

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

WEDNESDAY, APRIL 16, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation - Pastor Jim Hale, Spirit of Life Christian Fellowship

PROCLAMATIONS

PROCLAIMING APRIL AS "FAIR HOUSING MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL 17, 2003 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAIMING MAY 3, 2003 AS "MARINE CORPS LEAGUE DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

APPOINTMENT TO THE COMMISSION ON THE ARTS AND CULTURE

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

RECOGNITIONS

PRESENTATION OF PLAQUES FOR OUTGOING COUNCILMEMBERS JANET TERRY AND REFORD THEOBOLD

SCHEDULED CITIZEN COMMENTS

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

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

Action: Approve the Summary of the March 31, 2003 Workshop and the Minutes of the April 2, 2003 Regular Meeting and the Minutes of the April 9, 2003 Special Meeting

2. **Purchase of Sales Tax System Software** [Attach 2](#)

ACS (Banner) has abandoned further development of the current sales tax system, and it will become obsolete. Several systems were researched and it was determined that HMS, Inc software system is the most viable and cost effective alternative.

Action: Authorize the City Information Services Manager to Sign a Contract with HMS, Inc. for a New Sales Tax System for a Total of \$36,500 and Authorize \$11,600 from Contingency to Supplement the \$30,000 Budgeted for a Total of \$41,600 to Purchase, Implement and Install the HMS, Inc. System

Staff presentation: Jodi Romero, Customer Service Manager
Fred Stroh, Information Services Manager

3. **Supplemental Budget Appropriations for 2003** [Attach 3](#)

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

Proposed Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003

Staff presentation: Ron Lappi, Administrative Services Director

4. **Setting a Hearing on Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace** [Attach 4](#)

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

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

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

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

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for May 7, 2003

Staff presentation: Ron Lappi, Administrative Services Director

5. **Purchase of 1 Tractor and 1 Weed Mower** [Attach 5](#)

This purchase is being requested by the Streets Department to replace two old outdated mowers with a single better suited mower. Bid details are as follows:

Delta Implement Company	Grand Junction	\$65,650.00
Western Implement Company	Grand Junction	\$73,832.00
Western Implement Company	Grand Junction	\$78,650.00

Action: Authorize the City Purchasing Manager to Purchase One (1) John Deere Tractor and One (1) Diamond Mower from Delta Implement Company in the Amount of \$65,650.00

Staff presentation: Julie M. Hendricks, Buyer
 Ronald L. Watkins, Purchasing Manager

6. **Vacating Various Easements Associated with the Abandoned Portion of the Kannah Creek Flowline** [Attach 6](#)

The easements to be vacated are no longer necessary due to the recent relocation of the Kannah Creek Flowline.

Resolution No. 31-03 – A Resolution Vacating Certain Easements No Longer Needed Because Several Portions of the Kannah Creek Flowline have been Relocated

**Action: Adopt Resolution No. 31-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Revocable Permit for a Canopy and Private Parking in Main Street Right-of-Way, 205 Main Street** [File # RVP-2002-164] [Attach 7](#)

Hampton Inn, to be located at 205 Main Street, is requesting approval of 2 Revocable Permits for a canopy and private parking in Main Street right-of-way.

Resolution No. 32-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Canopy Over Sidewalk)

Resolution No. 33-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Private Parking)

**Action: Adopt Resolution No. 32-03 and Resolution No. 33-03*

Staff presentation: Senta Costello, Associate Planner

8. **Setting a Hearing for Text Amendments to the Zoning and Development Code** [File # TAC-2003-01.01] [Attach 8](#)

First reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Proposed Ordinance Adopting Amendments to the City of Grand Junction’s Zoning and Development Code and Authorizing Publication of the Amendments by Pamphlet

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003

Staff presentation: Lori V. Bowers, Senior Planner

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

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

9. **Canyon View Park Improvements (24 & G Rd.)**[Attach 9](#)

This project will include improvements on the property at the corner of 24 Rd. and G Rd. within Canyon View Park. The improvements are to include: lighting and landscaping in the parking lot adjacent to the new multi-purpose fields, grading and drainage improvements, concrete walkways, a shade pavilion, irrigation and landscaping and new entry landscaping in the area of the G Road entrance into the park. There were 3 responsive responsible bids received and opened on April 3, 2003.

Contractor	Location	Base Bid	*Alternate 1	**Alternate 2
WD Yards	Grand Junction	\$193,568.00	\$6,806.00	\$3,214.00
Clarke & Co.	Grand Junction	\$223,443.00	\$5,360.00	\$2,800.00
Alpine C.M.	Grand Junction	\$239,700.00	\$4,200.00	\$3,300.00
Engineers Estimate		\$195,613.00	\$7,834.00	\$3,940.00

*Removal and disposal of pavement and accessories near handball court.

**Drinking Fountain

***Action:** Authorize the City Manager to Sign a Contract with WD Yards Inc., for the Canyon View Park Base Bid Improvements Including Both Alternates in the Amount of \$203,588 Pending the Receipt of a Current Contractor's License*

Staff presentation: Joe Stevens, Director of Parks and Recreation

10. **Public Hearing - Rehearing of the Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive** [File #ANX-2002-230][Attach 10](#)

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The City Council at its February 19, 2003 hearing zoned the site to a RSF-2 zone district based on public testimony and compatibility with adjacent property's densities.

Ordinance No. 3509 - An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District, Located at the Southerly End of Buena Vista Road

****Action:** Repealing Ordinance No. 3504 and Adopt Ordinance No. 3509 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

11. **Public Hearing - Grand Meadows South Annexation Located at 466 30 Road**
[File #ANX-2003-010] [Attach 11](#)

A Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Grand Meadows South Annexation, located at 466 30 Road.

a. Accepting Petition

Resolution No. 34-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Grand Meadows South Annexation Area is Eligible for Annexation, Located at 466 30 Road

**Action: Adopt Resolution No. 34-03*

b. Annexation Ordinance

Ordinance No. 3510 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows South Annexation, Approximately 4.8995 Acres, Located at 466 30 Road

**Action: Adopt Ordinance No. 3510 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

12. **Public Hearing on Zoning the Grand Meadows South Annexation, Located at 466 30 Road** [File #ANX-2003-010] [Attach 12](#)

Second reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Ordinance No. 3511– An Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

**Action: Adopt Ordinance No. 3511 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

13. **Public Hearing - Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016] [Attach 13](#)

Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Summit Meadows West Annexation, located at 3134 and 3138 D ½ Road.

a. Accepting Petition

Resolution No. 35-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit Meadows West Annexation Area is Eligible for Annexation, Located at 3134 and 3138 D ½ Road

**Action: Adopt Resolution No. 35-03*

b. Annexation Ordinance

Ordinance No. 3512 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 1, Approximately 5.9092 Acres Located at 3134 and 3138 D ½ Road

Ordinance No. 3513 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 2, Approximately 4.9174 Acres Located at 3134 and 3138 D ½ Road

**Action: Adopt Ordinance No. 3512 and Ordinance No. 3513 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

14. **Public Hearing – Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016] [Attach 14](#)

Second reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

Ordinance No. 3514 - An Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D 1/2 Road

**Action: Adopt Ordinance No. 3514 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

15. **Public Hearing - Hubbartt Annexation Located at 2976 Gunnison Avenue**
[File #ANX-2003-008] [Attach 15](#)

Resolution for acceptance of the petition to annex and second reading of the annexation ordinance for the Hubbartt Annexation located at 2976 Gunnison Avenue. The annexation consists of 1.2731 acres on one parcel of land. The petitioner is seeking annexation in anticipation of constructing a 5,000 s.f. auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

a. Accepting Petition

Resolution No. 36-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Hubbartt Annexation is Eligible for Annexation Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

**Action: Adopt Resolution No. 36-03*

b. Annexation Ordinance

Ordinance No. 3515 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hubbartt Annexation, Approximately 1.2731 Acres, Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

**Action: Adopt Ordinance No. 3515 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

16. **Public Hearing – Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue**
[File #ANX-2003-008] [Attach 16](#)

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Ordinance No. 3516 – An Ordinance Zoning the Hubbartt Annexation to Light Industrial I-1 Located at 2976 Gunnison Avenue

**Action: Adopt Ordinance No. 3516 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

17. **Public Hearing - Seriani Annexation No. 1 & 2 Located at 2986 Gunnison Avenue** [File #ANX-2003-025] [Attach 17](#)

The Seriani Annexation No. 1 & 2 is a serial annexation consisting of a total of 0.68 acres and can be legally described as Lot 12, Banner Industrial Park and is located at 2986 Gunnison Avenue and is currently being used as a storage yard. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business. The proposed annexation lies within the Persigo 201 sewer district. The petitioner's request acceptance of the Annexation Petition, and Second Reading of the Annexation Ordinance(s) for the Seriani Annexation No. 1 & 2.

a. Accepting Petition

Resolution No. 37-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Seriani Annexation, a Serial Annexation Comprising Seriani Annexation No. 1 and Seriani Annexation No. 2, Located at 2986 Gunnison Avenue

**Action: Adopt Resolution No. 37-03*

b. Annexation Ordinance

Ordinance No. 3517 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 1, Approximately 0.3444 Acres Located at 2986 Gunnison Avenue

Ordinance No. 3518 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 2, Approximately 0.3436 Acres Located at 2986 Gunnison Avenue

**Action: Adopt Ordinance No. 3517 and Ordinance No. 3518 on Second Reading*

Staff presentation: Scott D. Peterson, Associate Planner

18. **Public Hearing – Zoning the Seriani Annexation Located at 2986 Gunnison Avenue** [File #ANX-2003-025] [Attach 18](#)

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial. The Planning Commission recommended approval at its February 25, 2003 meeting.

Ordinance No. 3519 – An Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

Action: Adopt Ordinance No. 3519 on Second Reading

Staff presentation: Scott D. Peterson, Associate Planner

19. **Public Hearing - Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021] [Attach 19](#)

The Fairway Pines Annexation is an annexation comprised of 1 parcel of land located at 2970 B Road, comprising a total of 6.4295 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

a. Accepting Petition

Resolution No. 38-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fairway Pines Annexation is Eligible for Annexation Located at 2970 B Road

Action: Adopt Resolution No. 38-03

b. Annexation Ordinance

Ordinance No. 3520 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fairway Pines Annexation, Approximately 6.4295 Acres Located at 2970 B Road

Action: Adopt Ordinance No. 3520 on Second Reading

Staff presentation: Pat Cecil, Development Services Supervisor

20. **Public Hearing – Zoning the Fairway Pines Annexation Located at 2970 B Road** [File #ANX-2003-021] [Attach 20](#)

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Ordinance No. 3521 - An Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

**Action: Adopt Ordinance No. 3521 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

21. **Public Hearing – Fruitvale Estates Annexation, South of E ½ Road (Orchard Ave.), North of Hoover Drive (3083 E ½ Road)** [File #ANX-2003-023] [Attach 21](#)

The Fruitvale Estates Annexation is an annexation comprised of 1 parcel of land located on the south side of E ½ Road, north of Hoover Drive, comprising a total of 4.3815 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

a. Accepting Petition

Resolution No. 39-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fruitvale Estates Annexation is Eligible for Annexation, Located at 3083 E ½ Road

**Action: Adopt Resolution No. 39-03*

b. Annexation Ordinance

Ordinance No. 3522 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Estates Annexation, Approximately 4.3815 Acres Located at 3083 E ½ Road

**Action: Adopt Ordinance No. 3522 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

22. **Public Hearing – Zoning the Fruitvale Estates Annexation, Located at 3083 E ½ Road (Orchard Avenue)** [File #ANX-2003-023] [Attach 22](#)

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Ordinance No. 3523 – An Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E ½ Road (Orchard Avenue)

**Action: Adopt Ordinance No. 3523 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

23. **Public Hearing – Spanish Trails, Filing 3, Right-of-Way and Easement Vacation** [File #FPP-2002-204] [Attach 23](#)

A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3.

Ordinance No. 3524 – An Ordinance Vacating a Portion of the 24 ¼ Road Right-of-Way

Ordinance No. 3525 – An Ordinance Vacating an Emergency Access Easement in Spanish Trails Located at 719 24 ½ Road

**Action: Adopt Ordinance No. 3524 and Ordinance No. 3525 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

24. **Public Hearing - Zoning Redlands Mesa, Phase III** [File #FPP-2002-211] [Attach 24](#)

A request to approve zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

Ordinance No. 3526 – An Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

**Action: Adopt Ordinance No. 3526 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

25. **Public Hearing – Zoning the Cottages at The Commons Assisted Living Facility Located at 625 27 ½ Road** [File #RZ-2003-026] [Attach 25](#)

Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Ordinance No. 3527 – An Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27-1/2 Road (Formerly 616 27-1/2 Road)

**Action: Adopt Ordinance No. 3527 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

26. **Public Hearing - Bond Ordinance for Community Hospital** [Attach 26](#)

The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating.

Ordinance No. 3528 - An Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto.

**Action: Adopt Ordinance No. 3528 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

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

28. **OTHER BUSINESS**

29. **ADJOURNMENT**

Attach 1

Minutes of March 31, 2003 Workshop and Minutes of the April 2, 2003 Regular Meeting and Minutes of April 9, 2003 Special Meeting

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

March 31, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, March 31, 2003 at 7:06 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland Bill McCurry, Jim Spehar, Reford Theobold, Janet Terry and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

1. STRATEGIC PLAN REVIEW & UPDATE

City Manager Arnold reviewed the updates on the Strategic Plan. There was no news from the Grand Junction Economic Partnership. Regarding Efficient Transportation, Councilmember Spehar inquired when cost estimates for the Riverside Parkway will be provided so that a bond issue can be considered for November, 2003 election. Mr. Arnold said he will talk to the consultants to see if the timeline for getting cost estimates can be hastened.

Action summary: Council accepted the update and asked that Riverside Parkway estimates be provided soon.

- 2. PROCESS FOR POSSIBLE SMOKING ORDINANCE:** City Attorney Dan Wilson described options on how to proceed with this issue. He identified two options: 1) he helps the students craft an ordinance or 2) he educates them on how to get an ordinance on the ballot. Councilmember Terry stated that the direction was to work with the children and give them some options and that the nature of this issue will involve more time. Getting input from the affected parties should be the first step. Councilmember Theobold stated that was the message from Councilmember Terry and while Councilmember Spehar concurred, he wanted to move faster and he thought four members were generally silent on the issue. There was not clear direction. Councilmember Spehar felt the students are pretty well educated in the process and he will again encourage them to dialogue with the downtown business owners who will be affected by this ordinance. He said he has no objections on working on a range of possibilities. The process could be taken care of during the school year. He thought it will probably be referred to the ballot and would rather see it referred than taken to the ballot by referendum after

adoption. Councilmember Kirtland agreed with Councilmember Spehar, thinking it would eventually go to the ballot either way. The end result will need to be a balance for the community. Council President Enos-Martinez advised that the students have already written letters to the local restaurants. Councilmember McCurry clarified that there are three or four classes working on this and all will have representatives at a meeting scheduled for Thursday. Councilmember Terry clarified her position in that she supports what the students are doing but she expresses caution in moving too quickly. Mr. Wilson asked Council if they want to see a first reading on Wednesday or for him to work with the kids with the overall plan being that it will go to the ballot, bringing back information in thirty days or so. Councilmembers Spehar and Terry agreed with the latter option. There appeared to be a consensus for Mr. Wilson to start working with the students and bring back the information in May at a workshop. Councilmember Kirtland directed Mr. Wilson to first establish a timeline for the students so they have the right expectation. That timeline can then be brought back to Council. City Manager Arnold suggested Ivy Williams, Code Enforcement Supervisor, be included in the process. Councilmember Spehar said it might even be appropriate to have the discussion at a regular meeting that is broadcast.

Action summary: City Attorney to work with the Bookcliff Middle School students in developing some options and in soliciting input from affected business owners and bring an update back to Council at a workshop in May.

3. **ANNUAL UPDATE WITH WATER ATTORNEY JIM LOCHHEAD**

City Attorney Wilson introduced the City's Water Attorney Jim Lochhead. Mr. Lochhead touched on Colorado River issues and on the Shoshone Call issue. He also reported on pending legislation and answered questions.

Colorado River Issues - California has been overusing its water entitlement. This will eventually cause a legal shortage to the State of Colorado. Interim surplus guidelines allow California to use surplus as long as it meets certain benchmarks on reducing water use. They failed to meet the first benchmark and the Secretary of the Interior suspended them, which reduced them to their entitlement. They won an injunction against the Secretary and water was restored. California still needs to reduce its water usage but different agencies now have to bear the brunt of that restoration. The new agreement presented by California was not satisfactory. Sea restoration is another very costly issue that some legislators are championing.

Shoshone Call - The Shoshone Call in Glenwood Canyon has senior water rights and forms an important piece of Colorado River water management. Denver entered an agreement with Public Service to not call their water so it could fill Dillon Reservoir (and others) first. Denver asked the River District Board and Xcel Energy to relax their call in order to prevent the perception of raiding the river water. One of the affects is it keeps the Cameo call off the Roaring Fork River. The end result is lower winter flows in an already dry year that will affect treatment costs for the wastewater treatment system. Councilmember Spehar asked about the affect on endangered species. Mr. Lochhead said there are pros and cons, the hold back will increase flows in the summer months. Councilmember Terry asked the length of the agreement. Mr. Lochhead said one year.

He noted that the Grand Valley water users have formed a coalition to develop a combined effort. Mr. Wilson said the coalition agreed to have Mr. Lochhead as their spokesperson.

Mr. Lochhead then briefed the Council on current water legislation. The following bills have been introduced: allowance for conservation easements on water rights rather than land which has passed both house and senate; a bill that would require any entity using water from the Denver basin must use all that first before using transbasin diversion which was postponed indefinitely, i.e., that bill is dead; a bill that authorizes a municipality or county or wildlife division to work with federal agencies to develop resource management plans for federal lands within its jurisdiction pursuant to federal law (may fit into the City's current pursuit of the adoption of a watershed protection ordinance) which has passed both house and senate; a bill that will put conditions on decrees that any transfer of agricultural water rights to a transbasin diversion would have to make payments to the County of origin which the house version lost, but the senate version is still alive; a bill that will invalidate covenants that limit xeriscape landscaping or require blue grass which has been postponed indefinitely; a bill concerning the expansion of water judges jurisdiction that would allow water judges to address water quality issues in changes of water rights which was lost in the house; a bill that allowed a creation of water banks which would allow agricultural users to pool water resources and municipalities to access pooled water rights in agricultural areas for loans, transfers, and changes which has passed the house and is in the senate agriculture committee; a bill that will allow the State Engineer authority to administer temporary instream flows for loan purposes, e.g., if a drought were declared, a right can be donated to be used for instream flows which has passed house and is in the Senate appropriations committee; another water conservation measure that will authorize water courts to approve changes of water rights for saved water, very controversial, it limits it to historical consumptive use and has other

requirements, such bill was postponed indefinitely; a bill concerning the improvement of urban water use efficiency which public process, projects and facilities that receive water from a provider to reduce their total annual consumption, prevents any policy or regulation or covenant that prevents drought resistant landscaping, requires information to public on methods to conserve water and a number of other water conservation measures, such bill is in the house appropriations committee; a bill that requires public interest be taken into consideration for transfer of rights, which bill was postponed indefinitely, a bill that required a mandatory water supply element in the Master Plans of local government which has been postponed indefinitely; a bill that would set up basin-wide regional policy agencies within each basin, such bill has been postponed indefinitely; the water conservation board construction fund bill which authorized a statewide water supply investigation which the contractor has been selected and also authorizes the funding for Big Straw project has passed the Senate and is now in House appropriations; a bill concerning the authority of local governments to protect in basin uses of agricultural water rights, the companion bill mentioned earlier, which allows mitigation payments for any transfer of agricultural rights from one basin to another, probably won't affect the Colorado River basin; and finally a bill that will authorize the issuance of \$10 billion bonds for water development in the State, such bill has been laid over in the Senate.

Councilmember Terry expressed her appreciation for the work he has done for the City. Councilmember Kirtland referred to a recent update on water issues from the Staff and encouraged that it be shared with Mr. Lochhead. Mr. Wilson said that Mr. Lochhead usually does the macro stuff and Staff handles the micro issues. Councilmember Spehar asked Mr. Lochhead for his opinion on cases like the kayaking Golden case, i.e., relative to recreational uses. Mr. Lochhead said the instream flow filings show the trend that there will be some fundamental changes in water law in the future, noting eventually some of this legislation will get passed and this will cause debate and conversation. He disagrees with the big water projects being proposed by the State because of the drought, he thinks a more integrated approach would be better. Councilmember Kirtland referred to the legislation that would have allowed the repair and restoration of existing facilities as a good approach and Mr. Lochhead agreed.

Action summary: Council thanked Mr. Lochhead for his work on the City's water issues.

4. **DROUGHT RESPONSE PLAN:** Presentation and discussion of combined draft Drought Response Plan of the City, Ute Water Conservancy District, Clifton Water District and Town of Palisade.

Mark Relph, Public Works & Utilities Director, introduced the subject. He displayed various graphs that indicate that the valley is now at, above or near normal. It has been a much better year than last year. Councilmember Terry asked if it will take a few good years to "catch up". Mr. Relph said the City is in much better shape so it will not need years to catch up. Drought is a pattern that will always be encountered. The forecast looks wet but dealing with the response plan now is wise. The plan being proposed is valley-wide.

Greg Trainor, Utilities Manager, stated that the resolution of problems will typically be done on the local level. Over the last year, a sustained effort to reduce water usage has been discussed. Drought is always present somewhere in the state. Common response is one focus, shortages will be shared among all, increase public awareness, and heightened monitoring. The group has identified two stages of drought. Stage 1 would be like what happened in 2002, a statewide concern and urgency, but not a supply issue locally. Stage 2 would be a situation where one of the valley users being in a water supply reduction. At this stage, sharing water would be considered, which is something that is done regularly on an operational basis already rather than just in a drought situation. If the situation were affecting valley supplies then mandatory conservation measures would be put in place. Council President Enos-Martinez suggested that everyone should be practicing conservation efforts all the time. Mr. Trainor agreed. Councilmember Spehar suggested a more proactive approach. Mr. Trainor said there was a lot of discussion about reducing water use, perhaps with an economic impact for outdoor usage. Also discussed was limiting municipal (institutional) use. Councilmember Spehar suggested a stronger stance and encouraging landscaping appropriate to the climate.

Councilmember Kirtland suggested a maximum usage allowed, plus a rate structure to ensure users stay under the maximum. The present is a good time to implement such a program with drought being fresh in people's minds. Councilmember Terry supported the additional education going on now but was unsure as to the extent the City's stance should be. Mr. Trainor said that is the direction they are seeking tonight. Councilmember Spehar suggested a fee on water to fund the educational piece. He said he would like to see more leadership and less of a reactive approach. A fee could also fund programs with large water users to reduce their use, including incentive programs for water use reduction.

Parks & Recreation Director Joe Stevens said the department is looking at how water is used in the City to water the 800 yards of turf and the hundreds of trees in the urban forest. The City also has over 60,000 annual plantings. Mr. Stevens said there is a water conservation committee in his professional organization which helps him stay abreast of

the latest trends. A conversion to artificial turf is a possibility at the Lincoln Park fields. Also the use of blue grass, which is more water efficient, looking at xeriscape, using tree species that use less water, especially in any new parks, monitoring sprinkling systems and reprogramming systems to water as needed, removal of tamarisk, redoing the North Ave medians, and salt reduction in soil which will allow for plants other than tamarisk to grow in various areas are all methods he is looking into.

Kathy Portner, Planning Manager, addressed the landscaping requirements in the Zoning and Development Code. There are no requirements for residential, but for multifamily and commercial there are. The Code does require materials suitable for Grand Junction's climate but the planners do not scrutinize plans. A review of that section of the Code is planned for this summer and they will be looking for direction then. The Code does not prohibit xeriscape design. Councilmember Spehar referred to proposed legislation that invalidates covenants that require blue grass or prohibit xeriscape. Ms. Portner said the City's Code does not prohibit that. Mr. Spehar asked about policing those covenants. Mr. Wilson said that currently homeowners associations can amend covenants even after the City has approved the development. That can be changed however.

Public Works Director Mark Relph concluded the staff presentation. Staff will work with the direction received. Councilmember Terry inquired as to the time frame for education. Utilities Manager Greg Trainor replied it will be prior to summer.

Action summary: Council agreed with the directions the three departments are taking to respond to drought.

5. **WATERSHED PROTECTION ORDINANCE:** Discussion of this item which is on the agenda for Wednesday's meeting.

City Attorney Wilson showed Council numerous areas that constitute the City's watershed which are areas of five miles in radius from water intake, the authority comes from the statutes but the two private providers do not have the authority to protect their watershed (Clifton and Ute). The Gunnison and the Colorado are zones one and two, with notice only to be provided to the City in zones two or three when there is a drought or an emergency. Zone one is Kannah Creek and Whitewater Creek watersheds and any impact, minor, major or none, will be a City determination on all the activities in that Zone one watershed. All major impact items will go to Council for a determination. Mr. Wilson recommended that the first reading on the ordinance be pulled from Wednesday's agenda but that it be brought forward to Council very soon.

Councilmember Spehar did not see the urgency to try to stop something that is already underway as the development of the ordinance is going to take time to discuss with the stakeholders. Mr. Wilson still wanted a short time line to come back quickly with more information. Councilmember Kirtland wanted to involve the Town of Palisade as they too have the statutory power to protect their watershed. Council did want to bring it up at Wednesday's meeting with the Grand Mesa Slopes Committee, not as a rush and not as a threat. Councilmember Spehar said the Council may feel comfortable with the BLM process to protect their watershed interests. Mr. Wilson encouraged Council to still adopt some form of watershed protection ordinance for the good of the City.

Action summary: The ordinance will not be on Wednesday's agenda but Staff will be working with the affected parties and make revisions before bringing it to Council.

6. **GRAND MESA SLOPES MEETING:** City Manager Arnold asked the Council on how they want to approach the Wednesday Grand Mesa Slopes meeting. It was decided that Councilmember Kirtland will represent the Council at the table. Having the original documents, the MOU and the Management Plan will be helpful to have on hand. It was noted that the governing piece is the management plan. Council may want to consider a facilitator and or mediator for the discussion. Staff suggested placards for each organization.

Action summary: Staff will provide copies of the original documents for reference and Councilmember Kirtland will facilitate the discussion.

ADJOURNED at 10:58 p.m.

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

APRIL 2, 2003

The City Council of the City of Grand Junction convened into regular session on the 2nd day of April 2003, at 7:34 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and Deputy City Clerk Debbie Kemp.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Theobald led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Gary Cake of the More Than Words Ministry.

APPOINTMENTS

**RATIFY APPOINTMENTS TO THE RIVERVIEW TECHNOLOGY CORPORATION
BOARD OF DIRECTORS**

Councilmember Theobald moved to ratify the appointment of Jim Widdows for a 3 year term and Janet Terry for the remainder of a 3 year term to the Riverview Technology Corporation Board of Directors. Councilmember Spehar seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

The appointee Pamela Blythe was present and received her certificate.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Councilmember Kirtland moved to approve Consent Calendar Items #1 through 13 and Items #15 through 18, and which include the contracts for the following items:

- Concrete Repair for Street Overlays with Vista Paving Corporation in the Amount of \$279,008.18
- New Sidewalk Construction 2003 Project with Reyes Construction in the Amount of \$143,347.20

- Skyway Sewer Improvement District Change Order No. 1 with Mendez, Inc. in the Amount of \$119,831.05

Councilmember Terry seconded the motion. President of the Council Enos-Martinez asked for a roll call vote. The motion carried by a vote of 6 – 1 with Councilmember Terry abstaining from Item #18.

Item #14 was previously removed from the Consent Calendar (to be considered at a subsequent meeting).

1. Minutes of Previous Meetings

Action: Approve the Summary of the March 3, 2003 Workshop and the Minutes of the March 5, 2003 Regular Meeting

2. Setting a Hearing on Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue [File #ANX-2003-008]

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Proposed Ordinance Zoning the Hubbartt Annexation to Light Industrial I-1 Located at 2976 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

3. Setting a Hearing on Zoning the Seriani Annexation Located at 2986 Gunnison Avenue [File #ANX-2003-025]

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial.

Proposed Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

4. **Setting a Hearing on Zoning the Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021]

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

5. **Setting a Hearing on Zoning the Fruitvale Estates Annexation, Located at 3083 E½ Road (Orchard Avenue)** [File # ANX-2003-023]

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E½ Road (Orchard Avenue)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

6. **Setting a Hearing on Zoning the Grand Meadows South Annexation, Located at 466 30 Road** [File # ANX-2003-010]

First reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Proposed Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

7. **Setting a Hearing on Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D½ Road** [File # ANX-2003-016]

First reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D½ Road.

Proposed Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

8. **Setting a Hearing on Spanish Trails, Filing 3, Right-of-Way and Easement Vacation** [File # FPP-2002-204]

A request to vacate a portion of the 24¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3

- a. Proposed Ordinance Vacating a Portion of the 24¼ Road Right-of-Way
- b. Proposed Ordinance Vacating an Emergency Access Easement in Spanish Trails

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

9. **Setting a Hearing on Zoning Redlands Mesa, Phase III** [File # FPP-2002-211]

A request to approve Planned Development zoning for Redlands Mesa, Phase III, to allow 61 single-family lots.

Proposed Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

10. **Setting a Hearing on Rezoning The Cottages at The Commons Assisted Living Facility Located at 625 27½ Road** [File # RZ-2003-026]

Hilltop Health Service Corporation proposes to construct twenty two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27½ Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Proposed Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27½ Road (Formerly 616 27½ Road)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

11. **Purchase of Police Vehicles**

Purchase of five Crown Victoria Police Vehicles.

Action: Authorize the City Purchasing Manager to Purchase Five Crown Victoria Police Vehicles from Western Slope Automotive in the Amount of \$119,365.00

12. **Sole Source and Purchase of 2 Greenmaster 3100 Mowers**

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers.

Action: Authorize the City Purchasing Manager to Purchase two Toro Greenmaster 3100 Triplex Mowers from L.L. Johnson Distributing Company in the Amount of \$20,213.00 each for a Total Purchase of \$40,426.00

13. **Sole Source and Purchase of 1 Sidewinder Mower**

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers with a single better-suited mower.

Action: Authorize the City Purchasing Manager to Purchase one Toro Groundmaster Mower from L.L. Johnson Distributing Company in the Amount of \$28,995.00

14. Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society

This item was removed from the Consent Calendar and will be rescheduled on a later agenda.

The proposed exchange will allow the Botanical Society to own the land upon which the Society's offices and Children's Library are located.

15. Concrete Repair for Street Overlays

Bids were received and opened on March 7, 2003 for Concrete Repair for Street Overlays. Vista Paving Corporation submitted the low bid in the amount of \$279,008.18.

Action: Authorize the City Manager to Sign a Construction Contract with Vista Paving Corporation for Concrete Repair for Street Overlays in the Amount of \$279,008.18

16. New Sidewalk Construction 2003

Bids were received and opened on March 6, 2003, for the New Sidewalk Construction 2003. The low bid was submitted by Reyes Concrete Construction, Inc. in the amount of \$143,347.20.

Action: Authorize the City Manager to Sign a Contract with Reyes Construction for the New Sidewalk Construction 2003 Project in an Amount of \$143,347.20

17. Skyway Sewer Improvement District Change Order No. 1 to Construction Contract

Approval of Change Order #1 in the amount of \$119,831.05 to Mendez, Inc. the Contractor for the Skyway Sewer Improvement District. This Change Order would include reconstruction of an additional 2100 lineal feet of ten foot wide concrete trail within the Colorado River State Park at Connected Lakes. Total trail reconstruction for the project will be 2900 lineal feet.

Action: Authorize the City Manager to Sign a Change Order to the Contract with Mendez Construction to Reconstruct the Concrete Trail Within the Colorado River State Park at Connected Lakes in the Amount of \$119,831.05

18. Setting a Hearing on Bond Ordinance for Community Hospital

The City of Grand Junction has been requested to authorize tax-exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating.

Proposed Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto.

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

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

Public Hearing – Rezoning the World Harvest Church Property Located at 2826 F Road [File # RZ-2002-236]

Second reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12.

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

Lori Bowers, Senior Planner reviewed this item.

Brian Hart, 244 7th Street, LanDesign, representing the applicant said he agrees with the Staff's recommendation and appreciates Council's approval of the rezone request.

There were no public comments.

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

Ordinance No. 3507 – An Ordinance Rezoning Lot 2, of the Harvest Subdivision Located at 2826 F Road from RMF-8 to RMF-12

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Ordinance No. 3507 was adopted on Second Reading and ordered published.

Public Hearing – Tobacco Ordinance Addressing the Problem of Teenage Smoking

In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

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

Stephanie Rubinstein, City Staff Attorney, reviewed this item. She explained that this Ordinance repeals the sunset rule provision of Ordinance No. 3095 and makes tobacco possession by anyone under the age of 18 illegal.

Councilmember Theobold clarified that Ordinance No. 3508 relates only to the repeal of the sunset provision of Ordinance No. 3095, and that it prohibits the possession of tobacco by persons under the age. He said this ordinance is not related in any way to the current drive in the community or the forthcoming proposal to Council to make all public places within the City limits a smoke-free environment.

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

Ordinance No. 3508 – An Ordinance Amending Chapter 24 of the City of Grand Junction Code of Ordinances

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3508 was adopted on Second Reading and ordered published.

Water Service Agreement: Reeder Mesa Livestock Water Company

Water Service Agreement between the City of Grand Junction and the Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the major principals of this contract, and the past and future use of the system including the fee schedule.

Councilmember Terry thanked Utilities Manager Greg Trainor and City Attorney Dan Wilson for their hard work to finalize the agreement. She said she knows that the parties involved have been working to resolve this issue for many years.

Councilmember Theobold stated that this project has been a topic that has been wrestled with for years and he is happy to see that it is in the final stage.

City Attorney Wilson stated that this is the last piece of the process and that the work of the last couple of years has finally solved the problems.

Councilmember Spehar moved to authorize the City Manager to sign a Water Service Agreement with Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System. Councilmember Theobold seconded the motion. Motion carried.

Construction Management/General Contractor Services for the Redlands Fire Station #5

Professional Construction Management/General Contractor (CM/GC) services for the construction of the new Redlands Fire Station #5. CM/GC and the architect will participate with the City Fire Department, Public Works Department, and Community Development Department to insure the final design and construction of the facility complies with Fire Department requirements, within budget and within the projected schedule. They shall fully collaborate with TSP, the architectural firm.

Ron Watkins, Purchasing Manager, reviewed this item and requested that FCI Constructors, Inc. be awarded the contract to build the Redlands Fire Station #5.

President of the City Council Enos-Martinez said she is excited that a fire station finally will be built in the Redlands.

City Manager Kelly Arnold explained that due to the State's budget problems, the funding of the grant to construct the fire station will be delayed. He said the City may not know for at least a month when the grant will be funded, but that the City still needs to move ahead and build the fire station. He recommended discussing alternatives at a future Council Workshop.

Councilmember Theobold moved to authorize the City Manager to sign a contract with FCI Constructors, Inc. of Grand Junction, Colorado, to provide professional construction management/general contractor (CM/GC) services for the City of Grand Junction's

Redlands Fire Station #5 for a total estimated cost of \$ 207,105.60. Councilmember McCurry seconded the motion. Motion carried.

Fire Act Grant – FEMA

The 2003 federal Fire Act Grant process is open for applications. The Fire Department plans to submit an application for the 2003 Fire Act Grant program for the purchase of an ambulance to be used at Fire Station #5. The ambulance is needed for EMS operations in the Redlands area.

Rick Beaty, Fire Chief, asked that Council authorize the Fire Department to submit a grant application for \$100,000 to purchase an ambulance. He said April 11, 2003 is the grant application deadline. Chief Beaty informed Council the City would be required to match the grant by 30 percent.

Councilmember Kirtland moved to authorize the Fire Department to apply for a 2003 Fire Act Grant to purchase an ambulance. Councilmember Theobold seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

Mr. David Dawson, 5290-G Arapahoe Avenue, Boulder, Colorado, addressed Council to introduce a non-profit organization that was created in 1990, which provides a radio reading service for the blind. He said the organization's small staff consists mostly of volunteers who donate their time to operate the studios. He said their goal is to continually expand this service throughout the State.

Mr. Dawson said he is in Grand Junction to promote this service to the blind and has met with various groups (i.e. radio and television stations, blind people) in town. He said he signed up quite a few people in the City for this free service. He showed Council one of the converted radios used by the reading service. He said he hoped that in the future the public access channel could also be used for this purpose.

Mr. Dawson told Council he would leave informational material explaining the service and he thanked the Councilmembers for their consideration and the opportunity to familiarize the public with this reading service for the blind.

OTHER BUSINESS

There was none.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 8:15 p.m.

Debbie Kemp
Deputy City Clerk

The April 9, 2003
Special Meeting Minutes
will be distributed at the
workshop on April 14, 2003

**Attach 2
Sales Tax System Software**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Purchase of Sales Tax System Software								
Meeting Date		April 14 th , 2003								
Date Prepared		April 7 th , 2003					File #			
Author		Fred Stroh Jodi Romero			Information Services Manager Customer Service Manager					
Presenter Name		Same								
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When				
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name				
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration		

Summary:

ACS (Banner) has abandoned further development of the current sales tax system, and it will become obsolete. Several systems were researched and it was determined that HMS, Inc software system is the most viable and cost effective alternative.

Budget:

The total software costs are \$36,500 with an additional \$5,100 required for infrastructure costs (total \$41,600). \$30,000 budgeted in 2003 with an additional \$11,600 being requested from contingency. Annual maintenance contract savings will be realized of \$6,250 per year, beginning in 2004.

Action Requested/Recommendation:

Authorize the Information Services Manager to sign a contract to purchase HMS, Inc. Sales Tax System Software for \$36,500. Authorize \$11,600 from contingency to supplement the \$30,000 budgeted for a total of \$41,600 to purchase, implement, and install the HMS, Inc system.

Attachments: Recommendation for Replacement of Sales Tax Collection System Software

Background Information:

- March 2001 notified that current sales tax system would no longer be supported.
- Budgeted \$30,000 to purchase new system in 2003.
- Contacted numerous Colorado cities to inquire about their systems.

- Contacted numerous software vendors at GFOA convention. Discovered that the few vendors that had a current sales tax system product required integration with their financial software, which put system costs at \$250,000-\$300,000.
- Performed a site-visit to City of Westminster to review their system for possible purchase. Software cost was in excess of \$70,000 and did not meet our operational needs.
- Evaluated City of Boulder's system and determined that it was inadequate.
- Analyzed and evaluated HMS, Inc. system on-site in January 2003 and determined that the system met our operational needs and was by far the most cost effective option available.

City of Grand Junction Information Systems Division

March 27, 2003

Recommendation for replacement Sales Tax Collection System software.

Background:

In March of 2001, we received notification from the vendor of our current Sales Tax Collection software, that they were abandoning the product and thus would no longer be updating or supporting the software effective December 31, 2001. While we were given permission to continue utilizing the software as long as we desired, we recognized that with no periodic updates, the system would quickly become obsolete and impossible to interface with our other financial systems within which it was tightly integrated.

Because of this, we made the decision to search out and find a replacement for this software to be implemented as soon as practical. To that end we established a budget of \$30,000 for the project in 2003, which was based on the historical cost of the existing software plus an allowance for inflation since its initial purchase.

Process:

We began our search by contacting 16 of the Information Systems Managers in other Colorado cities and county's and asking them which systems were they using, and what were their impressions. As a result we held further communications with the staff at Boulder, Arvada, Aurora, Colorado Springs, Lakewood, Thornton, Westminster, Silverthorne, and Fort Collins.

We followed this up by taking advantage of an opportunity to directly approach approximately 12 different government software vendors at the annual Government Financial Officers Association (GFOA) conference held in Denver in 2002. We asked each of them if they had a Sales Tax Collection system, and if so would they demonstrate their product and provide us with an estimate of its cost. Of the 12 vendors, 7 did not have a sales tax system, 2 had one in current development and thus could not demonstrate it, and 3 actually had a product in current use. However, to our dismay the 3 vendors who had a demonstrable Sales Tax Collection system, had them so tightly integrated with their other financial systems that you were also required purchase other major components of their systems to obtain the sales tax collection module. This requirement raised the estimated costs of those systems into the \$250,000 to \$300,000 range.

During our communications with the other Colorado cities, we found that most of them were either using a system that was originally designed and built by the City of Westminster, or had paid outside consultants to develop custom systems specifically for their use. Some were using a vendor supplied system from a company called "High Mobility Solutions" or H.M.S.

During the summer of 2002, we performed a site visit to evaluate the system built by the City of Westminster. The results of our evaluation were that while the system could meet most of our needs, it had not been updated in several years and had a number of shortcomings; we were also presented with an estimated cost of over \$70,000. We also scheduled a site visit to evaluate the system in use by the City of Boulder, but after discussions with their Sales Tax Manager, decided to cancel after she indicated that their system was very inadequate, and they were also considering a replacement soon. None of the other cities expressed a desire to share their systems, or did not have systems which would be compatible with our existing computer infrastructure.

