
**Proposed 30' Wide
Drainage District
Easement**

Spanish Trails Subdivision

24 Road

24-1/2 Road

G Road



RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE GRANTING OF A
NON-EXCLUSIVE DRAINAGE EASEMENT
TO THE GRAND JUNCTION DRAINAGE DISTRICT**

WHEREAS, the City of Grand Junction believes it is the owner of certain real property described as Lots 33 and 34 of Pomona Park, commonly known as Canyon View Park, situate in Section 33, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; and

WHEREAS, the Grand Junction Drainage District has requested a non-exclusive drainage easement across said City property for the purposes of installing, operating, maintaining repairing and replacing a pipe to coven an existing drainage channel known as the Mitchell Drain.

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

That the City Manager is hereby authorized, on behalf of the City and as the act of the City, to execute the attached Easement Agreement conveying to the Grand Junction Drainage District a non-exclusive easement over and across the limits of the City property described therein.

PASSED and ADOPTED this 5th day of February, 2003.

Attest:

President of the Council

City Clerk

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into as of the _____ day of _____, 2003, by and between The City of Grand Junction, a Colorado home rule municipality ("City"), whose address is 250 North 5th Street, Grand Junction, Colorado 81501, and the Grand Junction Drainage District, ("District") whose address is 722 23 Road, P.O. Box 969, Grand Junction, Colorado 81502-0969.

RECITALS

A. The City believes it is the owner of certain real property described as Lots 33 and 34 of Pomona Park, commonly known as Canyon View Park, situate in Section 33, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as recorded in Plat Book 1 at Page 24 in the office of the Mesa County Clerk and Recorder.

B. The aforescribed property of the City is presently encumbered by an open drainage channel commonly known as the Mitchell Drain. The owners of property presently being developed as Spanish Trails Subdivision, located adjacent to the City's property, have requested the District to install piping and other facilities so that the open Mitchell Drain may be converted to a piped drainage system.

C. The purposes of this Easement Agreement are to acknowledge an easement for surface and subsurface drainage facilities for the said Mitchell Drain and to authorize the District to install, operate, maintain and repair pipes and other facilities within the limits of the City's property hereinafter described.

NOW, THEREFORE, in consideration of the recitals above and the terms, covenants, conditions, restrictions, duties and obligations contained herein, the parties agree as follows:

1. Consideration, Grant, Acceptance.

1.1 For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the City hereby grants and conveys to the District, by quit claim, a Nonexclusive Drainage Easement on, along, over, under, through and across the following described real property, to wit:

The South 30.0 feet of Lots 33 and 34 of Pomona Park, situate in Section 33, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as recorded in Plat Book 1 at Page 24 in the office of the Mesa County Clerk and Recorder.

1.2 The District accepts such grant and conveyance subject to the terms and conditions of this Agreement.

2. Term. As authorized by the Charter of the City, the initial term of this grant shall be for a period of twenty-five (25) years, beginning on the day and year first above written.
3. Option to Extend. Subject to the provisions of paragraph 6 below, the District shall be entitled to exercise successive extensions of this grant and conveyance, and the City hereby grants such right, for additional twenty-five (25) year periods ("later terms"). If the grant is extended for later terms, each such later term shall be upon the same terms and conditions of this Agreement or upon such other terms as may hereafter be negotiated between the City and the District.
4. Purposes of Easement, Express Limitations. The purpose of the Easement and the District's utilization thereof shall be specifically limited to the installation, operation, maintenance, repair and replacement of drainage facilities and shall include the right of ingress and egress for workers and equipment over and across the Easement area to accomplish such purposes, which may additionally include clearing, cleaning, adjusting and deepening said facilities, together with the right to trim interfering trees and brush. The District agrees that the District's utilization of the Easement shall be performed with due care or any other higher standard of care necessary to The easement rights herein granted do not include the right to expand utilization of the Easement for any other purposes unless such uses are authorized by subsequent conveyance instrument(s).
5. Reservations from Grant. The City reserves the right to use and occupy the Easement area for any purpose which will not unreasonably interfere with the District's use thereof; provided, however, that the City agrees to not burden or overburden the Easement by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of the District or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.
6. Abandonment/Automatic Termination. In the event of permanent abandonment of the Easement by the District, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have occurred if the District shall fail to use the Easement for any twelve (12) consecutive month period.
7. General Indemnification. The District hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold the City, its officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including reasonable attorneys' fees and costs (except those caused by the City's gross negligence or its willful or wanton acts) to any person or with regard to any property, including claims arising from injury or death, resulting from the Districts' gross negligence or willful act or failure to act pursuant to this Agreement. The foregoing indemnification obligations shall extend to claims which are not reduced to a suit and any claim which may be compromised by the District prior to the culmination of any litigation or the institution of any litigation.
8. Default. Should the District (a) default in the performance of this Agreement and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to the District, or (b) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed, or (c) fail to timely

cure such default, the City, at its option, may file an action to cancel and annul this Agreement and obtain an order from a court of competent jurisdiction to enter and take possession of the Easement. This Agreement shall then terminate upon such occupation. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against the District, including, but not limited to, the right of the City to obtain injunctive relief. If the City succeeds in such effort, the District shall pay the City's reasonable attorneys' fees.

9. Drainage District Acceptance Subject to Existing Conditions.

9.1 the District has inspected the Easement and accepts the same in its present condition and location. The District agrees that the condition of the Easement is sufficient for the purposes of the District. The City makes no warranties, promises or representations, express or implied, that the Easement is sufficient for the purposes of the District. If the Easement is damaged due to fire, flood or other casualty, or if the Easement is damaged or deteriorates to the extent that it is no longer functional for the purposes of the District, the City shall have no obligation to repair the Easement nor to otherwise make the Easement usable or occupiable, since such damages shall be at the Districts' own risk.

9.2 The City makes no representations or warranties regarding the presence or existence of any toxic, hazardous or regulated substances on, under or about the Easement, except to the extent that the City states it has not deposited or caused to be deposited any toxic, hazardous or regulated substances on, under or about the Easement.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

11. Total Agreement, Applicable to Successors. This Agreement contains the entire agreement between the parties and, except for automatic termination or expiration, cannot be changed or modified except by a written instrument subsequently executed by both parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have each executed and entered into this Easement Agreement as of the day and year first above written.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

By _____
City Clerk

By _____
City Manager

Attest:

Grand Junction Drainage District:

By _____
Secretary

By _____
President

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Kelly Arnold as City Manager and attested to by Stephanie Tuin as City Clerk of the City of Grand Junction, a Colorado home rule municipality.

My commission expires: _____
Witness my hand and official seal

Notary Public

State of Colorado)
)ss.
County Mesa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by _____ as President and attested to by _____ as Secretary of Grand Junction Drainage District.

My commission expires: _____
Witness my hand and official seal

Notary Public

**Attach 8
Water Conservation Grant**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Water Conservation Grant Applications						
Meeting Date	February 3, 2003						
Date Prepared	January 29, 2003					File #	
Author	Greg Trainor			Utility Manager			
Presenter Name	Mark Relph,			Public Works Director			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When		
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary:

Request for authorization to apply with the Bureau of Reclamation for two (2) water conservation grants for Water Year 2003. Deadline is February 15, 2003.

Budget:

Public Information/"Use Water Wisely" Campaign:

\$30K total, with local match from water users of \$15K; Requested federal share of \$15,000. The applications are due February 15, 2003 with final review of the applications on February 11 among the Grand Valley municipal and agricultural water providers. Local match to the federal dollars will be apportioned among the City, Ute, Clifton Water, Palisade, CSU Extension, and the agricultural water providers.

"Train the Water Auditor": \$6,600 total, local match of \$2,200 apportioned among local water providers; Requested federal share of \$4,400.

Action Requested:

Authorize City Manager to sign the grant applications.

Attachments:

N/A

Background Information:

The Grand Valley municipal and agricultural water providers is applying to the Bureau of Reclamation through the Bureau's Water Conservation Field Service program to fund two (2) programs for the 2003 Water Year.

The first is for public information/public outreach to educate and inform the public on the group's drought response plan for 2003. This plan will be reviewed for the City Council at its March 30 Workshop.

The second application is to assist CSU Extension Service in their "train the water auditor" program to train 50 master gardeners to do water audits for municipal customers.

2003 is looking to be a repeat of 2002 as far as agricultural water supplies. Municipal water providers in the Grand Valley are well positioned to provide drinking water supplies. However, all users feel that a "use water wisely" campaign is important and necessary to bring water customers to an awareness of the overall situation. Although water supplies for the municipal providers appears to be in fair shape, all are working to craft a two-tiered drought response plan to, first, educate customers and, second, to prepare customers for conservation measures, if they become necessary to preserve supplies in storage.

**Attach 9
Downtown Partnership**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Downtown Partnership					
Meeting Date		February 5, 2003					
Date Prepared		January 30, 2003			File #		
Author		Harold Stalf		DDA Executive Director			
Presenter Name		Doug Simons and Karen Hildebrandt		Presidents – DDA and DTA			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	Doug Simons and Karen Hildebrandt
	Workshop	<input checked="" type="checkbox"/>		Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining together in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area.

Budget: The DDA and DTA are requesting funding of \$75,000 annually for the length of the program (three years), to be appropriated on an annual basis.

Action Requested/Recommendation: Approval of the Downtown Partnership and City Council’s reconfirmation of the commitment to provide funding of \$75,000 annually for the period of three years.

Attachments: A brief summary of the Downtown Partnership Program is attached

Background Information: Last fall the DTA acquired pledges of support and financial contributions from downtown businesses in order to make application for the Main Street Program. Because the DDA and DTA will not be participating in the state-operated Main Street Program but will instead undertake their own Downtown Partnership Program, the DTA recently contacted each business person to reaffirm the commitment of those pledges. Funds will be used to hire a Promotion Manager and to advertise and promote downtown, as well as to provide strategic planning assistance in conjunction with the DDA.

The goals of the organizations are to use the Program to assist the DDA and DTA in promoting downtown, addressing the perceived need for parking expansion and information, as well as providing the DTA with professional management. This effort is intended to result in the immediate adoption of an MOU between the organizations based on the programmatic goals, as well as planning for the extension of the DDA’s

TIF and consideration and adoption of an appropriate, balanced and permanent source of funding for the operation of the DTA, such as a Business Improvement District (BID).

Downtown Partnership Program

Support

Grand Junction entered into a progressive revitalization of its downtown with Operation Foresight in 1962. This effort involved the entire downtown community in embracing a novel approach to improving the downtown area. Main Street was changed to a park-like setting with planter boxes, a serpentine path for vehicles, and a tree canopy located in the existing right-of-way. Since that time downtown has evolved in its continued effort to succeed in competition with the Mesa Mall as well as other more modern developments. This has encompassed many programs, most notably the restoration of the historic Avalon Theater, among other significant buildings, the renovation of Two Rivers Convention Center into the largest such facility in western Colorado, and the very recent development of two anchor hotels (one is under construction).

The Downtown Development Authority, the Downtown Association, with the strong support of the City of Grand Junction, provides management and leadership downtown. These groups have come together as a result of the potential of the Downtown Partnership and are critical to the ongoing leadership and development of downtown Grand Junction. This downtown partnership is positioned to positively influence the competitive position of our downtown as it competes for vitality, resources and identification as the retail and commercial hub of the region. Downtown's ability to effectively preserve its historical nature while creatively competing in areas of advertising, promotion, public relations, commercial, retail, entertainment, cultural activities, and overall vitality as a magnet to the people of Mesa County and western Colorado is the focus of this effort.

Downtown is a prized resource of our community and its continued development as a unique attraction for visitors and residents of this area is a priority. It is a wonderful oasis of shade trees, permanent sculpture exhibits, fine restaurants and plentiful shopping opportunities that has yet to realize its full and expected potential. Grand Junction wishes to attain that potential in order to assure the permanent vitality of this unique and prized focal point of the community. The groups and organizations mentioned in the following section, as well as the community at-large, support this effort.

Effective Partnerships

Downtown Association (DTA) – The DTA is an active association of merchants located in Downtown Grand Junction. The DTA is responsible for the advertising and promotion of downtown, as well as the special events held in downtown as community celebrations.

Downtown Development Authority (DDA) – The DDA is responsible for capital investment projects designed to enhance and improve downtown Grand Junction. Efforts have included preservation and renovation of historic buildings, street, alley and parking improvements and support for efforts such as the renovation of the Two Rivers Convention Center and development of the nearby hotels. The DDA founded and continues to manage Art on the Corner, a program that exhibits significant numbers of sculpture on the streets of Grand Junction.

City of Grand Junction – The City has been a major supporter of downtown revitalization providing the leadership for Operation Foresight in 1962. In recent years the City has continued the superb maintenance of downtown streets, pedestrian areas and vegetation, and has recently begun a community-policing program (seasonal). In 2000 the City built its new City Hall downtown.

Fund-Raising Efforts

The Downtown Association (DTA) has solicited support for the Downtown Partnership from the downtown community. In addition to their annual dues, downtown merchants and businesses have to date pledged in excess of \$20,000 annually for a period of three years to support this effort. The board of

directors of the Downtown Development Authority (DDA) has agreed to in-kind contributions totaling \$30,000 annually for three years. This commitment includes the devotion of 25% of the DDA's Executive Director's time to the project, as well as providing office space, furniture, telephone, computer equipment, etc. The City of Grand Junction is currently considering a request totaling \$75,000 annually in its annual budget cycle. This commitment is expected to be forthcoming shortly, and this application has been authorized to provide those commitments at that time.

The DTA has as its stated goal the development of a Business Improvement District (BID) to continue and enhance the three-year program now being considered. In co-operation with the DDA and the City of Grand Junction, a long-term commitment to downtown is imperative to the long-term revitalization of downtown Grand Junction. As the promotion of downtown continues to increase, it is believed that the resulting economic impact will strengthen the viability of downtown, well into the future.

Continued efforts in historic preservation and more importantly, economic utilization of historic properties such as the retail oriented Reed Building (formerly J.C. Penny) and a program to realize the transformation of the Avalon theater into a dynamic facility with daily use will provide permanent vitality to the area.

Development History

The original Grand Junction town site was established in 1881 at the confluence of the Gunnison and Colorado Rivers. Comprised of a 640-acre section of land, the original site was bounded by North Avenue to the north, South Avenue to the south, 1st Street to the west and 12th Street to the east. In early 1882, work began on the Pioneer Canal that diverted water from the Colorado River to the Grand Junction area. Homesteaders soon turned the valley into a green and fertile area blossoming with orchards, farms and ranches. In 1887, the arrival of the Denver & Rio Grande Railroad provided the impetus for population growth and Grand Junction began to thrive. In the early decades of the twentieth century, annexations into the City occurred on all four sides of the original square-mile site and encompassed 854 acres. Following World War II, Grand Junction experienced another boom related to uranium mining in western Colorado. During the 1950s and 1960s, over 1,160 acres (1.8 square miles), located primarily to the north and east, were annexed into the city for development.

Although the uranium activity declined, Grand Junction maintained a steady growth rate through the 1970s. The national energy crisis brought renewed interest to oil shale exploration on the Western Slope, which spurred further expansion until the oil shale bust in 1982. During the boom, large areas were annexed to accommodate growth: the development of Mesa Mall, Walker Field Airport and new residential areas south of the Colorado River. Between 1980 and 2000, the population of Grand Junction grew from 27,956 persons in 1980 to 41,986 in 2000, a 50.2% increase. As the city continued to expand, annexations have tended to involve enclave parcels, as well as outlying parcels in developing areas. In the same twenty-year period, 14,052.648 acres, or 21.95 square miles, were annexed into the city; between 2000 and 2001, an additional 195.375 acres were added, bringing the city's total land area to 32.40 square miles as of the end of 2001.