We then contacted the H.M.S. representative, and scheduled a demonstration of their system at our location. The system as demonstrated was designed to meet the needs of a small to medium sized municipality, and highly tailored to meet the varying needs of different types of communities. The Customer Service staff, in attendance, were all very positively impressed with the performance and abilities of the system, and everyone agreed that the system met all of their needs.

Recommendations:

Based on our findings, we recommend that we pursue the purchase and installation of the H.M.S. Sales Tax Collection system software for the amount of \$41,600 as the most viable and cost effective alternative found.


The breakdown of the system costs is as follows:

H.M.S. Sales Tax Collection System Software License	\$25,000
H.M.S. Implementation and Training	\$ 7,000
Reserve for Software Modifications (if necessary)	\$ 2,000
H.M.S. Travel Expenses	\$ 2,500
Total H.M.S. Charges	\$36,500
Fileserver Hardware to support system	\$ 3,000
Fileserver Operating System Software Licenses	\$ 2,100
Total Infrastructure Costs	\$ 5,100

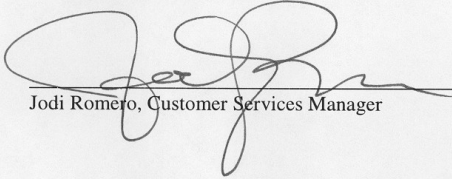
While the cost of the system somewhat exceeds the originally budgeted amount by \$11,600, it is still considerably less expensive than all of the other alternatives researched.

In addition to the purchase price, we will also incur the ongoing operational cost of an annual maintenance and support contract in the amount of \$5,000 per year. This is considerably less than the amount we have been paying for the annual maintenance and support of our existing sales tax system which was costing us an average of \$11,250 per year, so operationally we will realize an annual savings of at least \$6,250 per year.

Also, it is felt that the proposed H.M.S. Sales Tax Collection system software is so much better designed to fit our method of managing the City of Grand Junction's sales tax collection process, than the existing systems, we should also realize some improvement in efficiency of daily operations resulting in improved customer service.



Fred Stroh, I.S. Manager



Jodi Romero, Customer Services Manager

Attach 3
Supplemental Budget Appropriations for 2003
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		1st Supplemental Appropriation Ordinance for 2003								
Meeting Date		April 16, 2003								
Date Prepared		04/09/03				File #				
Author		Lanny Paulson				Budget & Accounting Manager				
Presenter Name		Ron Lappi				Administrative Services Director				
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When				
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name				
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration		

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

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$8,770,065. The following provides a summary of the requests by fund.

General Fund #100, \$650,075:

- Council Contributions account; \$100K carryover for the Hilltop Senior Center and \$80K of unexpended budget for the purchase of development rights in the buffer-zone. Other carryover requests by City Administration include \$17K for the Graphic Design contract and \$15K for video equipment not purchased in 2002.
- \$103K carryover to complete various development plans.
- \$16K carryover to finish equipping the Police Sub-station and Video Surveillance equipment.
- \$24K carryover for Fire Department specialty equipment (CPAT) and an additional request of \$17K to replace Fire Station #3's phone system.

- \$220K new request for Public Works Infrastructure Management computer system and \$32K for Pavement Testing equipment.
- \$10K carryover by the Parks & Rec. department to purchase art.

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E-911 Special Revenue Fund #101, \$218,790: Transfer to the Communications Center Fund for equipment purchases.

Sales TAX CIP Fund #201, \$3,193,140:

- \$74K carryover for the Police Building HVAC.
- \$143K for Fire Station #5 land acquisition and construction.
- \$946K for various Public Works projects including; 29 Road Corridor, Independent Avenue, Signal Communication Upgrades, South Camp Trail and others.
- \$1.5MM carryover for Major Park Development – Canyon View, \$113K for Restroom Construction. \$112K for Existing Park Development, \$74K for Westlake Park, \$53K for Backflow Prevention, \$38K transfer to the Swimming Pools Fund for the LP Waterslide, \$36K for Tennis Court Resurfacing, and \$20K for the Lincoln Park Master Plan.

Storm Drainage Improvements Fund #202, \$566,405: Appropriation carryover for the 25 ½ Road – Phase 1 Drainage Improvement project.

Future Street Improvements Fund #207, \$50,000: Transfer to the Sales Tax CIP Fund for the 29 Road project.

Swimming Pools Fund #304, \$38,134: Carryover for the Lincoln Park Waterslide.

Tiara Rado Golf Course Fund #306, \$1,945: Final payment on the Maintenance Building Design.

Water Fund #301, \$390,036: Increase due primarily to water line replacements and debt service associated with the Colorado Water Resources & Power Development Authority loan.

Equipment Fund #402, \$305,247: \$83K carryover for the replacement of a Pipeline Maintenance Truck and Fleet Vehicle not received in 2002, plus an additional request of \$212K due to a computation error in the original 2003 replacement spreadsheet and \$10K for the replacement of Thermal Imagery equipment for the Fire Department.

Page 3

Communications Center Fund #405, \$218,790: Carryover for equipment purchases.

Joint Sewer System Fund #900, \$3,527,539: Carryover requests; \$263K for 29 Road Trunk Extension, \$538K for Interceptor Rehabilitations, \$380K for Line Replacements, \$2.2MM for Sewer Improvement Districts – SSEP.

Action Requested/Recommendation: Adoption of the appropriation ordinance with final passage on May 6th, 2003.

Attachments: Proposed Ordinance

Background Information: The first supplemental appropriation ordinance is adopted every year at this time to carry-forward unexpended appropriations for capital project and equipment purchases not completed in the prior year.

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2003 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2003, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 650,075
Enhanced 911 Special Revenue	101	\$ 218,790
Sales Tax Capital Improvements	201	\$ 3,193,140
Storm Drainage Improvement	202	\$ 566,405
Future Street Improvements	207	\$ 50,000
Swimming Pools	304	\$ 38,134
Tiara Rado Golf Course	306	\$ 1,945
Equipment Fund	402	\$ 305,247
Communications Center	405	\$ 218,790
Joint Sewer System	900	\$ 3,527,539
TOTAL ALL FUNDS		\$ 8,770,065

INTRODUCED AND ORDERED PUBLISHED this 16th day of April, 2003.

PASSED AND ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 4

Setting a Hearing on Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Rimrock Ordinances						
Meeting Date		April 16, 2002						
Date Prepared		April 3, 2002				File #		
Author		Ron Lappi			Administrative Services Director			
Presenter Name		Ron Lappi			Administrative Services Director			
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When		
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration

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

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

Action Requested/Recommendation: Approve the first reading of three ordinances; a Rimrock GID Special Assessment District Creation Ordinance; a Rimrock GID Bond Ordinance and an Assessment Ordinance and set a public hearing for Wednesday, May 7, 2003.

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

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

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

ORDINANCE NO. __

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

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

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

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

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

WHEREAS, the pursuant to Section 31-25-503(4.5), C.R.S., if a petition for an improvement is signed by 100% of the owners of the assessable property in a special improvement district and contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S., the Board may waive all of such requirements; and

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

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

WHEREAS, pursuant to the Agreement, the Owner: (a) waived all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.; (b) agreed that the GID may proceed to form the District, order that the proposed improvements be acquired and improved, issue the bonds payable in part from the levy of assessments on property in the District, and otherwise finance the cost of the improvements described in the Agreement (the

“Project”); (c) waived any and all formalities required by the laws of the United States and the State of Colorado in order to form the District including, but not limited to, the notice and hearing provisions of Sections 31-25-503, C.R.S. and the Owner’s right to bring a legal or equitable action challenging the formation of the District; (d) waived all powers, privileges, immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the GID, the Board and the officers of the GID (including, without limitation, the proper description of the property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District; (e) consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel.

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

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

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

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

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

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

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

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

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

that the request for waiver is hereby granted; and

that the SID should be established.

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

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

District Boundaries. The District boundaries are:

LOTS 1, 2, AND 3 OF BLOCK 1,
LOT 1 OF BLOCK 2, LOT 1 OF BLOCK 3
AND LOT 1 OF BLOCK 4
OF RIMROCK MARKETPLACE
MESA COUNTY, COLORADO

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

Improvement

Grand Junction Drainage Ditch

Rimrock Avenue / 25-1/2 Road

Highway 6 & 50

Signalization of Highway 6 & 50

Sam’s Club ROW Construction

Roundabout

Golden Corral ROW Construction

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

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

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

Repealer. Ordinance No. 3478 is repealed. Additionally, all bylaws, orders, resolutions and ordinances of the GID, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This section shall not be construed to revive any other such bylaw, order, resolution or ordinance of the GID, or part thereof, heretofore repealed.

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

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

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON April 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

President

Attest:

Secretary

(SEAL)

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

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

That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye: _____

Those Voting No: _____
Those Abstaining: _____
Those Absent: _____

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

That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this _____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavits of Publication)

ORDINANCE NO. ____

**AN ORDINANCE CONCERNING THE RIMROCK
MARKETPLACE GENERAL IMPROVEMENT DISTRICT
AND AUTHORIZING THE ISSUANCE OF SPECIAL
ASSESSMENT BONDS.**

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

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

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

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

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

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

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

SHALL CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL IMPROVEMENT
DISTRICT DEBT BE INCREASED \$3,980,000 WITH A
REPAYMENT COST OF \$7,545,200 AND SHALL DISTRICT

TAXES BE INCREASED \$1,036,800 ANNUALLY SUBJECT TO THE FOLLOWING:

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

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

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

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

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

WHEREAS, the Board desires to issue its Rimrock Marketplace Special Assessment Bonds, Series 2003 in the aggregate principal amount of not to exceed \$3,980,000 (the "Bonds") to provide funds to pay all or a portion of the cost and expense of the Project; and

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

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

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

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

DEFINITIONS; EQUAL SECURITY

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

“**Act**” means Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended from time to time.

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

“**Administration Fund**” means the “Rimrock Marketplace Administration Fund” established in Section 3.05 hereof.

“**Annual Debt Service**” means, for each Bond Year, the sum of (1) the interest falling due on all Outstanding Bonds in such Bond Year, assuming that all Outstanding Serial Bonds are retired as scheduled and that all Outstanding Term Bonds, if any, are redeemed as may be scheduled (except to the extent that such interest is to be paid from the proceeds of sale of any Bonds), (2) the principal amount of the Outstanding Serial Bonds, if any, maturing by their terms in such Bond Year, and (3) the minimum amount of such Outstanding Term Bonds required to be

paid or called and redeemed in such Bond Year. “Annual Debt Service” shall not include interest on Bonds that is to be paid from amounts constituting capitalized interest.

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

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

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

“**Assessment Ordinance**” means the assessment ordinance adopted by the Board and any ordinance amending such ordinance.

“**Authorized Denominations**” means \$500,000 or integral multiples of \$5,000 in excess of \$500,000 (provided that in the event a Bond is partially redeemed by the District and the unredeemed portion is less than \$500,000, such unredeemed portion of such Bond may be issued in the largest possible denomination of less than \$500,000, in integral multiples of \$5,000) until the Bonds otherwise qualify for an exemption from registration under the “Colorado Municipal Bond Supervision Act” and then shall mean \$5,000 or any integral thereof.

“**Average Annual Debt Service**” means the average Bond Year Annual Debt Service over all Bond Years.

“**Bonds**” means the Rimrock Marketplace Special Assessment Bonds, Series 2003 issued hereunder.

“**Bond Fund**” means the “Rimrock Marketplace Bond Fund” established in Section 3.03 hereof.

“**Bond Purchase Contract**” means the Bond Purchase Contract between the GID and the Purchaser.

“**Bond Reserve Fund**” means the “Rimrock Marketplace Bond Reserve Fund” established in Section 3.04 hereof.

“**Bond Year**” means (i) with respect to the initial Bond Year, the period extending from the date the Bonds are originally delivered to and including December 1, 2003 and (ii) thereafter, each successive twelve month period. Notwithstanding the foregoing, the

term Bond Year as used in the Tax Certificate is defined in the manner set forth in the Tax Certificate.

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

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

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

“Construction Fund” means the “Rimrock Marketplace Construction Fund” established in Section 3.02 hereof.

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

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

“Developer” means THF Grand Junction Development, L.L.C.

“District” means Rimrock Marketplace Special Improvement District.

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

“Financing Agreement” means the Special Improvement District Agreement made and entered into on October 29, 2003, between the GID and the Developer, as amended from time to time.

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

“Government Obligations” means:

(1) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America; and

(2) obligations of any of the following federal agencies, which obligations are secured by the full faith and credit of the United States of America, including:

- Export - Import Bank
- Farmers Home Administration
- General Services Administration
- U.S. Maritime Administration
- Small Business Administration
- Government National Mortgage Association (GNMA)
- U.S. Department of Housing & Urban Development (PHA's)
- Federal Housing Administration.

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

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

(1) is in fact independent according to the Statement of Auditing Standards No. 1 and not under the domination of the GID;

(2) does not have a substantial financial interest, direct or indirect, in the operations of the GID; and

(3) is not connected with the GID as a member, officer or employee of the GID, but who may be regularly retained to audit the accounting records of and make reports thereon to the GID.

“Letter of Credit” means any irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the GID which secures payment of the Bonds or the assessments.

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

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

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

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

(1) Bonds theretofore canceled by the Paying Agent or surrendered to the Paying Agent for cancellation;

(2) Bonds paid or deemed to have been paid within the meaning of Section 8.01; and

(3) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the GID pursuant hereto.

“Paying Agent” means Wells Fargo Bank West, National Association, being the GID’s agent for the payment of the Bonds and interest thereon, or its successors and assigns appointed in accordance with the provisions hereof.

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

“Principal Corporate Trust Office” means the corporate trust office of the Paying Agent located in Denver, Colorado, or such other office or offices as the Paying Agent shall designate from time to time. In the event the City Treasurer becomes the Registrar or Paying Agent, the Principal Corporate Trust Office shall be the office of the City Treasurer in Grand Junction, Colorado.

“Project” means the public improvements to be constructed in the District as described in the ordinance creating the District adopted by the Board.

“Purchaser” means Kirkpatrick Pettis.

“Rebate Fund” means the “Rimrock Marketplace Rebate Fund” created in Section 3.06 hereof.

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

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

“Reserve Requirement” means an amount equal to the lesser of: (i) ten percent (10%) of the original principal amount of the Bonds; (ii) one hundred twenty-five percent (125%)

of Average Annual Debt Service on the Bonds; and (iii) Maximum Annual Debt Service on all Bonds Outstanding, less the sum of all downward adjustments to the Reserve Requirement due to the prepayment of Assessments as provided in Section 3.04(e) hereof or due to the issuance of Refunding Bonds as provided in Section 2.11 hereof. The amount of the Reserve Requirement upon initial delivery of the Bonds shall be confirmed in the Sales Certificate.

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

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

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

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

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

“Supplemental Ordinance” means any ordinance then in full force and effect which has been duly adopted by the Board which amends this Ordinance; but only if and to the extent that such Supplemental Ordinance is specifically authorized hereunder.

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

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

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

“Trust Estate” means (i) all Assessments, (ii) all moneys and securities from time to time held by the GID in the Bond Reserve Fund and the Bond Fund (including all earnings thereon except to the extent deposited in the Rebate Fund), (iii) the proceeds of draws

under the Letter of Credit deposited by the GID in the Bond Fund and (iv) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds

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

ISSUANCE AND TERMS OF BONDS

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

Section 11-57-204 of the Supplemental Act provides that a public entity, including the GID, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Bonds. The Bonds are issued under the authority of the Supplemental Act and shall so recite. Pursuant to Section 11-57-210 C.R.S., such recital conclusively imparts full compliance with all provisions of said sections, and the Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value. Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to the President the authority to accept the

proposal of the Purchaser to purchase the Bonds and to execute any purchase contract in connection therewith, as well as the authority to make determinations in relation to the Bonds contained in the Sale Certificate subject to the parameters and restrictions contained in Section 2.02 hereof.

Terms of the Bonds. For the purpose of defraying the entire cost and expense to the GID of the Project, there shall be issued the GID's special assessment bonds designated as the "Rimrock Marketplace Special Assessment Bonds, Series 2003" in the aggregate principal amount of not to exceed \$3,980,000, which Bonds shall be dated as the date of delivery of the Bonds and shall be in the form of fully registered Bonds in Authorized Denominations. The Bonds shall bear interest at the rates per annum designated in the Sales Certificate, from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds, to their respective maturity, payable semiannually on the dates set forth in the Sale Certificate.

The Bonds shall mature, bear interest from their dated date to maturity or prior redemption and be sold, all as provided in the Sale Certificate; provided that (a) the aggregate principal amount of the Bonds shall not exceed \$3,980,000; (b) the net effective interest rate of the Bonds does not exceed the maximum net effective interest rate authorized at the November 6, 2001 election; (c) the Bonds shall mature no later than December 1, 2018; and (d) the purchase price of the Bonds shall not be less than 97%.

The Bonds shall be dated as of June 15, 2003 and shall mature on December 1 in each of the years and in the amounts designated in the Sales Certificate. The principal of each Bond shall be payable at the Principal Corporate Trust Office upon presentation and surrender of the Bond. Except as provided in Section 2.09 hereof, payment of interest on any Bond shall be made to the Holder thereof, as of the close of business on the Record Date for such interest payment date, by check mailed by the Paying Agent to such Holder's address as it appears on the registration records kept by the Registrar, but any such interest not so timely paid shall cease to be payable to the Holder thereof as of the close of business on the Record Date and shall be payable to the Holder thereof as of the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to such Holders not less than ten days prior thereto by first-class postage prepaid mail, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to in writing between the Holder of such Bond and the Paying Agent. If any Bond is not paid upon its presentation and surrender at or after its maturity or prior redemption and moneys are not available therefor, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months. All such payments shall be made in lawful money of the United States of America.

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

Redemption of Bonds.

The Bonds shall be subject to redemption at the option of the GID from any legally available funds on the dates set forth in the Sales Certificate in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such manner as the GID may determine, at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed and accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Sales Certificate.

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

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

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

If less than all of the Bonds are to be redeemed pursuant to paragraph (a) of this Section, the Bonds to be redeemed shall be selected proportionately from each outstanding maturity of the Bonds, including any sinking fund installments pursuant to paragraph (b) of this Section, unless the Treasurer determines that even using a different method of selecting Bonds to be redeemed the Assessment Installments will be sufficient to pay the principal and interest of the Bonds that would remain outstanding on each interest payment date subsequent to the redemption date. The redemption premium, if any, shall be paid from a prepayment penalty provided for in the Assessment Ordinance; provided, however, that nothing herein shall prevent the payment of any such redemption premium from any other funds available for that purpose. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, at the request of, and without charge to, the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

Notice of Redemption.

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

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

Notwithstanding the provisions of subsection (a) above, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the

bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the Holders of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

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

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

Registration, Transfer and Exchange. Records for the registration and transfer of the Bonds shall be kept by the Registrar. A Bond shall be fully transferable by the Holder thereof in person or by such Holder's duly authorized attorney on the registration records kept at the office of the Registrar upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of any Bond at the Principal Corporate Trust Office, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the Holder or such Holder's attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the Principal Corporate Trust Office for an equal aggregate principal amount of Bonds of other Authorized Denominations. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such

charges shall be levied in the case of an exchange resulting from the redemption of a portion of a Bond. The Registrar shall not be required to transfer or exchange (i) any Bond during the period beginning on and including the 15th day before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption, except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, as the case may be, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar.

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

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

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

Book Entry System. Notwithstanding the provisions of Sections 2.02 and 2.07 hereof, the Bonds shall initially be evidenced by one Bond for each year in which Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or as otherwise required by the securities depository for the Bonds. Such initially delivered Bonds shall be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), the securities depository for the Bonds. So long as the Bonds are held by DTC, the Paying Agent, the Registrar and the GID may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Holders under this Ordinance, registering the transfer of such Bonds, obtaining any consent or other action to be taken by the Holders and for all other purposes whatsoever, and neither the Paying Agent, the Registrar nor the GID shall be affected by any notice to the contrary. Neither the Paying Agent, the Registrar nor the GID shall have any responsibility or obligation to any DTC participant or indirect participant, any beneficial owner of the Bonds, or any other person which is not shown

on the registration records of the Registrar as being a Holder with respect to the accuracy of any records maintained by DTC or any DTC participant or indirect participant; the payment by DTC or any DTC participant or indirect participant of any amount in respect of the Bonds; any notice which is permitted or required to be given to the Holders under this Ordinance; the selection by DTC or any DTC participant or indirect participant of any person to receive payment in the event of a partial redemption of the Bonds or any consent given or other action taken by DTC as owner. After such initial issuance of the Bonds, the Bonds may not thereafter be transferred or exchanged except:

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

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

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

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

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

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

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

DELIVERY OF BONDS; FUNDS AND ACCOUNTS

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

an amount equal to interest on the Bonds from the date of issuance to date set forth in the Sale Certificate, shall be deposited to the Bond Fund;

an amount equal to the Reserve Requirement shall be deposited in the Reserve Fund; and

the remainder of such proceeds shall be deposited in the Construction Fund.

Construction Fund. There is hereby created a special fund to be held by the Treasurer to be designated as the "Rimrock Marketplace Construction Fund." All money in the Construction Fund shall be applied by the GID for the payment of the cost (as defined in the Act) of the acquisition and improvement of the Project, which includes the payment of the costs of issuance of the Bonds, all in accordance with the Financing Agreement. The amount of any income realized from the investment of the money in the Construction Fund shall be retained in

the Construction Fund or, at the option of the GID, transferred to the Rebate Fund. When the acquisition and improvement of the Project have been completed, the GID shall either (i) transfer any remaining balance of money in the Construction Fund to the Bond Fund or (ii) retain such balance in the Construction Fund to be applied for the payment of the cost of any additional projects permitted by the Act and agreed to by the GID and the Developer pursuant to the Financing Agreement. Any such moneys transferred to the Bond Fund shall be credited against the interest due on the Assessments, as provided in the Assessment Ordinance.

Bond Fund. There is hereby created a special account to be held by the Treasurer and to be designated as the “Rimrock Marketplace Bond Fund.” The Treasurer is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments made and levied for the Project, and all installments thereof and all interest and penalties thereon, as provided by law and as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof and the interest and penalties thereon, to the person or persons entitled thereto pursuant to the provisions of this Ordinance, the Financing Agreement and the Act. All moneys received from the Assessments, including principal and interest and all penalties thereon, and all other amounts specified by this Ordinance shall be deposited in the Bond Fund (except to the extent required to replenish the Bond Reserve Fund). All moneys deposited in the Bond Fund shall be used as soon as the funds are available for the purpose of paying or prepaying the principal of and the interest and redemption premiums, if any, on the Bonds as they become due and payable, and (except as provided herein and in the Financing Agreement) for no other purpose whatsoever, and the Bond Fund is hereby pledged as security for such purposes. Interest and other earnings or gain on moneys in the Bond Fund shall (i) prior to the completion of the acquisition and improvement of the Project (including any additional projects pursuant to Section 3.02 hereof) but in no event later than December 1, 2004, be transferred quarterly to the Construction Fund, and (ii) after such completion, be retained in the Bond Fund.

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

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

Reserve Fund.

There is hereby created a special fund to be held by the Treasurer to be designated as the “Rimrock Marketplace Bond Reserve Fund.”

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

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

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

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

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

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

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

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

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

Reserve Requirement, shall be paid to the Bond Reserve Fund from the payment of the delinquent Assessment.

At the time the Assessment against any parcel of property is voluntarily prepaid in full or in part, (i) the person who owned the property at the time of the prepayment in full or in part shall be entitled to a credit equal to a pro rata share of the Reserve Requirement, based upon the amount of the Assessment prepaid, and (ii) the Reserve Requirement shall then be recalculated to reflect such credit. The credit shall be withdrawn from the Bond Reserve Fund only to the extent the balance in the Bond Reserve Fund after applying the credit would not be less than the Reserve Requirement, as recalculated, but if this limitation prevents all or a part of such a credit, that credit (or, an additional partial credit, as the case may be) shall be made if and when money is available in the Bond Reserve Fund to apply such credit and as otherwise provided in paragraph (c) of this section. This section does not prevent the GID from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of the Bond Reserve Fund in connection with a refunding of the Bonds and the owners of the property assessed in the District have no entitlement to payment of any amounts in the Bond Reserve Fund in the event of such an amendment.

Administration Fund. There is hereby created a special account to be held by the Treasurer and designated “Rimrock Marketplace Administration Fund.” Amounts in the Administration Fund shall be used to pay Administration Costs and Contingencies.

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

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

PLEDGE OF TRUST ESTATE; ENFORCEMENT OF ASSESSMENTS

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

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

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

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

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

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

file and prosecute a foreclosure action in the name of the GID, and

proceed against the GID to protect and enforce the rights of the Holders under the Act or hereunder by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provisions contained in the Act or herein or in an award of execution of any power granted for the enforcement of any proper

legal or equitable remedy as such Holder may deem most effectual to protect and enforce the rights aforesaid.

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

COVENANTS

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

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

Tax Covenants. The GID covenants for the benefit of the Holders of the Bonds that it shall not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the GID or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Code, except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain

in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the GID in fulfilling the above covenant under the Code have been met.

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

THE REGISTRAR AND PAYING AGENT

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

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

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

Resignation of Registrar or Paying Agent. The Registrar or Paying Agent may at any time resign by giving fourteen (14) days prior written notice of such resignation to the GID and mailing to the Holders notice of such resignation. Upon receiving such notice of resignation, the GID shall promptly appoint a successor Registrar or Paying Agent (which may be the Treasurer) by an instrument in writing. No resignation or removal of the Registrar or Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Registrar or Paying Agent or both, as the case may be. If, within thirty (30) days after notice of the removal or resignation of the Registrar or Paying Agent no successor shall have been appointed and shall have accepted such appointment, the Treasurer shall become the Registrar and/or Paying Agent and shall so notify the Holders in writing.

Compensation of Registrar and Paying Agent. The GID shall from time to time, subject to any agreement between the GID and the Registrar and/or Paying Agent then in force,

pay to the Registrar and/or Paying Agent compensation for its services and reimburse the Registrar and/or Paying Agent for all its advances and expenditures. Such payments shall be made from the Administration Fund.

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

AMENDMENT OF ORDINANCE

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

An extension of the maturity of any Bond authorized by this Ordinance; or

A reduction in the principal amount of any Bond or the rate of interest thereon; or

The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or

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

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

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

to make such provisions for the purpose of curing any ambiguity or of correcting, curing or supplementing any defective provision contained herein or in regard to questions

arising hereunder that the GID may deem desirable or necessary and not inconsistent herewith or to make any provision necessary or desirable due to a change in law;

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

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

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

for the purpose of providing for the issuance of Refunding Bonds.

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

Endorsement or Replacement of Bonds After Amendment. After the effective date of any action taken as provided in this Article VII, the GID may determine that the Bonds may bear a notation by endorsement in form approved by the GID as to such action, and in that case upon demand of the Holder of any Outstanding Bonds and presentation of his Bond for such purpose at the Principal Corporate Trust Office, a suitable notation as to such action shall be made on such Bond. If the GID shall so determine, new Bonds so modified as, in the opinion of the GID, shall be necessary to conform to such action shall be prepared and executed, and in that case upon demand of the Holder of any Outstanding Bond a new Bond or Bonds shall be exchanged at the Principal Corporate Trust Office without cost to each Holder for its Bond or Bonds then Outstanding upon surrender of such Outstanding Bonds.

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

DEFEASANCE

Discharge of Bonds.

If the GID shall pay or cause to be paid or there shall otherwise be paid to the Holders of all Outstanding Bonds the interest thereon and the principal thereof and the redemption premiums, if any, thereon at the times and in the manner stipulated herein and therein, then the Holders of such Bonds shall cease to be entitled to the pledge of and charge and lien upon the Trust Estate as provided herein, and all agreements, covenants and other obligations of the GID to the Holders of such Bonds hereunder shall thereupon cease, terminate

and become void and be discharged and satisfied. In such event, the Paying Agent shall execute and deliver to the GID all such instruments as may be necessary or desirable to evidence such discharge and satisfaction.

Any Outstanding Bonds shall prior to the maturity date or redemption date thereof be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) in case any of such Bonds are to be redeemed on any date prior to their maturity date, the GID shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to provide notice in accordance with Section 2.04, (2) there shall have been deposited with the Paying Agent either (A) money in an amount which shall be sufficient or (B) Government Obligations that are not subject to redemption prior to maturity (including any such Government Obligations issued or held in book-entry form on the books of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient, as set forth in a written report of an Independent Certified Public Accountant, to pay when due the interest to become due on such Bonds on and prior to the maturity date or redemption date thereof, as the case may be, and the principal of and redemption premiums, if any, on such Bonds, and (3) in the event such Bonds are not by their terms subject to redemption within the next succeeding sixty (60) days, the GID shall have given the Paying Agent in form satisfactory to it irrevocable instructions to mail as soon as practicable, a notice to the Holders of such Bonds that the deposit required by clause (2) above has been made with the Paying Agent and that such Bonds are deemed to have been paid in accordance with this section and stating the maturity date or redemption date upon which money is to be available for the payment of the principal of and redemption premiums, if any, on such Bonds. If a forward supply contract is employed in connection with such defeasance of the Bonds, (i) the written report of the Independent Certified Accountant shall expressly state that the adequacy of the escrow to accomplish the defeasance relies solely on the initial escrowed investments and the maturing principal thereof and interest income thereon and does not assume performance under or compliance with the forward supply contract, and (ii) the applicable escrow agreement shall provide that in the event of any discrepancy or difference among the terms of the forward supply contract and the escrow agreement and this Ordinance, the terms of the escrow agreement and this Ordinance shall be controlling.

Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds that remains unclaimed for two (2) years after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for redemption prior to maturity, if such money was held by the Paying Agent at such date, or for two (2) years after the date of deposit of such money if deposited with the Paying Agent after the date when such Bonds have become due and payable, shall be repaid by the Paying Agent to the GID as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Holders shall not look to the Paying Agent for the payment of such Bonds; provided, however, that before being required to make any such payment to the GID, the Paying Agent may, and at the request of the GID shall, at the expense of the GID, cause to be published once a

week for two (2) successive weeks in a financial newspaper of general circulation in Grand Junction, Colorado and in the same or a similar financial newspaper of general circulation in New York, New York, a notice that such money remains unclaimed and that, after a date named in such notice, which date shall not be less than thirty (30) days after the date of the first publication of each such notice, the balance of such money then unclaimed will be returned to the GID.

MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

Accounts and Funds; Business Days. Any account or fund required herein to be established and maintained by the GID may be established and maintained in the accounting records of the GID either as an account or a fund, and may, for the purposes of such accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as

an account or a fund; but all such records with respect to all such accounts and funds shall at all times be maintained in accordance with the Tax Certificate and sound government accounting practice and with due regard for the protection of the security of the Bonds and the rights of the Holders. Any action required to occur hereunder on a day which is not a Business Day shall be required to occur on the next succeeding Business Day.

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

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

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

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

Authorizations. The form, terms and provisions of the Bond Purchase Contract are approved and the GID shall enter into the Bond Purchase Contract in substantially the form of such document presented to the Board at this meeting, with only such changes therein, if any, as

are approved by the President, such approval to be evidenced by the execution of the Bond Purchase Contract by the President. The President is hereby authorized and directed to execute and deliver the Bond Purchase Contract, provided that the Bond terms and details are consistent with this Ordinance.

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

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

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

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

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

Repeal of Inconsistent Provisions. Ordinance No. 3479 is repealed. Additionally, all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This Section shall not be construed to revive any ordinance, resolution or order, or part thereof, heretofore repeated.

Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the GID and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the

Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

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

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON APRIL 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

(SEAL)

President

Attest:

Secretary

lawful money of the United States of America without deduction for exchange or collection charges. The principal of this Bond shall be payable to the person in whose name this Bond is registered (the “registered owner”) on the registration records maintained by the registrar of the GID, presently Wells Fargo Bank West, National Association in Denver, Colorado (the “Registrar”), upon presentation and surrender of this Bond as it becomes due. The interest hereon shall be paid by check mailed by the paying agent of the GID, presently Wells Fargo Bank West, National Association in Denver, Colorado (the “Paying Agent”), on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner at his or her address as it last appears on the registration records kept for that purpose by the Registrar on the fifteenth day of the calendar month preceding the calendar month in which such interest payment date occurs or on a special record date established by the Registrar for the payment of defaulted interest. Alternative means of payment of interest may be used if mutually agreed to between the registered owner of this Bond and the Paying Agent. If, upon presentation and surrender to the Paying Agent at maturity or prior redemption, payment of this Bond is not made as herein provided, interest hereon shall continue at the same rate per annum until the principal hereof is paid in full. Interest on this Bond shall be calculated based on a 360-day year consisting of twelve 30-day months.

This Bond is one of a series of bonds designated as the “Rimrock Marketplace Special Assessment Bonds, Series 2003” (the “Bonds”) issued by the GID in the aggregate principal amount of \$3,980,000 for the purpose of providing funds to pay the cost and expenses of acquiring and improving a streets, sanitary sewers, storm sewers, and water mains (the “Project”) within the Rimrock Marketplace Special Improvement District (the “District”). The Bonds have been authorized and issued pursuant to an ordinance (the “Ordinance”) duly adopted by the GID Board and the Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes (the “Act”). Pursuant to Section 11-57-210, Colorado Revised Statutes, this recital shall be conclusive evidence of the validity and regularity of the issuance of the Bonds after their delivery for value.

[The Bonds are subject to redemption at the caption of the GID from any legally available funds on any interest payment date in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such a manner as the GID may determine, at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium computed in accordance with the following schedule:

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

The Bonds maturing December 1, ____ are subject to mandatory sinking fund redemption as provided in the Ordinance at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. The Bonds to be so redeemed shall be selected by lot in such manner as the Registrar shall determine.]

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

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

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

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of the Bonds and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

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

*The Bonds are issuable as fully registered Bonds in Authorized Denominations (as defined in the Ordinance). Upon surrender of any Bond at the principal office of the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his or her duly authorized attorney, and receipt by the Registrar of the fees and charges provided in the Ordinance, such Bond may be exchanged for an equal aggregate principal amount

of Bonds of other Authorized Denominations, subject to the terms and conditions set forth in the Ordinance.*

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

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

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

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

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

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of the Project; that this Bond is issued under the authority of the Act and that this Bond is incontestable for any cause whatsoever.

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

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

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

(For Manual or Facsimile Signature)
President

(For Manual or Facsimile Signature)
Treasurer

(MANUAL OR FACSIMILE SEAL)

Attested:

(For Manual or Facsimile Signature)
Secretary

* Insert only if Bonds are delivered pursuant to paragraph 2.07 of this Ordinance.

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

(Form of Registrar's Certificate of Authentication)

Date of Registration:

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

Wells Fargo Bank West, National Association,
as Registrar

By _____ (Manual Signature) _____

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

**(Form of Prepayment Panel)

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

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

(End of Form of Prepayment Panel)**

(Form of Assignment Provision)

ASSIGNMENT

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

Dated: _____

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

Signature Guaranteed:

Address of Transferee:

Social Security or other
identification number of transferee:

(End of Form of Assignment)

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

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

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

2. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on December May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye: _____

Those Voting No: _____
Those Abstaining: _____
Those Absent: _____

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

5. That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

6. That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this ____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT “B”

(Attach Affidavits of Publication)

ORDINANCE NO. _____

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

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

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

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

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

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

WHEREAS, the total cost of the Project has been reasonably ascertained to be \$3,980,000, and a statement of expenses and an assessment roll (the "Assessment Roll") apportioning such costs have been prepared and filed in the office of the City Clerk, ex officio Secretary of the GID; and

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

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

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

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

WHEREAS, it appears that the total cost of the Project is \$3,980,000, no portion thereof is to be paid by the GID from funds other than special assessments and

the total cost of the Project should be assessed against the property within the District; and

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

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

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

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

The assessments shall be payable to the City of Grand Junction Treasurer as ex officio Treasurer of the GID (the "Treasurer") in thirty (30) equal, semi-annual, amortized installments of principal and interest, payable on April 1 and October 1 of each year beginning October 1, 2003 and in each year thereafter until paid in full, with the last payment due on April 1,

2018. Interest shall accrue on unpaid installments of principal at the rate of 7.00% per annum from the effective date of this Ordinance until paid in full. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal with a prepayment premium of 3%. The Board may in its discretion waive or lower the prepayment premium if the bonds to be issued to finance the Project may be redeemed without a prepayment premium of 3%.

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

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

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

Assessments Against Divided or Subdivided Tracts. As to any subdivision of land assessed hereunder, the assessment shall in each case be a lien

upon all the subdivisions in proportion to their respective areas; provided that in the event any subsequent subdivision includes any public rights-of-way, the assessment which otherwise would be imposed against such public rights-of-way will be deemed to be imposed uniformly, on an area basis, upon the remaining area of the subdivided property. The GID may also reapportion assessments on tracts on a basis other than area if the Board finds that the proposed action will not materially or adversely impair the obligation of the GID with respect to the Bonds.

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

Repealer. Ordinance No. 3480 is repealed. Additionally, all bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This section shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

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

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

**INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON APRIL 16, 2003.**

**INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.**

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

(SEAL)

President

Attest:

Secretary

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

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

7. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

8. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and

the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

9. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye: _____

Those Voting No: _____

Those Abstaining: _____

Those Absent: _____

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

11. That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

12. That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this _____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavits of Publication)

**Attach 5
Purchase of 1 Tractor and 1 Weed Mower**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Purchase of 1 Tractor and 1 Weed Mower				
Meeting Date		April 16, 2003				
Date Prepared		April 7, 2003				
Author		Julie M. Hendricks		Buyer		
Presenter Name		Julie M. Hendricks Ronald L. Watkins		Buyer Purchasing Manager		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
Workshop		<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: This purchase is being requested by the Streets Department to replace two old outdated mowers with a single better suited mower. Bid details are as follows:

Delta Implement Company	Grand Junction	\$65,650.00
Western Implement Company	Grand Junction	\$73,832.00
Western Implement Company	Grand Junction	\$78,650.00

Budget: 2003 funds have been approved in the fleet replacement and CIP budgets.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one John Deere tractor and one Diamond mower from Delta Implement Company in the amount of \$65,650.00.

Background Information: This solicitation was published in the Daily Sentinel on Monday, March 2, 2003 with responses due not later than March 17. A total of three vendors requested bid documents, and three responsive and responsible offers were received.

**Attach 6
Vacating Various Easements Associated with Kannah Creek Flowline**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Resolution Vacating Various Easements Associated with the Abandoned Portion of the Kannah Creek Flowline						
Meeting Date		April 16, 2003						
Date Prepared		April 9, 2003				File #		
Author		Tim Woodmansee			City Real Estate Manager			
Presenter Name		Mark Relph			Director of Public Works & Utilities			
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When		
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The easements to be vacated are no longer necessary due to the recent relocation of the Kannah Creek Flowline.

Budget: No Fiscal Impact.

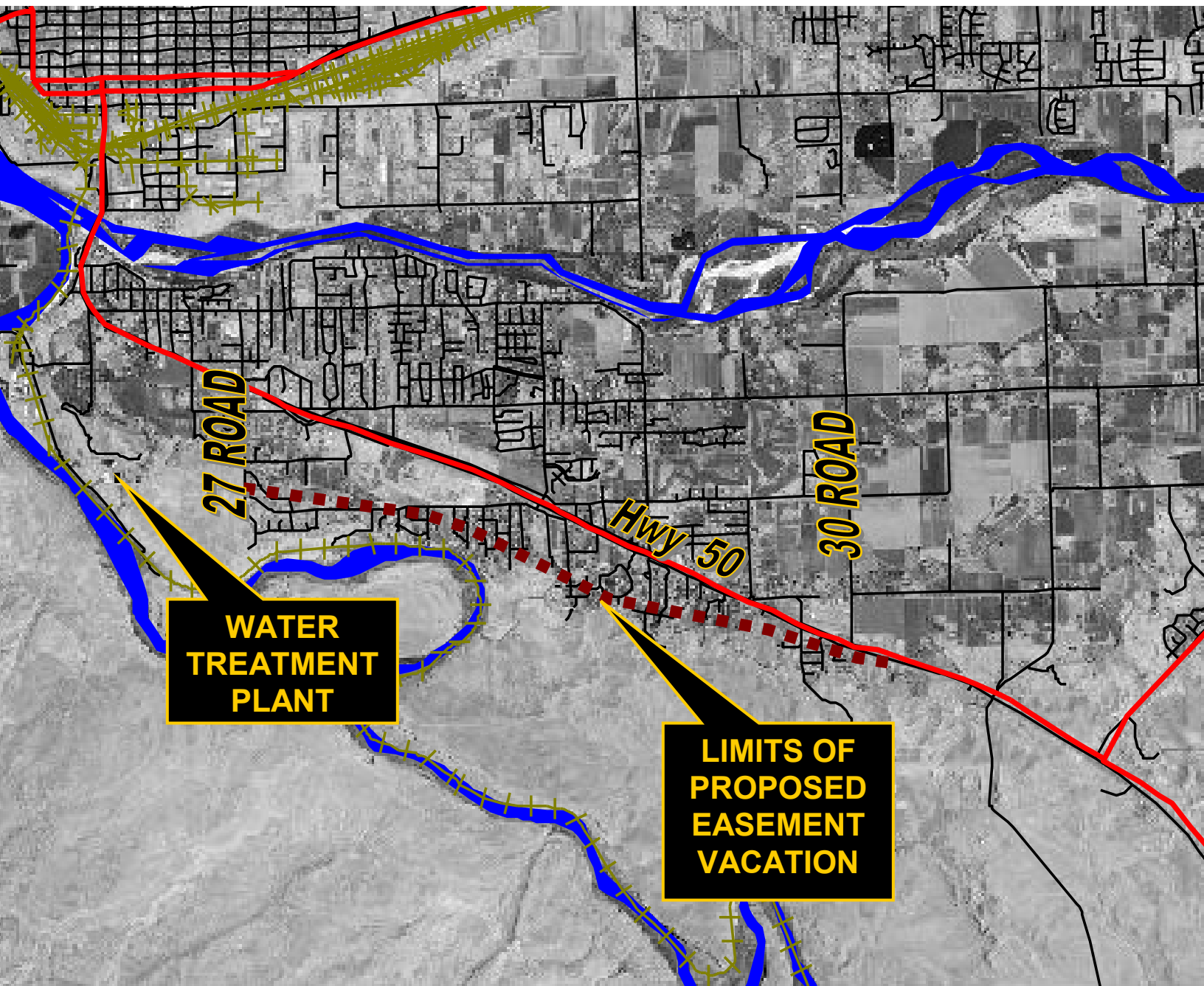
Action Requested/Recommendation: Adopt resolution vacating various easements associated with the abandoned portion of the Kannah Creek Flowline.

Attachments: 1) Vicinity Map; 2) Proposed Resolution.

Background Information: The easements were acquired in 1911 for the original Kannah Creek Flowline – a 20-inch diameter Oregon Fir continuous wood stave pipe. The wood stave pipe was replaced with steel and cast iron pipe in the mid-1940s.

During the ensuing decades, residential developments were allowed to occur within very close proximity of the Flowline. In 2002, the Flowline was relocated away from this problem area.

The adjoining property owners will be notified of Council's action once the proposed resolution is adopted. They will also be notified that the City will not remove the abandoned pipeline, as it would be entirely impractical to do so.



RESOLUTION NO. _____

**A RESOLUTION VACATING CERTAIN EASEMENTS
NO LONGER NEEDED BECAUSE
SEVERAL PORTIONS OF THE KANNAH CREEK FLOWLINE
HAVE BEEN RELOCATED**

Recitals.

A. The City of Grand Junction acquired various easements in 1911 to construct a main pipeline, commonly known as the Kannah Creek Flowline, to deliver water to the City's treatment plant. In the years since 1911, the City amended certain portions of such easements to accommodate the installation, operation, maintenance, repair and replacement of the Kannah Creek Flowline.

B. In 2002, the City relocated approximately 5.7 miles of the Kannah Creek Flowline to a location that approximately parallels the right-of-way for U.S. Highway 50. In this relocated area, the easements for the Kannah Creek Flowline are no longer necessary.

C. The City Council of the City has found and determined that the vacation of the easements hereinafter described complies with all applicable provisions of Section 2.11C of the Zoning and Development Code.

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

That the easements described in **Exhibit "A"** attached hereto and incorporated herein by reference are hereby vacated upon the following conditions:

1. That the City shall not be obligated nor required to remove the abandoned pipeline and pipelines and any other related appurtenances situated within the easements hereby vacated.
2. The vacation of such easements is conditioned on the City being able to abandon the described portion of the Kannah Creek Flowline in place.
3. No other easements or facilities owned or operated by the City or any other public utility shall be vacated or otherwise affected by this action.
4. All other easements relative to the Kannah Creek Flowline which are not described in the attached Exhibit "A" shall remain in full force and effect.

PASSED and ADOPTED this _____ day of April, 2003.

Attest:
Council

President of the

City Clerk

EXHIBIT "A"

Description of Vacated Pipeline Easements

City Reference No.: Easement No. 30

Grantors: Samuel B. Coen and Orville Coen

Recording Information: Book 175, Pages 190 and 191, Reception No. 104358

Legal Description: Beginning at the intersection of the Pipeline and the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33, Township 1 South, Range 1 East of the Ute Meridian, which intersection is 660.70 feet East and 800.0 feet North of the Southwest corner of said Section 33;
Thence N 75°34' W 686.0 feet to the West line of the above described tract.

City Reference No.: Easement No. 31

Grantor: Beverly R. Currie

Recording Information: Book 175, Page 191, Reception No. 104359

Legal Description: Beginning at the intersection of the pipeline and the East line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, whence the Southeast corner of said Section 32 bears South 975.0 feet;
Thence N 75°34' W 1357.0 feet to the West line of the said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32.

City Reference No.: Easement No. 32 **[Only a portion thereof is being vacated]**

Grantors: Ida M. Campbell and Frances S. Hay

Recording Information: Book 175, Page 153, Reception No. 103171

Legal Description: Only the following described portion of the above referenced easement is being vacated: Beginning at a point 4.0 feet West of the Southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, being the intersection of the Pipeline and the South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32;
Thence N 75°34' W to the West line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32.

This vacation does not apply to portions of the above referenced easement which are located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32.

EXHIBIT "A" continued

City Reference No.: Easement No. 33

Grantor: August S. Huck

Recording Information: Book 175, Page 246, Reception No. 106404

Legal Description: Beginning at the intersection of the Pipeline and the East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, whence the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ bears South 347.0 feet;

Thence N $75^{\circ}34'$ W 673.0 feet to the West line of the above described tract.

City Reference No.: Easement No. 34

Grantor: Robert C. Cairns

Recording Information: Book 175, Page 239, Reception No. 106039

Legal Description: Beginning at the intersection of the Pipeline and the East line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, from whence the Southeast corner of the above described tract bears South 519.0 feet;

Thence N $75^{\circ}34'$ W 562.0 feet to the North line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 32.

City Reference No.: Easement No. 35

Grantor: Robert W. Hall

Recording Information: Recording information not found.

Legal Description: Beginning at the intersection of the Pipeline and the South line of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, which point is 116.0 feet East of the Southwest corner of the above described tract;

Thence N $75^{\circ}34'$ W 120.0 feet to the West line of above described tract.

City Reference No.: Easement No. 36

Grantor: Alice A. Vaughn, as heir of the John S. Vaughn Estate

Recording Information: Book 175, Page 237, Reception No. 105994

Legal Description: Beginning at the intersection of the Pipeline and the East line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, from whence the Northeast corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ bears North 631.0 feet; Thence N $75^{\circ}34'$ W 2225.0 feet;

Thence by a 4° degree curve to the right 221.0 feet to the North line of the NE ¼ of the SE ¼ of Section 31 of said Township and Range, being 283.0 feet East of the Northwest corner of said NE ¼ SE ¼.

EXHIBIT "A" continued

City Reference No.: Easement No. 37

Grantor: The Estate of John P. Mitchell

Recording Information: Recording information not found.

Legal Description: Beginning at the intersection of the Pipeline and the South line of the SE ¼ of the NE ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, which is 283.0 feet East of the Southwest corner of said tract; Thence by a 4° degree curve right 121.0 feet; Thence N 61°54' W 193.0 feet to the West line of said tract.

City Reference No.: Easement No. 38

Grantor: Reuben E. Starr

Recording Information: Book 175, Page 185 and 186, Reception No. 104159

Legal Description: Beginning 148 feet North of the Southeast corner, on the East line of the SW ¼ of the NE ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian; Thence N 61°54' W 1496.0 feet along the pipeline as located upon the ground to the West line of the said SW ¼ of the NE ¼ of Section 31.

City Reference No.: Easement No. 39

Grantor: A. J. Simonson

Recording Information: Recording information not found.

Legal Description: Beginning at the intersection of the Pipeline and the East line of the SE ¼ of the NW ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, whence the Northeast corner of said SE ¼ NW ¼ of Section 31 bears North 473.0 feet; Thence N 61°54' W 216.0 feet; Thence by a 2° degree curve left 177.0 feet to the North line of the South 3/4ths of the said SE ¼ of the NW ¼ of Section 31.

City Reference No.: Easement No. 40

Grantor: Patrick Liston

Recording Information: Book 175, Pages 184 and 185, Reception No. 104157

Legal Description: Beginning at the intersection of the Pipeline and the South line of the North ¼ of the SE ¼ of the NW ¼ of Section 31, Township 1 South,

Range 1 East of the Ute Meridian, from whence the Southeast corner of said tract bears West 391 feet;
Thence by a 2° degree curve left 113.5 feet;
Thence N 66°42' W 605.0 feet to the North line of the above described tract.

EXHIBIT "A" continued

City Reference No.: Easement No. 41

Grantor: Charles T. Long

Recording Information: Book 175, Pages 237 and 238 , Reception No. 105995

Legal Description: Beginning at the intersection of the Pipeline and the South line of the NE ¼ of the NW ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, being a point 320.0 feet East of the Southwest corner of the said NE ¼ of the NW ¼ of Section 31;
Thence N 66°42' W 686.0 feet to the West line of the East ¼ of the NW ¼ of the NW ¼ of said Section 31.

City Reference No.: Easement No. 42

Grantor: Theo P. Bunnell

Recording Information: Recording information not found.

Legal Description: Beginning at the intersection of the Pipeline and the East line of the West ½ of the East ½ of the NW ¼ of the NW ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, from whence the Southeast corner of said NW ¼ of the NW ¼ is 272.0 feet South and 318.2 feet East; Thence N 66°42' W 657.0 feet;
Thence by a 4° degree curve left 40.0 feet to the West line of the East ½ of the West ½ of said NW ¼ of the NW ¼.

City Reference No.: Easement No. 43

Grantor: J.B. Gesberg

Recording Information: Book 175, Pages 213 and 214 , Reception No. 105295

Legal Description: Beginning at the intersection of the Pipeline and the East line of the W ½ of the NW ¼ of the NW ¼ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, which point is 636.3 feet East and 910.0 feet South of the Northwest corner of said Section 31; Thence N 66°42' W 300 feet; Thence by a 4° degree curve left 320.0 feet; Thence N 79°30' W 390.0 feet to the West line of the E ¼ of the NE ¼ of the NE ¼ of Section 36, Township 1 South, Range 1 West of the Ute Meridian.

City Reference No.: Easement No. 44

Grantor: Orville G. Coen

Recording Information: Book 175, Page 183, Reception No. 104155

Legal Description: Beginning at the intersection of the Pipeline and the East line of the West $\frac{3}{4}$ ^{ths} of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 1 South, Range 1 West of the Ute Meridian, which is 330.0 feet West and 628.0 feet South of the Northeast corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36; Thence N $79^{\circ}30'$ W 1010.0 feet to the West line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36.

EXHIBIT "A" continued

City Reference No.: Easement No. 45

Grantor: W.A. Connelly

Recording Information: Book 175, Page 185, Reception No. 104158

Legal Description: Beginning at the intersection of the Pipeline and the East line of the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 1 South, Range 1 West of the Ute Meridian, which point is 443.0 feet South of the Northeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36; Thence by a 4° degree curve right 155.8 feet; Thence N $73^{\circ}16'$ W 531.0 feet to the West line of said East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36.

City Reference No.: Easement No. 46

Grantor: John C. Bass, by Fred Barber, his attorney-in-fact.

Recording Information: Book 175, Page 209, Reception No. 105036

Legal Description: Beginning at the intersection of the Pipeline and the East line of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 1 South, Range 1 West of the Ute Meridian, which point is 666.0 feet East and 256.0 feet South of the Northwest corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36; Thence N $73^{\circ}16'$ W 876.0 feet to the North line of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 36.

City Reference No.: Easement No. 47

Grantor: Joseph P. Kiefer

Recording Information: Book 175, Page 183 and 184, Reception No. 105036

Legal Description: Beginning at the intersection of the Pipeline and the South line of the Southwest $\frac{1}{4}$ of Section 25, Township 1 South, Range 1 West of the Ute Meridian, which is 178.0 feet West of the Southeast corner of said SW $\frac{1}{4}$ of Section 25; Thence N $73^{\circ}16'$ W 2577.0 feet to the West line of said SW $\frac{1}{4}$ of Section 25.

City Reference No.: N/A

Grantor: Douglas M. Fassbinder

Recording Information: Book 1966, Pages 940 through 942, Reception No.
1634684

Legal Description: An Easement being 25.0 feet in width, the side lines of which are parallel with and 10.0 feet Northerly of and 15.0 feet Southerly of the following described centerline: Commencing at the East $\frac{1}{4}$ Corner of Section 31, Township 1 South, Range 1 East of the Ute Meridian; Thence S $89^{\circ}59'$ W along the North line of the SE $\frac{1}{4}$ of said Section 31 a distance of 696.6 feet; thence South a distance of 127.1 feet to the Point of Beginning of the centerline herein described; Thence along said centerline, N $73^{\circ}41'56''$ W a distance of 126.85 feet to the Point of Terminus.

EXHIBIT "A" continued

City Reference No.: N/A

Grantor: Orchard Mesa Irrigation District

Recording Information: Book 2402, Pages 369 through 374, Reception No.
1831439

Legal Description: A twenty-five (25.0) foot wide Perpetual Easement being parallel with and 12.5 feet on either side of the following described center line: Commencing at the Mesa County Survey Marker set for the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, and considering the line between the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the Center $\frac{1}{4}$ Corner of said Section 31 to bear S $00^{\circ}08'47''$ E with all bearings contained herein being relative thereto; Thence S $00^{\circ}08'47''$ E along the East line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 330.59 feet to the Northeast corner of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 31; Thence S $89^{\circ}56'23''$ W along the North line of said S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 264.24 feet to the True Point of Beginning of said center line; Thence S $62^{\circ}48'06''$ E along said center line a distance of 263.71 feet to a point which is the intersection of said center line with the West line of that certain Road right-of-way described in Book 2 at Page 21 in the office of the Mesa County Clerk and Recorder, said point being the Point of Terminus of said center line, the side lines of said Perpetual Easement to be shortened or lengthened to intersect North and East boundary lines of the District Property.

City Reference No.: N/A

Grantor: Timothy E. Schmitz

Recording Information: Book 2316, Pages 972 through 975, Reception No.
1795052

Legal Description: A twenty-five (25.0) foot wide Perpetual Easement being parallel with and 10.0 feet Northerly of and 15.0 feet Southerly of the following

described center line: Commencing at the Southwest corner of Lot 5, Block 1 of Burns Subdivision, situate in the SE ¼ of the SE ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 7 at Page 63 in the office of the Mesa County Clerk and Recorder; Thence North along the West line of said Lot 5 a distance of 52.79 feet to the Point of Beginning of said center line; Thence S 76°42'11" E along said center line a distance of 51.34 feet to the East line of said Lot 5, said point being the Point of Terminus of said center line.

City Reference No.: N/A

Grantor: Mary E. Heritage

Recording Information: Book 2704, Pages 886 through 889, Reception No. 1948250

Legal Description: A twenty-five (25.0) foot wide Perpetual Easement being parallel with and 15.0 feet left and 10.0 feet right of the following described center line: Commencing at the Southeast Corner of the NW ¼ of the SE ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, and considering the South line of

EXHIBIT "A" continued

the NW ¼ SE ¼ of said Section 32 to bear S 89°36'00" W with all bearings contained herein being relative thereto; Thence S 89°36'00" W along the south line of the NW ¼ SE ¼ of said Section 32 a distance of 480.0 feet; Thence leaving the south line of said NW ¼ SE ¼, N 00°01'00" E a distance of 25.00 feet to the southwest corner of the Owner's Property; Thence N 00°01'00" E along the west boundary of the Owner's Property a distance of 106.00 feet to the Point of Beginning of the center line of said Easement; Thence leaving the west boundary line of the Owner's Property and along said center line, S 81°04'32" E a distance of 154.29 feet to a point on the east boundary line of the Owner's Property, said point being the Point of Terminus of said center line.

City Reference No.: N/A

Grantor: Thomas L. McGee

Recording Information: Book 2731, Pages 68 through 72, Reception No. 1957972

Legal Description: Commencing at the Southeast corner of Lot 4 in Block 1 of Burns Subdivision, situate in the SE ¼ of Section 32, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 7 at Page 63 in the office of the Mesa County Clerk and Recorder; Thence N 00°10'00" E along the east boundary line of said Lot 4 a distance of 39.95 feet to the True Point of Beginning; Thence leaving the east boundary line of said Lot 4, N 76°42'11" W a distance of 15.48 feet; Thence

N 10°46'57" W a distance of 12.75 feet; Thence N 89°50'00" W a distance of 51.24 feet; Thence N 76°42'11" W a distance of 32.10 feet to a point on the west boundary line of Lot 3, Block 1 of said Burns Subdivision; Thence N 00°10'00" E along the west boundary line of said Lot 3 a distance of 25.67 feet; Thence leaving the west boundary line of said Lot 3, S 76°42'11" E a distance of 102.68 feet to a point on the east boundary line of Lot 4, Block 1 of said Burns Subdivision; Thence S 00°10'00" W along the east boundary line of said Lot 4 a distance of 25.67 feet to the Point of Beginning.

City Reference No.: N/A

Grantor: Copper Hills Subdivision, by Booth W. Marchbanks and Leslie C.

Marchbanks

Recording Information: Plat Book 11, Page 281, Reception No. 1138065

Legal Description: That certain 30.0 foot Water Line Easement located 10.0 feet Northerly of and 20.0 feet Southerly of a center line extending from the South line of Lot 2, Block 2 of Copper Hills Subdivision, thence along a course bearing N 73°71'16" W a distance of 185.76 feet to a point on the West line of Lot 1, Block 2 of said Copper Hills Subdivision.

City Reference No.: N/A

Grantor: MCM Subdivision, by M.C.M. Partnership

Recording Information: Plat Book 12, Page 448, Reception No. 1274681

EXHIBIT "A" continued

Legal Description: That certain 30.0 foot wide Water Line Easement located 20.0 feet Northerly of and 10.0 feet Southerly of a center line extending from the North line of Lot Two, MCM Subdivision, thence along a course bearing S 73°17'16" E a distance of 117.03 feet to a point on the East line of said Lot Two.

City Reference No.: N/A

Grantor: Rincon Subdivision, by Alva Roper and Glen Roper

Recording Information: Plat Book 11, Page 282, Reception No. 1138067

Legal Description: That certain variable width Water Line Easement, the center line of which extends from the West line of Lot 20, Block 2 of Rincon Subdivision, thence along a course bearing S 73°17'16" E, pursuant to the recorded plat of said Rincon Subdivision, for an unprescribed distance to a point on the East line of Lot 9, Block 3 of said Rincon Subdivision.

City Reference No.: N/A

Grantor: Wyatt Subdivision, by Lloyd E. Wyatt and Alice S. Wyatt

Recording Information: Plat Book 11, Page 19, Reception No. 991935

Legal Description: That certain 30.0 foot Water Line Easement located 15.0 feet Northerly of and 15.0 feet Southerly of a center line extending from the North line of Lot 7 of Wyatt Subdivision, thence along a course bearing S 76°40' E for an unprescribed distance to a point on the East line of Lot 1 of said Wyatt Subdivision.

City Reference No.: N/A

Grantor: Bevan Subdivision, by H.B. Burns, Franklin B. Smith and Lucille M. Smith

Recording Information: Plat Book 9, Page 50, Reception No. 729493

Legal Description: That certain variable width Water Pipeline Easement without a prescribed bearing and distance, beginning at a point on the West line of Lot 3 of said Bevan Subdivision, thence in a Southeasterly direction to a point on the East line of Lot 5 of said Bevan Subdivision.

City Reference No.: N/A

Grantor: Nelson's Subdivision, by Harley V. Nelson and Esther L. Nelson

Recording Information: Plat Book 11, Page 237, Reception No. 1122711

Legal Description: That certain 20.0 foot wide Water Main Easement located 10.0 feet Northerly of and 10.0 feet Southerly of a center line extending from the West line of Lot 5 of Nelson's Subdivision, thence along a course bearing S 80°12'27" E for an unprescribed distance to a point on the East line of Lot 4 of said Nelson's Subdivision.

EXHIBIT "A" continued

City Reference No.: N/A

Grantor: Amended Plat of Grand Mesa Subdivision, by Travis Skinner, Eva Skinner, Phil D. Webster, Mary M. Webster, William P. Williams, Maxine Williams, Amos G. Chandler and Inez M. Chandler.

Recording Information: Plat Book 8, Page 15, Reception No. 628579

Legal Description: That certain variable width Water Line Easement beginning at a point on the Southerly boundary of Lot 23, Block 2 of said Subdivision, thence along a course bearing S 79°30" E for an unprescribed distance to a point on the East line of Block 2 of said Subdivision.

City Reference No.: N/A

Grantor: First Addition To – Lumley Subdivision, by Rosalie Lumley, Charles S. Lumley Jr., and Jack T. Lumley

Recording Information: Plat Book 9, Page 165, Reception No. 840010

Legal Description: That certain 15.0 foot wide Flowline Easement located 7.5 feet Northerly of and 7.5 feet Southerly of a center line extending from the West line of Lot 7 of said Subdivision, thence along a Southeasterly course for an unprescribed distance to a point on the East line of said Subdivision.

City Reference No.: N/A

Grantor: Gunnison Heights Subdivision, by John F. Thompson and Naomi A. Thompson

Recording Information: Plat Book 8, Page 33, Reception No. 640136

Legal Description: That certain variable width City Flow Line Easement without a prescribed bearing and distance, beginning at a point on the West line of Lot 4, Block I of said Subdivision, thence in a Southeasterly direction to a point on the East line of said Subdivision.

City Reference No.: N/A

Grantor: Oleo Acres Subdivision, by Daniel L. Fenske

Recording Information: Plat Book 12, Page 255, Reception No. 1222271

Legal Description: That certain 50-foot City of Grand Junction Flow Line Easement without a prescribed bearing and distance, extending from the Northerly line of Lot 1 of said Subdivision to a point on the South line of said Lot 1.

EXHIBIT "A" continued

City Reference No.: N/A

Grantor: Casimir Heights, by Jake O. Boyles, Evelyn Boyles and Casimir Gauthier

Recording Information: Plat Book 8, Page 14, Reception No. 628512

Legal Description: That certain variable width City of Grand Junction Flow Line Easement without a prescribed bearing and distance, beginning at a point on the North line of Block Three of said Subdivision, thence in a Southeasterly direction to a point on the Easterly line of Block One said Subdivision.

END OF EXHIBIT "A"

Attach 7

Revocable Permit for Canopy and Private Parking in Main Street ROW, 205 Main Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Revocable Permit for a canopy and private parking in Main Street right-of-way.					
Meeting Date	April 16, 2003					
Date Prepared	March 24, 2003				File # RVP-2002-164	
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Hampton Inn, to be located at 205 Main Street, is requesting approval of 2 Revocable Permits for a canopy and private parking in Main Street right-of-way.

Budget: N/A

Action Requested/Recommendation: Approval and acceptance of the Resolutions issuing the Revocable Permits

Attachments: Staff Report, Site Location Map, Aerial Map, Future Land Use Map, Existing Zoning Map, 2 Resolutions, 2 Revocable Permits, and 2 Agreements

Background Information: Please see attached Staff report

BACKGROUND INFORMATION					
Location:		205 Main Street			
Applicant:		Western Hospitality, LLC			
Existing Land Use:		Vacant Commercial			
Proposed Land Use:		Hotel			
Surrounding Land Use:	North	Retail			
	South	Restaurant & Lounge/Retail			
	East	Hotel/Parking			
	West	Convention Center			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		B-2			
Surrounding Zoning:	North	B-2			
	South	B-2			
	East	B-2			
	West	B-2			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

Project Analysis: The petitioner acquired a Site Plan Review and Planning Clearance approval for a new hotel on November 27, 2002. The approval for the requested canopy and parking shown on the plans are contingent on the applicant receiving a Revocable Permit for these areas.

A request for a Revocable Permit must be reviewed for conformance with the criteria established by Section 2.17 of the Zoning and Development Code. Staff feels the criteria have been satisfied. The following are the applicant's responses.

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

Applicant's Response: By allowing this permit and hotel, this project brings additional guests, shoppers, and convention attendees to the Downtown area.

2. There is a community need for the private development use proposed for the City Property.
Applicant's Response: Many organizations are in place to promote Downtown vitality. This is in line with that promotion.
3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.
Applicant's Response: Hotel guests will use this area. By granting this permit, it allows us to properly manage its use.
4. The proposed use shall be compatible with adjacent land uses.
Applicant's Response: The plaza area will be used as it is used today. The parking, loading and unloading check in area are parking now.
5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.
Applicant's Response: This should help access and traffic circulation by keeping hotel guests moving from Main Street parking to private parking quickly after arriving.
6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.
Applicant's Response: This use furthers the goals of the Downtown Development Association as well as the other objectives for Downtown.
7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and SSID Manual.
Applicant's Response: Yes.

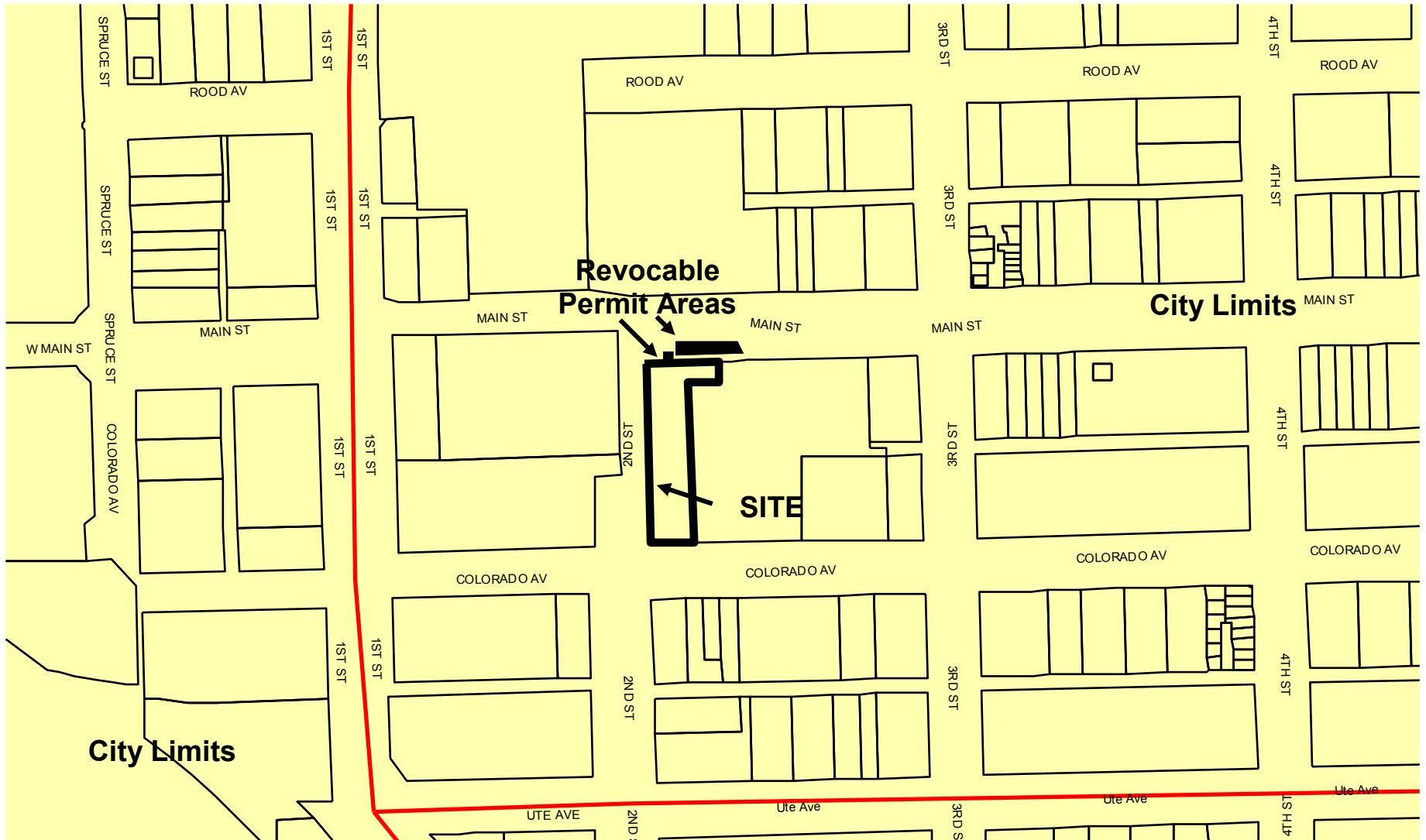
Staff Findings:

The City Charter gives Council authority to allow private use of public property if a revocable permit is granted, essentially giving a license to use the public property. The City may revoke the permit and require the landowner to restore the property to its original condition by giving 30 days written notice. This request meets the criteria for a Revocable Permit as set forth in Section 127 of the City Charter, the SSID Manual and Section 2.17 of the Zoning and Development Code.

STAFF RECOMMENDATION: Staff recommends approval of the resolution authorizing the Revocable Permit due to compliance with criteria of Section 2.17 of the Zoning and Development Code, Section 127 of the City Charter, the SSID Manual and the goals and policies of the City of Grand Junction's Growth Plan.

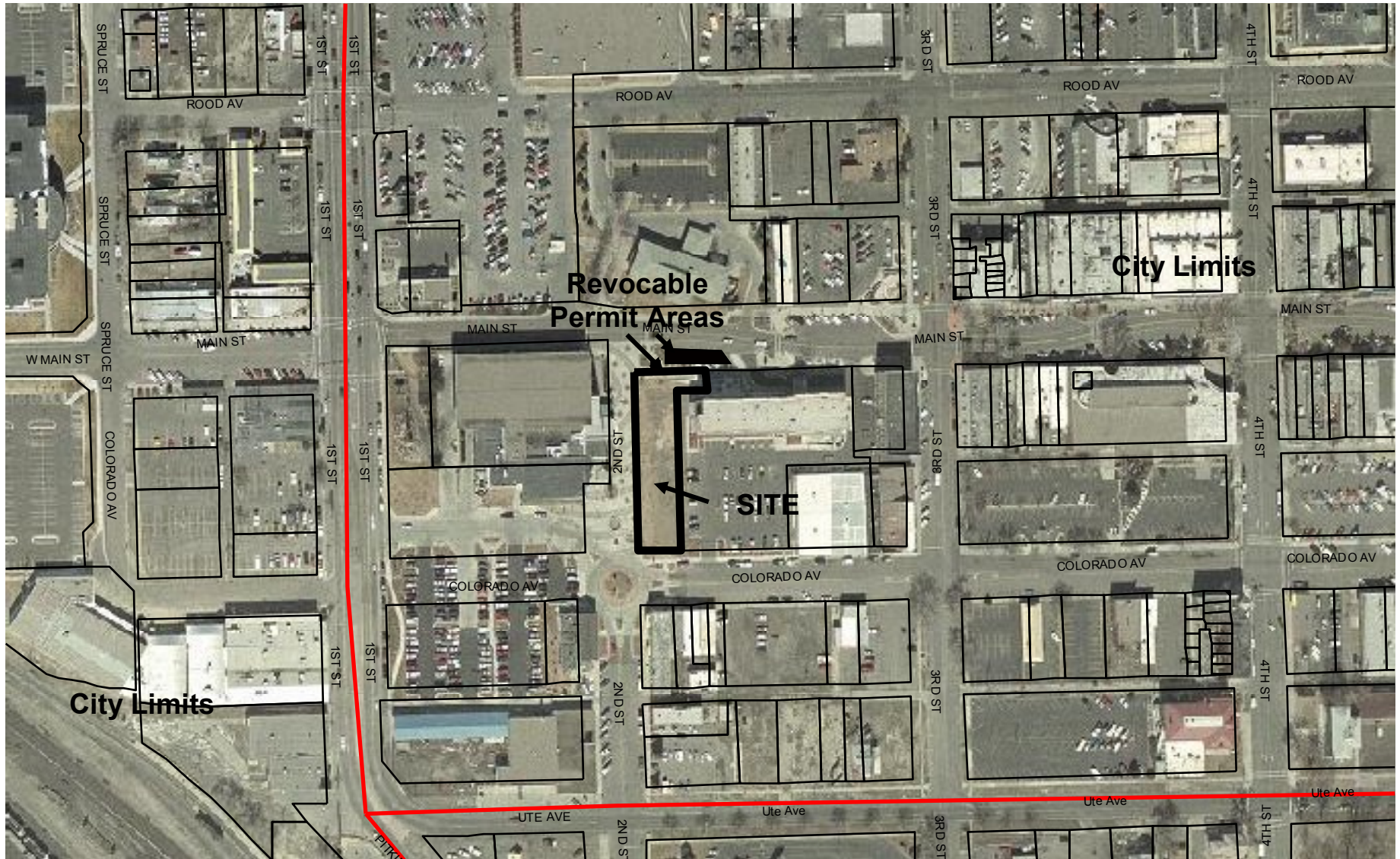
Site Location Map

Figure 1



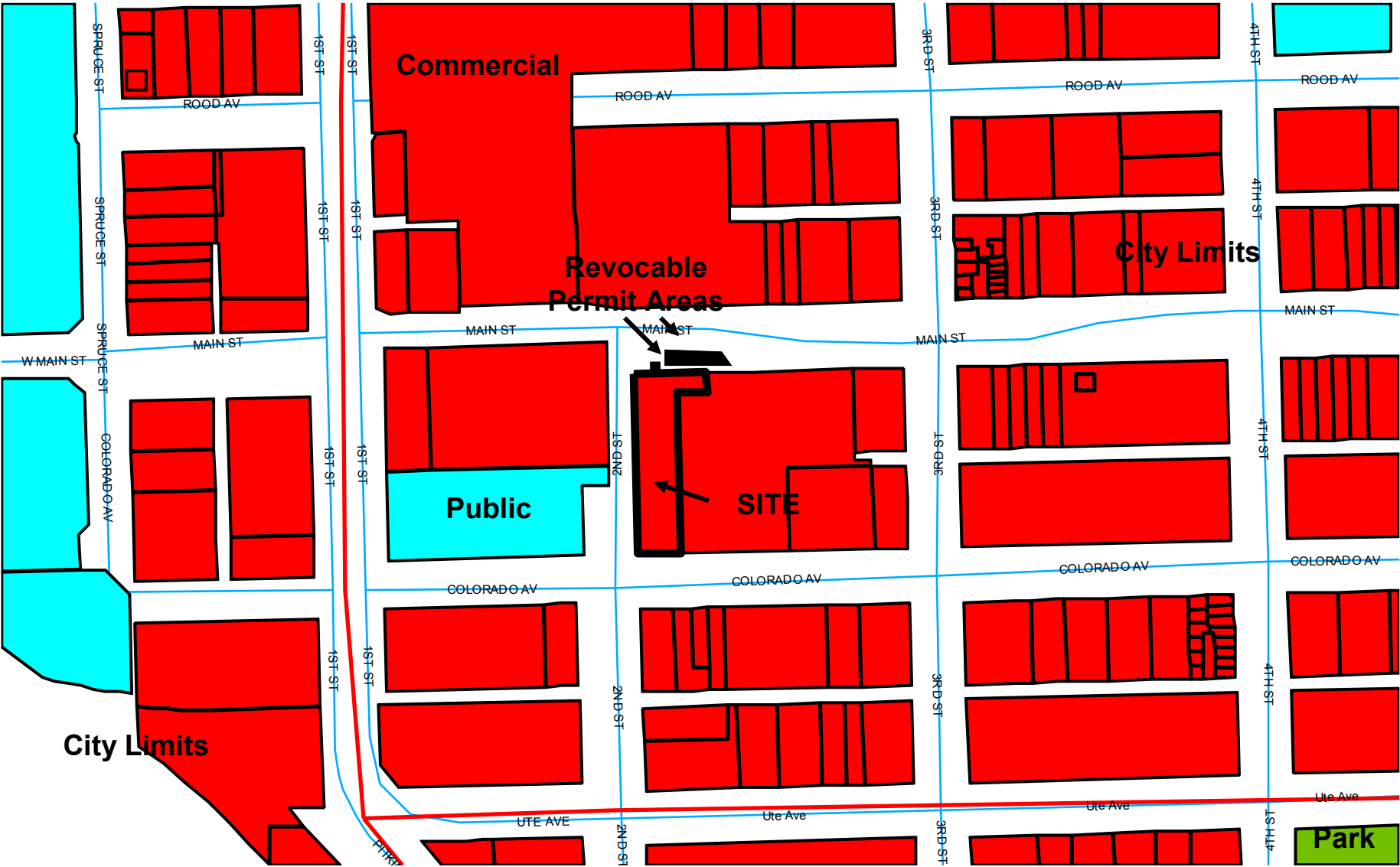
Aerial Photo Map

Figure 2



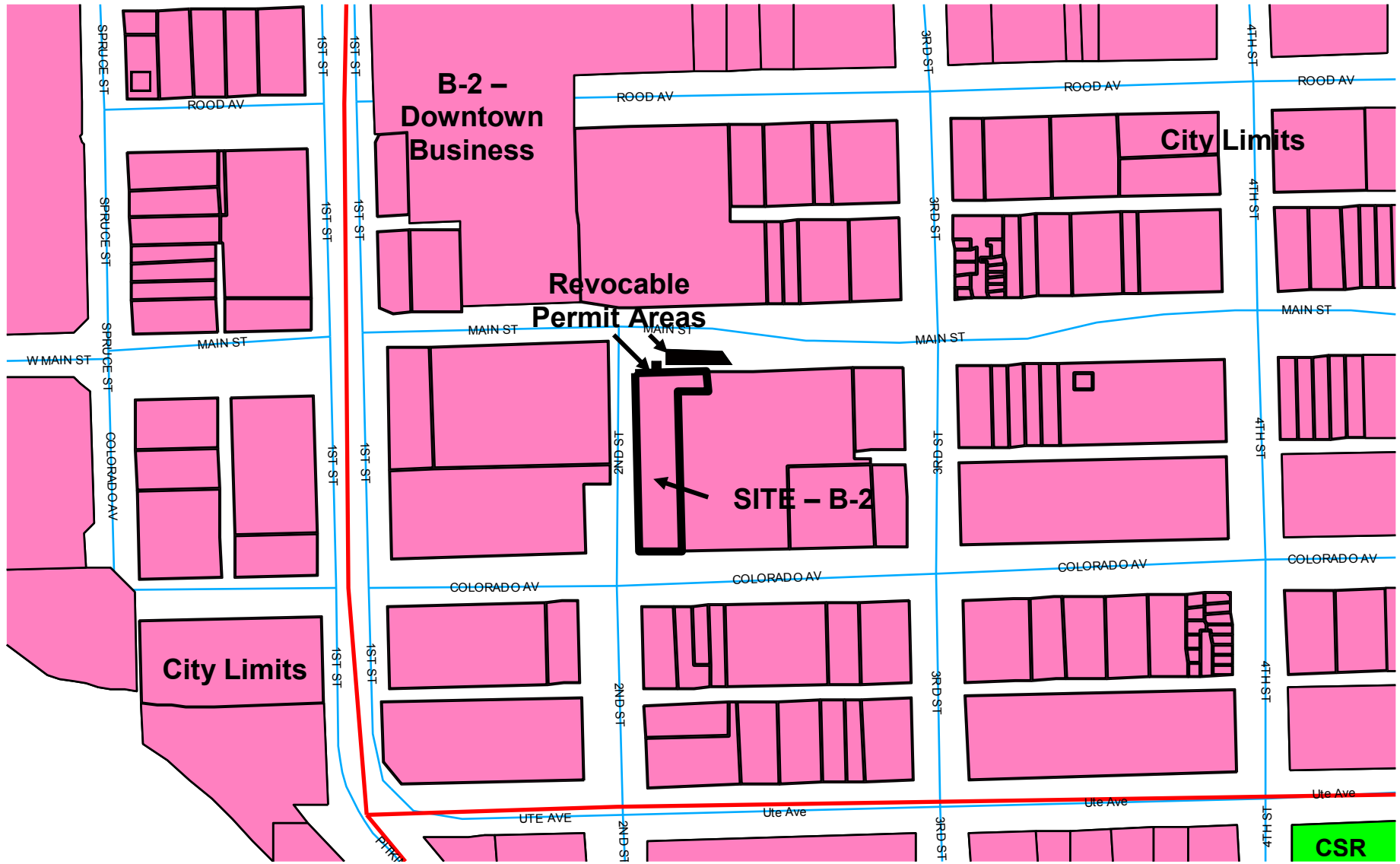
Future Land Use Map

Figure 3



Existing City 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."