Colorado's key economic strength is its diversity – the same is true of Grand Junction. Originally steeped in mining and agriculture, the economy has diversified significantly in the last 15 years. Evidence of this trend is provided by the significant increase in Gross Metropolitan Product over the last 10 years (from \$18,250 per capita in 1990 to \$32,700 per capita in 2000), making the Grand Junction economy the 12th fastest growing in the nation. The area's manufacturing base ranges from electronics to semiconductor equipment, advanced composites to bicycle parts, as well as traditional and base manufacturing. A strong service sector also exists due to the area being the major market between Salt Lake City and Denver. Strong health and medical services, construction, business and professional services provide resources to neighboring areas in Colorado and Utah, creating a market area of 500,000 people. Business services include customer service centers in telecommunications and electronics industries.

The Grand Junction area is also a key distribution center due to its excellent location on Interstate 70. Agriculture and mining now represent a decreasing share of the area's output. Tourism, though not easily definable as a separate economic sector, is an important industry to the area, as visitors are drawn year-round to the outstanding recreational activities and breathtaking scenery. From 1996 to 1999, total employment in all industry sectors increased by nearly 13%, with financial, insurance, real estate,

construction, transportation, public utilities, and communications areas increasing 19%. This is largely due to the on-going growth and commensurate development being experienced in the Grand Junction area. The downtown commercial district has reflected this growth with new development/ redevelopment of numerous office, public facility, and hotel projects within the past decade.

Climate – Grand Junction has one of the finest climates in the nation which is best described as mild and dry with 260 days of sunshine and mean temperatures in January of 25 degrees, July 79 degrees.

Economic – Grand Junction enjoys a reasonable cost of living--compared to the national average of 100, it ranked at 104.1. The labor force is the 5th largest in the state and is expanding. The Grand Junction area offers an excellent life-style and because people love to live here, it has attracted a talented, dedicated workforce from throughout the nation.

Civic – The City of Grand Junction provides government services through Fire, Police, Community Development, Parks & Recreation, Administrative Services and Visitors and Convention Bureau Departments. The Parks & Recreation Department offers a variety of programs, maintains numerous parks, 2 swimming pools, an urban trails system, 2 golf courses, and the Two Rivers Convention Center. A new City Hall building was completed in July 2000.

Social – With 3 major hospitals, Grand Junction is a regional medical and health center serving a population of approximately 500,000 in western Colorado and eastern Utah and is the largest between Denver and Salt Lake City. Consequently the level of medical health services is superb and is uncommon to a community of this size.

Cultural, Recreation – It is said that Grand Junction has more opportunities for outdoor recreation within a 100-mile radius of its boundaries than any other city in the western U.S. The Colorado River runs through the center of the area with first-class rafting and kayaking and a riverfront trail system. Spectator sports are numerous throughout the year, including annually hosting the National Junior College Baseball World Series. Golf can be enjoyed year-round on four 18-hole courses. The backdrop to the community includes the Colorado National Monument, Grand Mesa National Forest and BLM public lands which offer incredible scenery and a wide variety of recreational opportunities within minutes of the valley floor. Arts, music and cultural experiences include the acclaimed downtown Art on the Corner exhibits, the Museum of Western Colorado, the Grand Junction Symphony, and diversity of festivals, concerts, theater and galleries.

Grand Junction's liabilities are not unlike those of any other community experiencing a growth trend. With the growth there are transportation challenges such as creation of a riverside parkway route and an additional north-south arterial to move traffic more efficiently while minimizing impact on existing transportation routes and established developed areas. Housing needs, in particular affordable housing, is another liability facing Grand Junction. This issue also stems from the significant economic and population growth that has occurred in the last decade, increasing housing demand and prices. Housing prices have increased at a faster rate than wages, decreasing the affordability of the housing market. Many low wages workers are finding themselves priced out of single-family homes and are unable to find lower priced rental units, as there has been relatively little new multifamily construction in the Grand Valley over the last decade.

Major community projects completed or under construction within the past 5 years have primarily concerned transportation issues, public facilities and parks development. Unless otherwise noted, the projects have been implemented with local public funds.

Streets – 1st Street reconstruction – safety, stormwater and traffic calming

7th Street reconstruction – safety, traffic efficiency – public and private funding

12th and Horizon Drive and 25&G Rds Roundabouts – Safety, traffic efficiency

Airport – Terminal Improvements – Airport Authority funding

Parks – Development of Regional Park (Canyon View)

Development of Neighborhood Park (Eagle Rim) and Pedestrian Bridge over Colorado River

The major downtown revitalization effort in Grand Junction was the Operation Foresight project. Conceived and substantially completed in 1962, the project gained Grand Junction national attention and was the primary reason for the award of All American City that year. The project, which resulted in the present serpentine configuration and landscape features of the 4-block Main Street Shopping Park, addressed public works issues of storm sewer replacement and traffic safety, as well as pedestrian safety and convenience. Operation Foresight was accomplished in 5 phases, the last of which were not completed until 1986. The first phases included the public works improvements and landscaping, while

later phases included store “modernization” and creation of arcade walkways, public restrooms and other pedestrian amenities. The project was entirely accomplished with local resources and transformed not only the street but also public attitudes – it became a source of pride for residents. The Main Street Shopping Park continues to be a major attraction for visitors to the Grand Valley.

A parking study for downtown Grand Junction was completed in February, 2000. The results of the study showed a deficit of parking spaces in the retail core area. Consultants recommended that the City and DDA add 300 – 400 public parking spaces to the parking supply in the downtown area. The City and DDA have also discussed possible future construction of a parking structure in the downtown area to compensate for the growing parking demand and future developments in the study area. A copy of the parking study executive summary is attached.

Grand Junction is the regional center for shopping for both Western Colorado and Eastern Utah. Consequently, the Main Street Shopping Park and Mesa Mall are the major regional draws for shopping.

In addition, Peachtree, Mesa Pointe and Coronado Plaza are located approximately 7 miles east of downtown Grand Junction in unincorporated Mesa County. These include grocery stores, drugstores, restaurants and a variety of retail shops.

The general condition of housing stock in Grand Junction is good. There are isolated pockets of poorly maintained primarily rental units but there are no large, blighted residential areas. Results of a recent survey for the *Grand Valley Housing Needs Assessment* (6/2002) indicated that 90% of housing owners believe the condition of the housing is good (42.9%; repairs < \$5000) or excellent (47.2%; no repairs needed).

Grand Junction has always been known as the gateway to western Colorado because of its location at the edge of the Rockies and the desert areas of the west. Thus, tourism has been an economic factor for the area for many years and it continues to increase. Grand Junction is a base for visitors to explore outlying areas but it is also host to a variety of special events that make the City itself a year-round tourism destination. A study conducted in 1998 indicated that tourism is the largest basic industry in the Grand Valley. In 1997, tourism directly and indirectly provided 7,476 jobs (16.5% of total in County), \$115.7 million in wages and salaries, and \$351.4 million in spending. Tourists paid 1/3 of the total sales taxes collected in Mesa County in 1997.

In addition to recreation programs, the City Parks & Recreation Department maintains numerous parks, 2 swimming pools, 2 golf courses, 3 stadiums and 14 miles of riverfront trails. Primarily along the river, there are 6 state parks in the area. Other recreational opportunities include private athletic clubs, swimming pools, tennis courts, bowling lanes and 4 private golf courses. River rafting, rock climbing, mountain and road biking, camping, hiking, fishing and hunting are all available on surrounding public lands.

The Museum of Western Colorado has operated over 25 years with a variety of facilities throughout the Grand Valley. The Western Colorado Botanical Gardens along the river south of downtown includes outdoor gardens, a tropical greenhouse and a butterfly house. The Doo Zoo Children’s Museum, located downtown, provides hands-on exhibits and exploration programs.

In operation for 18 years, the nationally-acclaimed outdoor sculpture exhibit Art on the Corner is a mainstay of downtown. The 1923 Avalon Theatre was recently restored as a venue for both local and traveling theater, film, music and dance companies. Other theaters include the Cabaret Dinner Theater, Mesa Theater and Club, the Greenshoe Theater Company and the Performing Arts Conservatory. Two Rivers Convention Center underwent a \$5.9 million expansion and renovation last year and offers meeting space for civic organizations, conventions, banquets, dances, concerts, and trade shows. Local musical organizations include the Grand Junction Symphony, Centennial Band, Western Colorado Chorale and Grand Valley Children’s Choir. The Western Colorado Center for the Arts houses the works of western and local artists and offers classes in ceramics, painting and drawing.

General District Characteristics

The boundaries of the proposed Downtown Partnership District are: White Avenue to Ute Avenue (north to south) and 8th Street to the railroad tracks (east to west). This area contains the greatest concentration of historic commercial structures and corresponds to the primary limits of the current district boundaries of the Downtown Development Authority. The customer base is primarily local but the retail businesses along the Main Street Shopping Park also attract a tourist/regional customer base.

Major assets

- Main Street Shopping Park
- Art on the Corner Program
- Vacant/underdeveloped properties with redevelopment potential
- Historic Structures
- Avalon Theater, Museum of Western Colorado and other cultural/entertainment venues
- Employment centers within proposed district (State, City & County buildings)
- Park

Major liabilities and needs

- Ute-Pitkin State Highway Corridor – major barrier bisecting district from southern and western parts of downtown
- Park – invites transient population but is not included in the district
- Vacant/underutilized buildings – some pockets of blight
- Need to establish historic district (or districts) in a portion of the Main Street district

Utilities infrastructure in the proposed district is generally in good condition. Those within major corridors such as Grand Avenue (north boundary) and 5th Street have been reconstructed within the last 5-7 years. A utilities undergrounding program was in effect as an outgrowth of the Operation Foresight project. The program has been able to fund the placement of above-ground utilities underground in many of the alleys within the district.

The transportation infrastructure in the proposed district is generally in good condition. The City recently upgraded public parking areas in the district to add landscaping and improve drainage. All sidewalks have accessible ramps and most alleys in the district have been paved. The local transit system that began operations in 2000 has its administrative functions in a building near the district.

For the most part, the public buildings in the district have been recently constructed or renovated. This includes City Hall (new, 2000), County Justice Center (new, 2001), County Courthouse (renovated, 2001-2), County Administration (renovated, 2002), and the Two Rivers Convention Center (renovated, 2001). The Parks and Recreation Department does regular maintenance and upgrade of the streetscape along the Main Street Shopping Park.

The majority of the buildings in the proposed Downtown Partnership district are in good condition. As with residential units described previously Section II A 12, there are isolated pockets of poorly maintained or underutilized, primarily absentee landlord/abandoned buildings, but there are no large, blighted commercial, industrial or residential areas.

Usage Profile

Total number of businesses in the district: 248

Total retail sales: \$ 51,485,000 (*district*)

Estimated average rent for commercial space in the district: \$ 10.00 per sq. foot/year

Number of parking spaces available in downtown:

metered/paid not metered/free

on street: 714 on street: 306

off street: 425 off street:

The housing within the proposed Downtown Partnership District is limited. Upper floors of a few commercial buildings have been converted to residential use. The remainder of the housing is primarily

single family residential units on the eastern and northern periphery of the district or in larger residential structures that have been converted to multiple units (2 to 4).

As with the housing stock in Grand Junction as a whole, the general condition of the housing available within the proposed Downtown Partnership District is good. There are isolated pockets of poorly maintained primarily rental units but there are no large, blighted residential areas. Results of a recent survey for the *Grand Valley Housing Needs Assessment* (6/2002) indicated that 90% of housing owners believe the condition of the housing is good (42.9%; repairs < \$5000) or excellent (47.2%; no repairs needed).

Current Promotion/Marketing Efforts

People throughout Mesa County and western Colorado have a strong desire to see downtown fulfill its potential as a dynamic and magnetic center to the Grand Valley. The community has continued to reinforce this desire since Operation Foresight in 1962. The DDA was established and TIF financing approved by a vote in 1982. In recent years, the fine dining establishments located downtown have begun to serve as anchor tenants, replacing the national chains that left for the Mesa Mall in the early 1980s. Today, new competition from “big box” stores and chain restaurants that have flourished in the area of late have created a new level of competition for downtown. In 2002, through the 3rd quarter of the year, retail sales have declined by 7% over the prior year. Specific actions to enhance downtown and remind people the value they have traditionally place upon it, are required. The mutual support and partnership of the applying agencies is also a necessity in this effort. From this time of adversity, a strengthening of the partnerships that guide downtown Grand Junction is an additional and valuable benefit. This team’s goal is to address any negative perceptions about downtown while working to create the most favorable image possible and “top of mind awareness” of this valuable community resource.

Downtown hosts a large number of community celebrations that focus attention on the area. These include Cinco de Mayo, Southwest Fest, Art on the Corner’s annual installation, followed by the Art and Jazz Festival, Independence Day, Oktoberfest, DTA’s Antique and Classic Car Show, the Parade of Lights, etc. Each of these events draws many thousands of people to downtown. Additionally, homecoming and other parades including Veteran’s Day, the Lions Club and others recognize downtown as the locale for community gatherings. Each Friday from July to late October a Farmer’s Market is held on Main Street. The DDA survey indicated a desire to have even more events, although perhaps somewhat smaller. A regular series of performances and activities may serve to draw crowds to the area. The Main Street manager will be responsible for the direction and implementation of these events, with the assistance of special event co-coordinators to improve the quality of these events.

Currently the local restaurants are involved in promotion of their establishments in an organized manner. In addition, several merchants engage in paid advertising efforts. A coordinated campaign with common theme and leadership, however, is lacking. Grand Junction is the media hub for much of western Colorado and is of a size and scale that such an effort should be attainable and effective. This activity needs to be consolidated and funded on a fair and broad basis.

Program Goals

The Downtown Development Authority has recently identified strategic planning and results for the downtown as imperative to the appropriate investment of funds. The areas of focus include several issues that require the DTA to integrate its efforts into the overall process. These issues include:

- A new and enhanced image and identity for downtown
- Develop a proactive web site with web based data base systems
- Development of a comprehensive and effective marketing, advertising and public relations effort geared at enhancing the awareness of multiple markets of the ambiance and energy that are contained in the downtown retail/commercial core
- Identify opportunities for real estate investment through a well established strategy with definitive goals for those investments
- Parking issues to be quantified and addressed both as matters of perception and adequacy
- Access and awareness to downtown enhancement

- Cultural and entertainment efforts expanded resulting in greater evening vitality and eventually extended retail hours in downtown
- Encourage housing construction in downtown in a mixed use program that addresses the need for work-force housing in the community
- Analysis and probable improvement of special events, their focus and audience
- Continued growth in the partnership agencies that oversee downtown and its vision

Downtown Grand Junction has forty years of maturation invested. It is past due in its efforts to create a more vibrant street life and to communicate its charm and beauty. Unlike some communities, Grand Junction's downtown is rather mature in its physical appearance; however, it has not yet fulfilled its obvious potential in overall management, promotion and marketing, strategic planning and expansion of its classic design beyond Main Street itself. Admission in this program speaks volumes to interested parties looking to begin or acquire businesses, or invest in downtown. This enhanced economic strength is a measurable result of our involvement as would be the monitoring of store hours and nightlife. Grand Junction is in need of the professional skills and expertise available through the Program at a fairly advanced and sophisticated level. That investment of expertise will find a welcoming host community.

The program will be led by the Downtown Association (DTA) and strongly supported by the DDA. The DTA is governed by a 13-member board of directors encompassing a mix of commercial, retail and restaurant owners. Its primary mission is the marketing and promotion of downtown. The DDA is a quasi-governmental organization with a nine-member board of directors. Members of each organization regularly attend the other's meetings, with a designated City Council member involved, as well.

The Executive Director of the DDA has significant experience in city management, urban planning and development and will provide a leadership role in the area of strategic planning and organizational structure. Additionally, he will serve in an advisory capacity in the advertising and promotion activities of downtown, as well as providing guidance and input in the overall management of the program. Twenty-five percent of his time has been committed to the Program; however, in reality, nearly all of the work of the DDA is in some way involved in the mission and purpose of the Program

The partnership that has evolved has coalesced in the preparation of this application. Collectively, they recognize the value of such a Program in keeping the focus of each of their respective groups on the vision of downtown Grand Junction. The City provides significant support for the downtown agencies, as well as ongoing maintenance for downtown, as well as Art on the Corner.

Each of these agencies is deeply committed to the continued improvement of downtown as the focal point of the community. Its collective ability to enhance the vitality and attractiveness will clearly enhance the value of property and businesses, as well as maximize the income from sales tax in the area.

The DTA is a non-profit organization currently managed by the officers of its Board of Directors. While their effort and commitment are admirable, they are not as effective as they would like in their efforts to promote downtown. Additionally, the need to continually interact with the merchants and business owners in downtown requires the attention and dedication of a full-time Downtown Partnership Program Manager. This position will relieve the Board of the day-to-day duties they have been conducting and allow them to focus appropriately on directing the organization and developing the necessary funds to attain the goals of the DTA.

The DDA is a statutory organization instituted by community vote in 1982. It has a nine-member board of directors with traditional roles of Chair, Vice-chair and Treasurer. The Treasurer is the City Administrative Services and Finance Director.

The DTA will advertise, recruit and retain a full-time Downtown Partnership Program Manager. This position will be expected to emphasize knowledge of promotion and awareness of business organizations. The focus of this position will be the continued emphasis on awareness and involvement in downtown Grand Junction. The DDA will provide the strategic planning efforts necessary to the Program's success. The Downtown Partnership Program Manager will devote 100% of his/her time and will be responsible for developing enhanced relationships with the local business community and property owners, while implementing a creative approach to the promotion of the area. The Executive Director of the DDA has over 20 years experience in local government, as well as with arts and cultural organizations in Colorado.

The DDA Executive Director will provide significant input into the direction of the Program in Grand Junction and serve as the liaison to the DDA Board of Directors on all co-operative measures. This person will devote no less than 25% of his/her time directly to the Program.

The organizations, in partnership, will be required to represent the issues facing downtown and the efforts by both groups to appropriately apply its resources to the enhancement of a vital area that currently may be underutilized and not yet at its maximum potential. The ability to work together to effectively combat the modern trend toward "Big box" shopping and dining will be quantified in the trends in downtown sales tax collection, property and business values. These efforts should effectively create value in the preservation of this historic, treasured resource.

The Downtown Partnership Program Manager position will be advertised early in 2003. It is anticipated that a very thorough recruitment and interview process will be required and that the position should be filled by April. The DDA and DTA will immediately engage in the four-point plan of the Program and begin the appropriate structuring to allow the Manager to have an effective start, as well as positioning for long-term success based on the historic strength of the downtown area.

The historical knowledge of the downtown area, as well as an awareness of community and business leaders, would provide an appropriate and valuable entrée to the position. The visibility and awareness of the leadership provided by the existing organizations (DDA/DTA) should instill guidance and direction for this individual, as well.

Downtown Grand Junction is of significant interest to most residents of the community. It would be likely that media attention to this development would be considerable. Awareness might be heightened by the involvement of community leaders to introduce the program and exalt its potential for the realization of the stated goals of the downtown area. All three local network affiliates would certainly cover this development, as would the daily print outlet, *The Daily Sentinel*. Most importantly, a tour of the neighborhood, with a personal introduction of the Manager, would be most effective in exhibiting a commitment to downtown and the people and businesses that it comprises.

Downtown Grand Junction and its affiliated agencies are committed to this effort. Each of the organizations is determined, preferably in the immediate future, to see this strategy succeed via the Downtown Partnership.

Detail of specific responsibilities will be agreed upon by the DDA / DTA in a joint agreement of understanding that will outline the duties and responsibilities of each organization.

Proposed Expense Budget

Expenditures	FY 2003	FY 2004	FY 2005
Director salary	\$ 36,000.00	\$ 38,000.00	\$ 40,000.00
Other salaries & benefits	20,000.00	21,000.00	22,000.00
In-kind salaries & benefits*	20,000.00	21,000.00	22,000.00
Training costs	2,000.00	2,000.00	2,000.00
Travel	3,000.00	3,000.00	3,000.00
Dues/membership	2,500.00	2,500.00	2,500.00
Office supplies	450.00	500.00	1,000.00
Advertising/Promotion/PR	40,000.00	45,000.00	50,000.00
Website/data base	5,000.00	5,000.00	2,500.00
Business Imp. District Expenses	-	10,000.00	30,000.00
In-kind services**	10,000.00	10,000.00	10,000.00
Special Events***	40,000.00	45,000.00	50,000.00
Contingency	1,000.00	2,000.00	2,500.00
Total Expenditures	\$ 179,950.00	\$ 205,000.00	\$ 237,500.00

Proposed Revenue Budget. Sources of Income, Services and Donations

Revenue	FY 2003	FY 2004	FY 2005
Fundraising (DTA)	\$ 20,000.00	\$ 25,000.00	\$ 30,000.00
Dues (DTA)	20,000.00	25,000.00	30,000.00
Grant (City - GJ)	75,000.00	75,000.00	75,000.00
Special Event Income	35,000.00	40,000.00	50,000.00
Other grants (BID)	-	10,000.00	20,000.00
In-Kind contribution (DDA)	30,000.00	31,000.00	32,000.00
Total Revenues	\$ 180,000.00	\$ 206,000.00	\$ 237,000.00
Year End Balance	\$ 50.00	\$ 1,000.00	\$ (500.00)
Cumulative Total	\$ 50.00	\$ 1,050.00	\$ 550.00

* In-kind Salaries - 25% DDA Ex. Dir

**In-kind services - Rent, telephone, computer services, furniture and equipment provided by DDA

*** Special events include Art & Jazz, Independence Day Parade, GJ Car Show, Parade of Lights, etc.

RESOLUTION NO. ____ - 03

**A RESOLUTION ENDORSING THE GRAND JUNCTION
DOWNTOWN PARTNERSHIP PROGRAM**

The City of Grand Junction Downtown Development Authority (“DDA”), created pursuant to 31-25-801, *et seq.*, C.R.S., the City Council and Grand Junction’s non-profit Downtown Association (“DTA”) all desire to promote the vitality and economic activity in the City’s core downtown area.

The DDA desires to support the DTA’s efforts and joins together with the DTA in the Downtown Partnership to promote vitality and economic activity in downtown.

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

SECTION 1. The City of Grand Junction endorses this program and, acting through the DDA, the City Council agrees to participate in the development of and financial support for Grand Junction’s Downtown Partnership Program.

SECTION 2. The City Council endorses the goal of economic revitalization of the designated Main Street district by preserving and rehabilitating the downtown’s historic commercial buildings and by recognizing that the Downtown Partnership Program is one of many economic and community development tools available to such downtown efforts.

SECTION 3. The City Council endorses the efforts of the DTA to see that a program director be hired for the Downtown Partnership program director. The City Manager is directed to support such efforts and to provide appropriate guidance and assistance in such regard, so that the DTA has the benefit of such a program director’s efforts.

SECTION 4. The City Council recognizes that commercial district revitalization is an on-going process that works best when it receives on-going attention, community support and involvement, and a full public-private partnership.

ADOPTED THIS _____ day of February, 2003.

Mayor

Attest:

City Clerk

Attach 10

Construction of Park Restrooms

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Park Restrooms					
Meeting Date	February 5, 2003					
Date Prepared	January 29, 2003				File #	
Author	Don Hobbs		Ass't. Parks & Recreation Director			
Presenter Name	Joe Stevens		Parks & Recreation Director			
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	Individual Consideration

Summary: New construction of new restrooms at Riverside and Columbine Parks. The structure will consist of concrete masonry block walls, hipped tile roof, new plumbing and light fixtures per DKO Architect design.

Classic Constructors	Grand Junction	\$81,647.00
Alpine C. M.	Grand Junction	\$83,680.00
FCI Constructors	Grand Junction	\$84,395.00
Tusca II	Grand Junction	\$98,163.00
Phipps Newell Const.	Grand Junction	\$103,000.00
Groves Masonry	Grand Junction	\$115,400.00
Brown Construction	Westminster	\$129,600.00

Budget: The project budgets and resources excluding design, printing and advertising:

Riverside	\$112,000 (carry forward from 2002)
Columbine	<u>\$153,200</u> (2003)
Total	\$265,200 (Available for the construction of two restrooms)
	<u>75,000</u> GOCO Legacy grant available
	<u>\$340,200</u>

Estimated Expenditures:

Construction	\$163,294 (\$81,647 x 2)
Contingency	\$ 16,329
Demolition	<u>\$ 5,000</u>
Total	<u>\$184,623</u>

Balance available \$155,577 (Reflects the use of Legacy II Grant at Riverside Park and savings from actual bid vs. amount budgeted for both Columbine and Riverside.)

The source for the approved budget is Fund 2011 CIP sales tax funds. Following budget adoption authorization was received to utilize \$75,000 of round two GOCO Legacy funds originally earmarked for Las Colonias for the Riverside restrooms. These funds were made available for use on the riverfront system when development funding for Las Colonias did not fully materialize through the third round of Legacy funding. The acquisition of the \$75,000 will free up that same amount in 2011 funds that can be utilized for other projects.

Action Requested/Recommendation: Authorization for the City Manager to execute a contract for the new construction of the Riverside Park restroom and the Columbine Park Restroom with Classic Constructors for \$163,294.00. On February 4, 2003 the Parks and Recreation Advisory Board was polled and supports the Riverside Park and Columbine Park restroom projects utilizing the GOCO Legacy II Grant for the construction of the Riverside Park restrooms.

Attachments: Canyon View Park – Funding Summary

Background Information: Seventeen contractors and four plan rooms requested solicitation packages. Seven responsive bids were received. A public bid opening was held January 16, 2003. Classic Constructors submitted the low bid. The original package was only for the Riverside facility. It is recommended construction of the Columbine facility budgeted in 2003 be included in the same contract. The contractor has agreed to hold to the same price at the Columbine site. Completing both projects under one contract will eliminate the need to prepare and distribute bid documents a second time and should result in lower overall cost savings as the bids received in a slower construction season were less than anticipated.

CANYON VIEW PARK FUNDING SUMMARY

January 16, 2003 estimate of probable cost (including all bid alternates) \$1,875,589

Original Budget \$1,202,490

Funds transferred to Canyon View Park as part of CIP balancing for 2002 and following joint meeting with Parks and Recreation Advisory Board:

1. Two Rivers Kitchen Equipment	49,600
2. Two Rivers / Chairs	33,000
3. Light Shields, Stocker Stadium	16,700
4. Acquisition, Parkland	75,700
5. Trail Construction Canal Row	40,000
6. Lincoln Park Tennis Court Resurface	140,000

Total \$1,557,490

**Cash available for other City projects assuming bid award and
GOCO Legacy Grant for Riverside Park and Columbine
Park restrooms: \$155,577**

Projects presently in 2003 CIP

Darla Jean Improvements	28,000
Paradise Hills Park Improvements	65,000
Columbine Park Restrooms	153,000
Irrigation Replacement	71,000
Columbine Park Screening	26,000
Seal Coating Existing Trails	139,000
Lincoln Park Masterplan	20,000

Attach 11
Retirement Plans Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	An Ordinance to Amend Retirement Plans to Conform to Changes in Federal Law					
Meeting Date	February 5, 2003					
Date Prepared	December 5, 2002				File #	
Author	Ron Lappi		Administrative Services Director			
	Claudia Hazelhurst		Human Resources Manager			
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		Consent	Individual Consideration

Summary: The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan are being amended to incorporate Internal Revenue Code (IRC) amendments that have recently been passed by Congress. These amendments must be incorporated into the aforementioned Plans.

Budget: N/A

Action Requested/Recommendation: Pass the Ordinance after a Public Hearing and Second Reading.

Attachments: Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

Background Information: Amendments to the City of Grand Junction, Colorado Employees Retirement Plan, New Hire Fire Money Purchase Defined Contribution Plan and New Hire Police Money Purchase Defined Contribution Plan (the "Plans") are being made to increase the compensation limit, direct rollovers of plan distributions, make modifications to the definition of eligible retirement plan, make modifications to the definition of eligible rollover distribution to exclude hardship distributions, make modifications to the definition of eligible rollover distribution to include after-tax employee contributions, to allow rollovers into these plans from other plans and to allow for minimum required distributions all as more particularly described in the Ordinance.

ORDINANCE NO.

AN ORDINANCE ADOPTING AMENDMENTS TO RETIREMENT PLANS FOR SPECIFIED CITY OF GRAND JUNCTION EMPLOYEE GROUPS

Recitals:

Article XI, Section 88, of the Charter requires that the City Council act by ordinance to continue, alter, establish, provide for and amend pension plans. Given various tax law changes that have been passed by Congress that must be incorporated into these three retirement plans require amendment.

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

1. The Internal Revenue Code amendments as generally set forth below, for the stated retirement plans, are hereby adopted in accordance with Article XI, Section 88 of the Charter of the City of Grand Junction.
2. Amendments are to the City of Grand Junction Employees Retirement Plan, New Hire Fire Money Purchase Defined Contribution Plan and New Hire Police Money Purchase Defined Contribution Plan (the "Plans")
3. The following amendments to the Plans constitute a "good faith" effort to amend the Plans to comply with tax law changes known as "EGTRRA" and with final regulations under Internal Revenue Code section 401(a)(9). These amendments supercede any contrary language in the Plans.

Increase in Compensation Limit

Increase in Compensation Limit. The annual compensation of each Participant taken into account in determining allocations for any Plan Year beginning after December 31, 2001, shall not exceed \$200,000, as adjusted for cost-of-living increases in accordance with section 401(a)(17)(B) of the Code.

Direct Rollovers of Plan Distributions

Effective Date. The following rules shall apply to Plan distributions made after December 31, 2001.

Modification of Definition of Eligible Retirement Plan. For purposes of the direct rollover provisions of the Plan, an eligible retirement plan shall also mean an annuity contract described in section 403(b) of the Code and an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in section 414(p) of the Code.

Modification of Definition of Eligible Rollover Distribution to Exclude Hardship Distributions. For purposes of the direct rollover provisions of the Plan, any amount that is distributed on account of hardship shall not be an eligible rollover distribution and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan.

Modification of Definition of Eligible Rollover Distribution to Include After-Tax Employee Contributions. For purposes of the direct rollover provisions in the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax Employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

Rollovers into this Plan from Other Plans

Rollovers from Other Plans. Plan provisions that use pre-EGTRRA laws to describe the rollovers and direct transfers this Plan will accept are revised, effective January 1, 2002 to reflect the more liberal rules of EGTRRA. However, the Employer, operationally and on a nondiscriminatory basis, may limit the source of rollover contributions that may be accepted by this Plan.

Minimum Required Distributions

With respect to distributions under the Plan made for years beginning on or after January 1, 2002, distributions will be made in accordance with the final regulations under Code section 401(a)(9).

4. All lawful acts heretofore taken by the City and its officers, agents and employees in funding, managing and administering the plans in whatever capacity, are hereby ratified, including the implementation of the Internal Revenue Code, as amended, prior to Council final action if and as required by Federal law.

5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

INTRODUCED ON FIRST READING this 18th day of December, 2002.