A RESOLUTION NO. _____
A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT
TO
WESTERN HOSPITALITY LLC., A COLORADO LIMITED LIABILITY
COMPANY
(Canopy over sidewalk)

Recitals.

1. Western Hospitality LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 of the Hawthorn Replat, situate in the SW ¼ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 19 at Page 65 in the office of the Mesa County Clerk and Recorder, also known as 205 Main Street and identified by Mesa County Tax Schedule Number 2945-143-23-023,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install a canopy over the public sidewalk within the limits of the following described public Main Street right-of-way, to wit:

Beginning at a point on the North line of said Lot 1, whence the Northwest corner of said Lot 1 bears North 89°55'16" West, a distance of 24.50 feet; thence North 00°00'00" East, a distance of 14.44 feet; thence South 90°00'00" E, a distance of 15.91 feet; thence South 00°00'00" West, a distance of 17.32 feet; thence North 90°00'00" West, a distance of 15.91 feet; thence North 00°00'00" East, a distance of 2.88 feet to the Point of Beginning.

2. Based on the information supplied by the Petitioner, and contained in the Community Development files, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

PASSED and ADOPTED this ____ day of _____, 2003.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals

1. Western Hospitality LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 of the Hawthorn Replat, situate in the SW $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 19 at Page 65 in the office of the Mesa County Clerk and Recorder, also known as 205 Main Street and identified by Mesa County Tax Schedule Number 2945-143-23-023,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install a canopy over the public sidewalk within the limits of the following described public Main Street right-of-way, to wit:

Beginning at a point on the North line of said Lot 1, whence the Northwest corner of said Lot 1 bears North 89°55'16" West, a distance of 24.50 feet; thence North 00°00'00" East, a distance of 14.44 feet; thence South 90°00'00" E, a distance of 15.91 feet; thence South 00°00'00" West, a distance of 17.32 feet; thence North 90°00'00" West, a distance of 15.91 feet; thence North 00°00'00" East, a distance of 2.88 feet to the Point of Beginning.

2. Based on the information supplied by the Petitioner, and contained in the Community Development files, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public sidewalks, street improvements, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's guest, invitees, and the public occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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

Dated this _____ day of _____, 2003.

City of Grand Junction,
Attest:
home rule municipality

The
a Colorado

City Clerk

City Manager

Acceptance by the Petitioner:
Colorado limited liability company

Western Hospitality LLC,
a

By: _____

Kevin Reimer, Manager

AGREEMENT

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

Dated this _____ day of _____, 2003.

Western Hospitality LLC
Colorado limited liability company

a

By:____

Kevin Reimer, Manager

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2003, by Kevin Reimer, Manager of Western Hospitality LLC, a Colorado limited liability company.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

RESOLUTION NO. _____
A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT
TO
WESTERN HOSPITALITY LLC, A COLORADO LIMITED LIABILITY
COMPANY
(Private Parking)

Recitals.

1. Western Hospitality LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 of the Hawthorn Replat, situate in the SW ¼ of Sec 14, T1S, R1W of the Ute Meridian, City of Grand Junction, Mesa Co, State of Colorado, as recorded in Plat Bk 19 at Pg 65 in the office of the Mesa County Clerk and Recorder, also known as 205 Main Street and identified by Mesa County Tax Schedule Number 2945-143-23-023,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to have private parking within the limits of the following described public Main Street right-of-way, to wit:

Commencing at the NW cor of Lot 1 of Hawthorn Replat, a subdivision of the City of Grand Junction, Colorado; thence along the N line of Lot 1, S89°55'16"E, a distance of 48.25'; thence N00°04'44"E, a distance of 13.90'; to the POB; thence N00°01'06"E, a distance of 22.00'; thence S89°58'54"E, a distance of 96.00'; thence S00°01'06"W, a distance of 22.00'; thence N89°58'54"W, a distance of 96.00' to the POB.

2. Based on the information supplied by the Petitioner, and contained in the Community Development files, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

3. The Petitioner will be charged a fee of \$300.00 per space per subject to increase as determined by the City Council.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of

the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this ____ day of _____, 2003.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals

1. Western Hospitality LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1 of the Hawthorn Replat, situate in the SW $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 19 at Page 65 in the office of the Mesa County Clerk and Recorder, also known as 205 Main Street and identified by Mesa County Tax Schedule Number 2945-143-23-023,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to have private parking within the limits of the following described public Main Street right-of-way, to wit:

Commencing at the Northwest corner of Lot 1 of Hawthorn Replat, a subdivision of the City of Grand Junction, Colorado; thence along the North line of said Lot 1, South $89^{\circ}55'16''$ East, a distance of 48.25 feet; thence North $00^{\circ}04'44''$ East, a distance of 13.90 feet; to the Point of Beginning; thence North $00^{\circ}01'06''$ East, a distance of 22.00 feet; thence South $89^{\circ}58'54''$ East, a distance of 96.00 feet; thence South $00^{\circ}01'06''$ West, a distance of 22.00 feet; thence North $89^{\circ}58'54''$ West, a distance of 96.00 feet to the Point of Beginning.

2. Based on the information supplied by the Petitioner, and contained in the Community Development files, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

3. The fee for this Revocable Permit shall be established by resolution of the City Council and on file in the City Clerk's office. The fee shall be no less than \$300 per parking space per year subject to increase as determined by the City Council. In determining the fee the Council may consider the value of the right of way used by the Permittee with respect to other Revocable Permits, franchises or licenses that the Council may have granted or the rate of inflation as measured by the Denver-Boulder CPI or any other factor of its choosing. The fee shall be determined by the City Council in its sole and absolute discretion.

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

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way

aforedescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit and the use, presence or occupancy by the public, Petitioner's invitees and guests, shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public sidewalks, street improvements, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforedescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors and assigns for all persons claiming through Petitioner, agree that it shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioners or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforedescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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

Dated this _____ day of _____, 2003.

City of Grand Junction,
Attest:
home rule municipality

The
a Colorado

City Clerk

City Manager

Acceptance by the Petitioner:

Western Hospitality, LLC
a

Colorado limited liability company

By____

Kevin Reimer, Manager

AGREEMENT

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

Dated this _____ day of _____, 2003.

Western Hospitality LLC
Colorado limited liability company

a

By:_____

Kevin Reimer, Manager

State of Colorado)
County of Mesa))ss.

The foregoing Agreement was acknowledged before me this _____ day of _____, 2003, by Kevin Reimer as Manager of Western Hospitality LLC, a Colorado limited liability company.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

**Attach 8
Setting a Hearing for Text Amendments to the Zoning and Development Code**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Text amendments to the Zoning and Development Code					
Meeting Date		April 16, 2003					
Date Prepared		April 7, 2003			File # TAC-2003-01.01.		
Author		Lori V. Bowers		Senior Planner			
Presenter Name		Lori V. Bowers		Senior Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: First reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Budget: N/A

Action Requested/Recommendation: Approval of the First Reading and setting a public hearing for May 7, 2003.

Attachments: Ordinance (Published by pamphlet)

Background Information: Additions to the Code are done in ALL CAPITAL LETTERS. Deletions are shown as a ~~strike through~~. The proposed changes should be fairly self explanatory. The chapter and page number are provided for easy reference to the section proposed for a change.

CODE CHANGES, 2003

Chapter 2

pg. 1

Section 2.1, Table 2.1 – Review Procedures Summary (Changes made to reflect new process)

Table 2.1 Continued

Footnotes:

3 The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the JOINT Urban PLANNING Area.

Page 6

2.2.B.3. Notice. Public notice is not required for most administrative permits. The duty to provide notice WHEN REQUIRED, is always the applicant's, ~~even if not required.~~ Notice is provided as follows:

page 10

2.2.D.3.b.(3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area ~~is~~ provided for each parking space; and

2.2.D.4.a. **Applicability.**

(1) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan: except for the following for which a building permit is required. CONSTRUCTION PLANS, BASED UPON THE APPROVED FINAL SITE PLAN AND CONSISTING OF DETAILED SPECIFICATIONS AND DIAGRAMS ILLUSTRATING THE LOCATION, DESIGN AND COMPOSITION OF ALL IMPROVEMENTS IDENTIFIED IN THE FINAL SITE PLAN AND REQUIRED BY THIS CODE, SHALL BE SUBMITTED TO THE CITY FOR ANY PROJECT THAT NECESSITATES THE CONSTRUCTION, RECONSTRUCTION OR MODIFICATION OF NEW OR EXISTING IMPROVEMENTS. THESE DOCUMENTS SHALL INCLUDE COMPLETE PLANS AND SPECIFICATIONS OF ALL REQUIRED IMPROVEMENTS IDENTIFIED AND APPROVED AS PART OF THE FINAL SITE PLAN PHASE. THE CITY SHALL KEEP THE PLANS AS A PERMANENT RECORD OF THE REQUIRED IMPROVEMENTS. All development requires major site plan review except: ALL MAJOR SITE PLAN REVIEWS AND:

2.2.D.5. Minor Site Plan.

a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. CONSTRUCTION PLANS, BASED UPON THE APPROVED FINAL MINOR SITE PLAN AND CONSISTING OF DETAILED SPECIFICATIONS AND DIAGRAMS ILLUSTRATING THE LOCATION, DESIGN AND COMPOSITION OF ALL IMPROVEMENTS IDENTIFIED IN THE FINAL MINOR SITE PLAN AND REQUIRED BY THIS CODE, SHALL BE SUBMITTED TO THE CITY FOR ANY PROJECT THAT NECESSITATES THE CONSTRUCTION, RECONSTRUCTION OR MODIFICATION OF NEW OR EXISTING IMPROVEMENTS. THESE DOCUMENTS SHALL INCLUDE COMPLETE PLANS AND SPECIFICATIONS OF ALL REQUIRED IMPROVEMENTS IDENTIFIED AND APPROVED AS PART OF THE FINAL SITE PLAN PHASE FOR MINOR SITE PLAN REVIEW. THE CITY SHALL KEEP THE PLANS AS A PERMANENT RECORD OF THE REQUIRED IMPROVEMENTS.

page 13

2.2.D.5.c. Criteria. To receive approval the applicant must demonstrate that the development:

- (1) Complies with the Growth Plan; AND ANY APPLICABLE CORRIDOR, SPECIAL AREA AND NEIGHBORHOOD PLANS; AND

page 16

2.2.E.4.c. **Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:

- (1) All lots comply with this Code, including Section ~~3-6~~ 3.6.B and the density provisions;
- (4) The character of the plat and the neighborhood will not be ~~hurt~~ NEGATIVELY IMPACTED; and

page 21

**Table 2.23
PUBLIC HEARING NOTICE PROVISIONS**

Page 24

2.3.B.10.b. **Planning Commission as Recommending Body to City Council.** If the Planning Commission is the recommending body pursuant to Table 2.1, a recommendationS for denial shall be the final act of FORWARDED TO the City unless an appeal is perfected COUNCIL.

2.3.B.13.a. ~~Expiration. NON-COMPLIANCE.~~ Any project or development approval ~~shall expire and become null and void,~~ UPON A FINDING THAT ANY OF THE FOLLOWING CONDITIONS EXIST all activities taken pursuant to such development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:

Page 28

2.5.C.3. The character and/or condition of the area have changed enough that the amendment is acceptable;~~AND SUCH CHANGES WERE NOT ANTICIPATED AND ARE NOT CONSISTENT WITH THE PLAN.~~

2.5.D.1. **Outside of City.** The City and County Planning Commissions shall consider requests concerning property located outside of the City, but within the ~~Joint Urban Planning Area~~ URBAN GROWTH AREA (UGA), which will not be then annexed. The City Planning Commission is the City's final action and may not be appealed. Affirmative action by both Commissions is required for an amendment.

2.5.E.1. **Deadlines.**

a. Map amendments and all text amendments shall be processed ~~once a quarter until January 1, 2001, and thereafter only two times per year~~ 2 TIMES PER YEAR according to a schedule adopted by the Director.

Page 29

2.5.e.2.b. Optional Materials. In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. ~~Applicants are encouraged, but not required to provide all, part or none of the additional materials.~~ The Applicant may submit additional relevant materials.

2.6.A.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.*; ~~AND SUCH CHANGES WERE NOT ANTICIPATED AND ARE NOT CONSISTANT WITH THE PLAN.~~

Page 30

2.6.A.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;

Page 31

2.8.A.1. Ensure conformance with the Growth Plan and other adopted plans including ~~the~~
ALL
~~C~~corridor ~~D~~design ~~G~~guidelines;

2.8.A.15. Prevent loss and ~~jury~~ INJURY from landslides, mudflows, and other geologic hazards;

Page 32

2.8.B.2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with THE PURPOSE PORTION OF THIS SECTION AND WITH all of the following criteria:

- a. The PRELIMINARY PLAT WILL BE IN CONFROMANCE WITH THE Growth Plan, major street plan, Urban Trails Plan and other adopted plans;
- ~~b. The purposes of this Section 2.8.B;~~
- e. The Subdivision standards (~~Section 6.7~~) IN CHAPTER 6;
- ~~d.~~ The Zoning standards (~~Chapter Three~~) IN CHAPTER 3;
- e. Other standards and requirements of this Code and other City policies and regulations;
- f. Adequate public facilities and services will be available concurrent with the subdivision;
- ~~g.~~ The project will have little or no adverse or negative impacts upon the natural or social environment;
- h. Compatibility with existing and proposed development on adjacent properties;
- i. Adjacent agricultural property and land uses will not be harmed;
- j. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- k. There is adequate land to dedicate for provision of public services; and
- l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

2.8.B.4.b. Validity. The applicant may propose a development phasing schedule at the time of application for a preliminary plat for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary plat approval shall be valid for only one year, during which the applicant shall obtain final plat approval for all or a portion of the property. If a portion of the property in the preliminary plat is final platted within one year, the rest of the preliminary plat shall be automatically renewed for an additional one (1) year following the recording of each final plat, unless the Director notifies the

applicant, in writing, to the contrary. The applicant shall plat the entire property included in the preliminary plat within five (5) years of the initial plan approval date. After five (5) years, approval of unplatted portions of the preliminary plat shall be considered void unless ~~the Director finds that no significant changes requiring re-review have occurred.~~ AN EXTENSION IS REQUESTED AND APPROVED BY THE DECISION MAKING BODY.

Page 34

2.8.D.1. Applicability. Construction plans, based upon the approved final plat and/or site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final plat phase and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final plat phase. The City shall keep the plans as a permanent RECORD of the required improvements.

Page 35

2.8.E.4. 4. If the applicant does not complete all steps in preparation for recording within one (1) year of ~~submittal~~ APPROVAL of the final plat, the plat shall require another review and processing as per the final plat processing procedure.; AND SHALL THEN MEET ALL THE REQUIRED CURRENT CODE AND REGULATIONS AT THAT TIME. ONE EXTENSION OF 6 MONTHS MAY BE GRANTED BY THE DIRECTOR.

2.8.F.1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved construction plans.;-OR

2. As a condition of final plat approval, the City ~~may~~ SHALL require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

2.9.C.. 1. The condominiumization of a structure shall comply with:

a. Sections 38-33-105, AND 38-33-106 ~~and 38-33.3-106~~ of the Colorado Revised Statutes (C.R.S);

PAGE 36

2.9.C.1.c. c. The Condominium OF individual air space units and limited common elements, as defined in C.R.S. 38-33.3-103 and general common elements, as defined in C.R.S.38-33-106 shall be constructed or retrofitted with a minimum one-hour

fire wall, pursuant to C.R.S. 38-33.3-106.

Page 42

2.12.D.a. **Required Concurrent Review of Subdivision.** Unless specified otherwise at the time of preliminary plan approval, if the form of preliminary plan approval was a site development plan, a final plat shall be submitted and reviewed concurrently with a final development plan; if the form of preliminary plan approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval. ~~FOR INDIVIDUAL LOTS.~~

2.12.E. 1. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved construction plans as per Section 2.8.E. ~~OR~~

2. As a condition of final plan and plat approval, the City ~~may~~ SHALL require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

page 44

2.12.F.b. (3) The amendment shall not represent a significant ~~unilateral~~ change in any of the agreed upon deviations from the default standards.

2.12.F.4. 4. **Final Development Plan.** Amendments to the final development plan may be approved by the Director using the same process and criteria used for ~~final~~ PRELIMINARY development plan, ~~and~~ review and approval.

Page 45

2.13.C.1. **Site Plan Review Standards.** All applicable site plan review criteria in Section 2.2.D.4. and conformance with SIDD, TEDS and ~~SWIM~~ SWMM Manuals;

page 50

2.16.C.1. ~~(F)~~ (i) Height of the addition relative to neighboring structures;

~~(i)~~ (ii) The location, number and size of windows, doors, porches, balconies and outdoor lights;

~~(ii)~~ (iii) The location of patios and walkways;

~~(iii)~~ (iv) The location, size and types of hedges, walls and fences;
and

~~(iv)~~ (v) The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located

within the required setback;

Chapter Three

page 14

.3.H.2. 2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-12 **District.** (Un-bold “District”)

page 17

3.4.A.4. ~~RO District~~ **Performance Standards.** New construction, including additions and rehabilitation’s, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.

Page 22

~~3.4.C.4. General Performance Standards.~~ **STREET DESIGN** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~B-2~~ **Performance Standards.**

Page 24

3.4.D. 4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~C-1~~ **Performance Standards.**

Page 25

3.4.E.4. ~~General Performance Standards.~~ **STREET DESIGN** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~C-2~~ **Performance Standards.**

Page 26

3.4.F.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-0~~ **Performance Standards.**

Page 28

3.4.G.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-1~~ **Performance Standards.**

Page 29

3.4.H.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-2~~ **Performance Standards.**

Page 30

3.4.I.4. ~~CSR Performance Standards.~~ Development shall conform to the standards established in this Code.

Page 31

3.4.J.4. ~~M-U~~ **Performance Standards.** Development shall conform to the standards established in this Code.

Table 3.5 Use/Zone Matrix

Residential Subunits/Accessory Units (correct the use specific standard) 4.1-~~6~~-G

Chapter Four
page 2

4.1.F.1.a. Recreational and commercial vehicles in residential zones shall be stored within an enclosed building, or in the rear yard, OR behind the front setback line in a side yard other than the street side yard of a corner lot;

page 8

4.1.I.1.d. A maximum of two (2) vehicles intended for repair or restoration, ALSO KNOWN AS “JUNK VEHICLES” may be stored on a property provided all of the following conditions are satisfied:

e.(i) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicles are located;

f.(ii) The vehicle(s) shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and

g. e. All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six (6) feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening.

~~h.~~ f. All outdoor storage shall meet the following additional requirements, as applicable;

i. g. All storage shall conform to the performance standards of the zone as described in Section 3.3 for residential zoning;

~~j.~~ h. Except for integral units, stored items shall not project above the screening;

~~k.~~ i. Dumpsters and refuse containers for new multi-family dwelling, commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six (6) feet tall; and

~~l.~~ j. Non-conforming property shall comply with Section 3.8.

page 29

4.3.B.5.a.4. Adult cabaret, restaurant or place of business: a cabaret, restaurant or place of business, which features topless and/or bottomless dancers, waitresses, waiters, or entertainers-, OR ANY OTHER DEPICTION OF ADULT MATERIAL.

Chapter Four, page 36

4.3.G.6.b. No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage and meet outdoor storage requirements of Section 4.2- 1.

7. **Signage.** Signage shall conform to the provisions of Section 4.3-2.

4.3.K.2.(6) The operator's estimated cost at each of the following segments of the reclamation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, irrigation, protection OF PLANTS AND SOIL prior to vegetation establishment, and administrative cost;

page 61 (re-formatting)

4.3.Q.4. 4. A Small Group Living Facility may be established in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO (residential office) and B-1 districts, if licensed by the State for each program and service offered. A Small Group Living Facility is subject to a Conditional Use Permit in a B-2, C-1, C-2 and CRS districts.

2. 5.A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.

3. 4.Unlimited Group Living Facility may be established, subject to a Conditional Use Permit in RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.

4. 5.If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. "Density" for the purpose of Group Living Facilities is defined in Section 3.6.B.3-i 5. of this Code.

5. 6.A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.

6. 7. No person shall own, operate or manage any group living facility unless the facility(ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.

**Table 6.6
OFF-STREET PARKING REQUIREMENTS**

Rooming/Board House 1 per rooming unit N/A
(insert)
RESIDENTIAL SUB-UNIT, ACCESSORY DWELLING UNIT 1 PER UNIT N/A
Dormitories/Fraternities/Sororities 1 per 2 beds 0.5 per unit
Single-Family, Duplex, Triplex, and Four-plex 2 spaces per dwelling unit N/A
Multi-Family 1.8 per unit 0.5 per unit
~~All Other Residential Dwellings 1 per unit N/A~~

Chapter Six, page 36

**Table 6.6 continued
Retail Sales and Service,
Continued**

SPACES USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF	
		VEHICLE SPACES	BICYCLE SPACES
	New & Used Vehicle Sales, including Recreational Vehicles/Boats	Spaces equal to 10 percent of vehicle display area	N/A
	ONE SPACE FOR EACH 5,000 FEET OF OPEN SALES LOT AREA DEVOTED TO THE SALE, DISPLAY, AND RENTAL OF SAID VEHICLES AND ONE SPACE FOR EACH 300 SQUARE FEET OF GROSS FLOOR AREA.		

**Industrial
Industrial Services and
Operations**

Industrial Services and Operations	1.1 per employee	1 per
(e.g. Asphalt Plants, Concrete, Pipe & Culvert Storage)		30 vehicle spaces

1.1 per employee OR ONE PER EACH 1,000 SQUARE FEET OF FLOOR AREA, WHICHEVER IS GREATER.

Wholesale Sales

1.1 per employee

PLUS ONE SPACE PER EACH 500 SQUARE FEET OF FLOOR AREA OPEN TO THE PUBLIC FOR CUSTOMER PARKING, IN ALL CASES, A MINIMUM OF 2 CUSTOMER PARKING SPACES.

Table 6.6 continued

Table 6.6 Notes:

- Each parking space must be accessible independently of others.
 - All square feet is gross floor area unless otherwise indicated.
 - Spaces for seats or persons is designed capacity.
 - A minimum of 3 spaces required for all use requiring bicycle spaces.
- ADA REQUIREMENTS ARE LISTED IN THE TEDS MANUAL AND AT WWW.ACCESSBOARD.GOV

~~6.6.A.12.~~ 13. **Exceptions.** The Director has the authority to increase or decrease the required vehicle or bicycle parking, if:

- a. Expected vehicle or bicycle ownership or use patterns vary from national standards or those typical for the use;
- b. The parking demand varies during the day and week in relation to parking supply; or
- c. The operational aspects of the use warrants unique parking arrangements.

~~13.~~ 14. **Appeals.** An appeal of a Director decision relating to parking will be heard by the Zoning Board of Appeals.

~~14.~~ 15. **Dimensions.** Parking stall and aisle dimensions are detailed in TEDS.

~~15.~~ 16. **Alternative Bike Parking.** The Director may allow bicycle parking for employees to be located within a structure for security reasons

~~6.7.E.1.6. Street Reserve Strips.~~ **STREET RESERVE STRIPS.** No reserve strip shall be retained on the outer boundary or elsewhere of a development in order to control access to any public way.

7.4.B.2. **Term.** Members of the Historic Board shall be appointed by the City Council to serve ~~three (3)~~ FOUR (4) year staggered terms from the date of appointment.

- 7.4.G.1.a. The effect upon the general historical and architectural character of the structure and property;
- b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
 - b. C. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
 - e. D. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
 - d. E. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
 - e. F. The condition of existing improvements and whether they are a hazard to public health and safety; or
 - f. G. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

ACCESSORY USE

~~A use~~ THE USE OF LAND OR OF A BUILDING customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

Page 45

MOTOR VEHICLE REPAIR SHOP

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in 42-1-102, C.R.S. THE OWNER OF ALL MOTOR VEHICLE EQUIPMENT ON THE PROPERTY SHALL HAVE A VALID REGISTRATION, HAVE A REGISTRATION OR TITLE APPLIED FOR, OR SHOW A WORK ORDER. MOTOR VEHICLE EQUIPMENT FOR WHICH THE SHOP OPERATOR HOLDS NO VALID REGISTRATION OR WORK ORDER SHALL BE CLASSIFIED AS JUNK AND SHALL NOT BE KEPT, STORED OR WORKED ON, IN OR ON THE PROPERTY OF A MOTOR VEHICLE REPAIR SHOP.

Page 50

OUTDOOR STORAGE

The keeping, in an unenclosed area, UNSCREENED, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. SEE SECTION 4.1.1.

Page 58

RUBBISH

RUBBISH INCLUDES BUT IS NOT LIMITED TO FOOD WASTE, ASHES AND OTHER SOLID, SEMI-SOLID AND LIQUID WASTE, BY-PRODUCTS AND GENERALLY DECOMPOSABLE RESIDUE TAKEN FROM RESIDENCES, COMMERCIAL ESTABLISHMENTS AND INSTITUTIONS. RUBBISH MAY ALSO BE KNOWN AS/REFERRED TO AS “GARBAGE”, “TRASH”, OR “WASTE” AS THOSE TERMS ARE USED AND/OR DEFINED IN THIS CODE OR ANY OTHER CITY CODE, LAW, RULE OR REGULATION(S).

SERVICE CLUB

A GROUP OF PEOPLE ORGANIZED FOR A COMMON PURPOSE TO PURSUE COMMON GOALS, INTERESTS, OR ACTIVITIES, ARE NOT COMMERCIAL IN NATURE, AND USUALLY CHARACTERIZED BY CERTAIN MEMBERSHIP QUALIFICAITIONS, PAYMENT OF FEES AND DUES, REGULAR MEETINGS, AND A CONSTITUTION AND BYLAWS.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE AND AUTHORIZING PUBLICATION OF THE AMENDMENTS BY PAMPHLET

Recitals:

Ordinance No. 3390 adopted the City of Grand Junction Zoning and Development Code. The effective date of Ordinance 3390 was January 20, 2002.

Since the adoption of the Zoning and Development Code the need for certain corrections, deletions and amendments to the Zoning and Development Code have been found. Many of the amendments proposed for adoption in this ordinance are corrections to the format/formatting of the Zoning and Development Code. The amendments are available for review in the Community Development Department and the City Clerk's office. Because of the number of pages (16) constituting the amendments the Council has determined that publication in book or pamphlet, as authorized by the Charter, is appropriate.

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

1. The Zoning and Development Code is hereby amended to read as shown in the attached book or pamphlet. Specific references to each section number of each amendment, as well as the specific changes to the text are shown therein.
2. All amendments are necessary or required by law and the amendments are in accordance with law.
3. Because of the number of pages publication by book or pamphlet is authorized in accordance with the Charter Article VI, Paragraph 51.
4. The hearing prior to final passage shall be held on May 7, 2003 at 7:30 p.m. in the Council chambers located at 250 N. 5th Street Grand Junction Colorado. The purpose of such hearing being the consideration of the amendments to the City Zoning and Development Code, as stated in this ordinance.
5. The book or pamphlet containing the amendments shall be available for inspection in the City Community Development Department or the City Clerk's Office, 250 N.5th Street, Grand Junction CO. Hours for inspections shall be 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays.

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

INTRODUCED ON FIRST READING this 16th day of April, 2003.

PASSED, ADOPTED AND APPROVED this ___ day of _____ 2003.

President of the Council

ATTEST:

City Clerk

**Attach 9
Canyon View Park Improvements (24 & G Road)**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Canyon View Park Improvements (24 & G Road)							
Meeting Date		April 16, 2003							
Date Prepared		April 8, 2003					File #		
Author		Rex Sellers			Senior Buyer				
Presenter Name		Joe Stevens			Director of Parks and Recreation				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes		No	Name			
	Workshop				Formal Agenda	X	Consent		Individual Consideration

Summary: This project will include improvements on the property at the corner of 24 Rd. and G Rd . within Canyon View Park. The improvements are to include: lighting and landscaping in the parking lot adjacent to the new multi-purpose fields, grading and drainage improvements, concrete walkways, a shade pavilion, irrigation and landscaping and new entry landscaping in the area of the G Road entrance into the park. There were 3 responsive responsible bids received and opened on April 3, 2003.

Contractor	Location	Base Bid	*Alternate 1	**Alternate 2
WD Yards	Grand Junction	\$193,568.00	\$6,806.00	\$3,214.00
Clarke & Co.	Grand Junction	\$223,443.00	\$5,360.00	\$2,800.00
Alpine C.M.	Grand Junction	\$239,700.00	\$4,200.00	\$3,300.00
Engineers Estimate		\$195,613.00	\$7,834.00	\$3,940.00

*Removal and disposal of pavement and accessories near handball court.

**Drinking Fountain

Budget: Funds for this project are currently available through the 2003 Capital Improvement Program Budget, acct. #2011-711-82350-G33500.

Action Requested/Recommendation: Authorization for the City Manager to execute a contract with low bidder WD Yards, Inc. for the park base bid

improvements including both alternates for a total price of \$203,588.00 pending the receipt of a current contractors license.

Attachments: N/A

Background Information: The solicitation package was advertised in the Daily Sentinel. There were 42 pre-solicitation letters sent to contractors on the current construction, landscaping and concrete source lists. Of these thirteen (13) letters were returned requesting a solicitation package. The two local plan rooms also were sent solicitation packages.

Attach 10

**Public Hearing Rehearing of the Zoning the Red Tail Ridge Annexation,
Located at the South End of Buena Vista Drive**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Re-hearing of the zoning the Red Tail Ridge Annexation, located at the south end of Buena Vista Drive					
Meeting Date		April 16, 2003					
Date Prepared		April 8, 2003			File #ANX-2002-230		
Author		Pat Cecil		Development Services Supervisor			
Presenter Name		Pat Cecil		Development Services Supervisor			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The City Council at its February 19, 2003 hearing zoned the site to a RSF-2 zone district based on public testimony and compatibility with adjacent property's densities.

Budget: N/A

Action Requested/Recommendation: The petitioner requests that the City Council conduct the public hearing and reconsider the request to adopt a RSF-4 zoning as originally requested for the Red Tail Ridge Annexation.

Attachments:

1. Staff report/Background information
2. Letters of Concern (4)
3. Letter requesting the rehearing
4. General Location Map
5. Aerial Photo
6. Growth Plan Map
7. Zoning Map
8. Area acreages map.
9. Ordinance (as adopted)
10. Ordinance (as originally requested)

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

Staff Report/ Background Information				
Location:		<i>South end of Buena Vista Drive</i>		
Applicants:		La Cima I, LLC, petitioner Gemni Development, LLC, developer Ciavonne & Assoc., representative		
Existing Land Use:		<i>Undeveloped</i>		
Proposed Land Use:		<i>Residential development</i>		
Surrounding Land Use:	North	<i>Residential</i>		
	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	<i>RSF-R (County) (.4 to 1.6 acre parcels)</i>		
	South	RSF-R (County) (OM Irrigation District)		
	East	RSF-R (County) (OM Irrigation District)		
	West	<i>RSF-R (County) (.4 to 3.7 acre parcels)</i>		
Growth Plan Designation:		Residential Medium Low 2-4		
Zoning within density range?		X	Yes	No

Project analysis: The petitioner requested zone of annexation to the RSF-4 district, consistent with the Growth Plan density of 2-4 dwelling units per acre. The City Council at the February 19, 2003 hearing zoned the site to the RSF-2 district after receiving testimony from adjacent property owners and reviewing the lot sizes of other developed property in the area. Due to a communication break

down, neither the petitioner nor his representative were in attendance at the February 19th hearing.

The petitioner has requested a rehearing of the zoning request, which has been granted by the City Council, to allow the petitioner and their representative the opportunity to give a presentation justifying a zoning of RSF-4. The Community Development Department has sent out notices of the rehearing to all property owners within 500 feet of the project site, so that they may participate in the rehearing of the zoning request per Council direction.

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 (to the north) and from A 1/4 Road (to the west). Additional access points will be developed from the property to the east and the south.

Public Comments: Four letters of concern were received regarding the project. The primary concerns are project density, lot sizes, access and compatibility with adjacent development.

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.

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

City of Grand Junction
Community Development Dept.
250 N. 5th Street
Grand Junction, Co. 81501

RECEIVED
DEC 23 2002
COMMUNITY DEVELOPMENT
DEPT.

Re: Anx-2002-230-Red Tail Ridge

Planner Pat Cecil and the Planning Dept;

I am writing concerning a proposed subdivision on the land next door to my home. I attended a neighborhood meeting on December 3. I felt many questions were answered unsatisfactorily. So I am putting my concerns in writing.

POPULATION DENSITY:

I am not opposed to a subdivision in this location, but I believe the lots and size of homes need to be similar to the size of those in the existing Buena Vista Subdivision (1/3 –1/2 acre) to maintain our quality of life. Thirty-eight lots on 9.88 acres, when you consider space for streets, cul-de-sacs, curbs, sidewalks, holding ponds, etc, gives me the impression this proposal's primary purpose is to make money for the developers.

ACCESS:

Why is Buena Vista Dr. the only entrance-exit being considered when A ¼ Road is available? Because the people using A ¼ Road as a private drive got so angry at this proposal the developers decided to leave them alone and use "my semi-private drive" as the sole entrance and exit for these 38 families. That is not right. A ¼ Road is located strategically at the southeast corner would alleviate some pressure on the north entrance at Buena Vista Dr. I am trying to be reasonable, but I will get angry, too, if it will help. Developing A ¼ Road should be included in this plan. I will not be able to get out of my own driveway with 60 vehicles racing to one exit every morning. I would suggest at the very least, speed bumps at both entrances.

IRRIGATION:

The developers said at the meeting that their subdivision may use the same headgate my neighbor, Shawna Wells, and I share with everyone east of us to 29 ¾ Road. That would be a disaster for us, in that we already wait for water. I feel the subdivision should be required to have a separate headgate. Also, the ditch above the 9.88 acres has been leaking for years all along the property. I am ¼ mile away from the ditch and water seeps down and runs in front of my

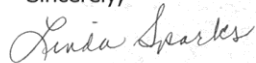
house. I have had to direct it down the gully in order to keep my drive way dry. Repeated calls to the Orchard Mesa Irrigation have not helped. I cannot help wondering if this will be corrected before the development washes down the gully.

PROPERTY DIVISION: (FENCE)

Lastly, the developers are suggesting a split-rail fence at the entrance of their Red Tail Ridge Subdivision. I do not feel this will be a barrier enough to keep the children and pets from 38 households out of my yard. As the person who will live next door to this new development, I would ask that the fence dividing my property from their development be a substantial privacy fence that borders the south side of my property, as well as the Krummel property. (We have discussed this.) We envision a thick stucco or adobe fence the full length of both properties that tapers down in height at the entrance.

Thank you for considering my requests. I am not an expert in any of these matters as your department is, but I have to live with the results you your decisions. I appreciate the opportunity of having my concerns heard.

Sincerely,


Linda Sparks

SPARKS SOUTH BOUNDARY →



PROPOSED SUBDIVISION

PROPOSED ENTRANCE

SPARKS WEST BOUNDARY

BUENA VISTA (MY DRIVEWAY) END HERE X

← KRUMME SOUTH BOUNDARY

KRUMME EAST BOUNDARY

← BUENA VISTA DR

PROPOSED change from cul-de-sac through ST.



PROPOSED SUBDIVISION ↓

A 1/4 ROAD

Shawna Wells
143 Buena Vista Drive
Grand Junction, CO 81503

December 16, 2002

Pat Cecil
Development Services Supervisor
250 N. 5th Street
Grand Junction, CO 81501

To Whom It May Concern:

I am writing this letter to voice my opinion on the development of the Red Tail Run subdivision, which will be located near my property and that of my neighbors. My primary concern is vehicle access to the new development. Currently the only planned access to Red Tail is via Buena Vista, which runs right in front of my house. The new subdivision will include 38 homes, meaning 76 cars or more will likely use Buena Vista multiple times each day.

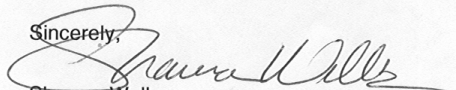
I believe the developers, the city government, or both need to make arrangements for a second entrance/exit. A second access road was proposed initially and then scrapped due to residents' complaints. I obviously sympathize with the homeowners and share their concerns, but it makes much more sense to distribute the traffic burden over two access roads and inconvenience affected property holders equally. Relying on a single entrance is a disservice to potential residents of Red Tail, owners of homes on or near Buena Vista, and all citizens of Grand Junction who uphold the values of fairness and good sense.

Whether Buena Vista is the single access point for Red Tail or one of several, I also feel that speed bumps should be installed near the intersection with the Highway 50 frontage road. Drivers on a straight, busy road such as Buena Vista, leading to a major highway such as Route 50, will likely travel in excess of 30 miles per hour. Not only will the traffic level and speed increase disturbing noise and pollution for my neighbors and me, but it will also lead to unsafe conditions for current residents and future Red Tail homeowners (especially children, the elderly, and anyone with handicaps affecting mobility or judgment). As a personal aside, I expect to find backing out of my driveway each morning (in order to go to work and contribute my taxes to help fund projects such as Red Tail!) exceptionally difficult even with the speed bumps to help regulate traffic flow; without them, I cannot imagine how long I will have to wait to leave my driveway safely.

My final suggestion is to consider building a divider between existing homes and the new subdivision. Current residents chose the location for peace, quiet, and a uniquely appealing quality of life. My neighbors and I fear the atmosphere we have enjoyed for years (and in some cases decades) will change dramatically for the worse with 38 homes being built "in our backyards." A wall, perhaps adobe or brick, would not only be fitting and attractive, but it would also help set off the new neighborhood and establish a strong sense of place that would appeal to new homeowners. A chain link or painted wood fence back in the desert might indicate some separation, but it would be unattractive and wouldn't match the landscaping.

Thank you for carefully considering my concerns and suggestions. I understand what the Red Tail subdivision means for the city, and I do not wish to stand in the way of progress, but my concerns for my property value and quality of life are legitimate and quite serious. I appreciate your time and any help you can offer.

Sincerely,


Shawna Wells

RECEIVED

DEC 16 2002

**COMMUNITY DEVELOPMENT
DEPT.**

December 13, 2002

Pat Cecil
Development Services Supervisor
250 North Fifth Street
Grand Junction, CO 81501

We reside in Orchard Mesa at 2953 Highway 50, immediately North of the proposed Red Tail Subdivision.

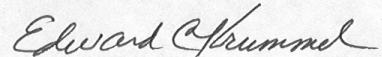
We would like to express our displeasure with the plot layout as planned: the ONE road planned for access AND egress to this subdivision is Buena Vista Drive, a dusty two-lane roadway at best, with residents of 38 proposed homes wanting to enter or leave at will, not to mention fire trucks, delivery vehicles, ambulances, trash pickups, etc., thereby creating a horrendous bottleneck for all concerned.

An alternate possibility, A-1/4 Road, was platted and deeded as a proposed roadway many years ago (January 5, 1967 map, Book 727, Page 107), AND does dead-end at the southeast corner of the proposed subdivision.

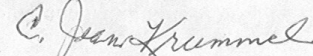
It could, AND SHOULD, be utilized as a secondary access/egress point, eliminating the possibility of residents being held without a chance of leaving or entering said subdivision.

All it would take would be a minor accident on Buena Vista (or on the Highway 50 frontage road, or on Highway 50 itself for that matter) and ALL traffic (and that includes emergency vehicles) would be unable to travel in or out.

Consideration of this potential problem should be given, and rightly so, for all concerned.



Edward C. Krummel



C. Jean Krummel

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

City Council of Grand Junction
250 N. 5th Street
Grand Junction, Co. 81501

RECEIVED
FEB 11 2003
COMMUNITY DEVELOPMENT
DEPT.

Re: Anx-2002-230-Red Tail Ridge

February 10, 2003

Dear Pat Cecil,

I recently attended a community- planning meeting in which the Red Tail Ridge Subdivision was recommended for annexation. This was my first experience of this kind and I was insecure about what to do. I spoke with the planner on this project, Pat Cecil. He very kindly explained to me that I could attend the meeting and get my concern on the record. I was not sure if I should actually state all my concerns at that meeting or not; Thus the reason for this letter.

The Buena Vista Subdivision where I live is approximately 4 acres and contains 4 houses. The Red Tail Ridge Subdivision is 9.88 acres and is proposed to contain 38 houses. I did the math on that and it comes out to .26 acre per lot. That figure less the streets, cul-de-sacs, curbs, sidewalks, retention areas, a common area (which is not in the proposal) leaves me to believe this will be a very cramped area.

The developers said at one of the neighborhood meetings that the average home in the subdivision would sell for \$140,000 to \$145,000. The average selling price for a home in the Buena Vista Subdivision is \$225,000. I believe we deserve a better subdivision than this.