PASSED, ADOPTED AND APPROVED this 5th day of February, 2003.

ATTEST:

City Clerk

President of the Council

**Attach 12
Rice Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Rice Annexations #1 & 2 located at 135 Burns Drive						
Meeting Date		February 5, 2003						
Date Prepared		January 27, 2003			File #ANX-2002-214			
Author		Senta Costello		Associate Planner				
Presenter Name		Senta Costello		Associate Planner				
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance. The 4.8673 acre Rice Annexations is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution accepting the petition to annex, second reading of the annexation ordinance for the Rice Annexations #1 & 2.

Attachments:

1. Staff Report
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City and County Zoning Map
6. Annexation Map
7. Resolution of Acceptance of Petition
8. Annexation Ordinance

Background Information: See attached report.

BACKGROUND INFORMATION			
Location:		135 Burns Drive	
Applicants:		Donald Rice	
Existing Land Use:		Single Family Residential	
Proposed Land Use:		Single Family Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-R	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	RSF-R	
	South	RSF-R	
	East	RSF-R	
	West	RSF-R	
Growth Plan Designation:		Residential Medium Low 2-4 du/acre	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 4.8673 acres of land. Owners of the property have signed a petition for annexation as part of their request to split their property into two lots, pursuant to the 1998 Persigo agreement with Mesa County.

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

RICE ANNEXATION NO. 1 AND NO. 2 ANNEXATION SUMMARY		
File Number:		ANX-2002-214
Location:		135 Burns Drive
Tax ID Number:		2943-324-07-008
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		4.8673 acres for annexation area
Developable Acres Remaining:		Approximately .31 acres
Right-of-way in Annexation:		Approximately 3.8873 acres of B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential
Values:	Assessed:	= \$7,280
	Actual:	= \$79,580
Census Tract:		80
Address Ranges:		135 Burns Drive
Special Districts:	Water:	Ute Water
	Sewer:	Fruitvale Sanitation
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51

The following annexation and zoning schedule is being proposed.

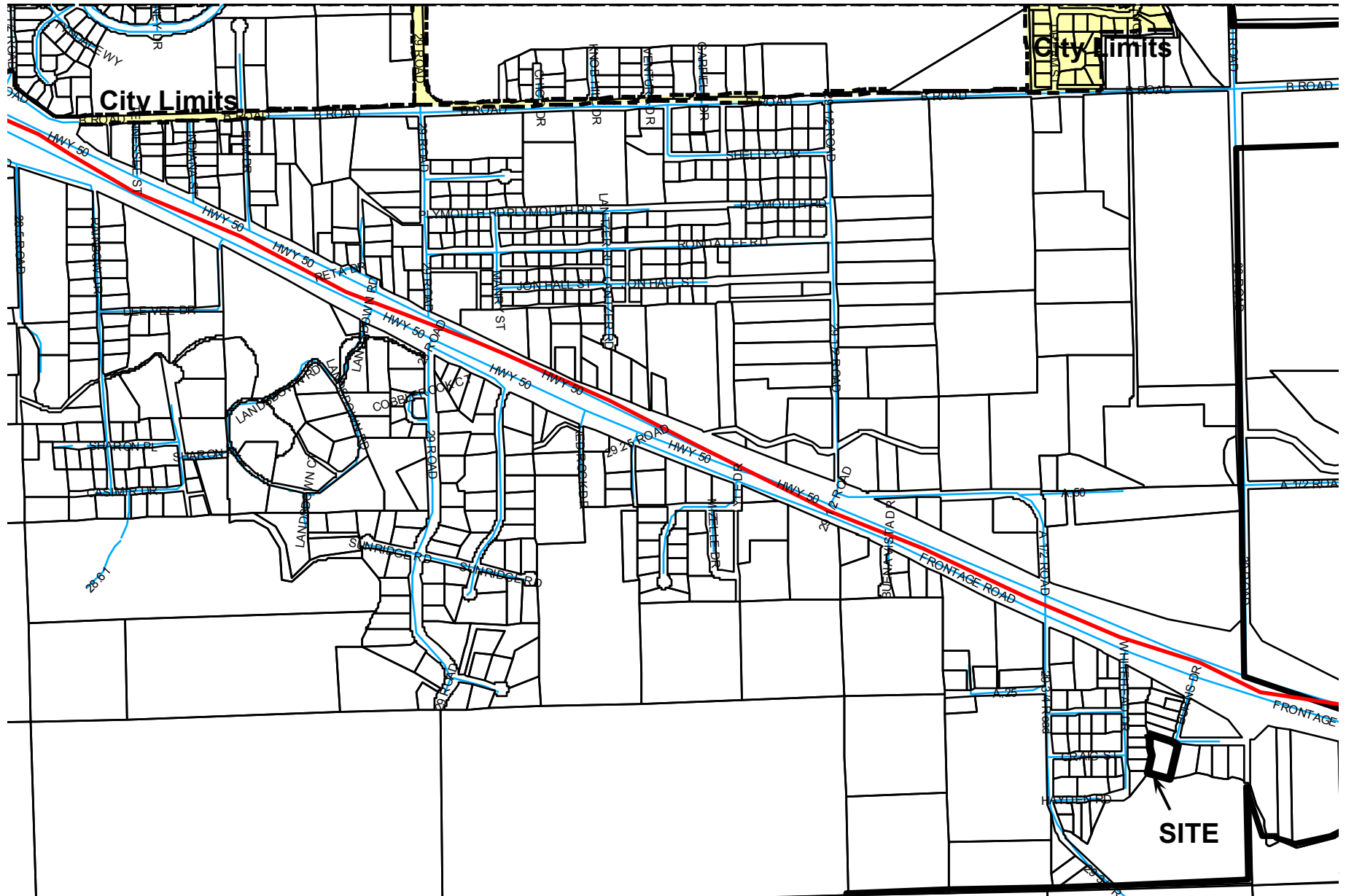
<i>ANNEXATION SCHEDULE</i>	
December 18, 2002	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
January 14, 2003	Planning Commission considers Zone of Annexation
January 15, 2003	First Reading on Zoning by City Council
February 5, 2003	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
March 9, 2003	Effective date of Annexation and Zoning

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

CC accept pet-2nd read - LU.doc

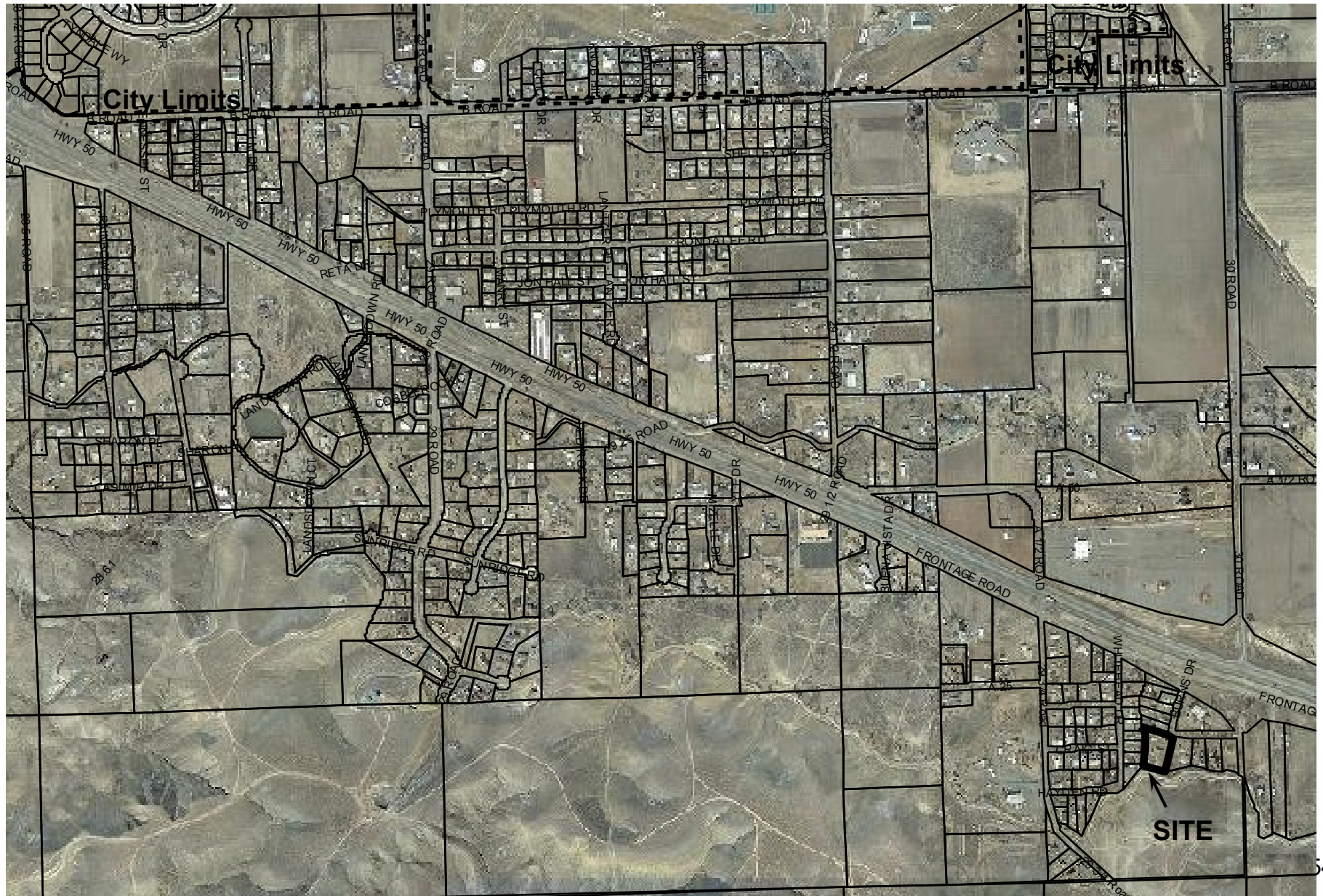
Site Location Map

Figure 1



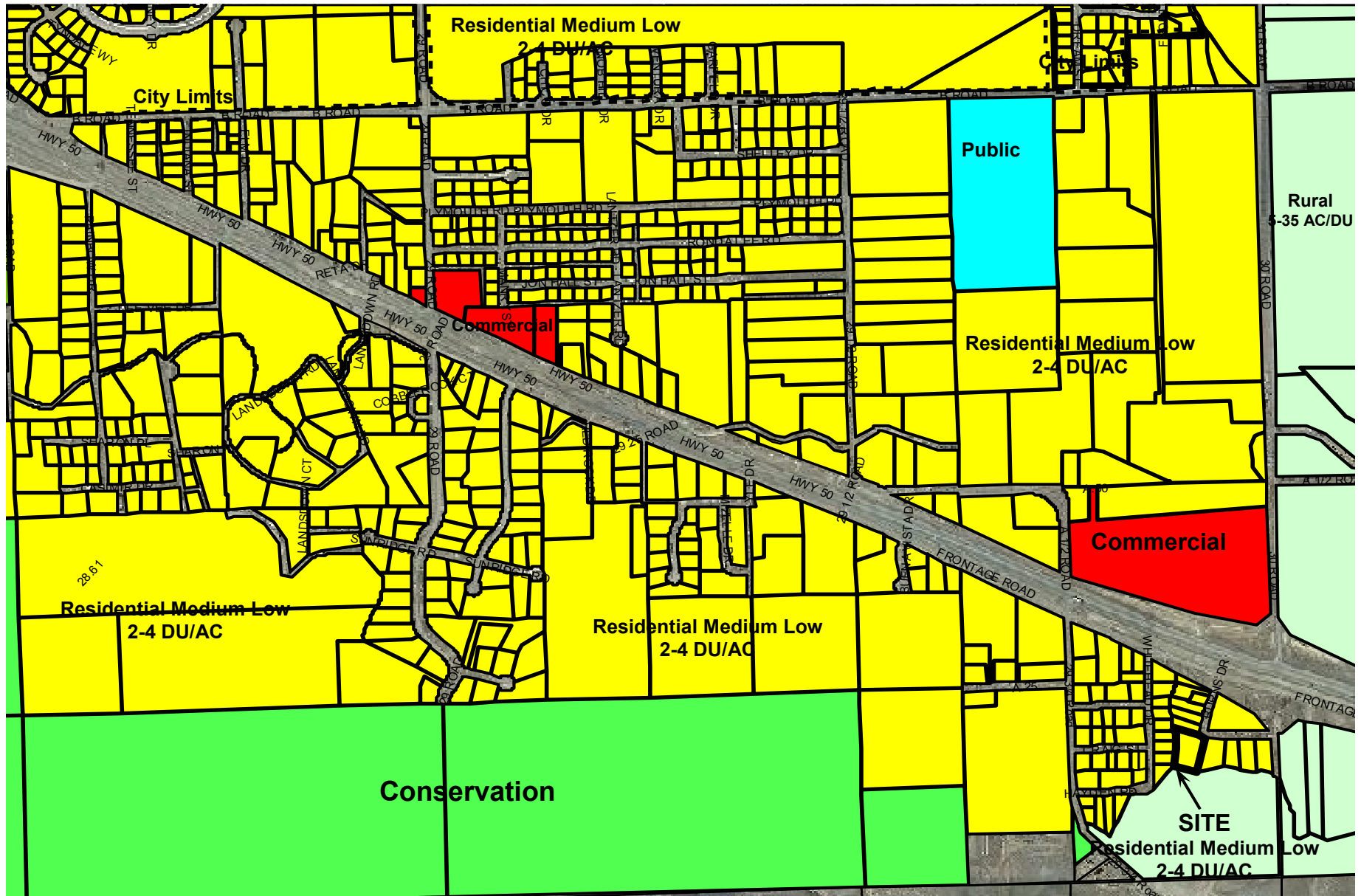
Aerial Photo Map

Figure 2



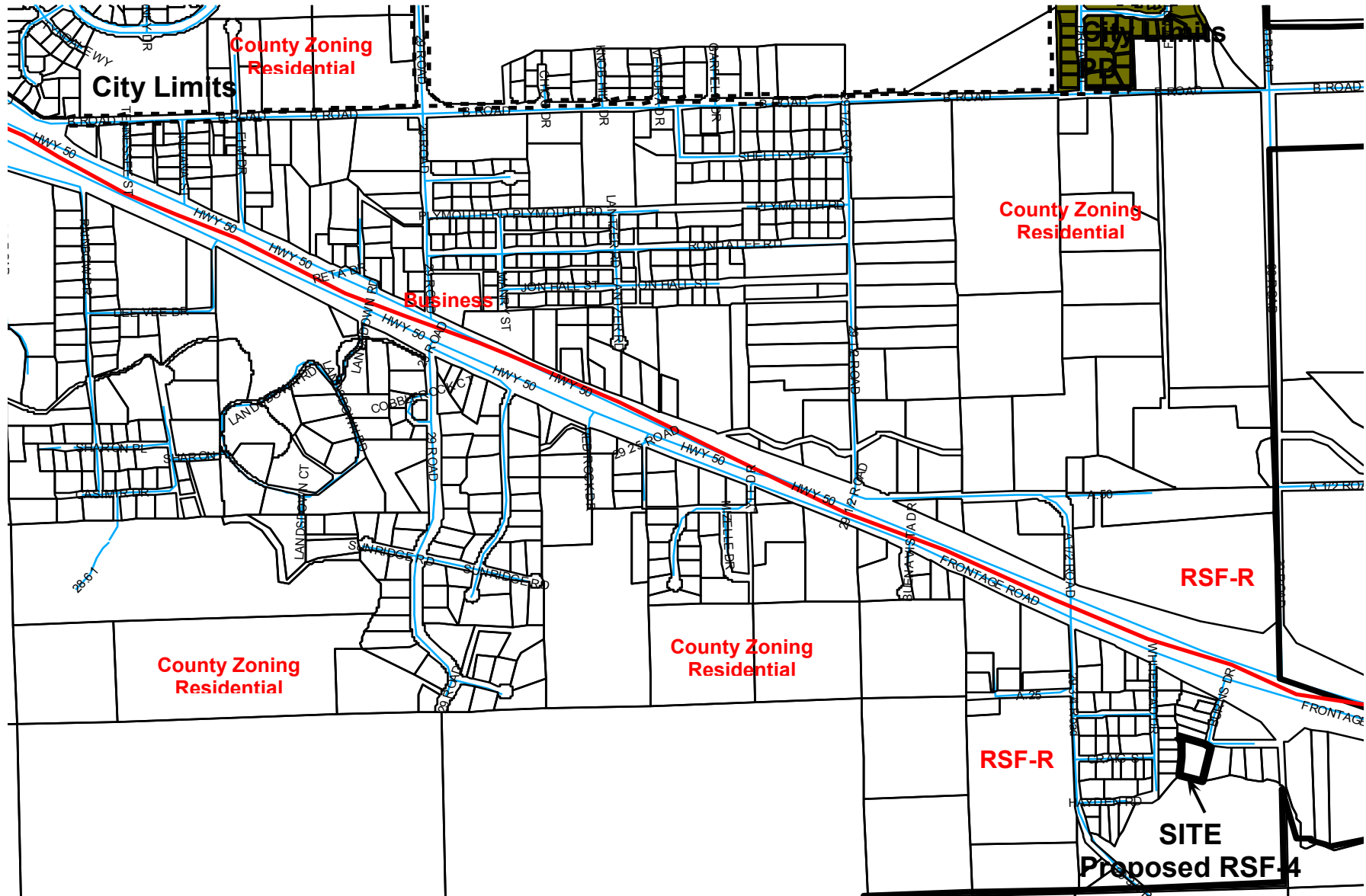
Future Land Use Map

Figure 3



Existing City and County Zoning

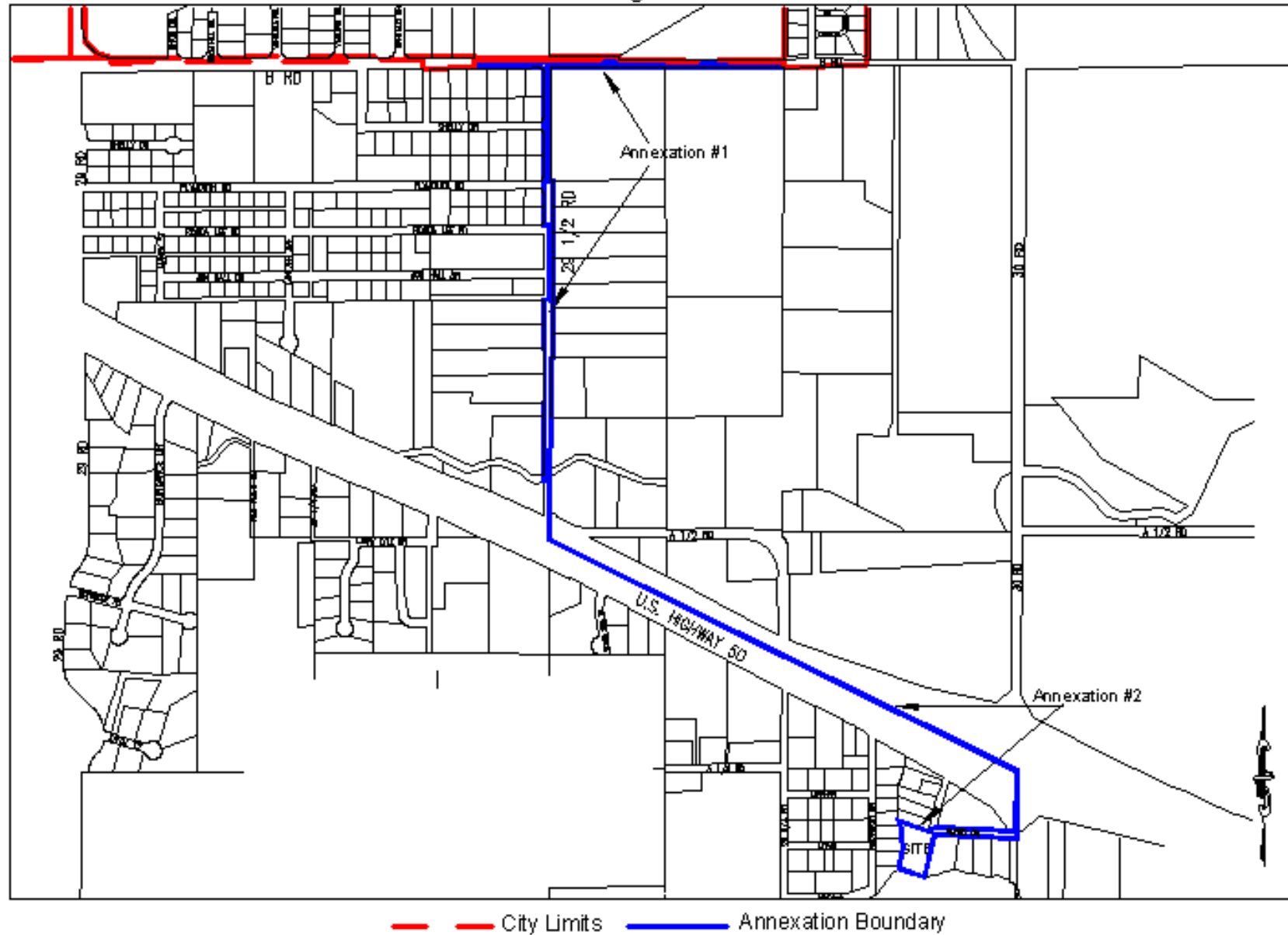
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

Rice Annexations #1 and #2

Figure 5



**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 5th day of February, 2003, the following Resolution was adopted:

RESOLUTION NO. __-03

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

**RICE ANNEXATION
A SERIAL ANNEXATION COMPRISING RICE ANNEXATION NO. 1 AND RICE ANNEXATION NO. 2**

IS ELIGIBLE FOR ANNEXATION

LOCATED AT 135 BURNS DR

WHEREAS, on the 18th day of December, 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:

RICE ANNEXATION #1

A certain parcel of land lying in Section 32, 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 Northwest corner of the Northeast Quarter (NE 1/4) of said Section 32 and assuming the West line of the NE 1/4 of said Section 32 bears S 00°02'43" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 89°52'02" E along the North line of the NE 1/4 of said Section 32 a distance of 1319.33 feet; thence S 00°11'54" E a distance of 30.00 feet; thence S 89°52'02" W along a line 30.00 feet South of and parallel to the North line of the NE 1/4 of said Section 32, a distance of 1319.21 feet to a point on the West line of the NE 1/4 of said Section 32; thence S 00°02'43" E along the West line of the NE 1/4 of said Section 32 a distance of 629.98 feet; thence N 89°48'18" E a distance of 30.00 feet to a point being the Northwest corner of Lot 1, Country Estates, as same is recorded in Plat Book 11, Page 129, Public Records of Mesa County, Colorado; thence S 00°02'43" E along the East right of way for 29 1/2 Road, being a line 30.00 feet East of and parallel to, the West line of the NE 1/4 of said Section 32, also being the West line of said Country Estates, a distance of 989.93 feet to a point being the Southwest corner of Lot 7 of said Country Estates; thence S 89°42'52" W a distance of 30.00 feet to a point on the West line of the NE 1/4 of said Section 32; thence S 00°02'43" E along the West line of the NE 1/4 of said Section 32, a distance of 990.01 feet to a point being the Center of said Section 32; thence S 63°44'41" E through the right of way for Highway 50, a distance of 750.00 feet; thence S 26°15'19" W a distance of 2.00 feet; thence N 63°44'41" W a distance of 751.24 feet; thence N 00°02'43" W along a line 2.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, a distance of 331.24 feet; thence S 89°57'17" W a distance of 31.00 feet to a point being the Southeast corner of Lot 2, Replat of Lot 5 Country Home Estates, as same is recorded in Plat Book 13, Page 522, Public Records of Mesa County, Colorado; thence N

00°02'43" W along the West right of way for 29 1/2 Road, being a line 33.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of said Replat of Lot 5 Country Home Estates, a distance of 406.47 feet; thence N 89°57'17" E, along the North line of said Replat of Lot 5 Country Home Estates, a distance of 3.00 feet to a point being the Southeast corner of Lot 4, Country Home Estates, as same is recorded in Plat Book 12, Page 211, Public Records of Mesa County, Colorado; thence N 00°02'43" W along the West right of way for 29 1/2 Road, being a line 30.00 West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of said Country Home Estates, a distance of 583.46 feet to a point being the Northeast corner of Lot 1 of said Country Home Estates; thence N 89°49'17" E a distance of 30.00 feet to a point on the West line of the NE 1/4 of said Section 32; thence N 00°02'43" W along the West line of the NE 1/4 of said Section 29, a distance of 410.01 feet; thence S 89°51'27" W a distance of 25.00 feet; thence N 00°02'43" W along the West right of way for 29 1/2 Road, being a line 25.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of the Baldwin Subdivision Second Filing, as same is recorded in Plat Book 11, Page 102, Public Records of Mesa County, Colorado, a distance of 859.92 feet to a point being the beginning of a 20.00 foot radius curve, concave Southwest; thence Northwesterly along the arc of said curve, through a central angle of 90°05'57", a distance of 31.45 feet; thence S 89°51'20" W, along the South right of way for B Road, being a line 30.00 feet South of and parallel to, the North line of the Northwest Quarter (NW 1/4) of said Section 32, also being the North line of said Baldwin Subdivision Second Filing, a distance of 366.02 feet; thence N 00°08'40" W a distance of 30.00 feet to a point on the North line of the NW 1/4 of said Section 32; thence N 89°51'18" E along the North line of the NW 1/4 of said Section 32, a distance of 411.10 feet, more or less, to the Point of Beginning.

CONTAINING 3.1399 Acres (136,774.35 Square Feet) more or less, as described.

and,

RICE ANNEXATION #2

A certain parcel of land lying in Section 32, 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 Center of said Section 32 and assuming the West line of the Northeast Quarter (NE 1/4) of said Section 32 bears N 00°02'43" W with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 00°02'43" W along the West line of the NE 1/4 of said Section 32, a distance of 990.01 feet; thence N 89°42'52" E a distance of 2.00 feet; thence S 00°02'43" E along a line 2.00 feet East of and parallel to, the West line of the NE 1/4 of said Section 32, a distance of 998.78 feet; thence S 63°44'41" E a distance of 2918.61 feet, more or less, to a point on the East line of the Southeast Quarter (SE 1/4) of said Section 32; thence S 00°14'18" W along the East line of the SE 1/4 of said Section 32, a distance of 391.09 feet; thence N 86°30'42" W along the South line, and the Easterly extension thereof, of Burns Drive, as shown on the Replat of Burns Subdivision, recorded in Plat Book 9, Page 45, Public Records of Mesa County, Colorado, a distance of 461.29 feet,

more or less, to a point being the Northeast corner of Lot 8, said Replat of Burns Subdivision, being common with the Northwest corner of Lot 9 of said Replat of Burns Subdivision; thence traversing the boundary of said Lot 8 by the following eight (8) courses:

- 1.) S 14°26'18" W along the East line of said Lot 8, a distance of 239.12 feet; thence...
- 2.) N 70°51'42" W along the South line of said Lot 8, a distance of 146.80 feet; thence...
- 3.) N 03°50'18" E a distance of 68.90 feet; thence...
- 4.) N 11°43'18" E a distance of 51.02 feet; thence...
- 5.) N 05°17'42" W a distance of 50.23 feet; thence...
- 6.) N 00°24'18" E a distance of 50.00 feet; thence...
- 7.) N 16°18'16" W a distance of 52.10 feet to a point being the Northwest corner of said Lot 8; thence...
- 8.) S 70°04'35" E a distance of 177.93 feet to a point being the Southeast corner of Lot 7, Block 7 of said Burns Subdivision;

thence N 62°37'54" E a distance of 53.66 feet to a point being the Southwest corner of Lot 1, Block 7 of said Burns Subdivision; thence S 86°30'42" E along the North line and its Easterly extension of said Burns Drive, a distance of 446.78 feet; thence N 00°14'18" E a distance of 339.64 feet; thence N 63°44'41" E a distance of 2918.60 feet, more or less, to the Point of Beginning.

CONTAINING 1.7278 Acres (75,262.35 Square Feet), more or less, as described.

And,

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of February, 2003; 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.

ADOPTED this 5th day of February, 2003.

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**

RICE ANNEXATION #1

APPROXIMATELY 3.1399 ACRES

**LOCATED NEAR 135 BURNS DRIVE WITHIN THE B ROAD, 29 ½ ROAD RIGHTS-
OF-WAY**

WHEREAS, on the 18th day of December, 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 5th day of February 2003; and

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

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

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

A certain parcel of land lying in Section 32, 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 Northwest corner of the Northeast Quarter (NE 1/4) of said Section 32 and assuming the West line of the NE 1/4 of said Section 32 bears S 00°02'43" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 89°52'02" E along the North line of the NE 1/4 of said Section 32 a distance of 1319.33 feet; thence S 00°11'54" E a distance of 30.00 feet; thence S 89°52'02" W along a line 30.00 feet South of and parallel to the North line of the NE 1/4 of said Section 32, a distance of 1319.21 feet to a point on the West line of the NE 1/4 of said Section 32; thence S 00°02'43" E along the West line of the NE 1/4 of said Section 32 a distance of 629.98 feet; thence N 89°48'18" E a distance of 30.00 feet to a point being the Northwest corner of Lot 1, Country Estates, as same is recorded in Plat Book 11, Page 129, Public Records of Mesa County, Colorado; thence S 00°02'43" E along the East right of way for 29 1/2 Road, being a line 30.00 feet East of and parallel to, the West line of the NE 1/4 of said Section 32, also being the West line of said Country Estates, a distance of 989.93 feet to a point being the Southwest corner of Lot 7 of said Country Estates; thence S 89°42'52" W a distance of 30.00 feet to a point on

the West line of the NE 1/4 of said Section 32; thence S 00°02'43" E along the West line of the NE 1/4 of said Section 32, a distance of 990.01 feet to a point being the Center of said Section 32; thence S 63°44'41" E through the right of way for Highway 50, a distance of 750.00 feet; thence S 26°15'19" W a distance of 2.00 feet; thence N 63°44'41" W a distance of 751.24 feet; thence N 00°02'43" W along a line 2.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, a distance of 331.24 feet; thence S 89°57'17" W a distance of 31.00 feet to a point being the Southeast corner of Lot 2, Replat of Lot 5 Country Home Estates, as same is recorded in Plat Book 13, Page 522, Public Records of Mesa County, Colorado; thence N 00°02'43" W along the West right of way for 29 1/2 Road, being a line 33.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of said Replat of Lot 5 Country Home Estates, a distance of 406.47 feet; thence N 89°57'17" E, along the North line of said Replat of Lot 5 Country Home Estates, a distance of 3.00 feet to a point being the Southeast corner of Lot 4, Country Home Estates, as same is recorded in Plat Book 12, Page 211, Public Records of Mesa County, Colorado; thence N 00°02'43" W along the West right of way for 29 1/2 Road, being a line 30.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of said Country Home Estates, a distance of 583.46 feet to a point being the Northeast corner of Lot 1 of said Country Home Estates; thence N 89°49'17" E a distance of 30.00 feet to a point on the West line of the NE 1/4 of said Section 32; thence N 00°02'43" W along the West line of the NE 1/4 of said Section 29, a distance of 410.01 feet; thence S 89°51'27" W a distance of 25.00 feet; thence N 00°02'43" W along the West right of way for 29 1/2 Road, being a line 25.00 feet West of and parallel to, the West line of the NE 1/4 of said Section 32, also being the East line of the Baldwin Subdivision Second Filing, as same is recorded in Plat Book 11, Page 102, Public Records of Mesa County, Colorado, a distance of 859.92 feet to a point being the beginning of a 20.00 foot radius curve, concave Southwest; thence Northwesterly along the arc of said curve, through a central angle of 90°05'57", a distance of 31.45 feet; thence S 89°51'20" W, along the South right of way for B Road, being a line 30.00 feet South of and parallel to, the North line of the Northwest Quarter (NW 1/4) of said Section 32, also being the North line of said Baldwin Subdivision Second Filing, a distance of 366.02 feet; thence N 00°08'40" W a distance of 30.00 feet to a point on the North line of the NW 1/4 of said Section 32; thence N 89°51'18" E along the North line of the NW 1/4 of said Section 32, a distance of 411.10 feet, more or less, to the Point of Beginning.