I wish to reiterate that this could be an extraordinary area. I am not against the Red Tail Ridge subdivision or the developers. I am concerned that they will divide the property into very small lots in order to make a larger profit and those of us in the Buena Vista Subdivision will be left to live with the results. I would rather see the developer put in half as many lots and charge twice as much. The Orchard Mesa area is rapidly growing in population now, and its growth will spiral upward when the 29 Road Bridge is finished. Please consider giving this area a RSF2 rating.

Respectfully,

Linda Sparks

Linda Sparks

P.S. *This is just to let you know what my concerns were
and that I have sent them to the city council.*

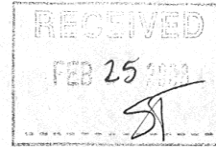
Thanks, J

RECEIVED

FEB 25 2003

COMMUNITY DEVELOPMENT
DEPT.

La Cima I, LLC
2070 E ¼ Rd.
Grand Junction, CO 81503



February 25, 2003

City of Grand Junction Community Development Department
Mr. Bob Blanchard, Director
250 N. 5th Street
Grand Junction, CO 81501

Re: Request for Rehearing for Red Tail Ridge

Dear Mr. Blanchard:

In accordance with Section 2.18, Item D of the City Zoning and Development Code, I (the Applicant) am requesting a Rehearing on the Zoning for Red Tail Ridge Subdivision. This project was heard by City Council on February 19, 2003, and received a zoning designation of RSF-2, rather than the RSF-4 we had requested.

Specific to Item D.1 of the Code, we submit the following:

- a. I am the official person of record for this development;
- b. I am requesting this hearing within the 10 day time limit;
- c. I believe that the decision maker may have failed to consider or misunderstood pertinent facts, that crucial information was not made available at the time the decision was made, based on the fact that we were not at the Hearing to present our project to City Council. The crux of this issue is in a miscommunication of information as explained herein below.

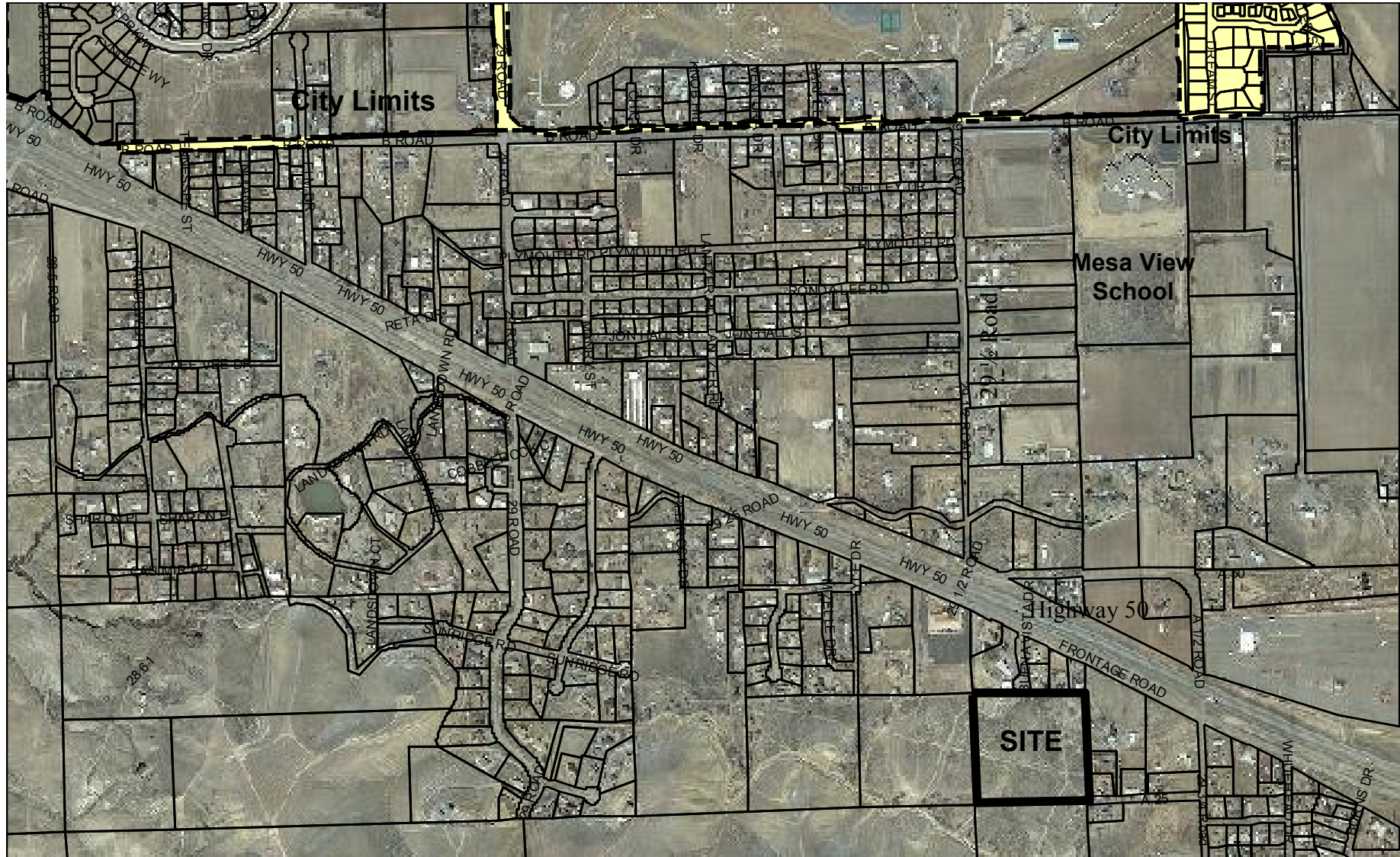
We attended the annexation hearing with the Planning Commission on the evening of January 28th, 2003. The Planning Commission approved the annexation at this hearing. Our Planner received a phone call from the project Planner, Pat Cecil on February 6th, 2003 to inform him that there was a problem that would delay the City Council Hearing. He informed our Planner that Red Tail Ridge subdivision, unbeknown to us, was shirt-tailed to a property owned by a Mr. Rice that was to also be annexed. Apparently Mr. Rice decided to withdraw his request to annex his property into the City at the February 5th, 2003 City Council Hearing. It was explained that the Red Tail Ridge annexation was a sequential annexation that relied on the Rice annexation, therefore there would be a significant delay but we would be kept informed. Subsequently I met with Pat Cecil on February 7th, 2003 to request an explanation because I didn't understand how this occurred. Pat explained that he met with the City attorney and they thought that they could work around this problem but had a great deal of internal work to do to keep on track or minimize any delay. I asked what was expected from us at this point and he said he would let us know. At this point it was understood that we would be notified of any actions taking place on our application. Operating under the belief that we were delayed due the Rice issue, we were waiting for follow up from Staff. Our next contact from Mr. Cecil was a phone message left on our Planner's voice mail on February 20th, 2003 that the Second Reading had taken place by City Council and they decided on RSF-2 Zoning for Red Tail Ridge subdivision. At this meeting, Council Members expressed disappointment that developer didn't attend and asked Staff if they knew why. Naturally, upon hearing this message, my wife and I were shocked! We were very disappointed and disturbed that we were not there to present our side of the Zoning request. Due to the lack of communication and/or misunderstanding, we believe our request for Rehearing is fair and reasonable for the reasons outlined above.

Sincerely,

Jay Kee Jacobson, Applicant

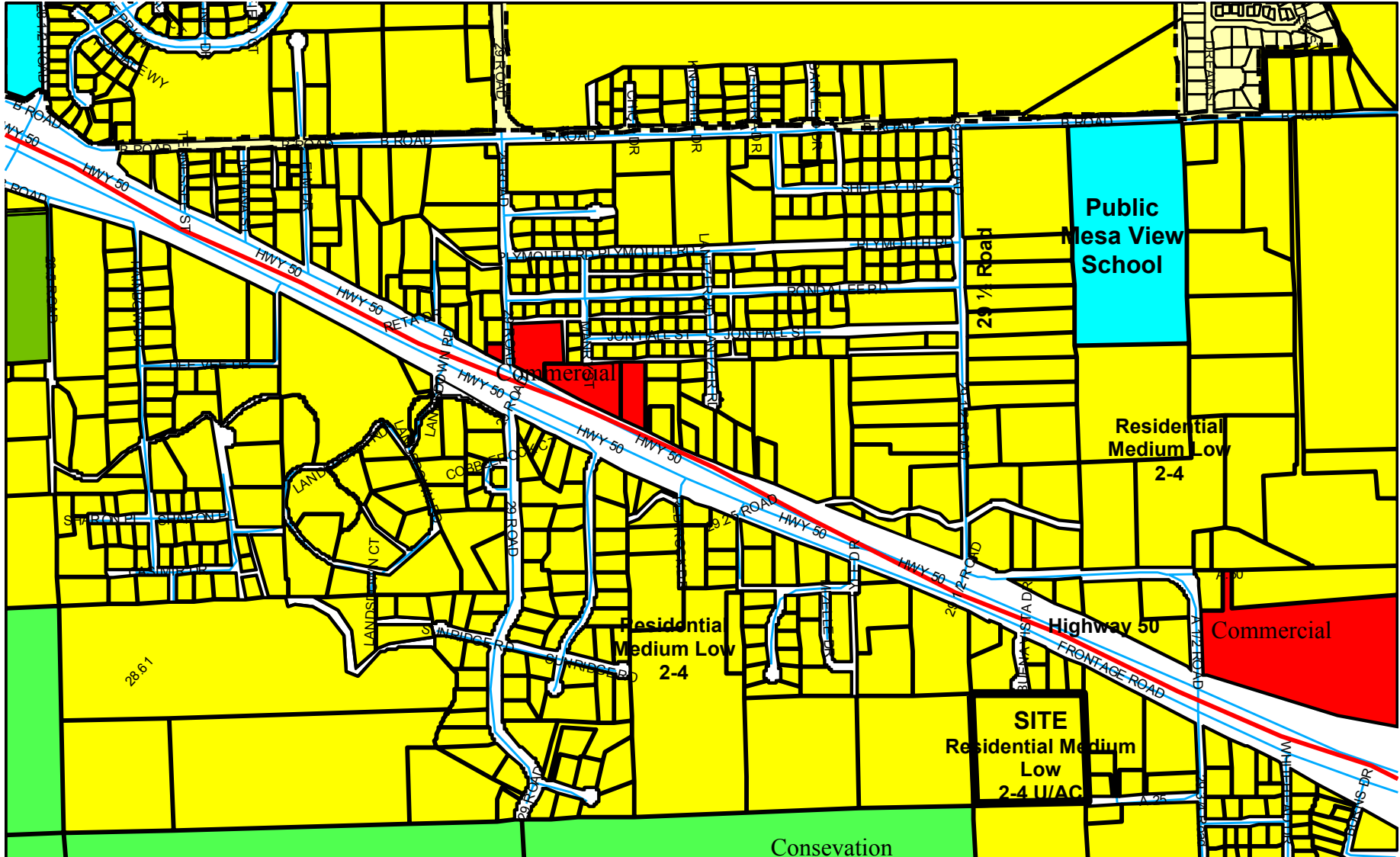
Aerial Photo Map

Figure 3



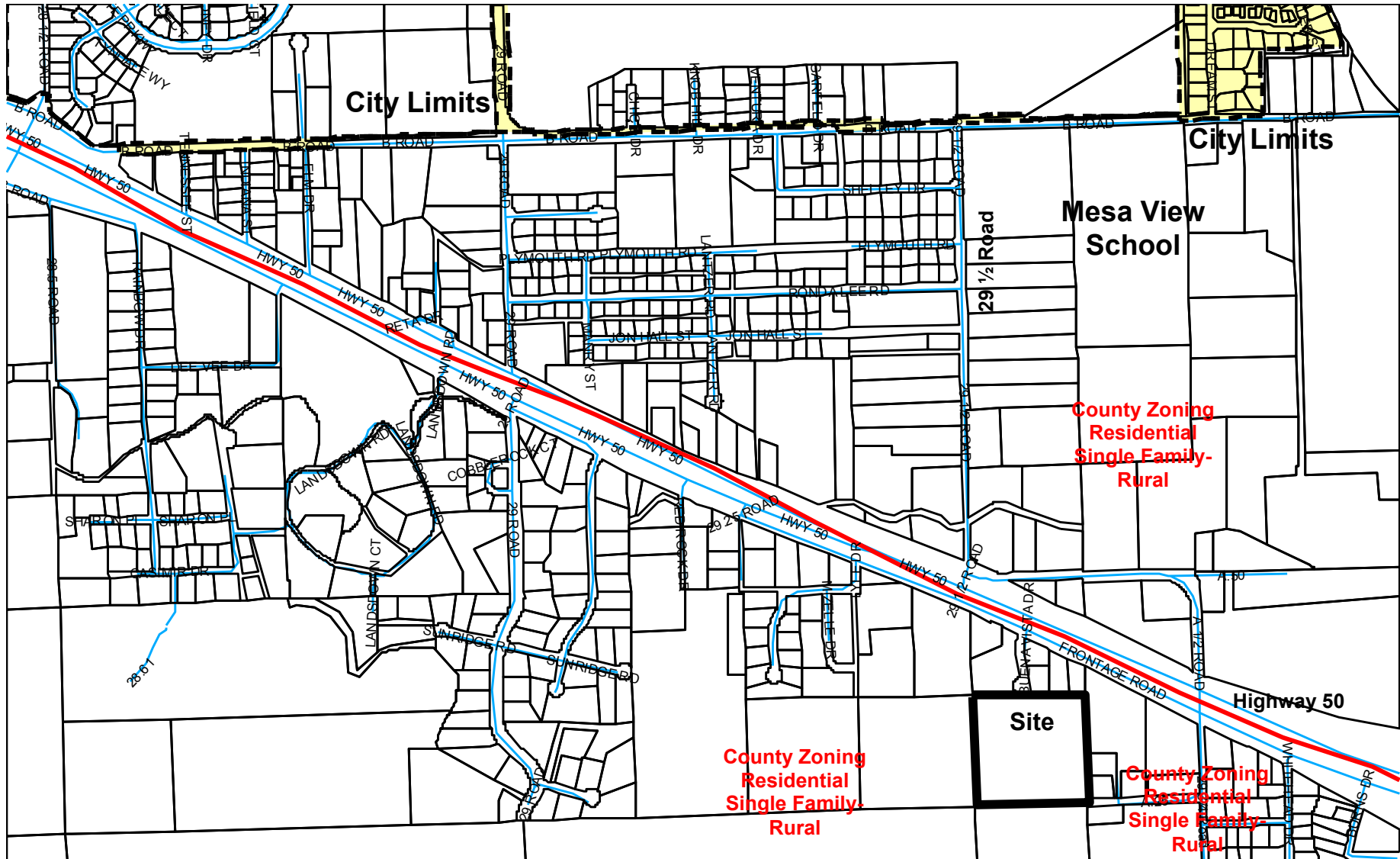
Future Land Use Map

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. 3504

An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 2 dwelling units per acre (RSF-2) 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-2 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.
- The RSF-2 zone district is more consistent with the densities and minimum lot sizes of adjacent lands.
- The RSF-2 zone district implements the Growth Plan designation of Residential Medium Low 2-4 dwelling units per acre.

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

The following property shall be zoned Residential Single Family – 2 dwelling units per acre (RSF-2) 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 19th day of February, 2003.

/s/: Cindy Enos-Martinez
President of Council

ATTEST:

/s/: Stephanie Tuin
City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**An Ordinance Zoning the Red Tail Ridge Annexation to 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, Council finds that the RSF-4 zone district be established for the following reasons:

- The RSF-4 zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- The RSF-4 zone district meets the criteria of 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 11

Public Hearing – Grand Meadows South, Located at 466 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Public hearing for acceptance of petition and annexation ordinance for the Grand Meadows South Annexation, located at 466 30 Road					
Meeting Date		April 16, 2003					
Date Prepared		March 31, 2003			File # ANX-2003-010		
Author		Lisa E. Cox, AICP		Senior Planner			
Presenter Name		As above		As above			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the Annexation Ordinance for the Grand Meadows South Annexation, located at 466 30 Road.

Budget: N/A

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

Background Information: **See attached**

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		<i>466 30 Road</i>	
Applicant:		Terry Lawrence dba Darter, LLC, Owner	
Existing Land Use:		<i>Single Family Residence</i>	
Proposed Land Use:		<i>Residential</i>	
Surrounding Land Use:	North	<i>Residential</i>	
	South	Residential	
	East	Residential	
	West	Industrial/Residential	
Existing Zoning:		RSF-R (Mesa County)	
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)	
Surrounding Zoning:	North	<i>RMF-5 (City)</i>	
	South	RSF-R (Mesa County)	
	East	RSF-R (Mesa County)	
	West	RSF-R (Mesa County)	
Growth Plan Designation:		Residential Medium, 4-8 units/acre	
Zoning within density range?		<input checked="" type="checkbox"/> X	<input type="checkbox"/> Yes
		<input type="checkbox"/>	<input type="checkbox"/> No

STAFF ANALYSIS:

ANNEXATION

It is staff's professional opinion, based on their 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 subject property is eligible to be annexed because of compliance with the following requirements. An affidavit has been signed and submitted to the City Clerk establishing the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits.
- c) A community of interest exists between the area to be annexed and the single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

SUMMARY	
File Number:	ANX-2003-010
Location:	466 30 Road
Tax ID Number:	2943-162-00-023
Parcels:	1
Estimated Population:	2
# of Parcels (owner occupied):	1
# of Dwelling Units:	1
Acres land annexed:	4.8995 acres for annexation area
Developable Acres Remaining:	0 acres
Right-of-way in Annexation:	0 acres
Previous County Zoning:	RSF-R (Mesa County)
Proposed City Zoning:	RMF-5, Residential Multi-Family not to exceed 5 units/acre
Current Land Use:	Single Family Residence
Future Land Use:	Residential

Values:	Assessed:	\$ 9,210
	Actual:	\$ 100,700
Census Tract:		8
Address Ranges:		West to East: 3000-3025 North to South: 463-465
Special Districts:	Water:	Ute Water/Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Upper Grand Valley Pest

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
2-19-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
3-11-03	Planning Commission recommendation for City zone district
4-02-03	First Reading of Zoning Ordinance by City Council
4-16-03	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
5-18-03	Effective date of Annexation and City Zoning

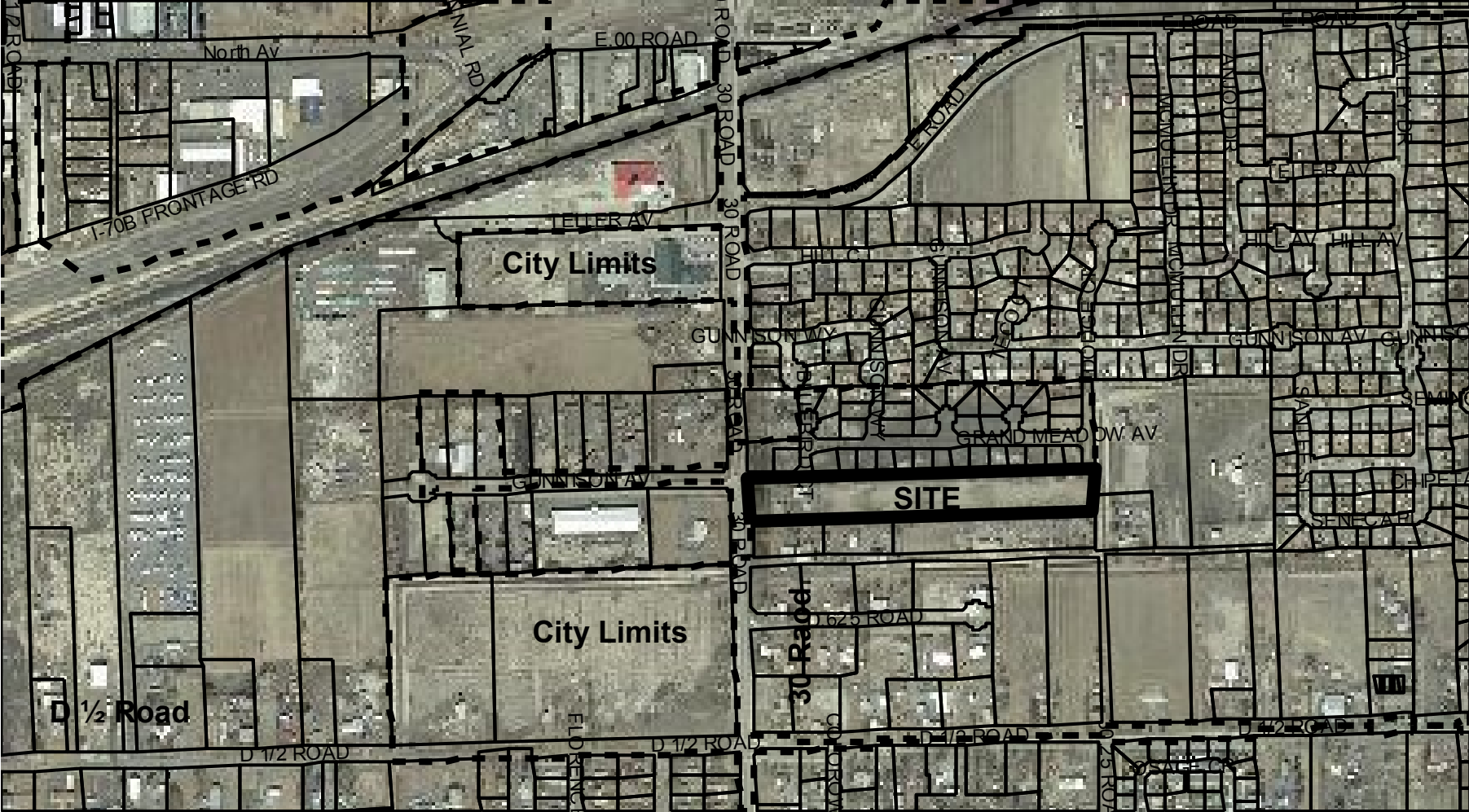
Action Requested/Recommendation: It is recommended that City Council accept the petition for annexation for the Grand Meadows South Annexation and adopt the Annexation Ordinance.

Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation Map (Figure 5)
6. Resolution for Acceptance of Petition
7. Annexation Ordinance

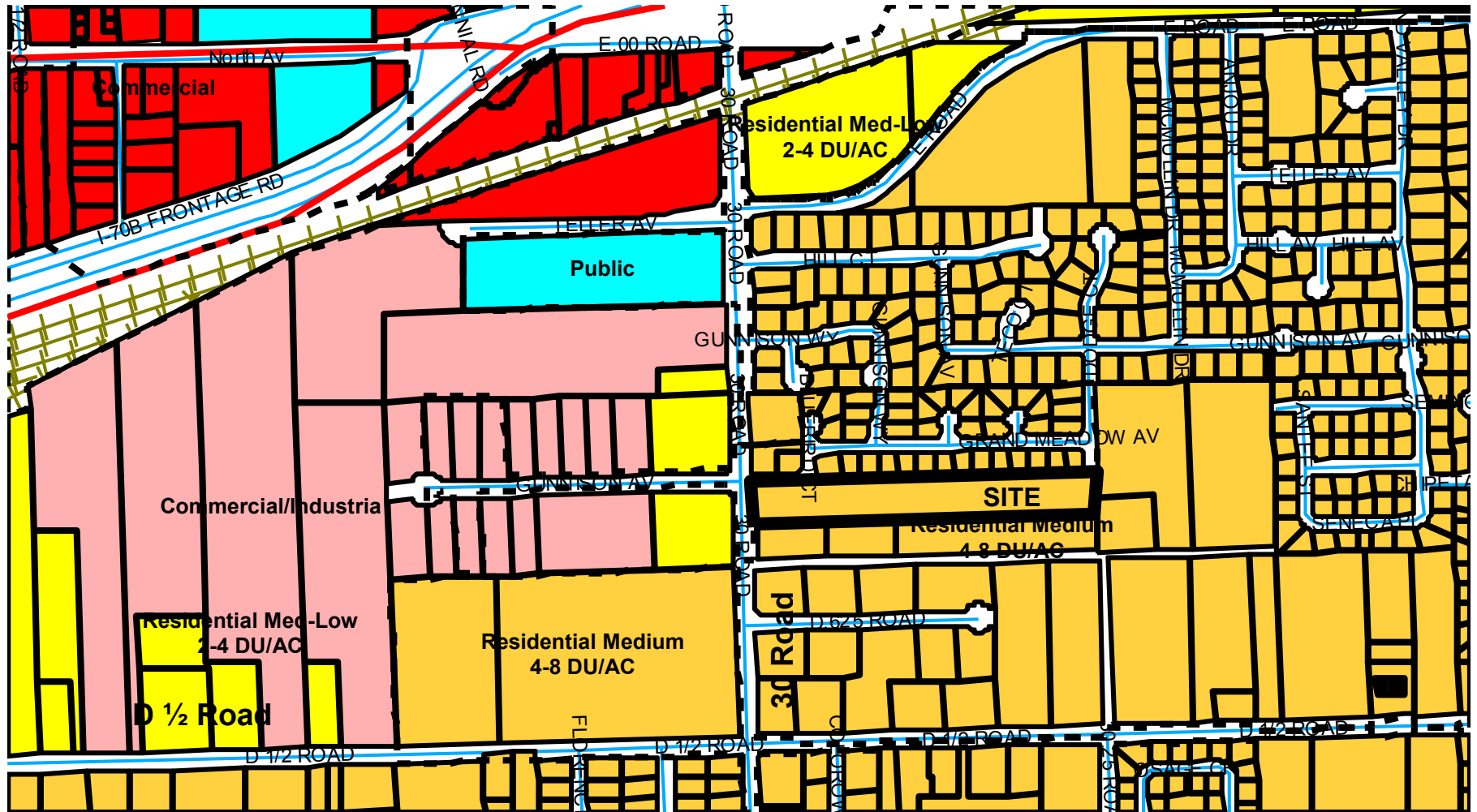
Aerial Photo Map

Figure 2



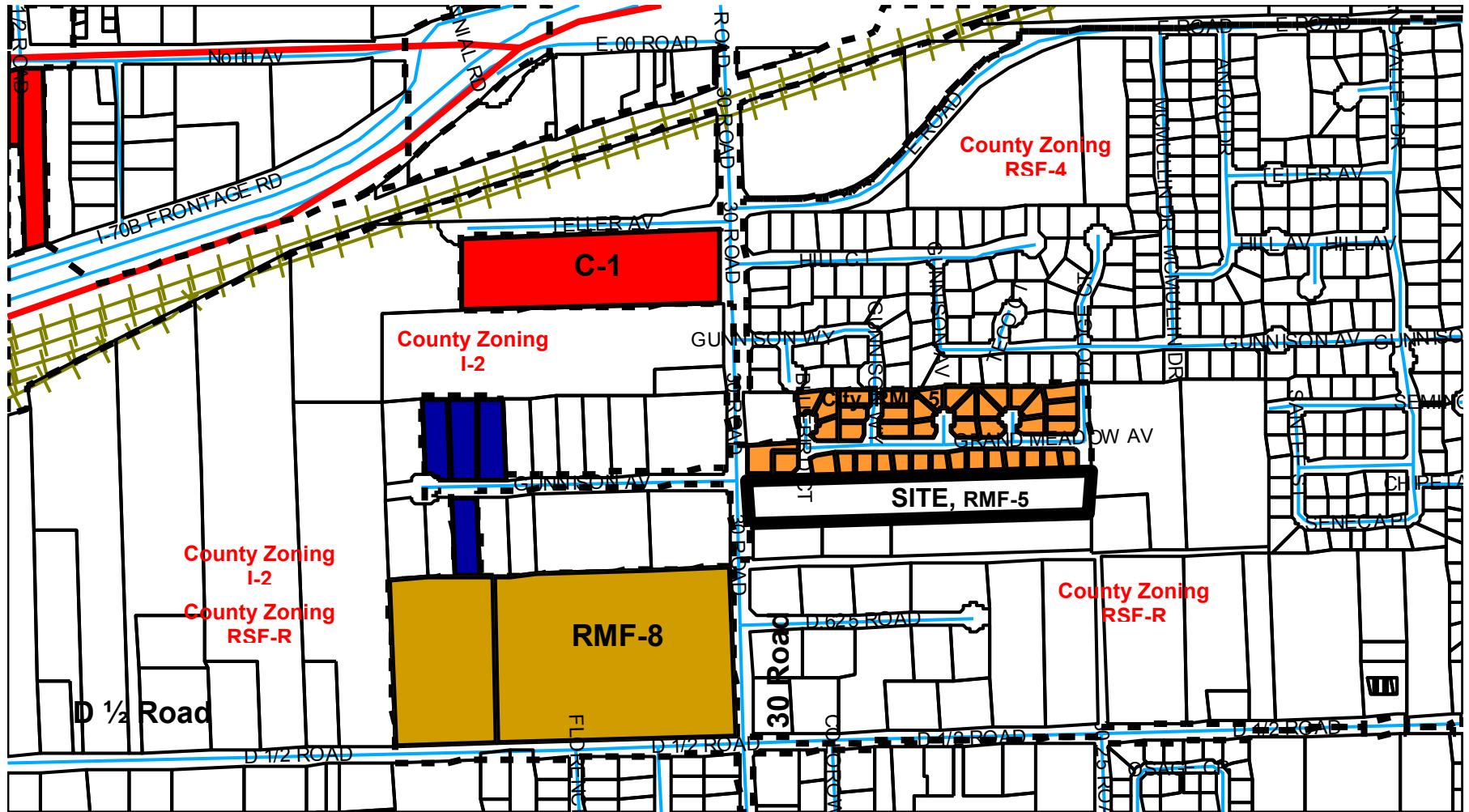
Future Land Use Map

Figure 3



Existing City and County Zoning

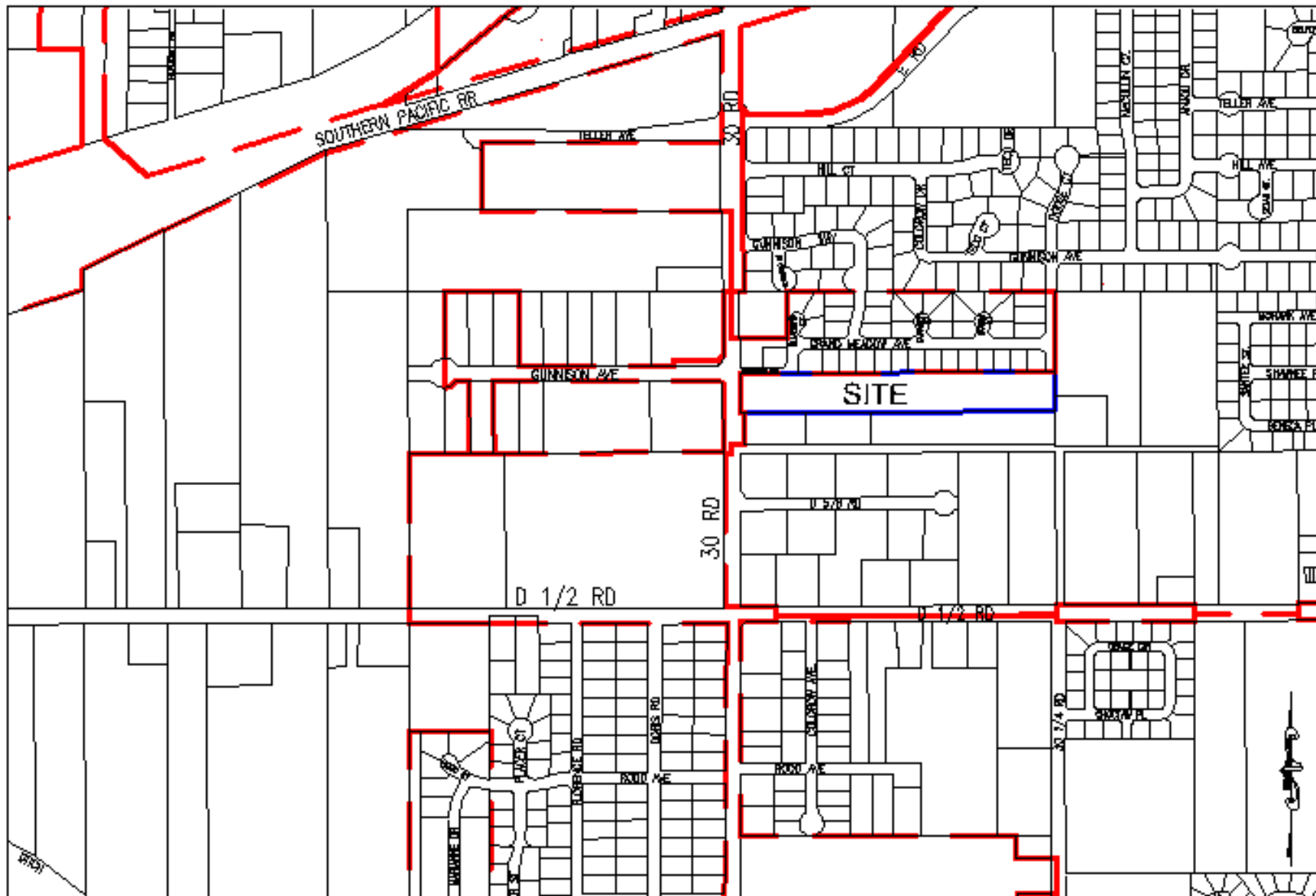
Figure 4



j) 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."

GRAND MEADOWS SOUTH ANNEXATION

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -03

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE GRAND MEADOWS SOUTH ANNEXATION AREA IS ELIGIBLE FOR ANNEXATION LOCATED AT 466 30 ROAD

WHEREAS, on the day of 19th day of February, 2003, 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:

GRAND MEADOWS SOUTH ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SW 1/4 NW 1/4 of said Section 16, and considering the East line of the SW 1/4 NW 1/4 of said Section 16 to bear S 00°05'30" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16 a distance of 329.80 feet to a point being the Southeast corner of Grand Meadows Subdivision, as same is recorded in Plat Book 19, Pages 61 and 62, Public Records of Mesa County, Colorado, said point being the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00° 05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet; thence S 89°55'30" W along the South line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, a distance of 1292.42 feet to a point; thence N 00°00'00" E along a line 30.00 feet East of and parallel to, the West line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet to a point; thence N 89°55'30" E along the North line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, also being the South line of said Grand Meadows Subdivision, a distance of 1292.16 feet, more or less, to the Point of Beginning.

CONTAINING 4.8995 Acres (213,421.56 Sq. Ft), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of April, 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.

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

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

ADOPTED this 16th day of April, 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**

**GRAND MEADOWS SOUTH ANNEXATION
APPROXIMATELY 4.8995 ACRES
LOCATED AT 466 30 ROAD**

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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:

GRAND MEADOWS SOUTH ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SW 1/4 NW 1/4 of said Section 16, and considering the East line of the SW 1/4 NW 1/4 of said Section 16 to bear S 00°05'30" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16 a distance of 329.80 feet to a point being the Southeast corner of Grand Meadows Subdivision, as same is recorded in Plat Book 19, Pages 61 and 62, Public Records of Mesa County, Colorado, said point being the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00° 05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet; thence S 89°55'30" W along the South line of the North 165.15 feet of the South-half of the North-half of the SW

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CONTAINING 4.8995 Acres (213,421.56 Sq. Ft), more or less, as described.

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

INTRODUCED on first reading on the 19th day of February 2003.

ADOPTED and ordered published this 16th day of April, 2003.

Attest:

President of the Council

City Clerk

**Attach 12
Public Hearing – Zoning Grand Meadows South**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Grand Meadows South Annexation, located at 466 30 Road					
Meeting Date	April 16, 2003					
Date Prepared	March 31, 2003				File # ANX-2003-010	
Author	Lisa E. Cox, AICP			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Second reading of the Zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Budget: N/A

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

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation Map (Figure 5)
7. Zoning Ordinance

Background Information: See attached staff report

STAFF REPORT / BACKGROUND INFORMATION				
Location:		466 30 Road		
Applicant:		Terry Lawrence dba Darter, LLC, Owner		
Existing Land Use:		Single Family Residence		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Industrial/Residential		
Existing Zoning:		RSF-R (Mesa County)		
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)		
Surrounding Zoning:	North	RMF-5 (City)		
	South	RSF-R (Mesa County)		
	East	RSF-R (Mesa County)		
	West	RSF-R (Mesa County)		
Growth Plan Designation:		Residential Medium, 4-8 units/acre		
Zoning within density range?		X	Yes	No

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

Staff Analysis:

ZONING OF ANNEXATION:

The proposed zoning for the Grand Meadows South Annexation is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

1. The existing zoning was in error at the time of adoption. This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. The property is located in an area with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. The requested rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines. The proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. Adequate public facilities and services are available at this time or will be installed with development of the site.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.