CONTAINING 3.1399 Acres (136,774.35 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 18th day of December, 2002.

ADOPTED and ordered published this ____ day of _____, 2003.

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**

RICE ANNEXATION #2

APPROXIMATELY 1.7278 ACRES

**LOCATED AT 135 BURNS DRIVE AND INCLUDES A PORTION OF 29 ½ ROAD, 30
ROAD, HWY 50, AND BURNS DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 18th day of December, 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 5th day of February, 2003; and

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

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

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

A certain parcel of land lying in Section 32, 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 Center of said Section 32 and assuming the West line of the Northeast Quarter (NE 1/4) of said Section 32 bears N 00°02'43" W with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 00°02'43" W along the West line of the NE 1/4 of said Section 32, a distance of 990.01 feet; thence N 89°42'52" E a distance of 2.00 feet; thence S 00°02'43" E along a line 2.00 feet East of and parallel to, the West line of the NE 1/4 of said Section 32, a distance of 998.78 feet; thence S 63°44'41" E a distance of 2918.61 feet, more or less, to a point on the East line of the Southeast Quarter (SE 1/4) of said Section 32; thence S 00°14'18" W along the East line of the SE 1/4 of said Section 32, a distance of 391.09 feet; thence N 86°30'42" W along the South line, and the Easterly extension thereof, of Burns Drive, as shown on the Replat of Burns Subdivision, recorded in Plat Book 9, Page 45, Public Records of Mesa County, Colorado, a distance of 461.29 feet, more or less, to a point being the Northeast corner of Lot 8, said Replat of Burns

Subdivision, being common with the Northwest corner of Lot 9 of said Replat of Burns Subdivision; thence traversing the boundary of said Lot 8 by the following eight (8) courses:

- 1.) S 14°26'18" W along the East line of said Lot 8, a distance of 239.12 feet; thence...
- 2.) N 70°51'42" W along the South line of said Lot 8, a distance of 146.80 feet; thence...
- 3.) N 03°50'18" E a distance of 68.90 feet; thence...
- 4.) N 11°43'18" E a distance of 51.02 feet; thence...
- 5.) N 05°17'42" W a distance of 50.23 feet; thence...
- 6.) N 00°24'18" E a distance of 50.00 feet; thence...
- 7.) N 16°18'16" W a distance of 52.10 feet to a point being the Northwest corner of said Lot 8; thence...
- 8.) S 70°04'35" E a distance of 177.93 feet to a point being the Southeast corner of Lot 7, Block 7 of said Burns Subdivision;

thence N 62°37'54" E a distance of 53.66 feet to a point being the Southwest corner of Lot 1, Block 7 of said Burns Subdivision; thence S 86°30'42" E along the North line and its Easterly extension of said Burns Drive, a distance of 446.78 feet; thence N 00°14'18" E a distance of 339.64 feet; thence N 63°44'41" E a distance of 2918.60 feet, more or less, to the Point of Beginning.

CONTAINING 1.7278 Acres (75,262.35 Square Feet), more or less, as described.

INTRODUCED on first reading on the 18th day of December, 2002.

ADOPTED and ordered published this ____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 13
Zoning Rice Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Zoning Rice Annexations #1 & #2 located at 135 Burns Drive						
Meeting Date		February 5, 2003						
Date Prepared		January 27, 2003			File #ANX-2002-214			
Author		Senta Costello		Associate Planner				
Presenter Name		Senta Costello		Associate Planner				
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Second reading of the Zoning Ordinance for the Rice Annexations #1 & #2 located at 135 Burns Drive. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive rights-of-way.

The Planning Commission reviewed the requested zoning on December 18, 2002 and recommended approval.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the second reading of the Zoning Ordinance for the Rice Annexations #1 & 2.

Attachments:

9. Staff Report
10. Site Location Map
11. Aerial Photo Map
12. Future Land Use Map
13. Existing City and County Zoning Map
14. Annexation Map
15. Zoning Ordinance

Background Information: See attached report.

BACKGROUND INFORMATION							
Location:		135 Burns Drive					
Applicants:		Donald Rive					
Existing Land Use:		Single Family Residential					
Proposed Land Use:		Single Family Residential					
Surrounding Land Use:	North	Single Family Residential					
	South	Single Family Residential					
	East	Single Family Residential					
	West	Single Family Residential					
Existing Zoning:		County RSF-R					
Proposed Zoning:		City RSF-4					
Surrounding Zoning:	North	RSF-R					
	South	RSF-R					
	East	RSF-R					
	West	RSF-R					
Growth Plan Designation:		Residential Medium Low 2-4 du/acre					
Zoning within density range?		X	Yes		No		N/A

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 4.8673 acres of land. Owners of the property have signed a petition for annexation as part of their request to split their property into two lots, pursuant to the 1998 Persigo agreement with Mesa County.

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Growth Plan’s Future Land Use Map. This proposed zoning of RSF-4 conforms to the City’s Growth Plan’s Future Land Use Map.

RSF-4 ZONE DISTRICT

- The RSF-4 (Residential Single Family 4 du/acre) does conform to the recommended intensity found on the Growth Plans Future Land Use Map. The site is currently designated as Residential Medium Low 2-4 du/acre.
- Zoning this annexation with the RSF-4 Zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is surrounded by other single family uses.

ZONING AND DEVELOPMENT CODE CRITERIA:

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

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

- 1. The existing zoning was in error at the time of adoption;**
The existing zoning is RSF-R in the County and the rezone to City RSF-4 supports the Future Land Use Map.
- 2. There as been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;**
There has been no change of character in the neighborhood. The zone change is being required to give a City zoning designation to the subject property.
- 3. *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;***
The proposed zoning is compatible with the neighborhood and will not create adverse impacts.
- 4. *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines.***
The proposal conforms to the Growth Plan as it supports residential uses in this particular area. The simple subdivision being created meets the requirements of the Zoning and Development Code.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;**
Public facilities and services are available for the current residential uses.
- 6. *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and***
Not applicable. This proposal is to allow a County residential designation to be changed to a City residential designation.
- 8. The community or neighborhood will benefit from the proposed zone.**
The proposed zone will benefit the neighborhood as it is a residential zone district that is harmonious to the adjacent neighborhood.

FINDINGS AND CONCLUSIONS:

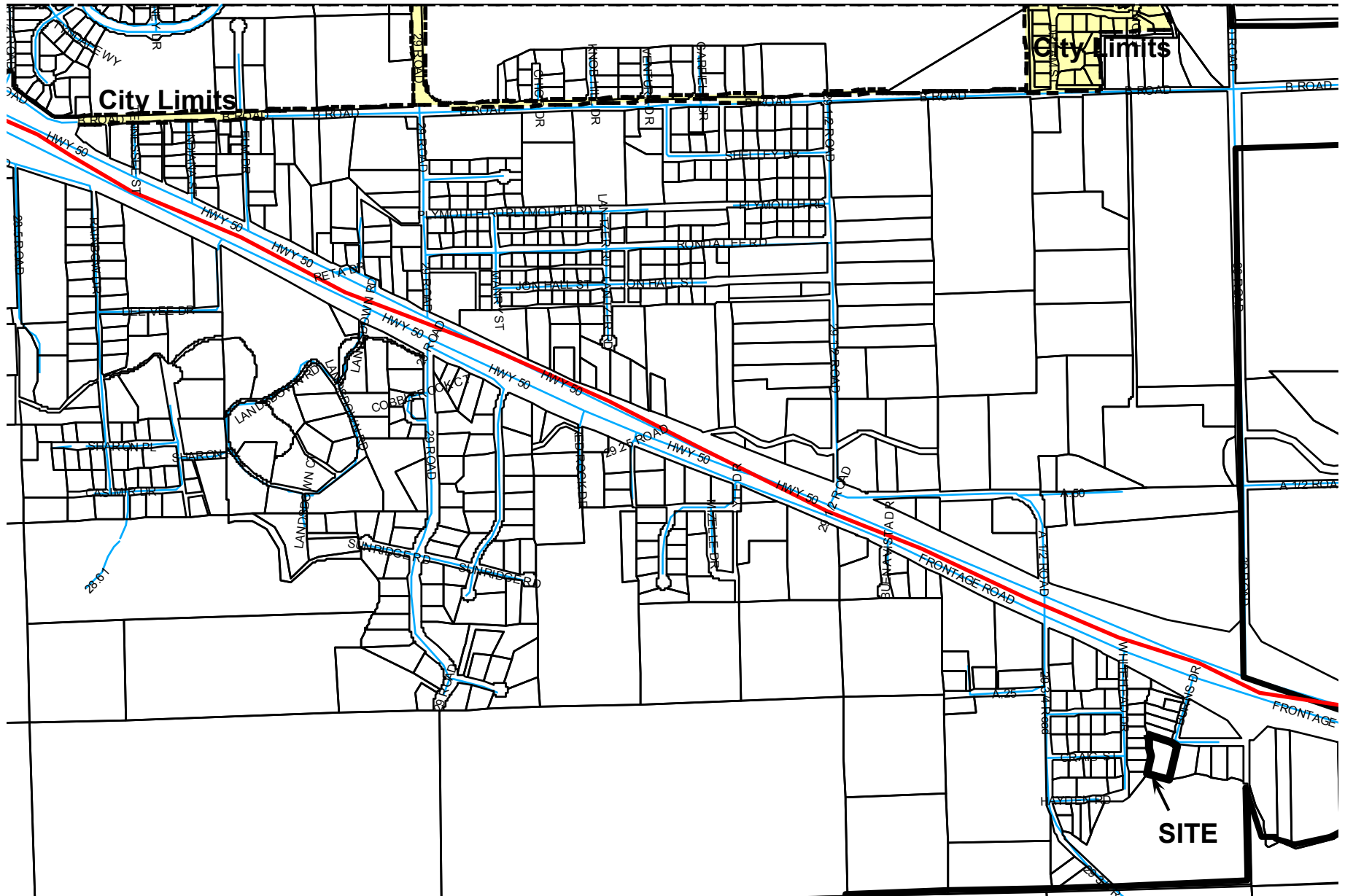
3. Consistent with the Future Land Use Growth Plan
4. Consistent with 2.6 and 2.14 of the Zoning and Development Code

Recommendation: The Planning Commission recommends that City Council find the proposed zoning for the Rice Annexation to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code.