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

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

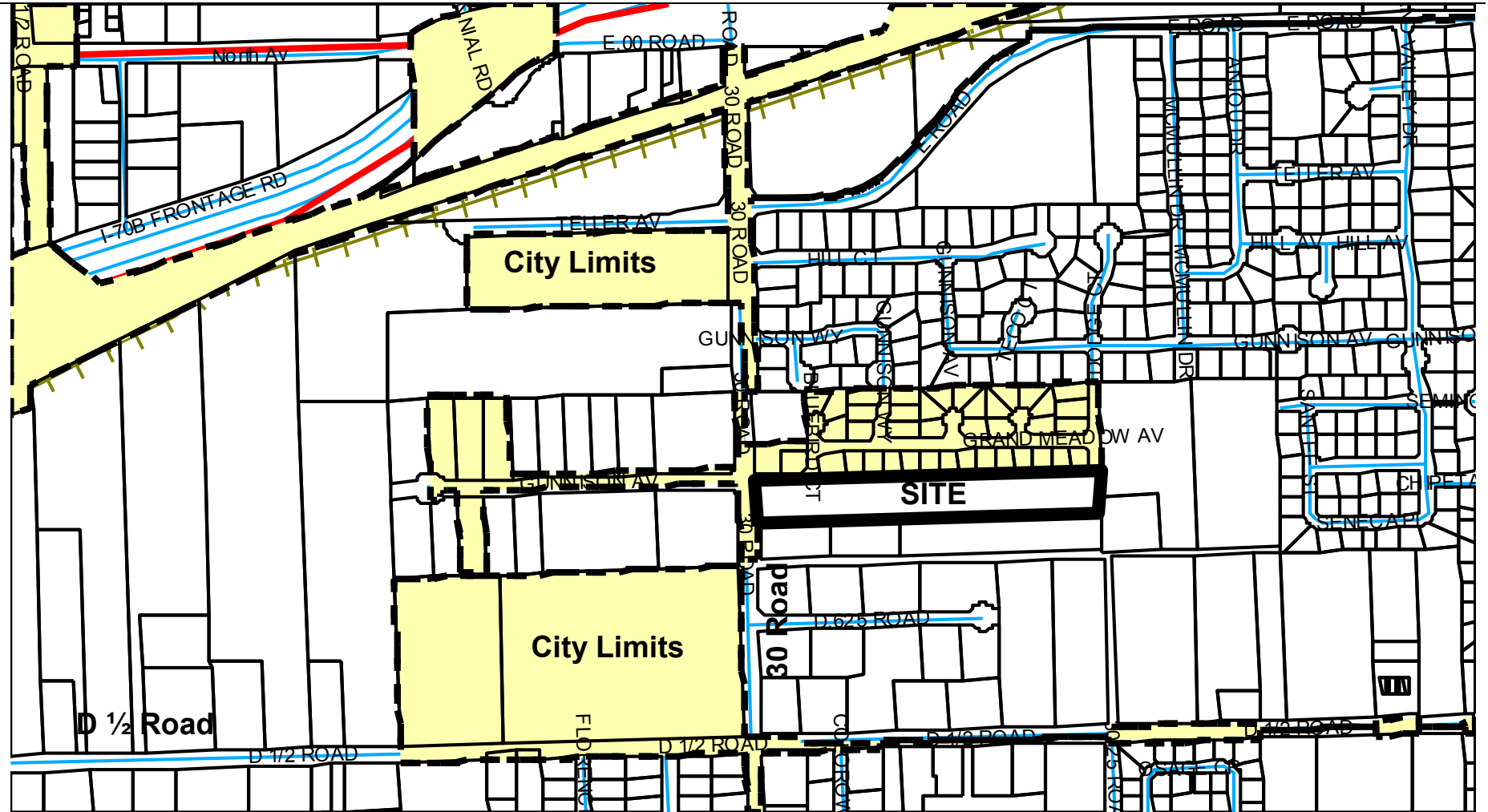
Attachments:

1. Site Location Map (Figure 1)
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5. Annexation Map (Figure 5)
6. Zoning Ordinance

H:Projects2003/ANX-2003-010/SVMCityZord2

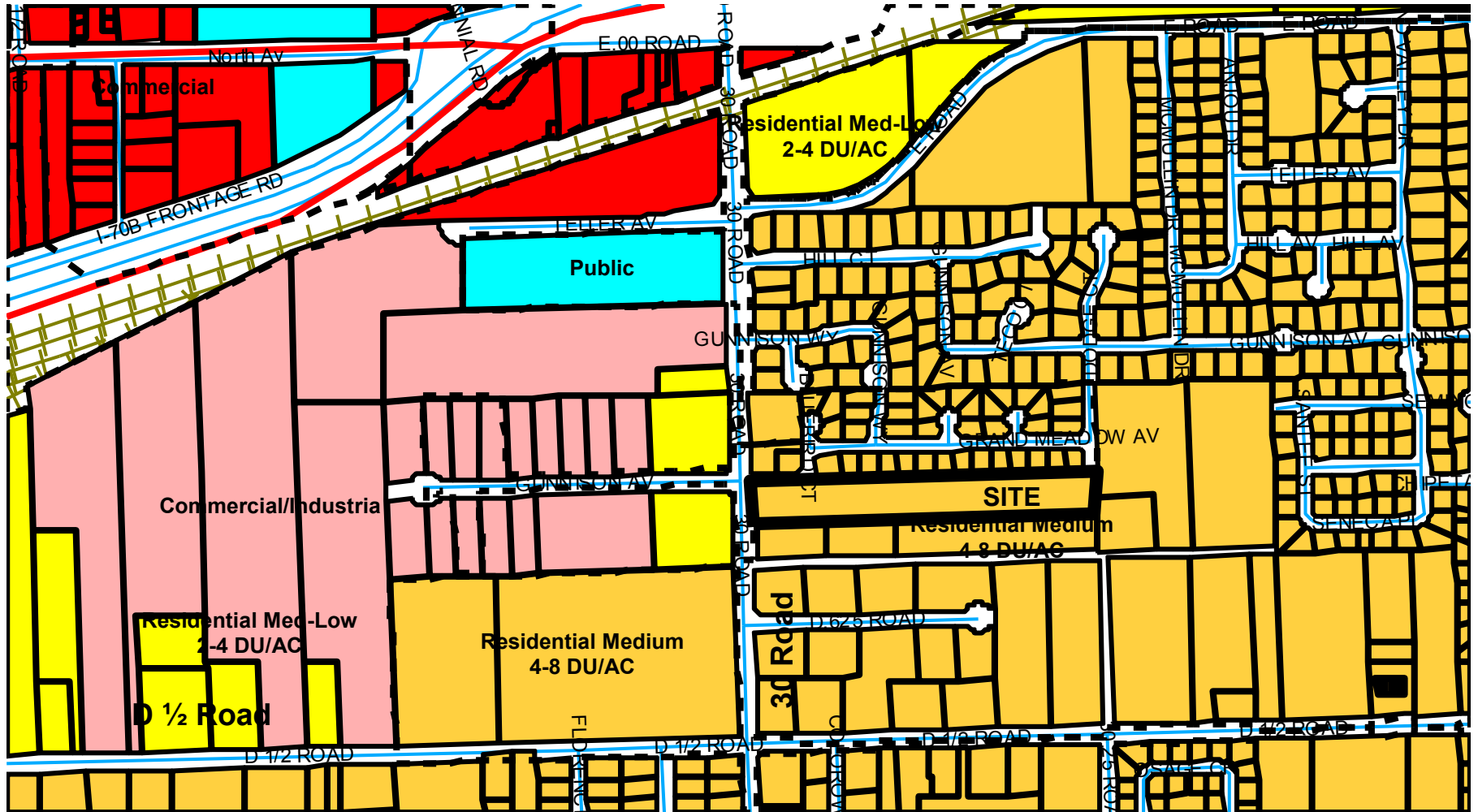
Site Location Map

Figure 1



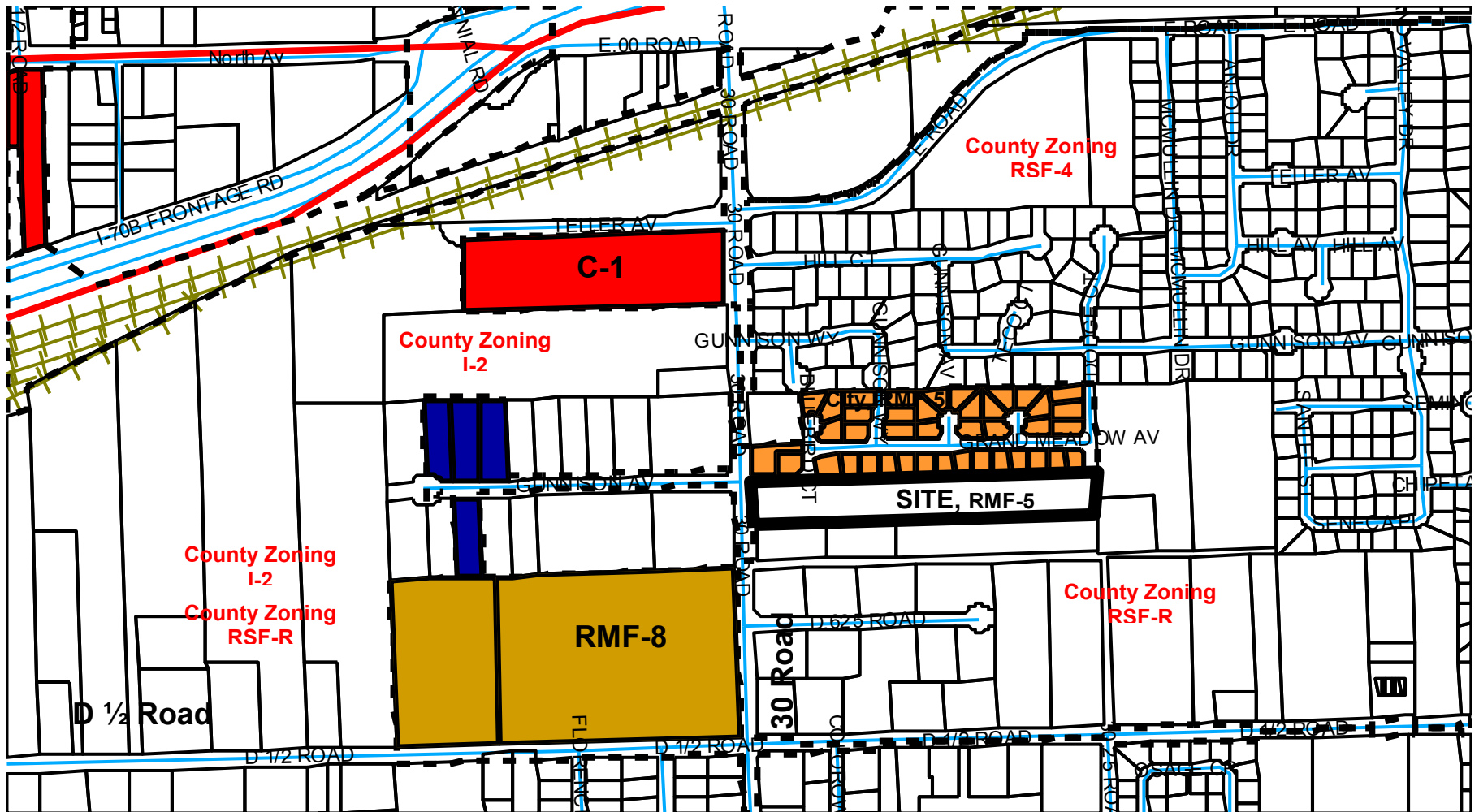
Future Land Use Map

Figure 3



Existing City and County Zoning

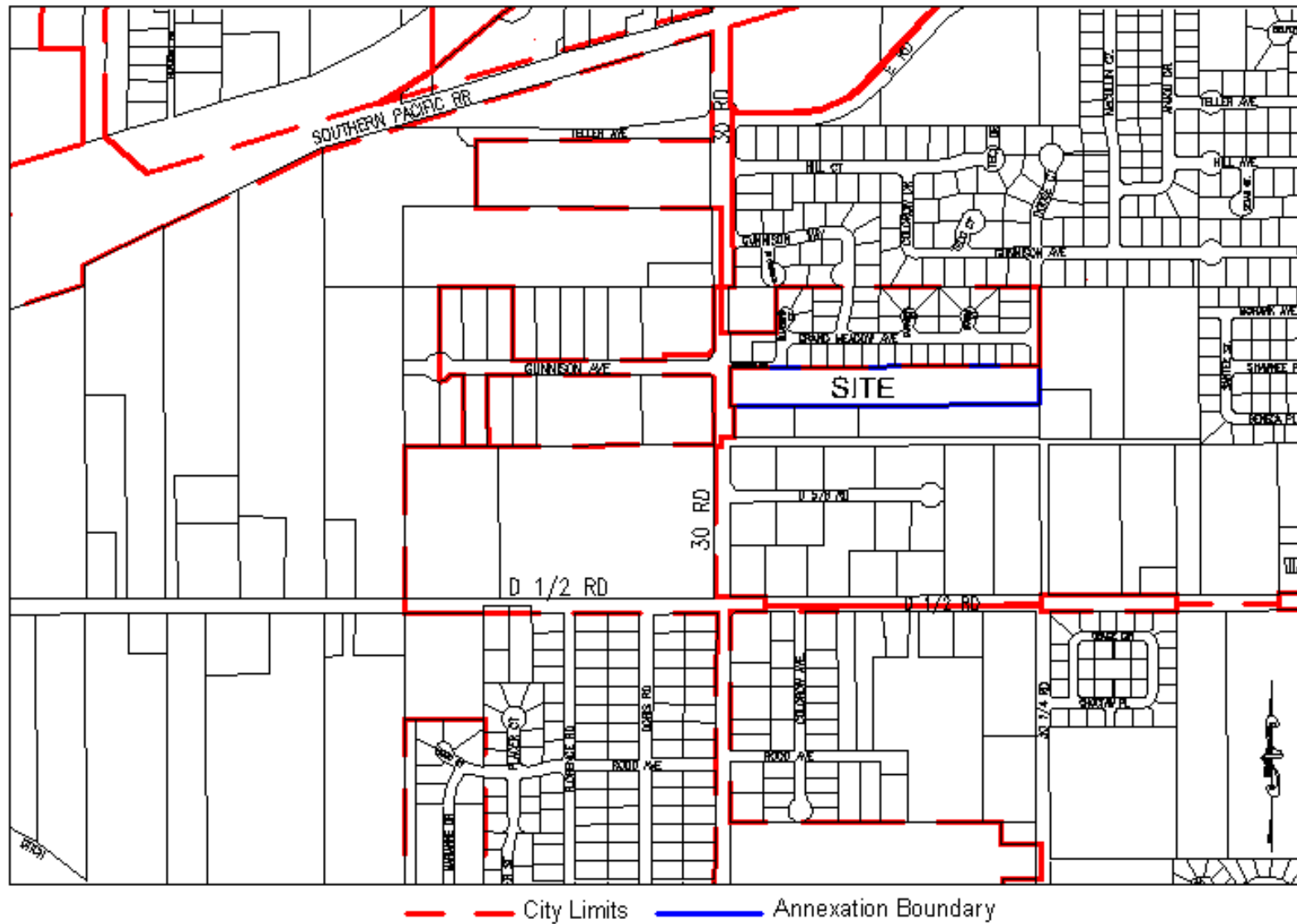
Figure 4



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." 188

GRAND MEADOWS SOUTH ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Grand Meadows South Annexation to the RMF-5 zone district for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

GRAND MEADOWS SOUTH ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SW 1/4 NW 1/4 of said Section 16, and considering the East line of the SW 1/4 NW 1/4 of said Section 16 to bear S 00°05'30" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16 a distance of 329.80 feet to a point being the Southeast corner of Grand Meadows Subdivision, as same is recorded

in Plat Book 19, Pages 61 and 62, Public Records of Mesa County, Colorado, said point being the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00° 05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet; thence S 89°55'30" W along the South line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, a distance of 1292.42 feet to a point; thence N 00°00'00" E along a line 30.00 feet East of and parallel to, the West line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet to a point; thence N 89°55'30" E along the North line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, also being the South line of said Grand Meadows Subdivision, a distance of 1292.16 feet, more or less, to the Point of Beginning.

CONTAINING 4.8995 Acres (213,421.56 Sq. Ft), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

Introduced on Second reading this 2nd day of April, 2003

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

ATTEST:

President of the Council

City Clerk

**Attach 13
Public Hearing – Summit Meadows West Annexation, Located at 3134 and 3138
D ½ Road**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public hearing for acceptance of petition and annexation ordinance for the Summit Meadows West Annexation, located at 3134 and 3138 D 1/2 Road					
Meeting Date	April 16, 2003					
Date Prepared	March 31, 2003				File # ANX-2003-016	
Author	Lisa E. Cox, AICP			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>		Formal Agenda		Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for Acceptance of Petition to Annex and Second reading of the Annexation Ordinance for the Summit Meadows West Annexation, located at 3134 and 3138 D 1/2 Road.

Budget: N/A

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

Background Information: **See attached**

Attachments:

9. Staff Report
10. Site Location Map (Figure 1)
11. Aerial Photo Map (Figure 2)
12. Future Land Use Map (Figure 3)
13. Existing City and County Zoning Map (Figure 4)
14. Annexation Map (Figure 5)
15. Resolution for Acceptance of Petition
16. Annexation Ordinances

STAFF REPORT / BACKGROUND INFORMATION

Location:		<i>3134 and 3138 D 1/2 Road</i>			
Applicant:		Diane L. Krieger, Owner Casa Tiara Development, Owner			
Existing Land Use:		<i>Residential/Agricultural</i>			
Proposed Land Use:		<i>Residential</i>			
Surrounding Land Use:	North	<i>Residential</i>			
	South	Residential/Agricultural			
	East	Residential/Agricultural			
	West	Residential			
Existing Zoning:		RSF-R (Mesa County)			
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)			
Surrounding Zoning:	North	<i>PD, approx. 4 units/acre (Mesa County)</i>			
	South	RSF-R/PD (Mesa County)			
	East	RSF-R (Mesa County)			
	West	RSF-4 (Mesa County)			
Growth Plan Designation:		Residential Medium, 4-8 units/acre			
Zoning within density range?		X	Yes		No

STAFF ANALYSIS:

ANNEXATION

It is staff's professional opinion, based on their 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 subject property is eligible to be annexed because of

compliance with the following requirements. An affidavit has been signed and submitted to the City Clerk establishing the following:

- k) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- l) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits.
- m) A community of interest exists between the area to be annexed and the single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- n) The area is or will be urbanized in the near future;
- o) The area is capable of being integrated with the City;
- p) No land held in identical ownership is being divided by the proposed annexation;
- q) 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.

SUMMARY	
File Number:	ANX-2003-016
Location:	3134 and 3138 D ½ Road
Tax ID Number:	2943-152-00-125 & 2943-152-00-025
Parcels:	2
Estimated Population:	4
# of Parcels (owner occupied):	1
# of Dwelling Units:	2
Acres land annexed:	10.8266 acres for annexation area
Developable Acres Remaining:	0 acres
Right-of-way in Annexation:	0 acres
Previous County Zoning:	RSF-R (Mesa County)
Proposed City Zoning:	RMF-5, Residential Multi-Family not to exceed 5 units/acre
Current Land Use:	Residential/Agricultural
Future Land Use:	Residential

Values:	Assessed:	\$ 16,540
	Actual:	\$ 175,590
Census Tract:		8
Address Ranges:		West to East: 3134 to 3140 North to South: 450 to 475
Special Districts:	Water:	Ute Water/Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Upper Grand alley Pest

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
2-19-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
3-11-03	Planning Commission recommendation for City zone district
4-02-03	First Reading of Zoning Ordinance by City Council
4-16-03	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
5-18-03	Effective date of Annexation and City Zoning

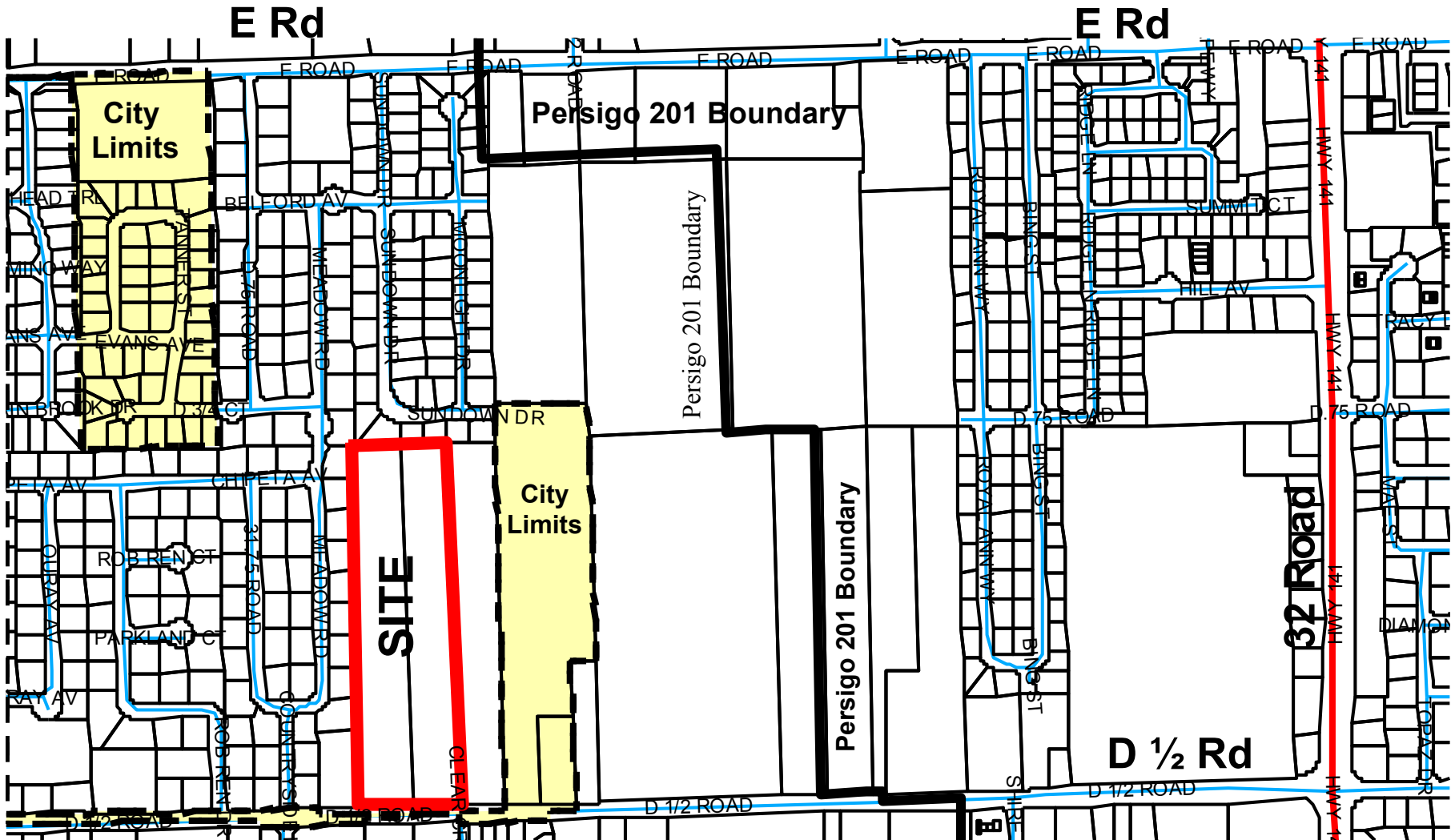
Action Requested/Recommendation: It is recommended that City Council accept the petition for annexation for the Summit Meadows West Annexation and adopt the Annexation Ordinances.

Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation Map (Figure 5)
6. Resolution for Acceptance of Petition
7. Annexation Ordinances

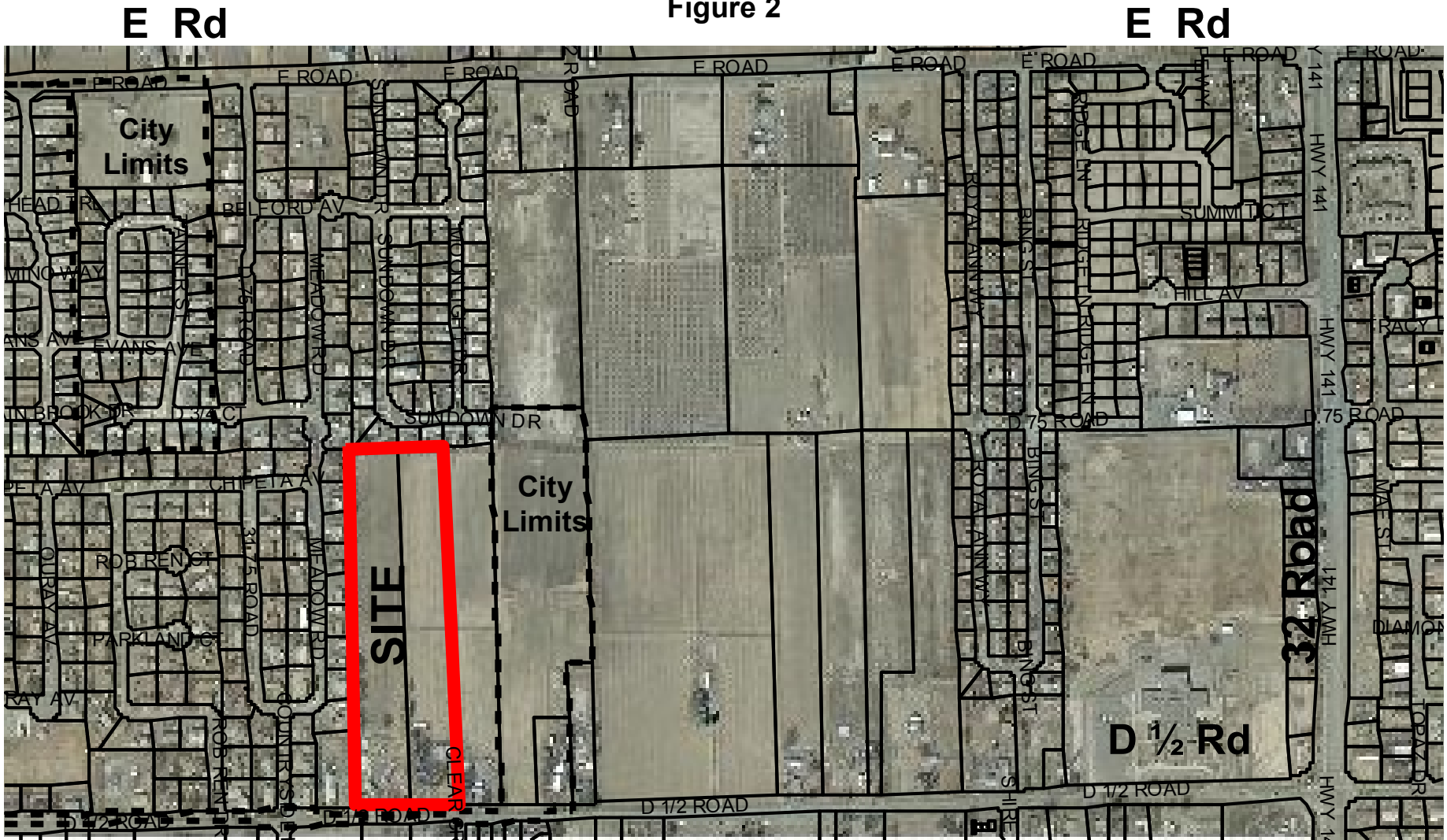
Site Location Map

Figure 1



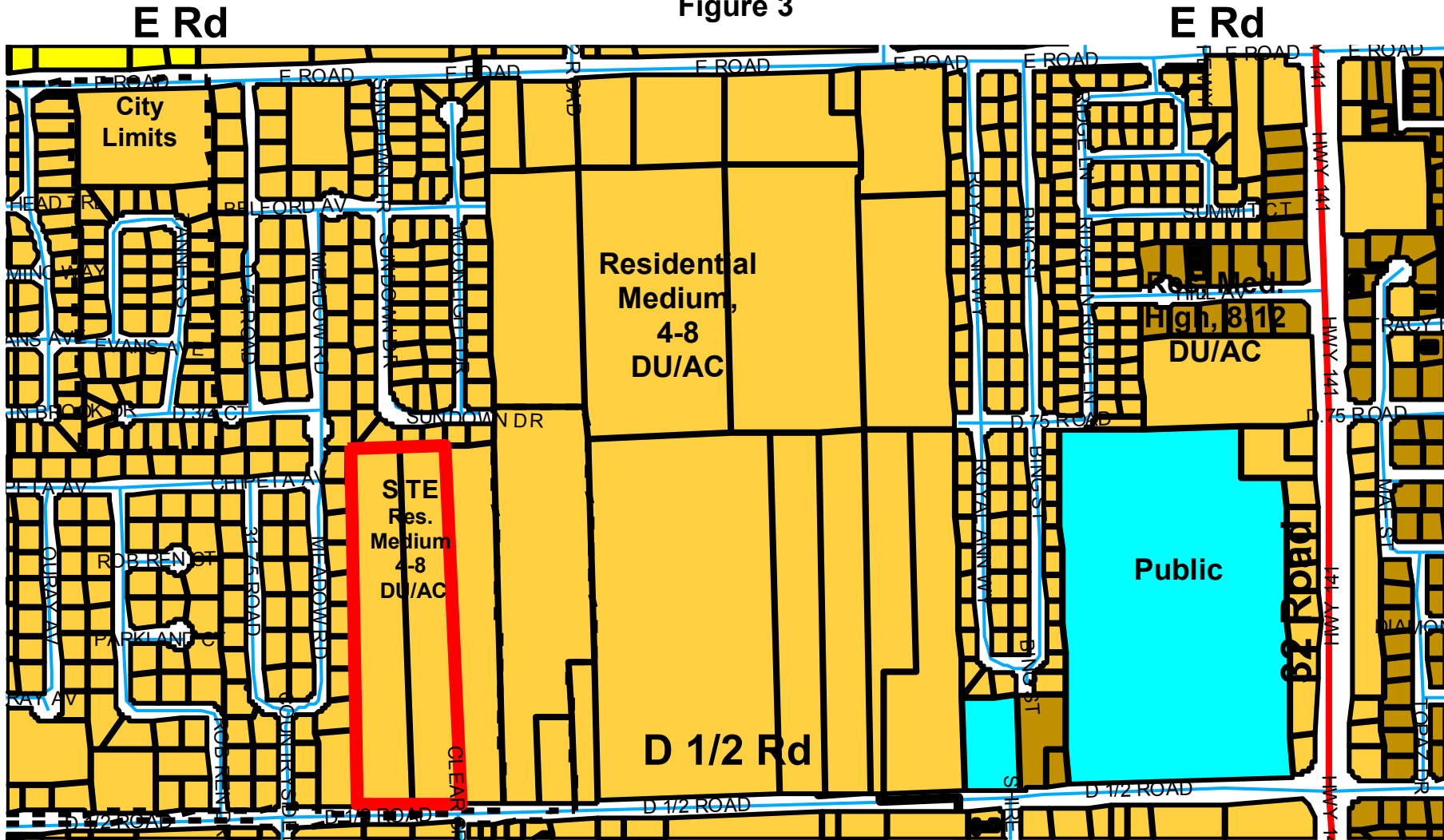
Aerial Photo Map

Figure 2



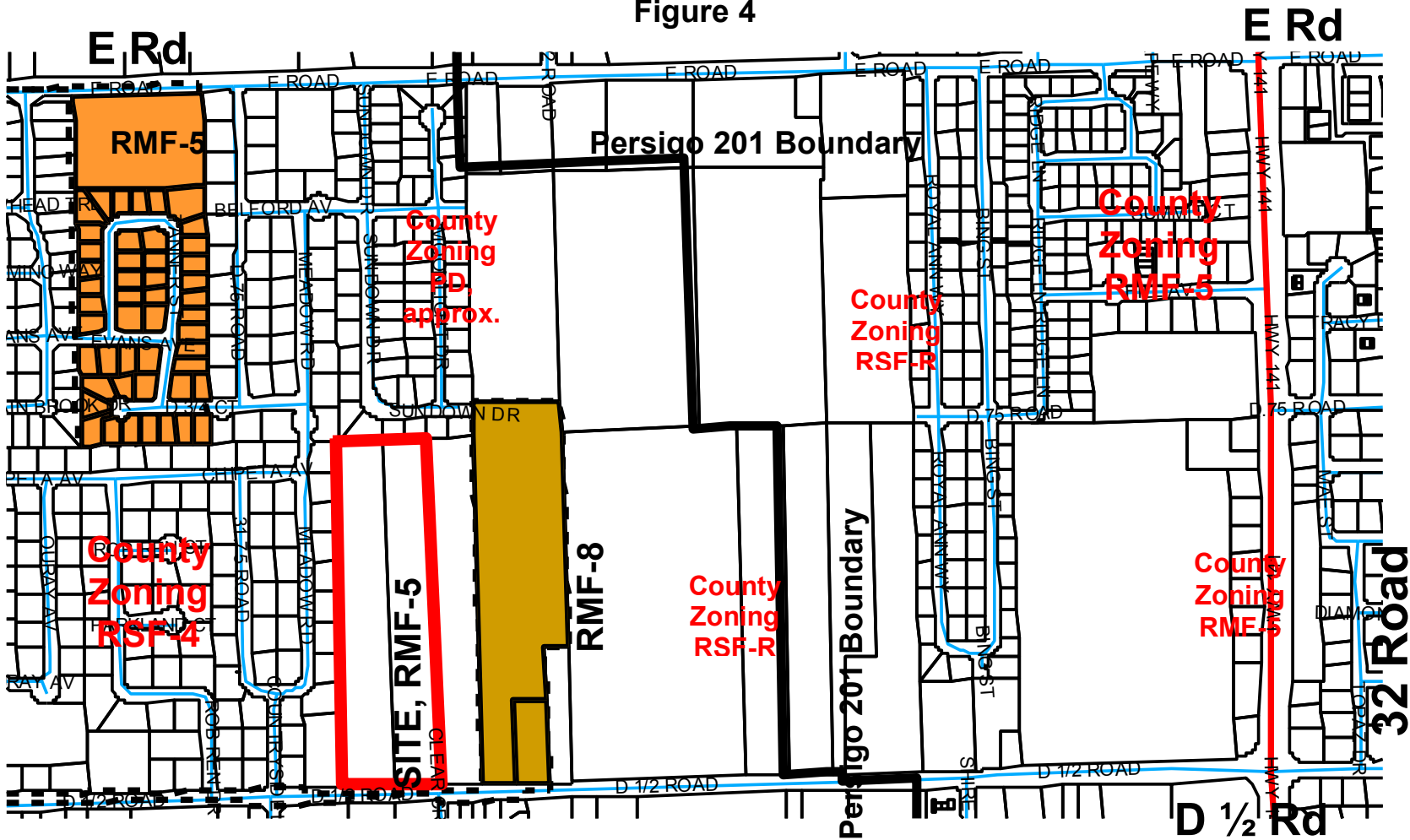
Future Land Use Map

Figure 3



Existing City and County Zoning

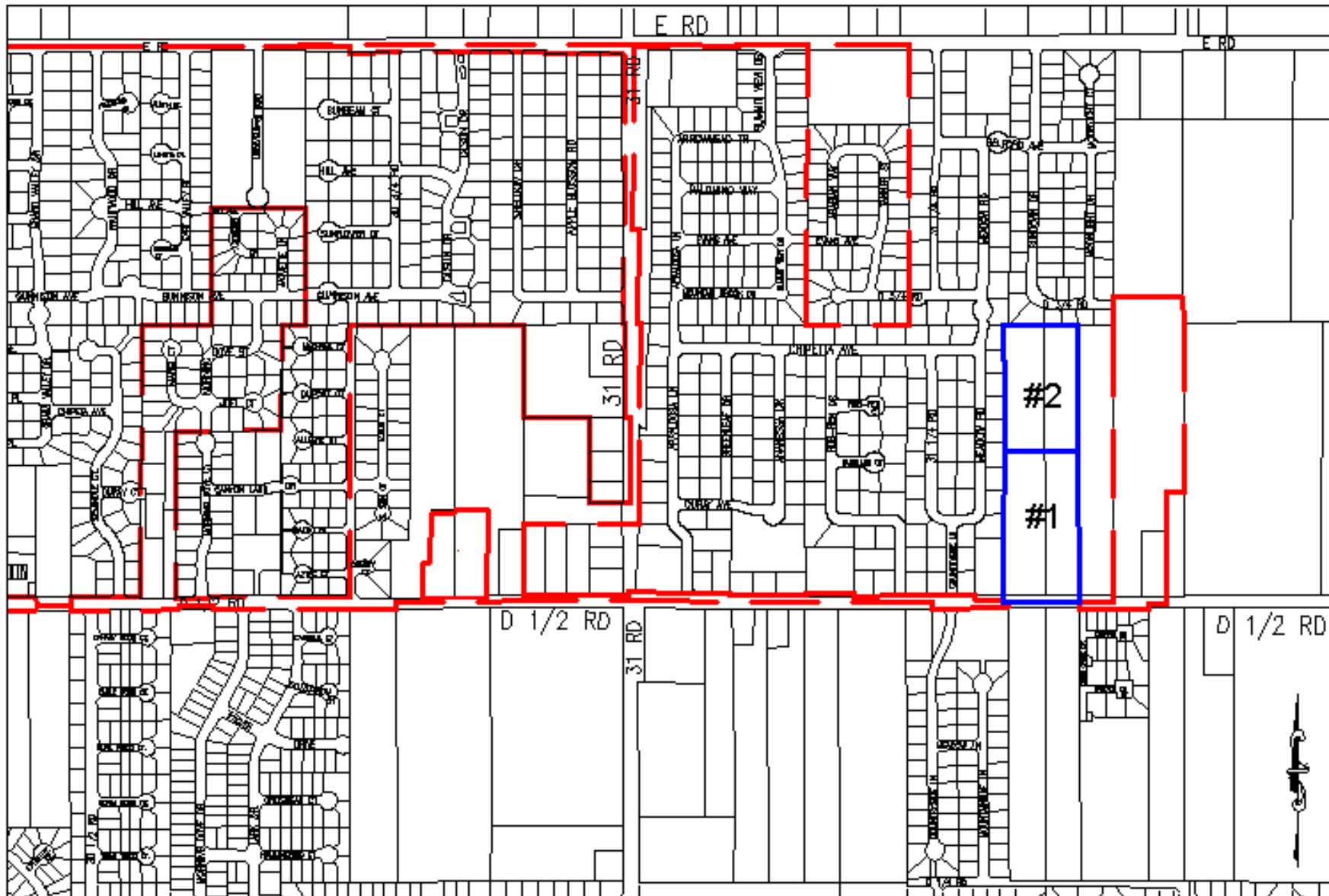
Figure 4



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."

SUMMIT MEADOWS WEST ANNEXATIONS #1 & #2

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -03

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE SUMMIT MEADOWS WEST ANNEXATION AREA IS ELIGIBLE FOR ANNEXATION LOCATED AT 3134 AND 3138 D ½ ROAD

WHEREAS, on the day of 19th day of February, 2003, 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:

SUMMIT MEADOWS WEST ANNEXATION

A Serial Annexation Comprising Summit Meadows West Annexation No. 1 and Summit Meadows West Annexation No. 2

SUMMIT MEADOWS WEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along the East line, and its Southerly projection, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 717.00 feet; thence S 89°57'40" E a distance of 359.00 feet to a point on the East line of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along said East line, a distance of 717.00 feet; thence N 89°57'40" W along a line 5.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.9092 Acres, more or less, as described hereon.

SUMMIT MEADOWS WEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W along the East line, and the Southerly projection thereof, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 722.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along said East line, a distance of 596.79 feet more or less, to the Northeast corner of said Countryside Subdivision Filing No. Two; thence S 89°55'16" E along the North line of the SE 1/4 NW 1/4 of said Section 15, also being the South line of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado and the South line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado, a distance of 359.00 feet to a point being the Northeast corner of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along the East line of said parcel of land, a distance of 596.54 feet; thence N 89°57'40" W a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9174 Acres, more or less, as described hereon.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of April, 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.

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

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

ADOPTED this 16th day of April, 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**

**SUMMIT MEADOWS WEST ANNEXATION NO. 1
APPROXIMATELY 5.9092 ACRES
LOCATED AT 3134 and 3138 D 1/2 Road**

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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:

SUMMIT MEADOWS WEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along the East line, and its Southerly projection, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 717.00 feet; thence S 89°57'40" E a distance of 359.00 feet to a point on the East line of that certain parcel of land described in a Warranty Deed recorded in Book 3174,

Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along said East line, a distance of 717.00 feet; thence N 89°57'40" W along a line 5.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.9092 Acres, more or less, as described hereon.

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

INTRODUCED on first reading on the 19th day of February 2003.

ADOPTED and ordered published this 16th day of April, 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**

**SUMMIT MEADOWS WEST ANNEXATION NO. 2
APPROXIMATELY 4.9174 ACRES
LOCATED AT 3134 and 3138 D 1/2 Road**

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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:

SUMMIT MEADOWS WEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W along the East line, and the Southerly projection thereof, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 722.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along said East line, a distance of 596.79 feet more or less, to the Northeast corner of said Countryside Subdivision Filing No. Two; thence S 89°55'16" E along the North

line of the SE 1/4 NW 1/4 of said Section 15, also being the South line of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado and the South line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado, a distance of 359.00 feet to a point being the Northeast corner of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along the East line of said parcel of land, a distance of 596.54 feet; thence N 89°57'40" W a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9174 Acres, more or less, as described hereon.

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

INTRODUCED on first reading on the 19th day of February 2003.

ADOPTED and ordered published this 16th day of April, 2003.

Attest:

President of the Council

City Clerk

Attach 14

Public Hearing – Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Summit Meadows West Annexation, located at 3134 and 3138 D ½ Road					
Meeting Date	April 16, 2003					
Date Prepared	March 31, 2003			File # ANX-2003-016		
Author	Lisa E. Cox, AICP		Senior Planner			
Presenter Name	As above		As above			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Second reading of the Zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

Budget: N/A

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

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning (Figure 4)
6. Annexation Map (Figure 5)
7. Zoning Ordinance

Background Information: See attached staff report

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3134 and 3138 D 1/2 Road			
Applicant:		Diane L. Krieger, Owner Casa Tiara Development, Owner			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential/Agricultural			
	East	Residential/Agricultural			
	West	Residential			
Existing Zoning:		RSF-R (Mesa County)			
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)			
Surrounding Zoning:	North	PD, approx. 4 units/acre (Mesa County)			
	South	RSF-R/PD (Mesa County)			
	East	RSF-R (Mesa County)			
	West	RSF-4 (Mesa County)			
Growth Plan Designation:		Residential Medium, 4-8 units/acre			
Zoning within density range?		X	Yes		No

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

Staff Analysis:

ZONING OF ANNEXATION:

The proposed zoning for the Summit Meadows West Annexation is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

1. The existing zoning was in error at the time of adoption. This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. The property is located in an area with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. The requested rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines. The proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. Adequate public facilities and services are available at this time or will be installed with development of the site.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.