CC Zone-2nd read zoning.doc

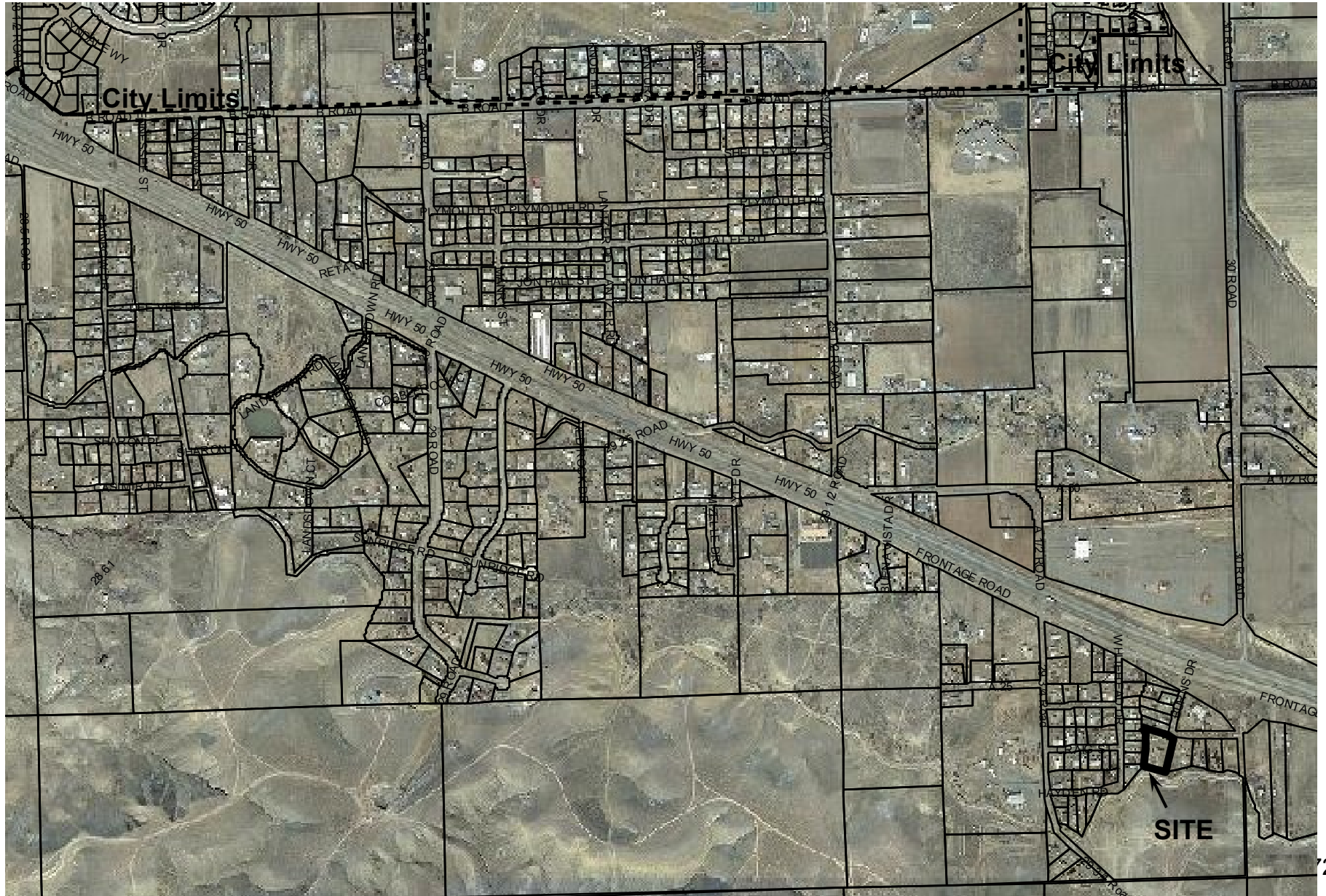
Site Location Map

Figure 1



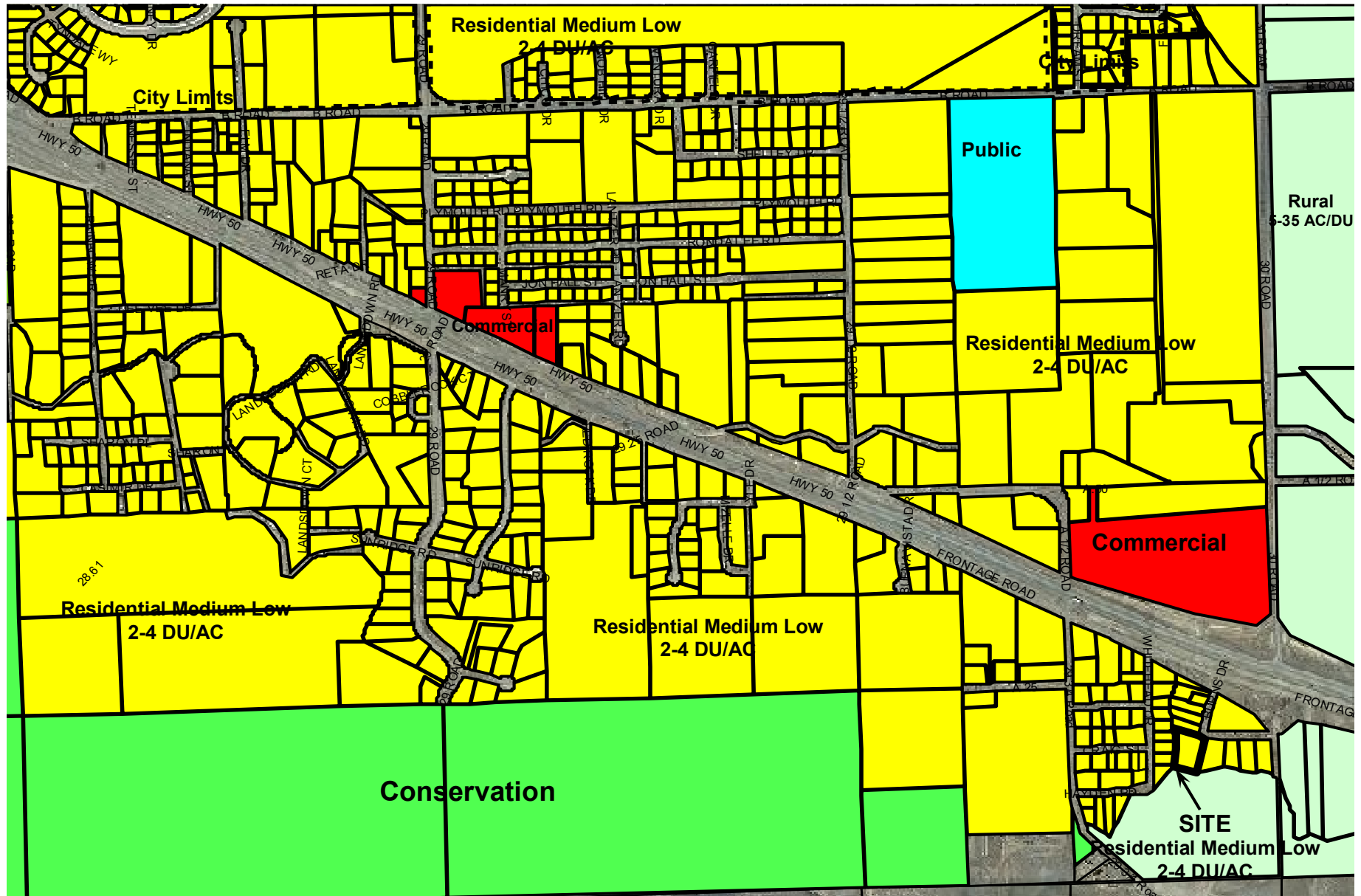
Aerial Photo Map

Figure 2



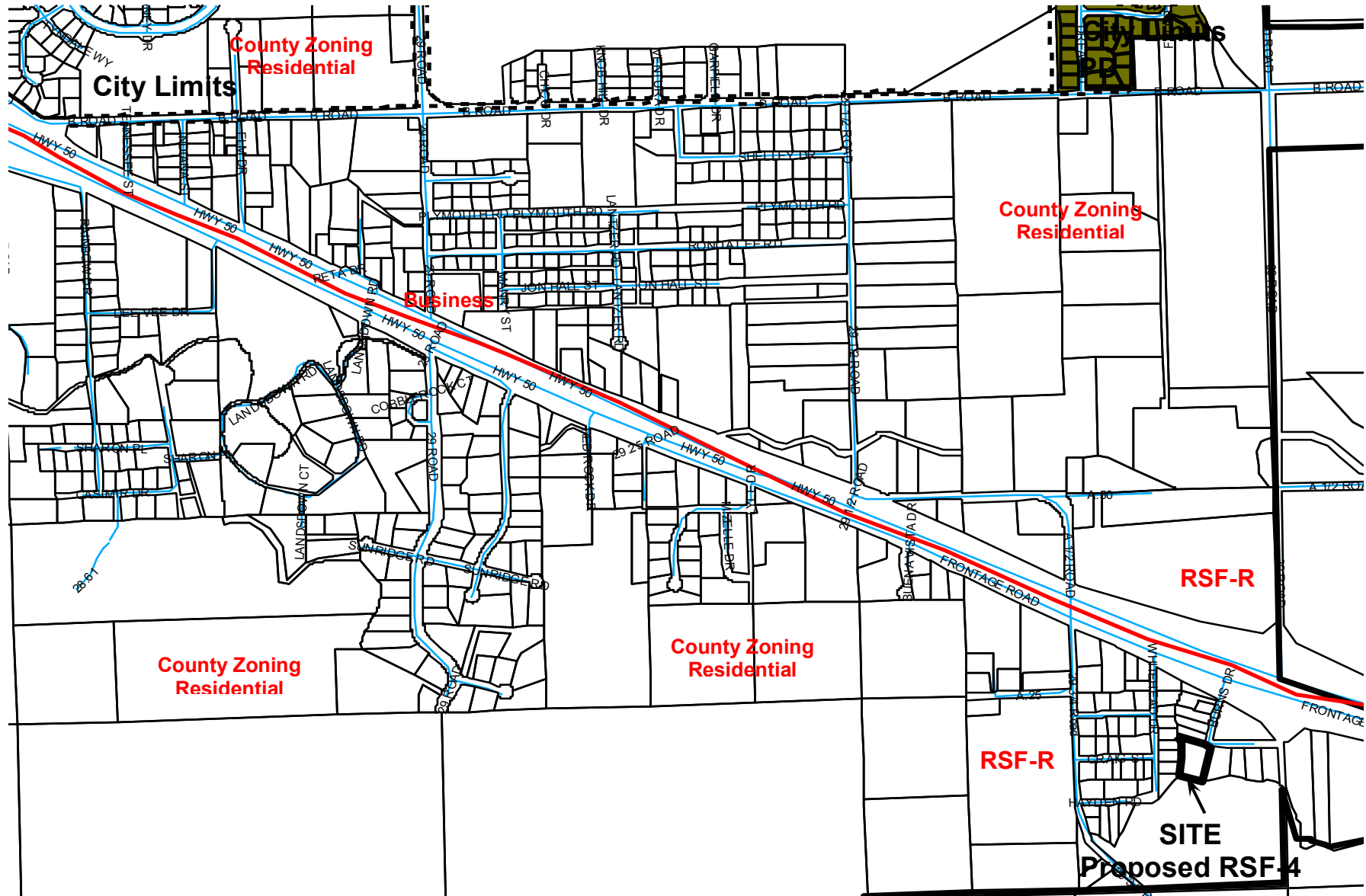
Future Land Use Map

Figure 3



Existing City and County Zoning

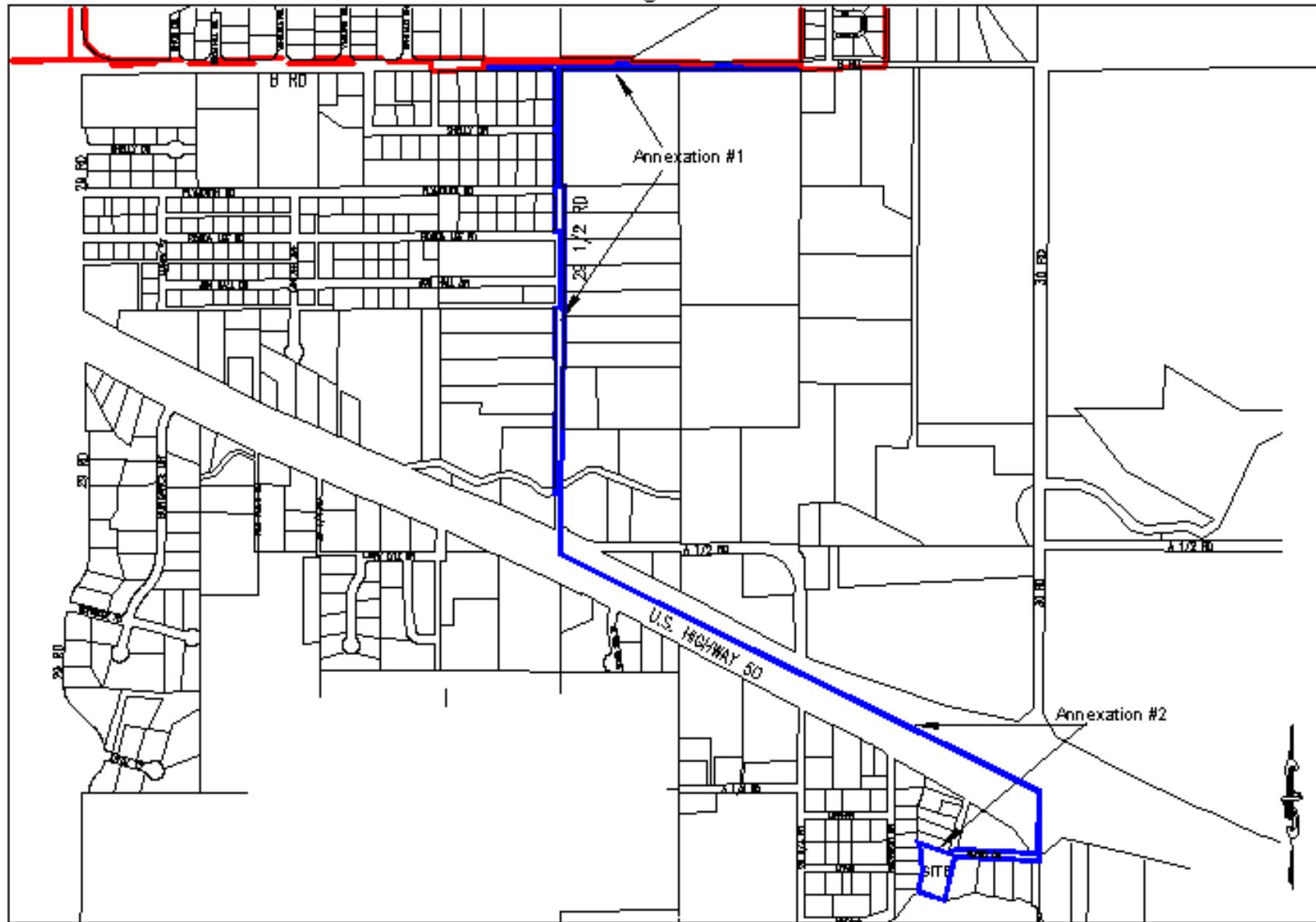
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

Rice Annexations #1 and #2

Figure 5



— City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE RICE ANNEXATION
TO RSF-4 (Residential Single Family not to exceed 4 units/acre)**

LOCATED AT 135 Burns Drive

Recitals.

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

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

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

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

The following property shall be zoned the RSF-4 (Residential Single Family not to exceed 4 units/acre) zone district

Includes the following tax parcel 2943-324-07-008

Lot 8 in Block 6 of Replat of Block 7 except Lot 1 and Lots 8 to 17 inclusive, Block 6, Burns Subdivision, according to the official plat thereof recorded in Plat Book #9 at Page 45, Official Records of Mesa County, Colorado

Introduced on first reading this 15th day of January, 2003.

PASSED and ADOPTED on second reading this ____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 14
Siena View Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Siena View No. 1 and No. 2 - Annexation Located at 2945 D ½ Road					
Meeting Date		February 5, 2003					
Date Prepared		January 27, 2003			File # ANX-2002-228		
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: Siena View Annexation, a serial annexation comprised of 4.6 acres, located at 2945 D ½ Road, has presented a petition for annexation as part of a preliminary plan. The applicants request acceptance of the Annexation Petition, and second reading of the Annexation Ordinance.

Budget: N/A

Action Requested/Recommendation: Acceptance of the Annexation Petition and second reading of the Annexation Ordinance at a public hearing by City Council

Attachments:

- 8. Staff Report
- 9. Annexation Map
- 10. Summary Sheet
- 11. Resolution of Referral
- 12. Annexation Ordinances

Background Information: Please see attached Staff Report

STAFF REPORT / BACKGROUND INFORMATION

Location:		2945 D ½ Road			
Applicant:		G D Builders Inc., Eric Daugherty, Owner Mark Austin, RG Consulting Eng., Representative			
Existing Land Use:		Single Family Residence			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential & vacant land			
	South	Vacant land			
	East	Residential & vacant land			
	West	Residential & vacant land			
Existing Zoning:		RSF-R (Mesa County)			
Proposed Zoning:		RMF-8 (Residential Multi-family, not to exceed 8 dwelling units per acre)			
Surrounding Zoning:	North	RSF-R Mesa County (rural, 5 acre)			
	South	PUD Mesa County (1984, PR-12)			
	East	RSF-E Mesa County (estate, 2 acre)			
	West	RSF-E Mesa County (estate, 2 acre)			
Growth Plan Designation:		Residential medium, 4 to 8 units per acre			
Zoning within density range?		X	Yes		No

Annexation:

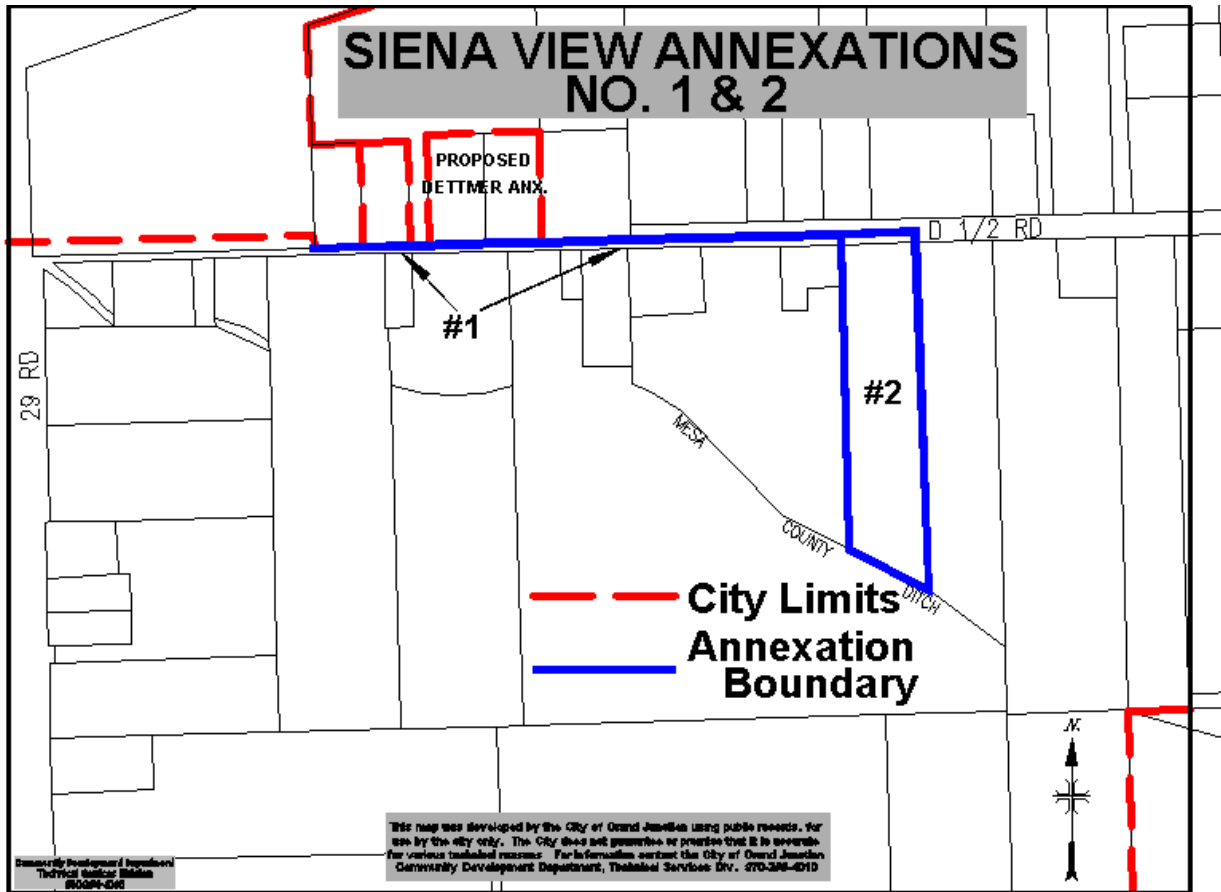
It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Siena View Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
Dec 18 th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Jan 14 th	Planning Commission considers Zone of Annexation
Jan 15 th	First Reading on Zoning by City Council
Feb 5 th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
March 9 th	Effective date of Annexation and Zoning