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

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

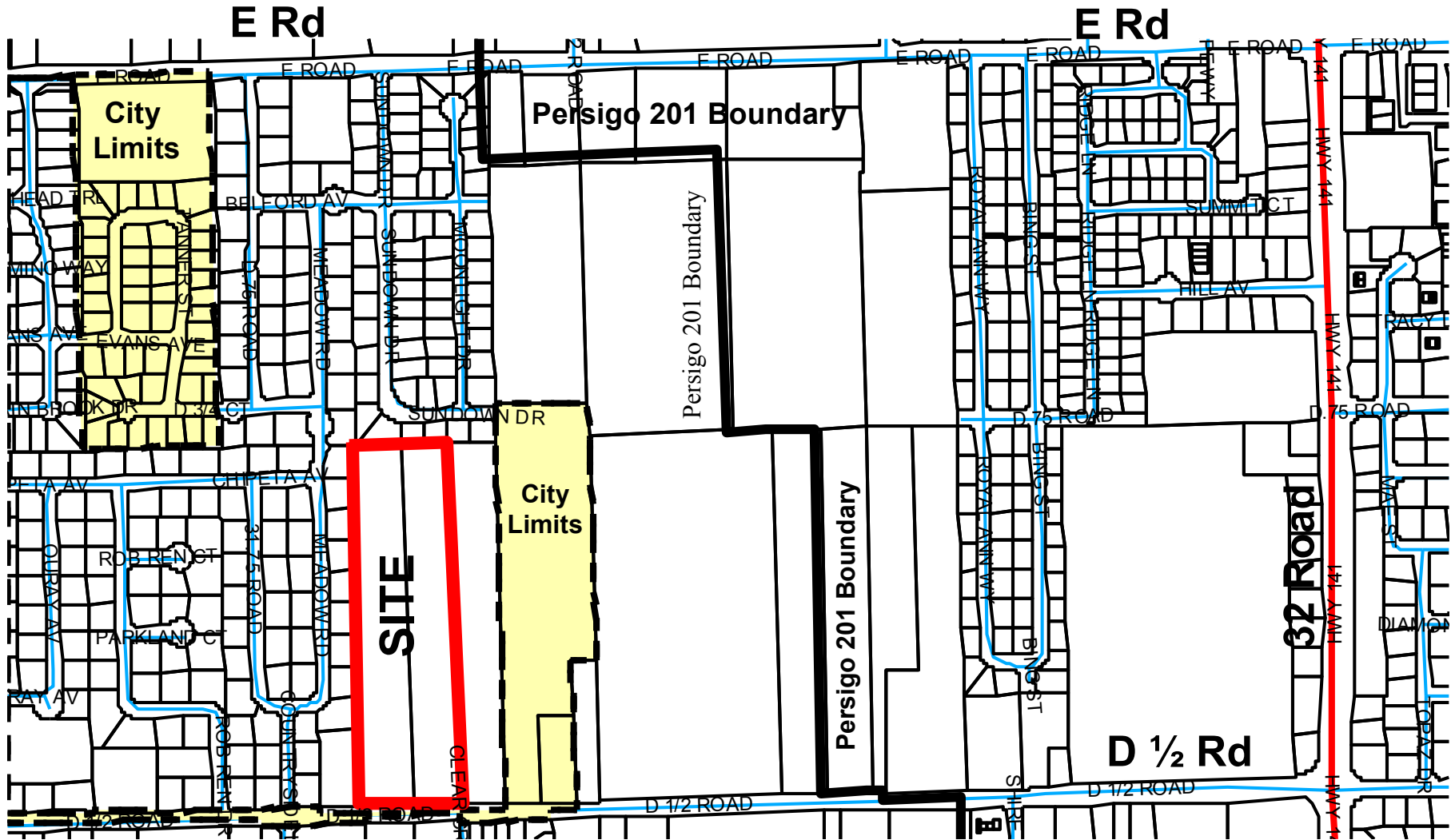
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning (Figure 4)
5. Annexation Map (Figure 5)
6. Zoning Ordinance

H:Projects2003/ANX-2003-016/SVMCityZord2

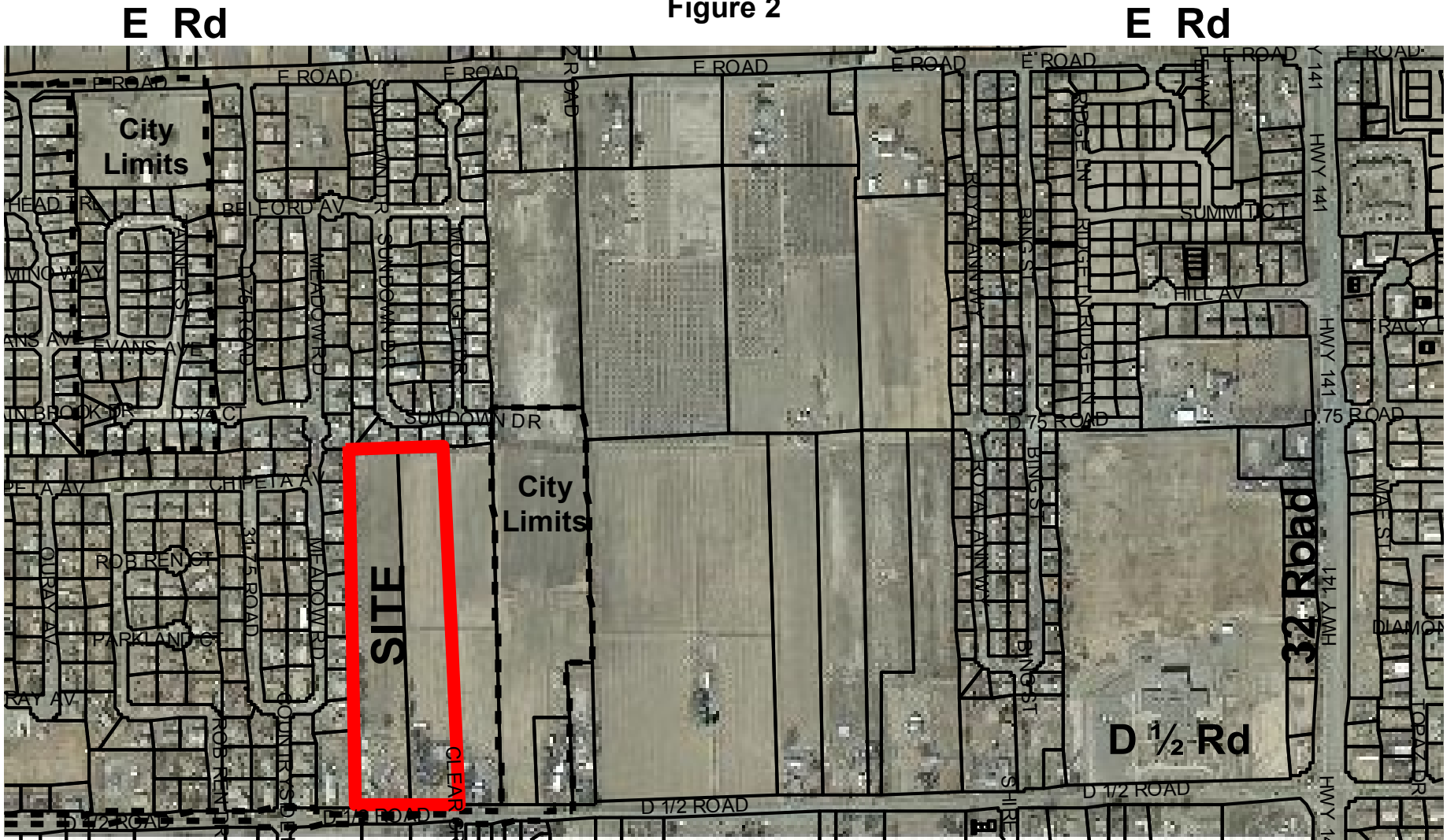
Site Location Map

Figure 1



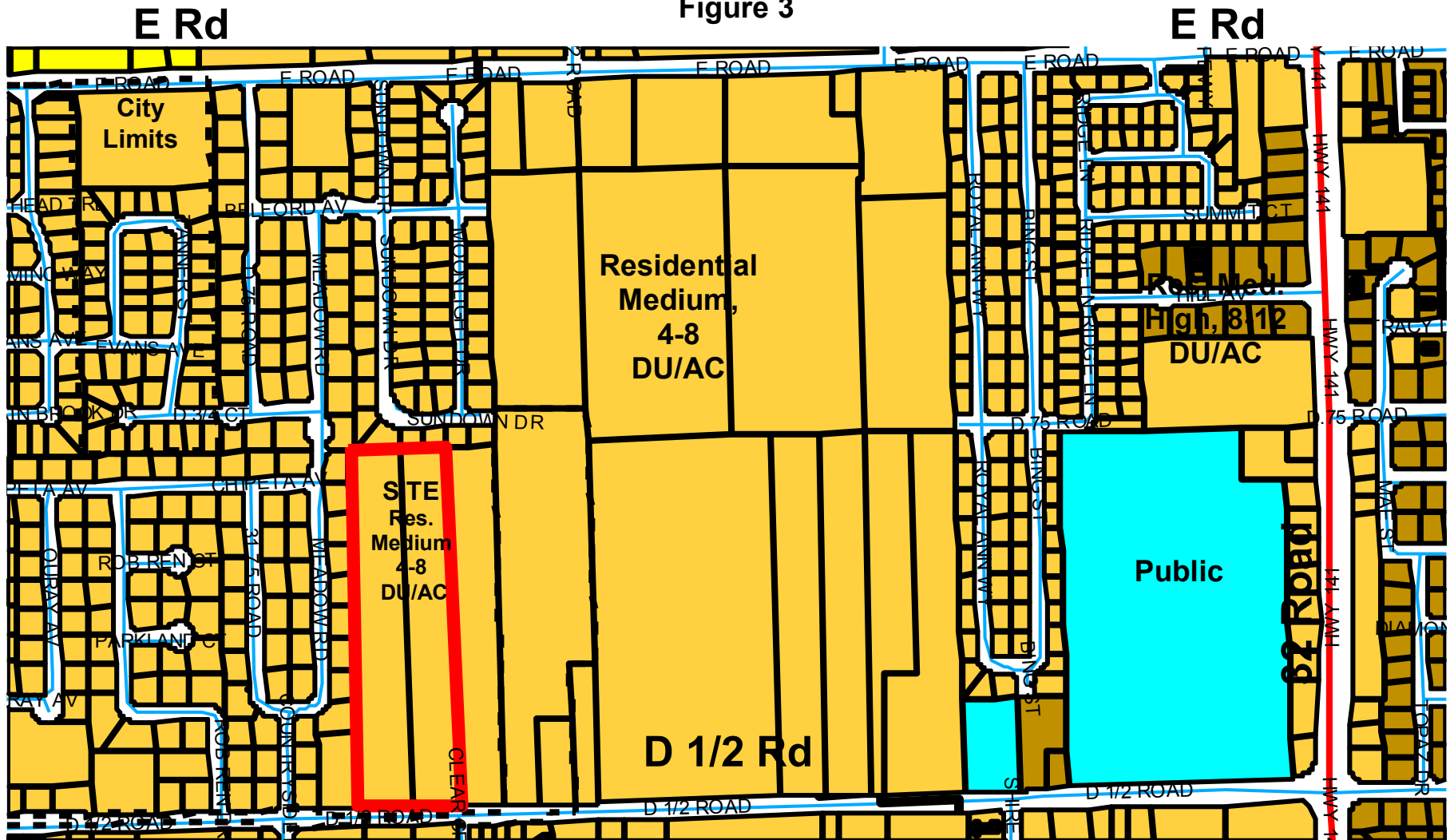
Aerial Photo Map

Figure 2



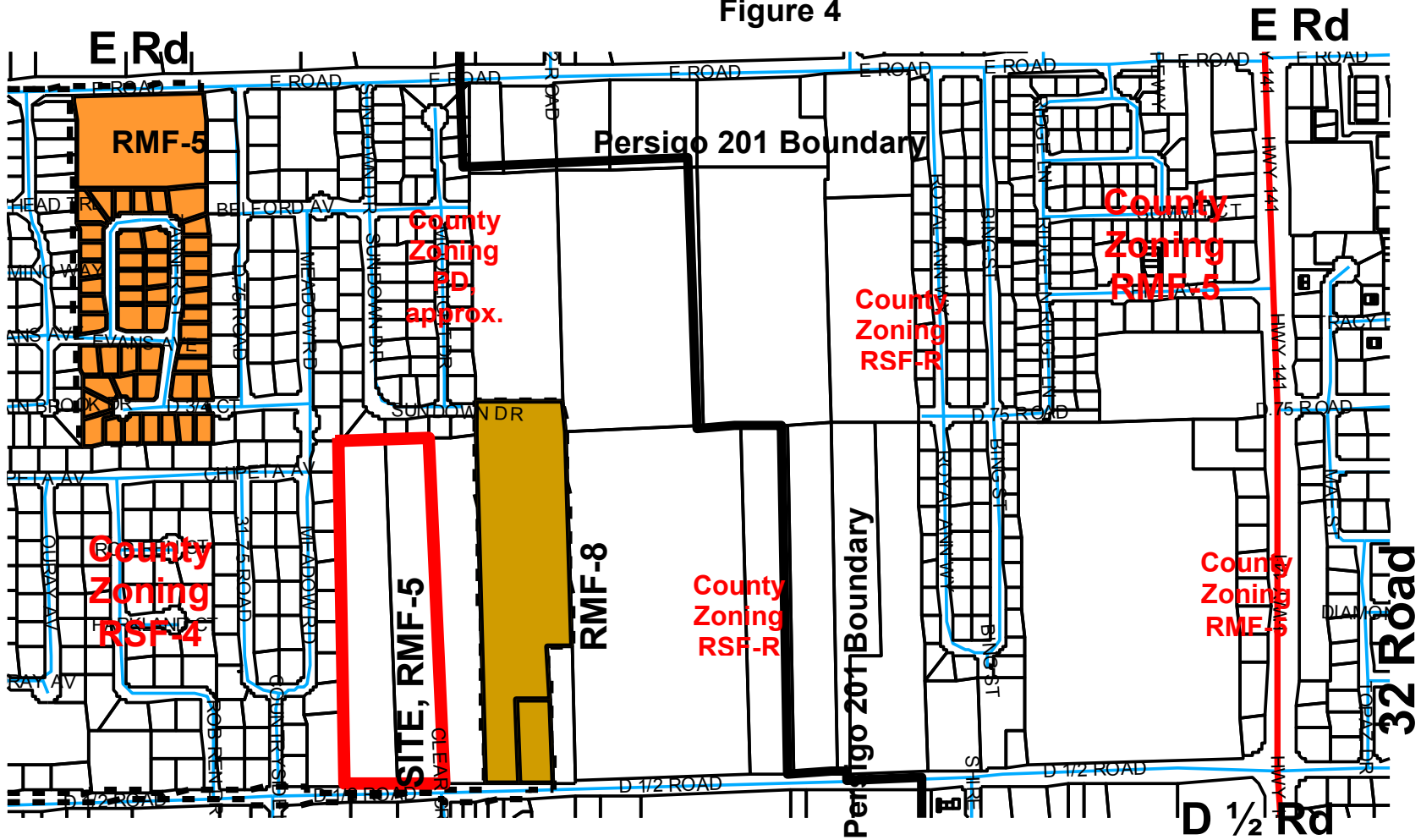
Future Land Use Map

Figure 3



Existing City and County Zoning

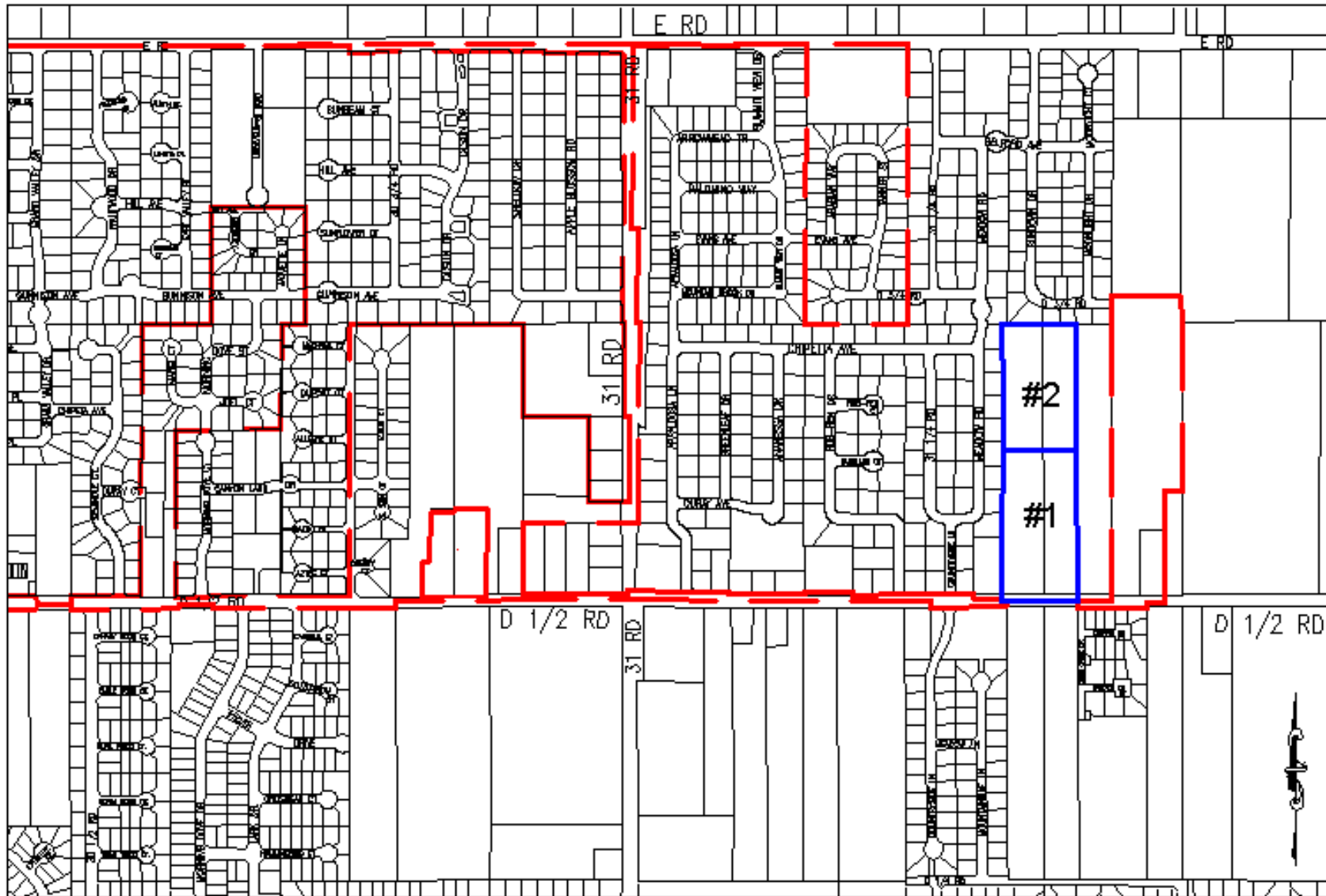
Figure 4



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." 217

SUMMIT MEADOWS WEST ANNEXATIONS #1 & #2

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D 1/2 Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Summit Meadows West Annexation to the RMF-5 zone district for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

SUMMIT MEADOWS WEST ANNEXATION

A Serial Annexation Comprising Summit Meadows West Annexation No. 1 and Summit Meadows West Annexation No. 2

SUMMIT MEADOWS WEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all

other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along the East line, and its Southerly projection, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 717.00 feet; thence S 89°57'40" E a distance of 359.00 feet to a point on the East line of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along said East line, a distance of 717.00 feet; thence N 89°57'40" W along a line 5.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.9092 Acres, more or less, as described hereon.

SUMMIT MEADOWS WEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W along the East line, and the Southerly projection thereof, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 722.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along said East line, a distance of 596.79 feet more or less, to the Northeast corner of said Countryside Subdivision Filing No. Two; thence S 89°55'16" E along the North line of the SE 1/4 NW 1/4 of said Section 15, also being the South line of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado and the South line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado, a distance of 359.00 feet to a point being the Northeast corner of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along the East line of said parcel of land, a distance of 596.54 feet; thence N 89°57'40" W a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9174 Acres, more or less, as described hereon.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

Introduced on second reading this 2nd day of April, 2003.

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

ATTEST:

President of the Council

City Clerk

**Attach 15
Public Hearing - Hubbartt Annexation Located at 2976 Gunnison Avenue**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Hubbartt Annexation located at 2976 Gunnison Avenue					
Meeting Date	April 16, 2003					
Date Prepared	March 24, 2003				File #ANX-2003-008	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for Acceptance of the Petition to Annex and Second reading of the annexation ordinance for the Hubbartt Annexation located at 2976 Gunnison Avenue. The annexation consists of 1.2731 acres on one parcel of land.

The petitioner is seeking annexation in anticipation of constructing a 5,000 s.f. auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approve the resolution for the acceptance of petition to annex and second reading of the annexation ordinance.

Attachments:

- 17. Site Location Map
- 18. Aerial Photo Map
- 19. Future Land Use Map
- 20. Existing City and County Zoning Map

21. Annexation Map
22. Resolution of Acceptance of Petition
23. Annexation Ordinance

Background Information: See attached Staff Report

BACKGROUND INFORMATION				
Location:		2976 Gunnison Avenue		
Applicants:		Rodney and Kay Hubbartt		
Existing Land Use:		Vacant		
Proposed Land Use:		Auto Body Repair Shop		
Surrounding Land Use:	North	Residential		
	South	Vacant		
	East	Gymnastics Center		
	West	Residential		
Existing Zoning:		County I-2		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	County I-2		
	South	County I-2		
	East	City I-1		
	West	County I-2		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

ANNEXATION:

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

HUBBARTT ANNEXATION SUMMARY	
File Number:	ANX-2003-008
Location:	2976 Gunnison Avenue
Tax ID Number:	2943-171-07-007
Parcels:	1
Estimated Population:	3
# of Parcels (owner occupied):	1
# of Dwelling Units:	0
Acres land annexed:	1.2731 acres for annexation area
Developable Acres Remaining:	1.0139 acres
Right-of-way in Annexation:	151.32' of Gunnison Avenue; See Map
Previous County Zoning:	I-2
Proposed City Zoning:	I-1
Current Land Use:	Vacant
Future Land Use:	Auto Body Repair Shop

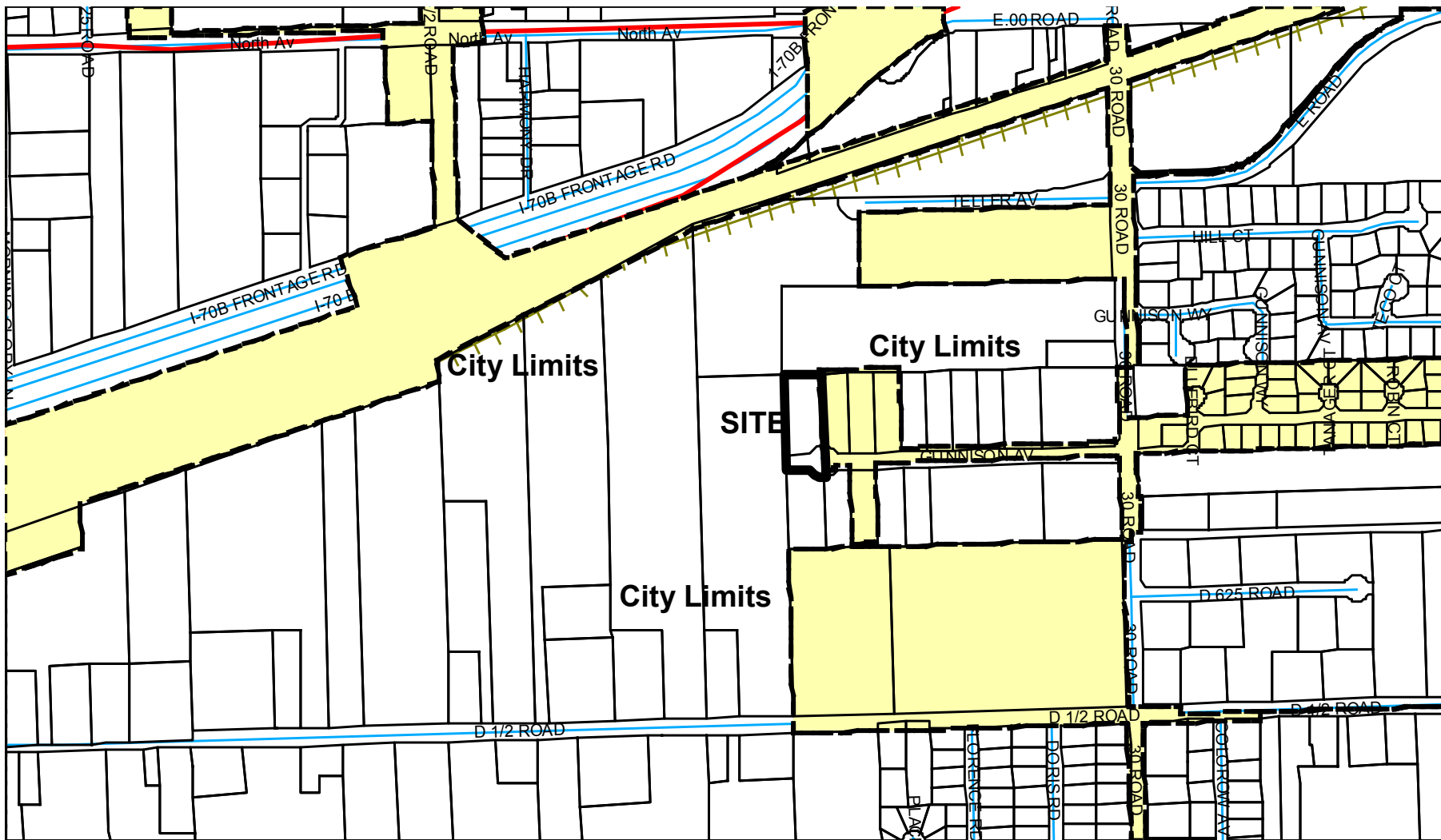
Values:	Assessed:	= \$ 18,040
	Actual:	= \$ 62,200
Address Ranges:		2976 Gunnison Avenue
Special Districts:	Water:	Ute Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
February 19, 2003	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
February 25, 2003	Planning Commission considers Zone of Annexation
April 2, 2003	First Reading on Zoning by City Council
April 16, 2003	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 18, 2003	Effective date of Annexation and Zoning

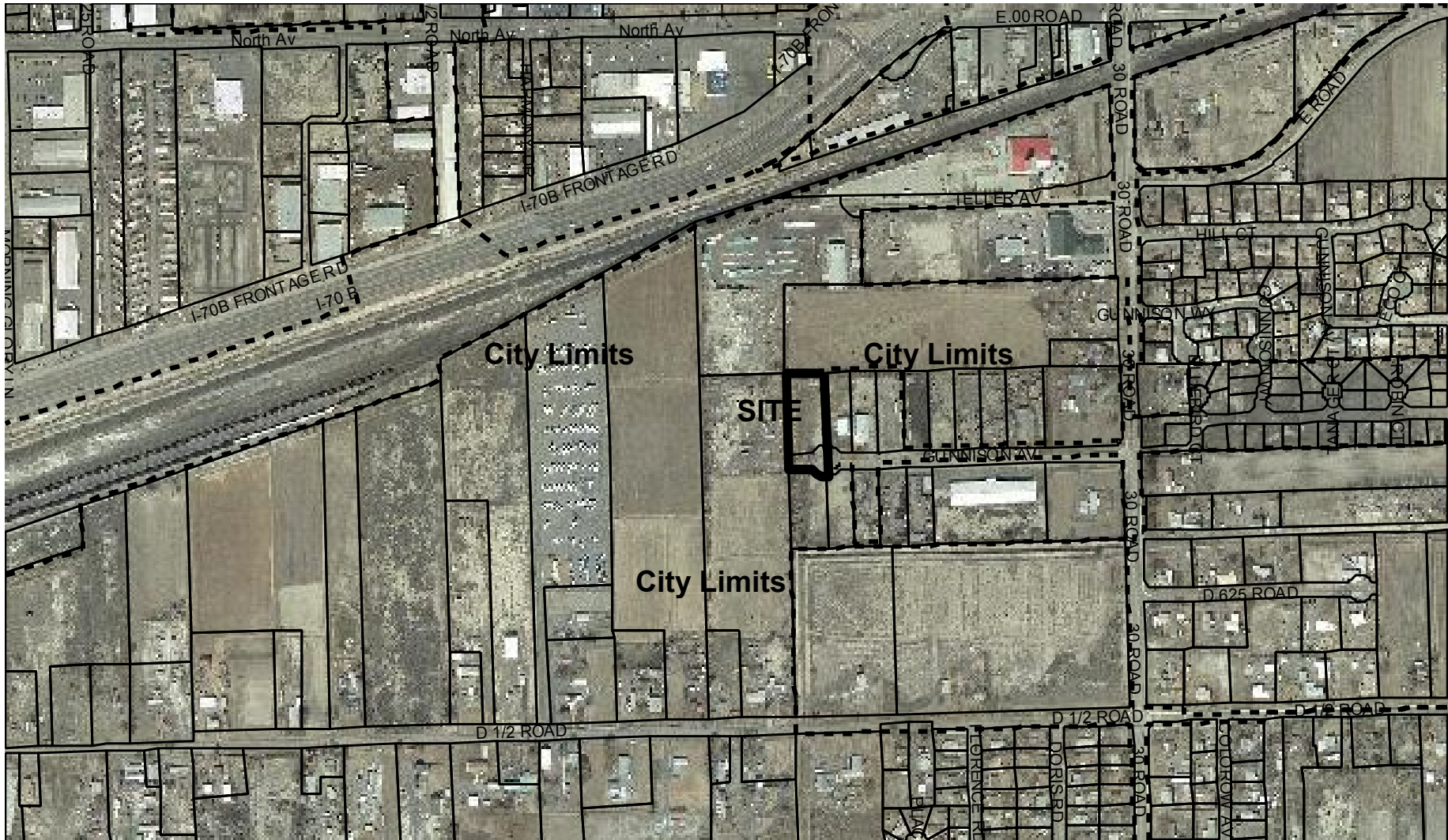
Site Location Map

Figure 1



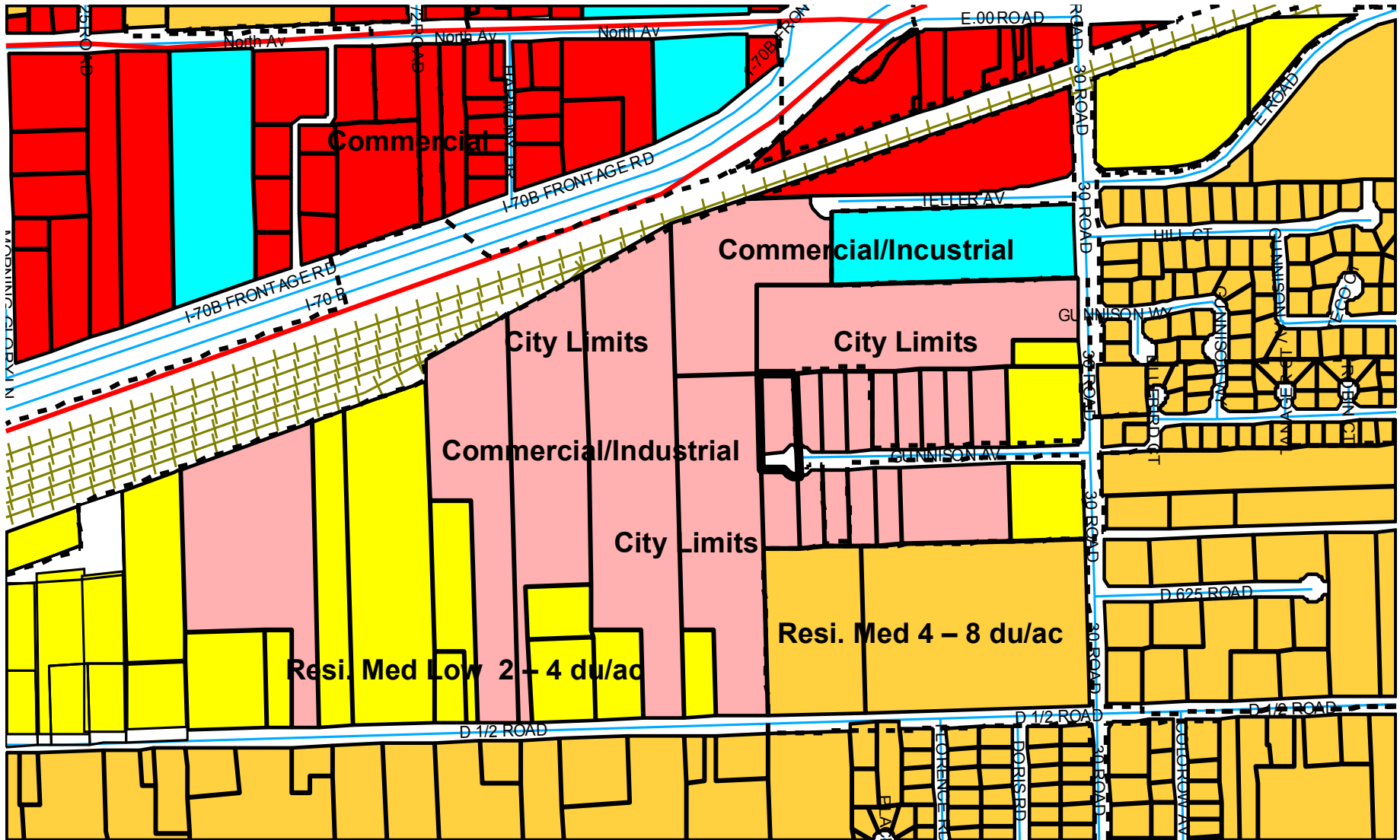
Aerial Photo Map

Figure 2



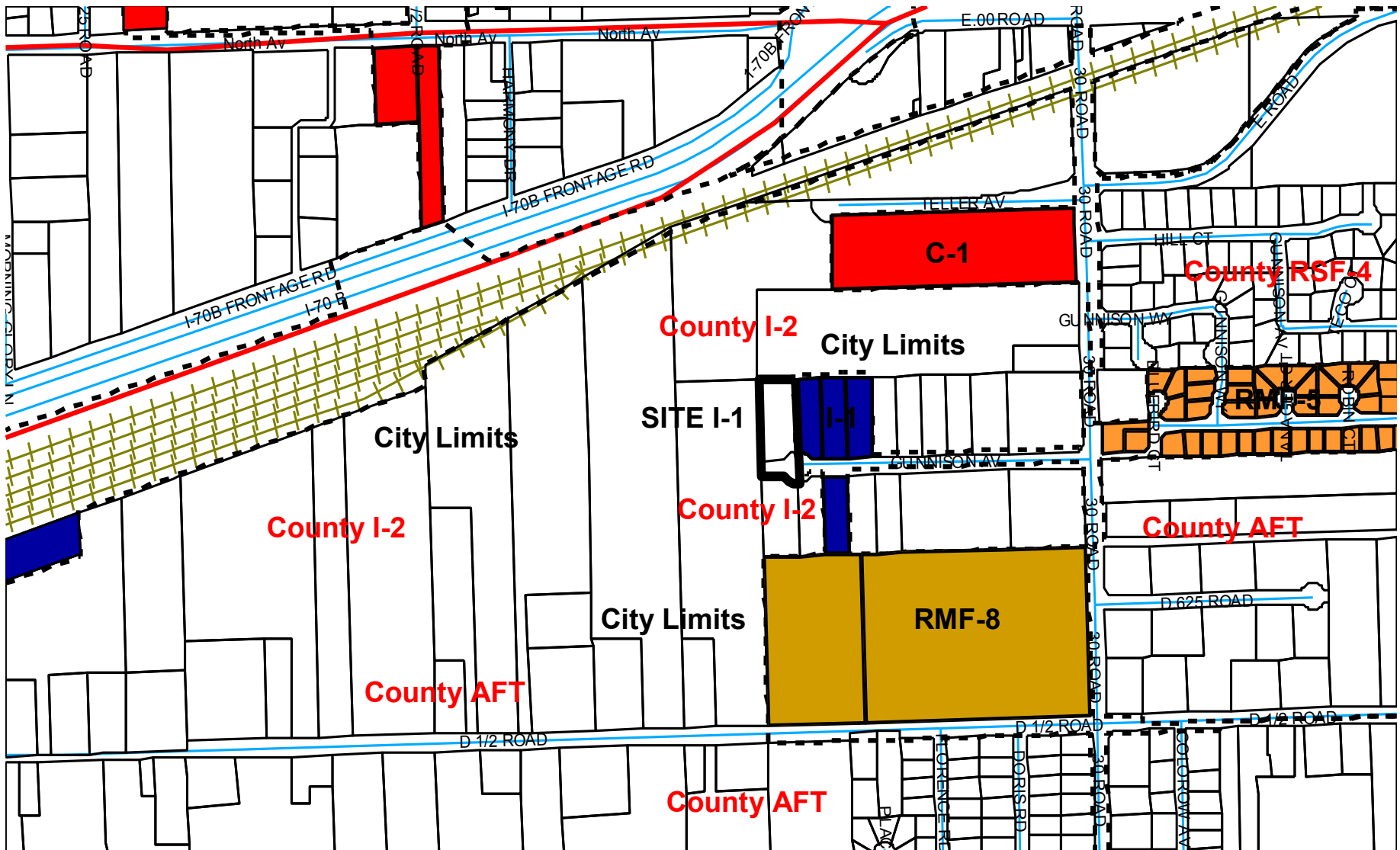
Future Land Use Map

Figure 3



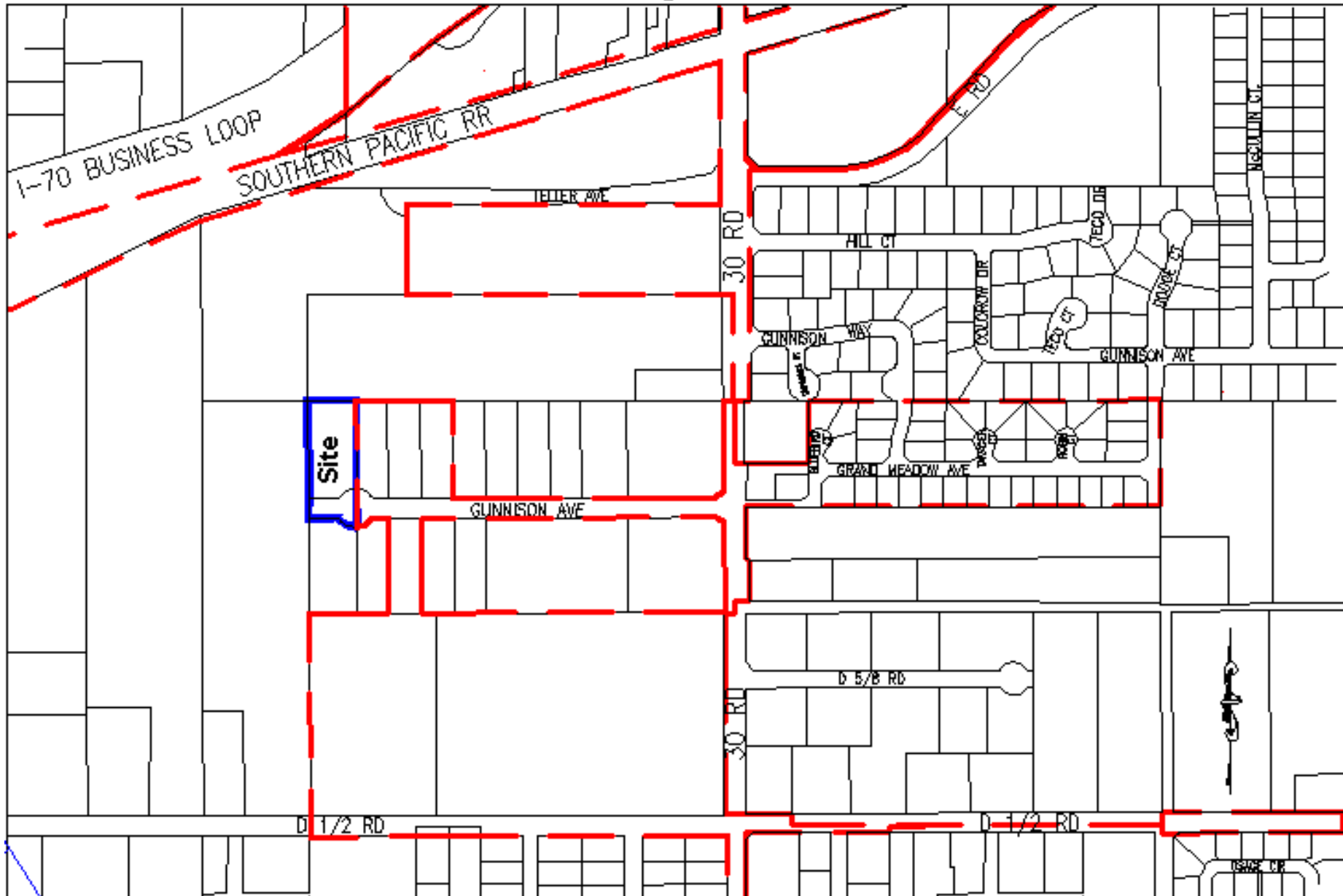
Existing City and County Zoning

Figure 4



HUBBARTT ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

HUBBARTT ANNEXATION

IS ELIGIBLE FOR ANNEXATION

**LOCATED AT 2976 GUNNISON AVENUE AND INCLUDING
A PORTION OF GUNNISON AVENUE RIGHT-OF-WAY**

WHEREAS, on the 19th day of February, 2003, 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
HUBBARTT ANNEXATION

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 7 and a portion of Gunnison Avenue, as shown on the Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, S 89°58'26" E along the North line of said Banner Industrial Park, a distance of 151.32 feet to a point being the Northeast corner of said Lot 7; thence S 00°00'00" W along the East line, and the Southerly projection thereof of said Lot 7, a distance of 389.69 feet to a point being the Northeast corner of Lot 6, said Banner Industrial Park; thence Westerly along the North line of said Lot 6, being the South right of way for Gunnison Avenue, the following three (3) courses:

1. Westerly along the arc of a 60.00 foot radius curve, non-tangent to the previously described line, concave North, whose long chord bears N64°20'09" W, through a central angle of 51°20'23", an arc distance of 53.76 feet to a point of reverse curvature; thence...

2. Westerly along the arc of a 20.00 foot radius curve, concave South, whose long chord bears N 64°19'20" W, through a central angle of 51°19'04", an arc distance of 17.91 feet to a point; thence...