SIENA VIEW ANNEXATION		
File Number:		ANX-2002-228
Location:		2945 D ½ Road
Tax ID Numbers:		2943-173-00-204
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		0
# of Dwelling Units:		1 (to be removed)
Acres land annexed:		4.6 acres for annexation area
Developable Acres Remaining:		0 acres
Right-of-way in Annexation:		1,113 linear feet along D ½ Road
Previous County Zoning:		RSF-R (County)
Proposed City Zoning:		(RSF-8) Residential Multi-Family, not to exceed 8 dwelling units per acre
Current Land Use:		Vacant land / manufactured home
Future Land Use:		Residential
Values:	Assessed:	= \$ 3,070
	Actual:	= \$ 33,560
Census Tract:		8
Address Ranges:		None
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Rural Fire
	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	none

**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 5th day of February, 2003, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-03

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

**SIENA VIEW ANNEXATION NO. 1,
AND
SIENA VIEW ANNEXATION NO. 2,**

IS ELIGIBLE FOR ANNEXATION

LOCATED AT 2945 D ½ ROAD

AND EXERCISING LAND USE CONTROL

WHEREAS, on the 18th day of December, 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

A Serial Annexation Comprising Siena View Annexation No. 1 and Siena View Annexation No. 2

SIENA VIEW ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 90°00'00" W along the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 00°00'00" E a distance of 1.00 feet; thence N 90°00'00" E along a line 1.00 foot South of and parallel to the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 89°59'32" E along a line 1.00 foot South of and parallel to the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 17, a distance of 1113.48 feet; thence N 00°02'12" W a distance of 1.00 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 17; thence N

89°59'32" W, along the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 1113.48 feet, more or less, to the Point of Beginning.

CONTAINING 0.377 Acres (1,641.48 Square Feet), more or less, as described.

SIENA VIEW ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Commencement, S 00°09'39" E a distance of 1.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°59'32" E along a line 1.00 foot South of and parallel to, the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 17, a distance of 1113.48 feet; thence S 00°02'12" E along the East line of that certain property described in Book 3080, Pages 157 and 158, Public Records of Mesa County, Colorado, a distance of 994.88 feet, more or less, to a point on the North line of the Grand Valley Canal; thence N 60°15'16" W along the South line of that certain property described in Book 3080, Pages 157 and 158, also being the North line of the Grand Valley Canal, a distance of 239.08 feet; thence N 00°02'12" W, along the West line of that certain property described in Book 3080, Pages 157 and 158, a distance of 875.29 feet; thence N 89°59'32" W along a line 2.00 feet South of and parallel to, the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 905.97 feet; thence N 00°09'39" W a distance of 1.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.4774 Acres (195,039.62 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 5th day of February, 2003, in the City Hall auditorium, located at 250 N 5th Street, City of 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 __ day of _____, 2003.

Attest:

President of the Council

City Clerk

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

City Clerk

Published: December 20, 2002
December 27, 2002
January 3, 2003
January 10, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**SIENA VIEW ANNEXATION No. 1
APPROXIMATELY 0.377 ACRES
LOCATED AT 2945 D ½ ROAD**

WHEREAS, on the 18th day of December, 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 5th day of February, 2003; 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:
SIENA VIEW ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 90°00'00" W along the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 00°00'00" E a distance of 1.00 feet; thence N 90°00'00" E along a line 1.00 foot South of and parallel to the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 89°59'32" E along a line 1.00 foot South of and parallel to the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW

1/4) of said Section 17, a distance of 1113.48 feet; thence N 00°02'12" W a distance of 1.00 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 17; thence N 89°59'32" W, along the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 1113.48 feet, more or less, to the Point of Beginning.

CONTAINING 0.377 Acres (1,641.48 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 15th day of December, 2002.

ADOPTED and ordered published this ___ day of _____, 2003.

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**

**SIENA VIEW ANNEXATION No. 2
APPROXIMATELY 4.47 ACRES
LOCATED AT 2945 D ½ ROAD**

WHEREAS, on the 18th day of December, 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 5th day of February, 2003; 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:

SIENA VIEW ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Commencement, S 00°09'39" E a distance of 1.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°59'32" E along a line 1.00 foot South of and parallel to, the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 17, a distance of 1113.48 feet; thence S 00°02'12" E along the East line of that certain property described in Book 3080, Pages 157 and 158, Public Records of Mesa County, Colorado, a distance of 994.88 feet, more or less, to a point on the North line of the Grand Valley Canal; thence N 60°15'16" W along the South line of that certain property

described in Book 3080, Pages 157 and 158, also being the North line of the Grand Valley Canal, a distance of 239.08 feet; thence N 00°02'12" W, along the West line of that certain property described in Book 3080, Pages 157 and 158, a distance of 875.29 feet; thence N 89°59'32" W along a line 2.00 feet South of and parallel to, the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 905.97 feet; thence N 00°09'39" W a distance of 1.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.4774 Acres (195,039.62 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 15th day of December, 2002.

ADOPTED and ordered published this ___ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 15
Zoning Siena View Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Siena View Annexation, 2945 D ½ Road					
Meeting Date	February 5, 2003					
Date Prepared	January 27, 2003				File # ANX-2002-228	
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	X Individual Consideration

Summary: The Siena View Annexation area consists of one parcel of land, approximately 4.6 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 2945 D 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Approval of the second reading of the Zoning Ordinance and holding a public hearing on February 5th, 2003.

Attachments:
 Staff report
 Annexation map
 Zoning Ordinance

Background Information: See attached Staff report

BACKGROUND INFORMATION					
Location:		2945 D 1/2 Road			
Applicant:		GD Builders Inc., Eric Daugherty, owner			
Existing Land Use:		Vacant land & Single Family Residence			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential & vacant land			
	South	Vacant land			
	East	Residential & vacant land			
	West	Residential & vacant land			
Existing Zoning:		(Mesa County) RSF-R			
Proposed Zoning:		RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre)			
Surrounding Zoning:	North	RSF-R Mesa County (rural, 5 acre)			
	South	PUD Mesa County (1984, PR-12)			
	East	RSF-E Mesa County (estate, 2 acre)			
	West	RSF-E Mesa County (estate, 2 acre)			
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: 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-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 RSF-R 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 low residential lots, average of 4 to 5 acres in size 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;
Public facilities and services are available at or near the proposed development.
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
(Not applicable to annexation)
9. 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 a new developing area. The development plan will be consistent with the existing street and utility circulation plans.

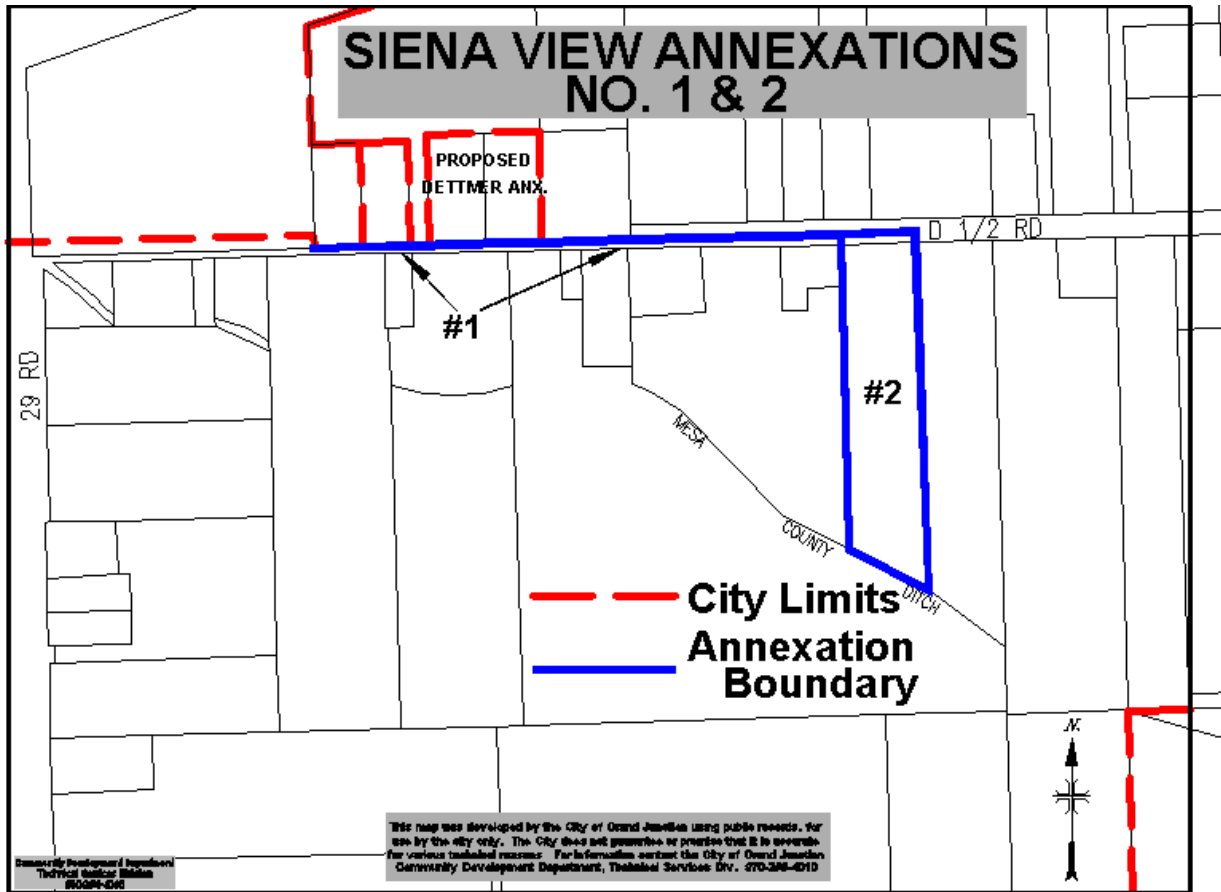
Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

RECOMMENDATION:

Staff recommends approval of the zone of RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre) finding that the proposal is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of January 14th, the Planning Commission recommended to the City Council approval of the zoning designation of RMF-8 (Residential Multi-family, not to exceed 8 units per acre) for the Zone of Annexation of the Siena View Annexation, located at 2945 D 1/2 Road, finding that the project is consistent with the Growth Plan, the Persigo Agreement and Sections 2.6 of the Zoning and Development Code.



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE ZONING THE SIENA VIEW ANNEXATION
TO RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 8 DWELLING
UNITS PER ACRE (RMF-8)**

LOCATED AT 2945 D ½ ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying 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 2943-173-00-204

**PERIMETER BOUNDARY LEGAL DESCRIPTION
SIENA VIEW ANNEXATION**

A Serial Annexation Comprising Siena View Annexation No. 1 and Siena View Annexation No. 2

SIENA VIEW ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 90°00'00" W along the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 00°00'00" E a distance of 1.00 feet; thence N 90°00'00" E along a line 1.00 foot South of and parallel to the North line of the NW 1/4 SW 1/4 of said Section 17, a distance of 528.00 feet; thence S 89°59'32" E along a line 1.00 foot South of and parallel to the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 17, a distance of 1113.48 feet; thence N 00°02'12" W a distance of 1.00 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 17; thence N 89°59'32" W, along the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 1113.48 feet, more or less, to the Point of Beginning.

CONTAINING 0.377 Acres (1,641.48 Square Feet), more or less, as described.

SIENA VIEW ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 17, 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 Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 17, and assuming the North line of the NW 1/4 SW 1/4 of said Section 17 bears N 90°00'00" W with all other bearings mentioned herein being relative thereto; thence from said Point of Commencement, S 00°09'39" E a distance of 1.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°59'32" E along a line 1.00 foot South of and parallel to, the North line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 17, a distance of 1113.48 feet; thence S 00°02'12" E along the East line of that certain property described in Book 3080, Pages 157 and 158, Public Records of Mesa County, Colorado, a distance of 994.88 feet, more or less, to a point on the North line of the Grand Valley Canal; thence N 60°15'16" W along the South line of that certain property described in Book 3080, Pages 157 and 158, also being the North line of the Grand Valley Canal, a distance of 239.08 feet; thence N 00°02'12" W, along the West line of that certain property described in Book 3080, Pages 157 and 158, a distance of 875.29 feet; thence N 89°59'32" W along a line 2.00 feet South of and parallel to, the North line of the NE 1/4 SW 1/4 of said Section 17, a distance of 905.97 feet; thence N 00°09'39" W a distance of 1.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.4774 Acres (195,039.62 Square Feet), more or less, as described.

Introduced on first reading this 15th day of January, 2003.

PASSED and ADOPTED on second reading this ____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 16
Setting the City Manager's Salary for 2003
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Setting the City Manager's Salary for 2003				
Meeting Date		February 5, 2003				
Date Prepared		February 4, 2003			File #	
Author		Stephanie Tuin		City Clerk		
Presenter Name		Cindy Enos-Martinez		Mayor		
Report results back to Council		X	No		Yes	When
Citizen Presentation			Yes	X	No	Name
	Workshop	x		Formal Agenda	X	Consent
						Individual Consideration

Summary: Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager shall be increased the same as the pay plan for most city employees for 2003, 2.7%.

Action Requested/Recommendation: Adopt the ordinance on first reading and set a hearing on the ordinance for February 19, 2003

Attachments: Proposed Ordinance

Background Information: The City Council has completed their annual review and has determined that the City Manager salary for 2003 shall be increased by the same percentage as the pay plan determined for most city employees. That percentage is 2.7% which will make the annual salary for the City Manager, \$112,970. The increase shall be effective January 1, 2003.

Ordinance No. _____

AN ORDINANCE AMENDING ORDINANCE 3481, SECTION 3,
SETTING THE SALARY OF THE CITY MANAGER

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

That commencing January 1, 2003, the annual salary of the City Manager of the City of Grand Junction, Colorado shall be \$112,970.

Introduced on first reading this _____ day of _____, 2003.

PASSED AND ADOPTED this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council