3. N 89°58'41" W along the South line of said Gunnison Avenue, a distance of 88.33 feet to a point being the Northwest corner of said Lot 6;

thence N 00°05'01" W along the West line of said Banner Industrial Park, also being the West line of said Lot 7, a distance of 359.71 feet, more or less, to the Point of Beginning.

CONTAINING 1.2731 Acres (55,456.69 Square Feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of April, 2003;

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

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

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

ADOPTED this 16th day of April, 2003.

Attest:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HUBBARTT ANNEXATION

APPROXIMATELY 1.2731 ACRES

**LOCATED AT 2976 GUNNISON AVENUE AND INCLUDING
A PORTION OF GUNNISON AVENUE RIGHT-OF-WAY**

WHEREAS, on the 19th day of February, 2003, 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 16th day of April 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
HUBBARTT ANNEXATION**

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 7 and a portion of Gunnison Avenue, as shown on the Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, S 89°58'26" E along the North line of said Banner Industrial Park, a distance of 151.32 feet to a point being the

Northeast corner of said Lot 7; thence S 00°00'00" W along the East line, and the Southerly projection thereof of said Lot 7, a distance of 389.69 feet to a point being the Northeast corner of Lot 6, said Banner Industrial Park; thence Westerly along the North line of said Lot 6, being the South right of way for Gunnison Avenue, the following three (3) courses:

1. Westerly along the arc of a 60.00 foot radius curve, non-tangent to the previously described line, concave North, whose long chord bears N64°20'09" W, through a central angle of 51°20'23", an arc distance of 53.76 feet to a point of reverse curvature; thence...
2. Westerly along the arc of a 20.00 foot radius curve, concave South, whose long chord bears N 64°19'20" W, through a central angle of 51°19'04", an arc distance of 17.91 feet to a point; thence...
3. N 89°58'41" W along the South line of said Gunnison Avenue, a distance of 88.33 feet to a point being the Northwest corner of said Lot 6;

thence N 00°05'01" W along the West line of said Banner Industrial Park, also being the West line of said Lot 7, a distance of 359.71 feet, more or less, to the Point of Beginning.

CONTAINING 1.2731 Acres (55,456.69 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 19th day February, 2003.

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

Attest:

City Clerk

President of the Council

**Attach 16
Zoning the Hubbartt Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Zoning the Hubbartt Annexation located at 2976 Gunnison Avenue								
Meeting Date		April 16, 2003								
Date Prepared		March 24, 2003				File #ANX-2003-008				
Author		Ronnie Edwards			Associate Planner					
Presenter Name		Ronnie Edwards			Associate Planner					
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When				
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name				
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration	

Summary: The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Adopt the ordinance zoning the Hubbartt Annexation.

Attachments:

- 24. Site Location Map
- 25. Aerial Photo Map
- 26. Future Land Use Map
- 27. Existing City and County Zoning Map
- 28. Annexation Map
- 29. Zoning Ordinance

Background Information: See attached Staff Report

BACKGROUND INFORMATION				
Location:		<i>2976 Gunnison Avenue</i>		
Applicants:		Rodney and Kay Hubbartt		
Existing Land Use:		<i>Vacant</i>		
Proposed Land Use:		<i>Auto Body Repair Shop</i>		
Surrounding Land Use:	North	<i>Residential</i>		
	South	Vacant		
	East	Gymnastics Center		
	West	Residential		
Existing Zoning:		County I-2		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	<i>County I-2</i>		
	South	County I-2		
	East	City I-1		
	West	County I-2		
Growth Plan Designation:		Commercial/Industrial		
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 zoning of I-1 conforms to the Future Land Use Map.

I-1 ZONE DISTRICT

- The I-1 does conform to the recommended future land use on the Growth Plan Future Land Use Map currently designated Commercial/Industrial.
- Zoning this annexation with the I-1 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is adjacent to existing industrial zoning and 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 and rezones must demonstrate conformance with all of the following criteria:

- a. The existing zoning was in error at the time of adoption

The existing Mesa County zoning of I-2, Heavy Industrial, was not in error at the time of adoption. The annexation and rezone request of I-1, Light Industrial, is consistent with the current land use classification of Commercial/Industrial as shown on the Future Land Use Map.

- b. 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 subject property is located in an area that is being developed in a commercial manner consistent with the Growth Plan. All public utilities are located adjacent to the parcel.

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

The proposed rezone to I-1 is within the allowable commercial/industrial land use category recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the I-1 zone district, therefore this criterion is met.

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

The proposal conforms with the Growth Plan. The proposed I-1 zone is equivalent to existing land use and meets the requirements of this Code.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the I-1 zone district.

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

Not applicable. This proposal is to allow a County industrial designation to be changed to a City designation.

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

The proposed zone will benefit the neighborhood as it is allowing vacant land to be developed with appropriate uses.

HUBBARTT ANNEXATION SUMMARY	
File Number:	ANX-2003-008
Location:	2976 Gunnison Avenue
Tax ID Number:	2943-171-07-007
Parcels:	1
Estimated Population:	3
# of Parcels (owner occupied):	1
# of Dwelling Units:	0
Acres land annexed:	1.2731 acres for annexation area
Developable Acres Remaining:	1.0139 acres
Right-of-way in Annexation:	151.32' of Gunnison Avenue; See Map
Previous County Zoning:	I-2
Proposed City Zoning:	I-1
Current Land Use:	Vacant

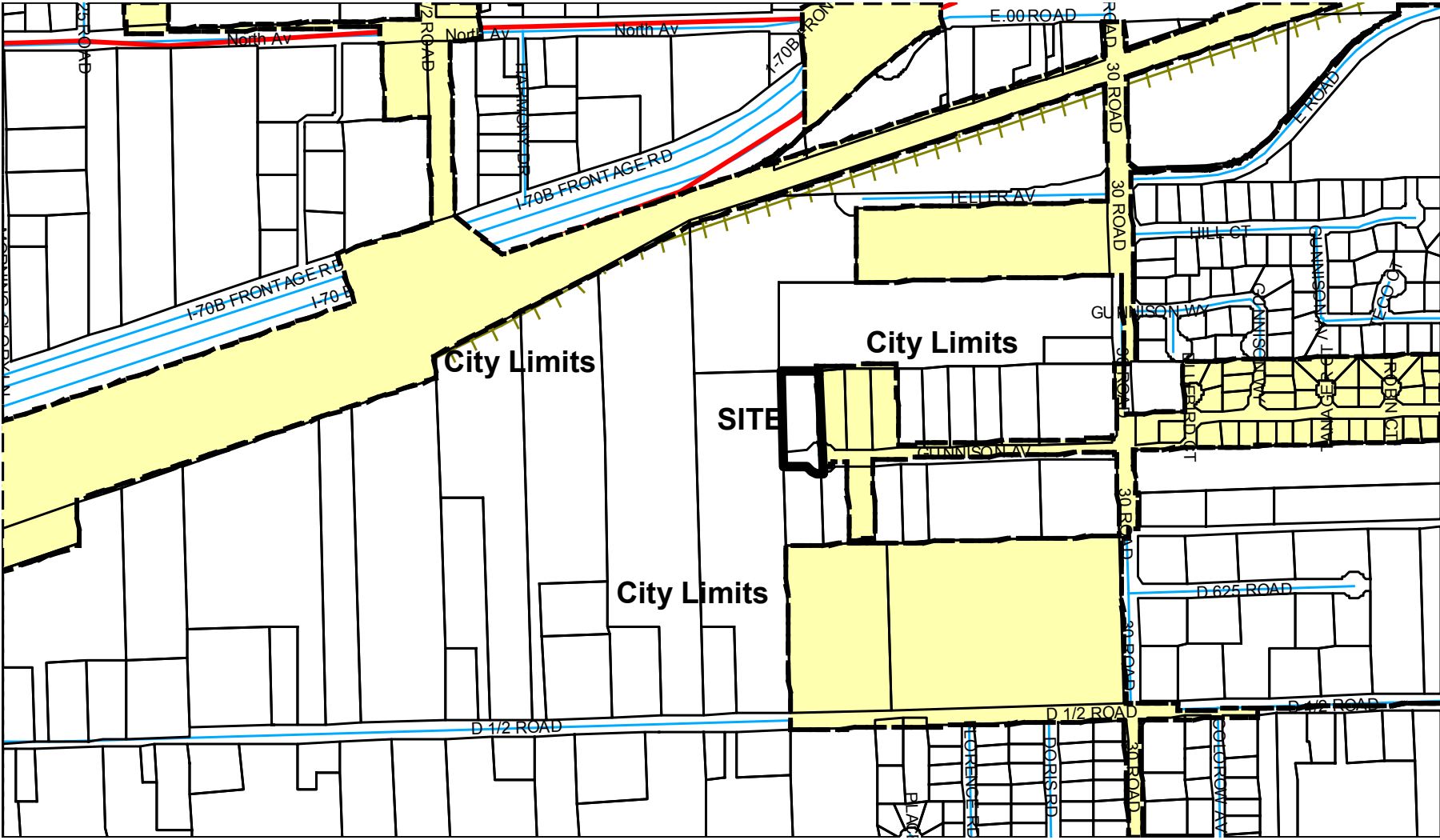
Future Land Use:		Auto Body Repair Shop
Values:	Assessed:	= \$ 18,040
	Actual:	= \$ 62,200
Address Ranges:		2976 Gunnison Avenue
Special Districts:	Water:	Ute Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
February 19, 2003	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
February 25, 2003	Planning Commission considers Zone of Annexation
April 2, 2003	First Reading on Zoning by City Council
April 16, 2003	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 18, 2003	Effective date of Annexation and Zoning

Site Location Map

Figure 1



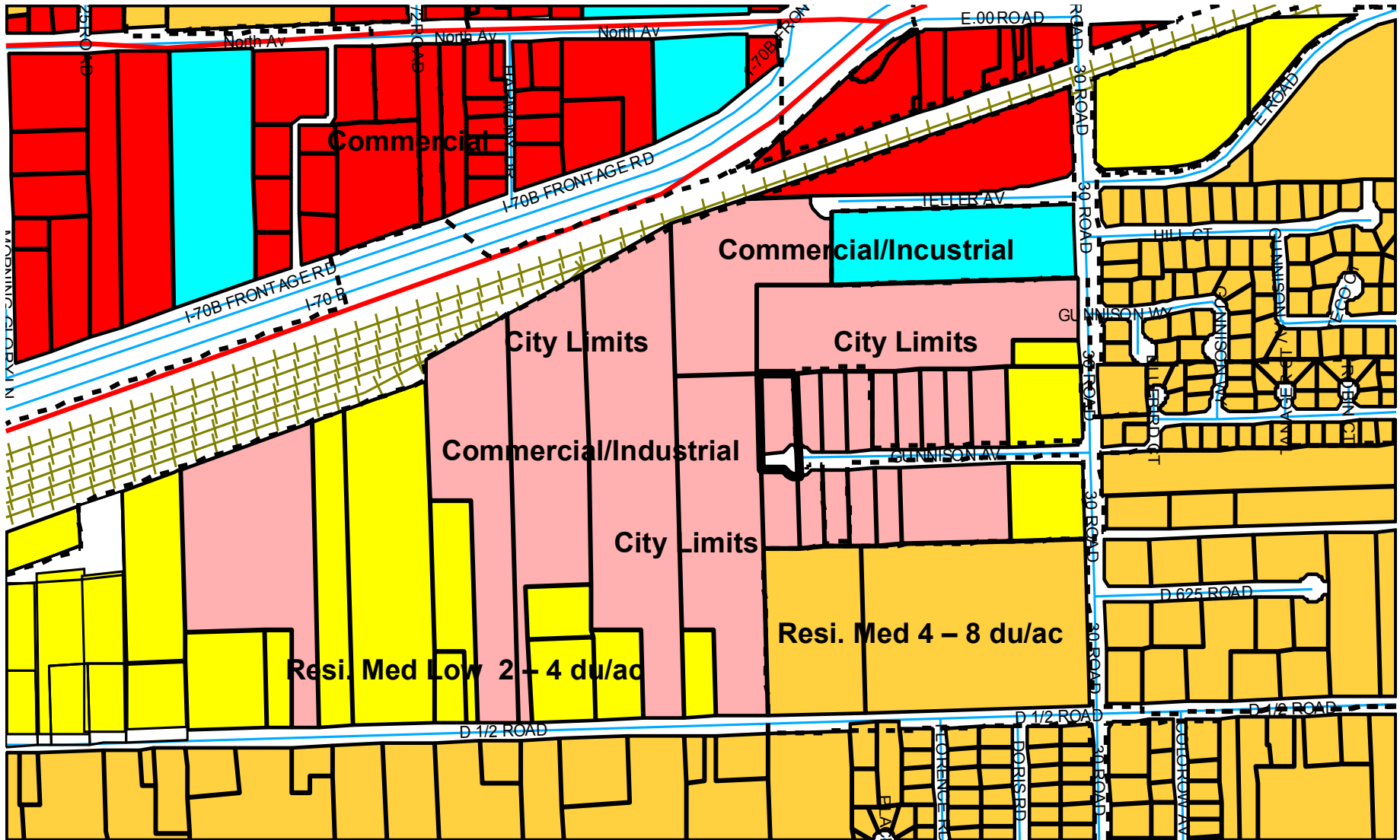
Aerial Photo Map

Figure 2



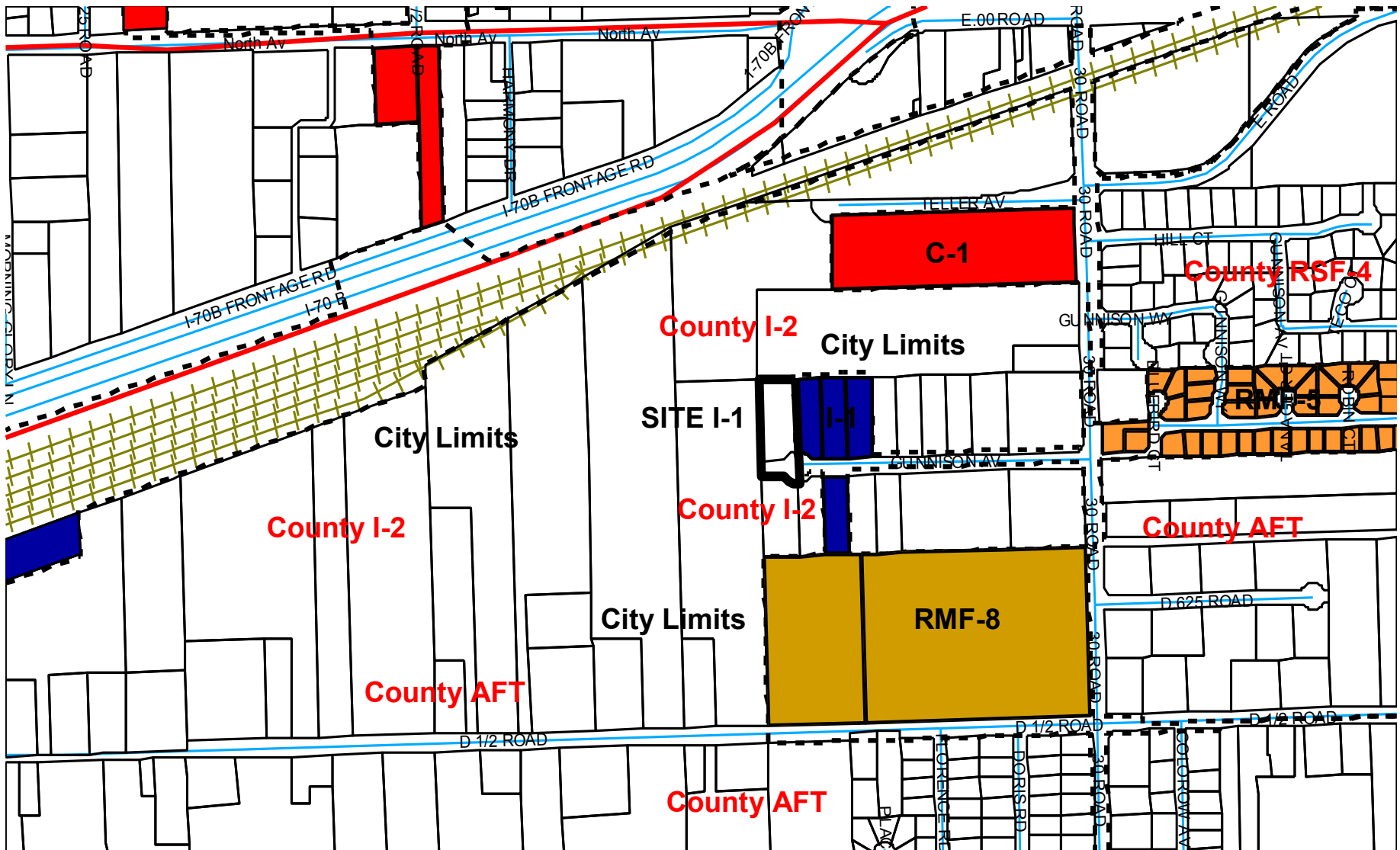
Future Land Use Map

Figure 3



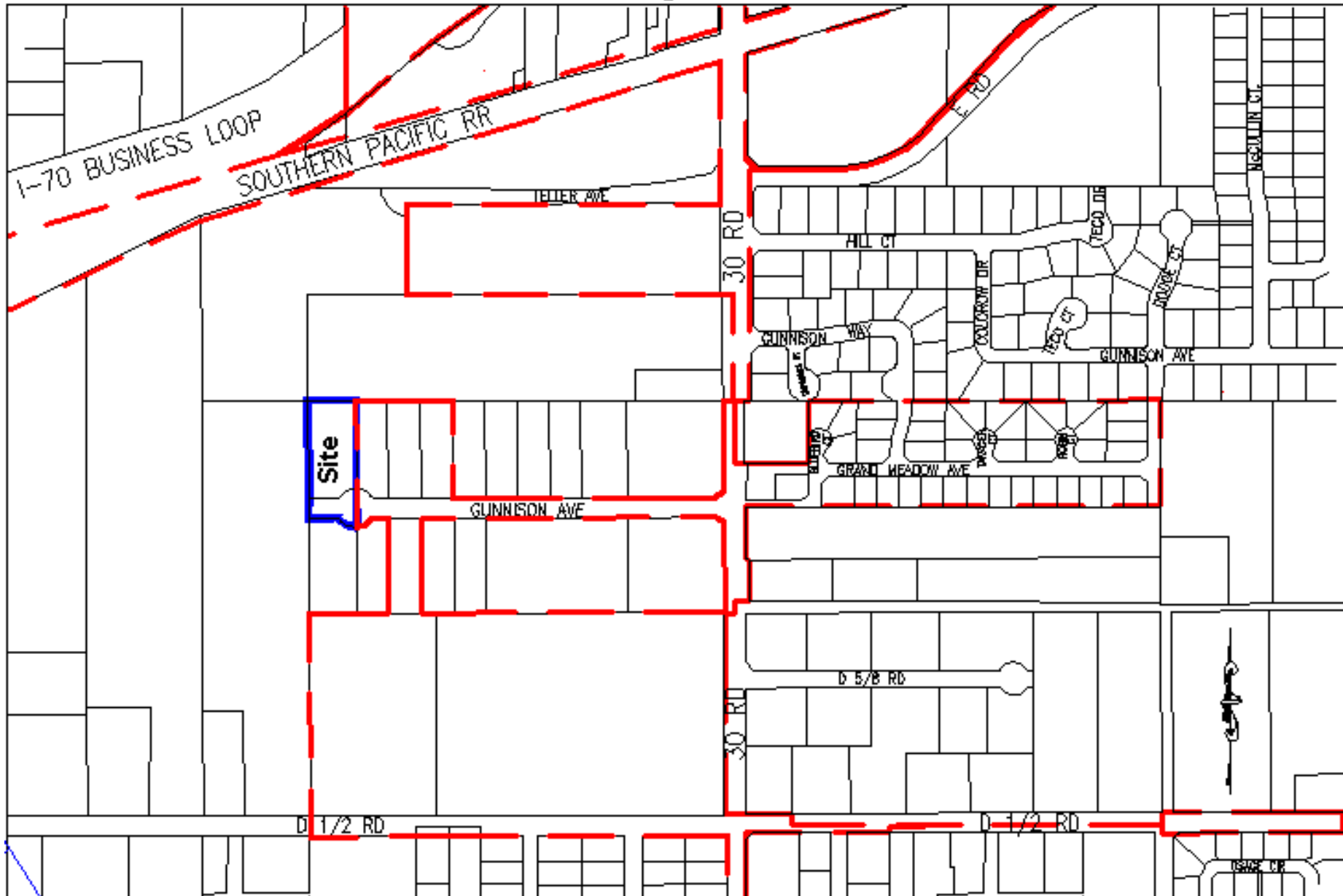
Existing City and County Zoning

Figure 4



HUBBARTT ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE HUBBARTT ANNEXATION

TO LIGHT INDUSTRIAL I-1

LOCATED AT 2976 GUNNISON 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 an I-1 zone district to this annexation.

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

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

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

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

Includes the following tax parcel: 2943-171-07-007

HUBBARTT ANNEXATION

A parcel of land lying in the NE 1/4 of Section 17, T1S, R1E of the U.M., County of Mesa, State of Colorado, being all of Lot 7 in Banner Industrial Park, recorded in Plat Book 11, Page 362.

CONTAINING 1.0139 Acres (44,164.69 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 19th day February, 2003.

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

Attest:

City Clerk

President of the Council

**Attach 17
Public Hearing – Seriani Annexation No. 1 & 2, Located at 2986 Gunnison Avenue**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Seriani Annexation No. 1 & 2 located at 2986 Gunnison Avenue					
Meeting Date	April 16, 2003					
Date Prepared	April 7, 2003				File #ANX-2003-025	
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		Consent	X Individual Consideration

Summary: The Seriani Annexation No. 1 & 2 is a serial annexation consisting of a total of 0.68 acres and can be legally described as Lot 12, Banner Industrial Park and is located at 2986 Gunnison Avenue and is currently being used as a storage yard. The petitioner’s intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business. The proposed annexation lies within the Persigo 201 sewer district. The petitioner’s request acceptance of the Annexation Petition, and Second Reading of the Annexation Ordinance(s) for the Seriani Annexation No. 1 & 2.

Budget: N/A

Action Requested/Recommendation: Council approval of acceptance of the Annexation Petition and Second Reading of the Annexation Ordinance(s).

Attachments:

1. Background Information/Staff Analysis
2. Site Location Map
3. Aerial Location Map
4. Future Land Use Map

5. Existing City & County Zoning
6. Annexation Map
7. Resolution of Referral
8. Annexation Ordinances (2)

BACKGROUND INFORMATION				
Location:		<i>2986 Gunnison Avenue</i>		
Applicants:		Michael & Mary Jane Seriani		
Existing Land Use:		<i>Storage yard</i>		
Proposed Land Use:		<i>Office/shop building for concrete business</i>		
Surrounding Land Use:	North	<i>Vacant</i>		
	South	<i>Industrial (RW Specialties Inc.)</i>		
	East	<i>Vacant (Storage yard)</i>		
	West	<i>Vacant</i>		
Existing Zoning:		<i>I-2 (County)</i>		
Proposed Zoning:		<i>I-1 (City)</i>		
Surrounding Zoning:	North	<i>I-2 (County)</i>		
	South	<i>I-2 (County)</i>		
	East	<i>I-2 (County)</i>		
	West	<i>I-2 (County)</i>		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

The proposed annexation is considered to be a serial annexation comprising of a total of 0.68 acres and can be legally described as Lot 12, Banner Industrial Park. The Gunnison Avenue right-of-way is annexed into the City limits, however, in accordance with State Statutes, one-sixth (1/6) of the total land area of the proposed annexation needs to be contiguous to the City limits. This existing platted lot just falls short of this requirement and therefore, a serial

annexation comprised of describing the property in two parts is required for 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 Seriani Annexation No. 1 & 2, a serial annexation, is eligible to be annexed because of compliance with the following:

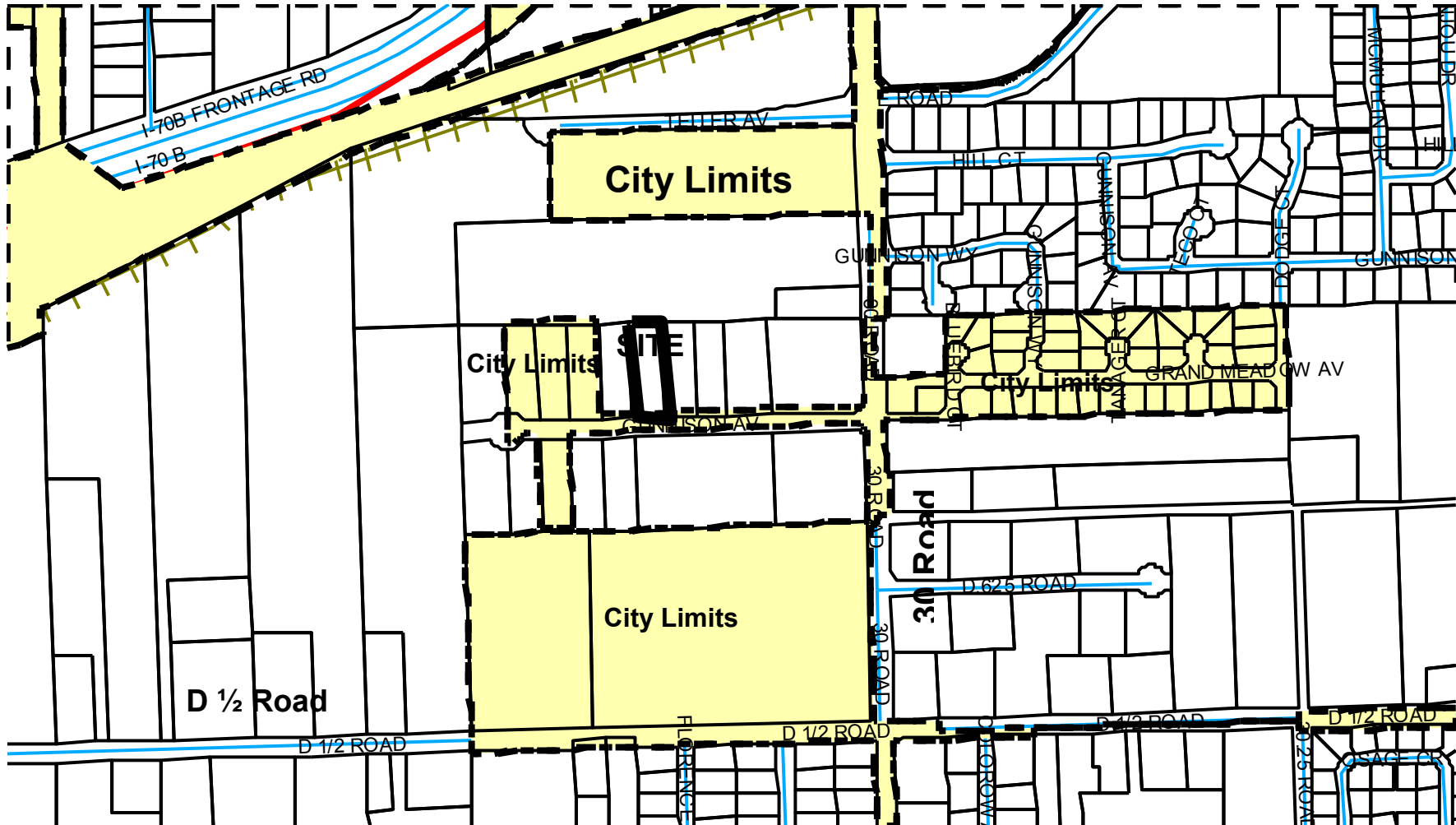
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and 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.

SERIANI ANNEXATION No 1 & 2 SUMMARY	
File Number:	ANX-2003-025
Location:	2986 Gunnison Avenue
Tax ID Number:	2943-171-07-012
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	N/A
# of Dwelling Units:	N/A
Acres land annexed:	0.68 acres
Developable Acres Remaining:	0.68 acres
Right-of-way in Annexation:	N/A
Previous County Zoning:	I-2
Proposed City Zoning:	Light Industrial (I-1)
Current Land Use:	Storage yard
Future Land Use:	Office/shop building for concrete business

Values:	Assessed:	= \$ 12,200
	Actual:	= \$ 42,080
Census Tract:		8
Address Ranges:		2986 (Even only)
Special Districts:	Water:	Ute Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51
<i>ANNEXATION SCHEDULE</i>		
February 19, 2003	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use	
February 25, 2003	Planning Commission considers Zone of Annexation	
April 2, 2003	First Reading on Zoning by City Council	
April 16, 2003	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council	
May 18, 2003	Effective date of Annexation and Zoning	

Site Location Map

Figure 1



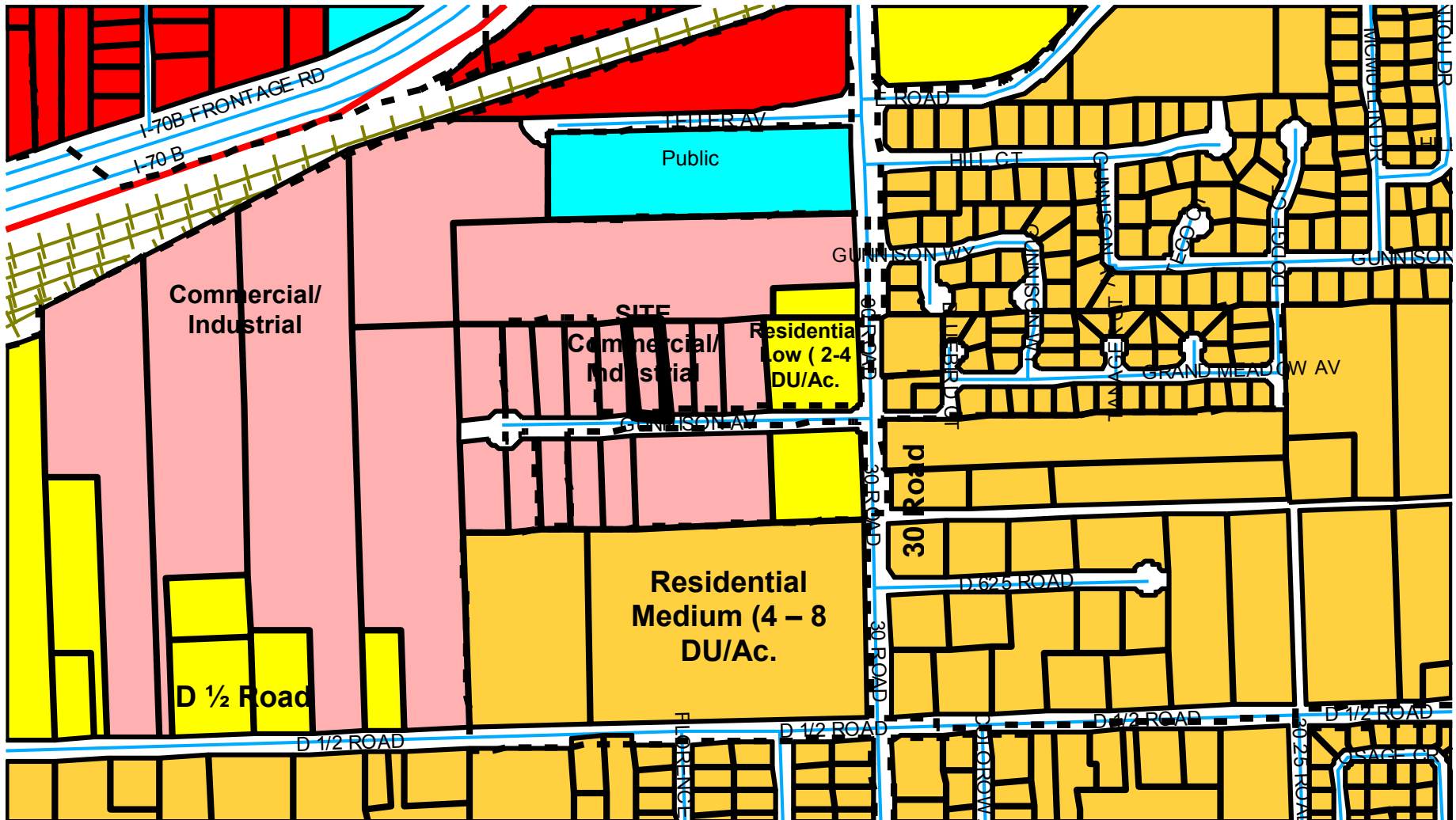
Aerial Photo Map

Figure 2



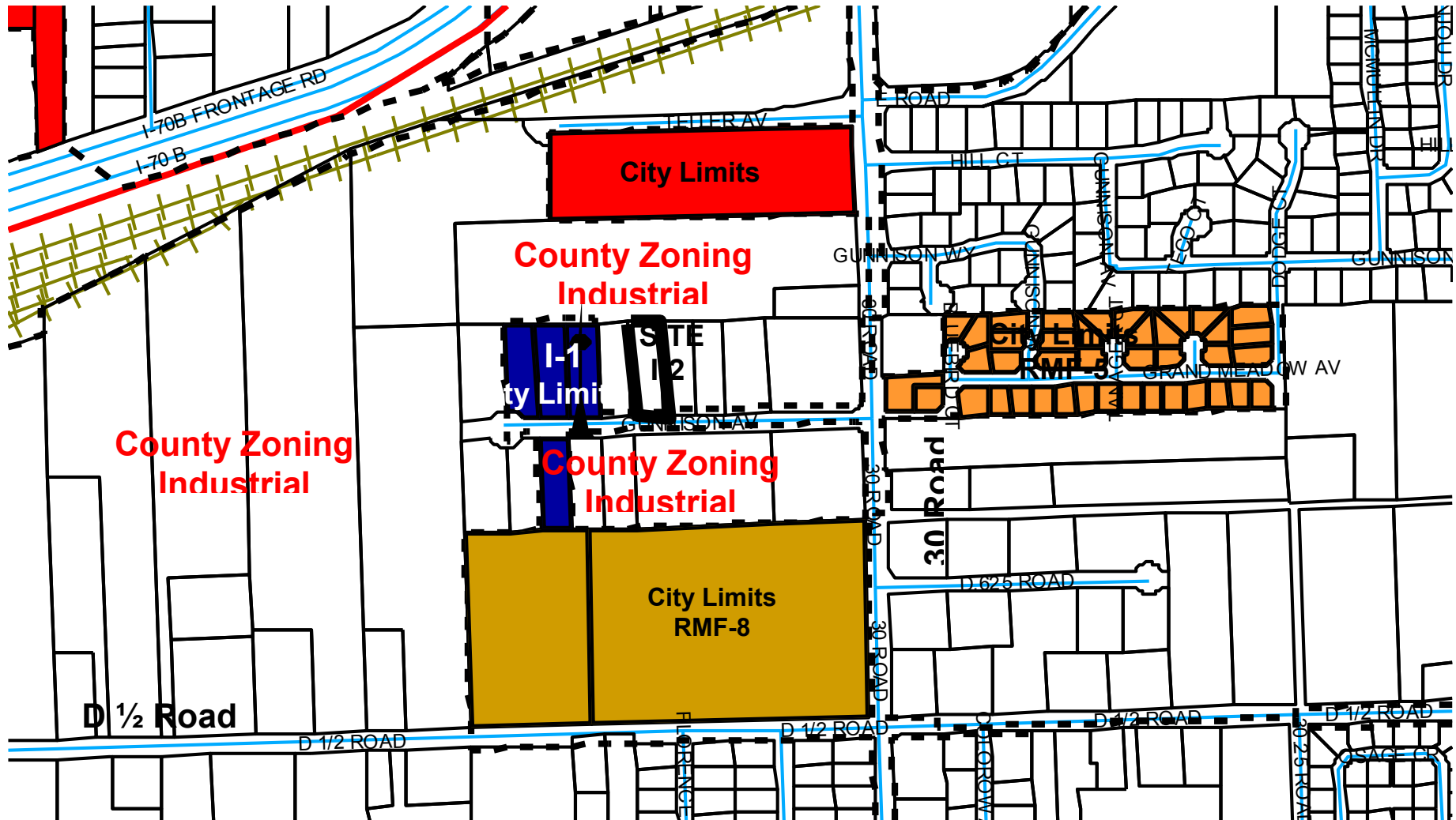
Future Land Use Map

Figure 3



Existing City and County Zoning

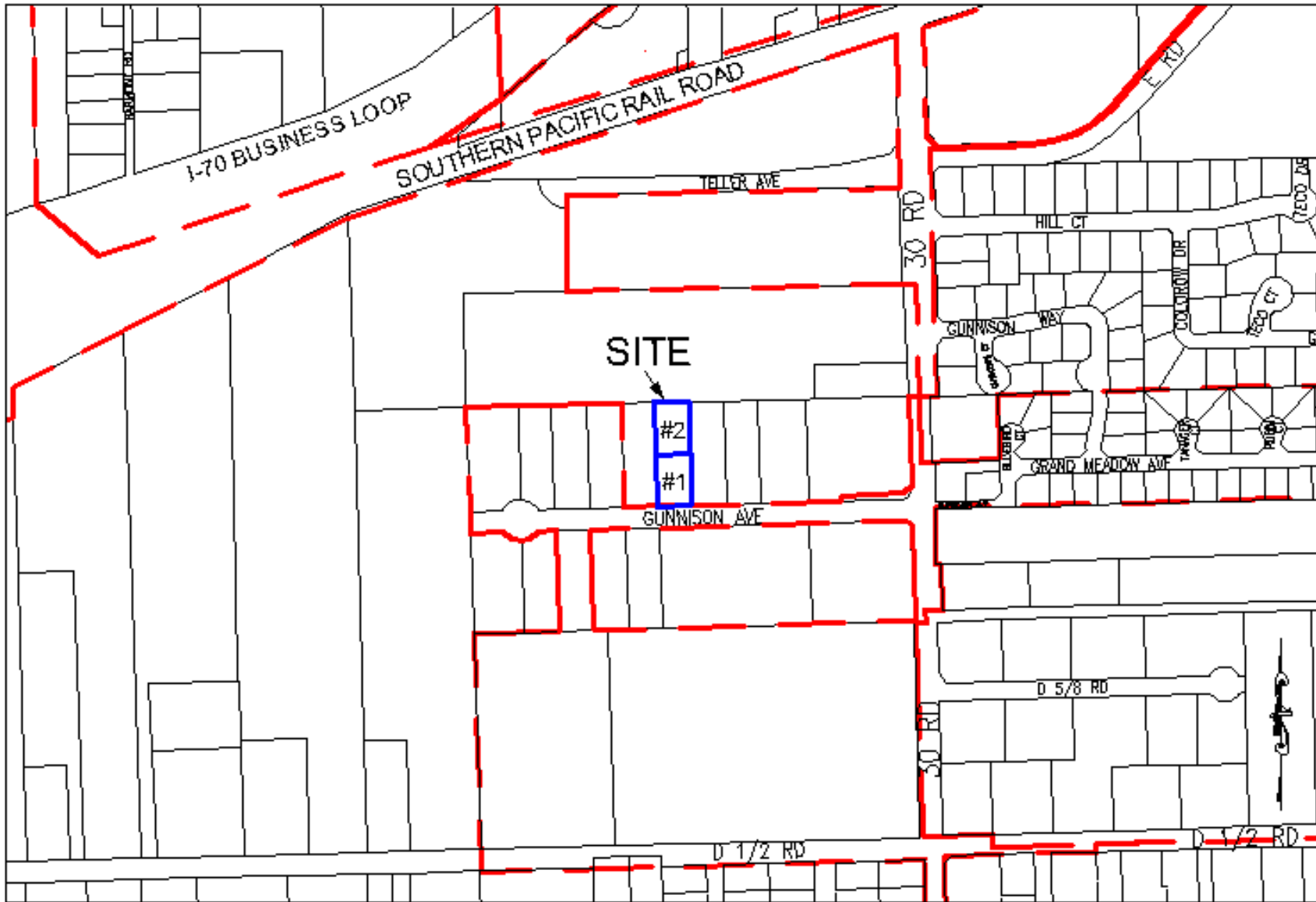
Figure 4



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."

SERIANI ANNEXATIONS #1 & #2

Figure 5



--- City Limits --- Annexation Boundary

**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 16th day of April, 2003, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

SERIANI ANNEXATION

**A Serial Annexation Comprising Seriani Annexation No. 1
and Seriani Annexation No. 2**

LOCATED AT 2986 Gunnison Avenue

WHEREAS, on the 19th day of February, 2003, 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

SERIANI ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 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 Southwest corner of Lot 12, Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'00" E along the West line of said Lot 12, a distance of 150.00 feet; thence S 89°58'41" E a distance of 100.00 feet to a point on the East line of said Lot 12; thence S 00°00'00" W along the East line of said Lot 12, a distance of 150.00 feet to a point being the Southeast corner of said Lot 12; thence N 89°58'41" W along the South line of said Lot 12, also being the North Right of Way for Gunnison Avenue, a distance of 100.00 feet, more or less, to the Point of Beginning

CONTAINING 0.3444 Acres (15,000.00 Sq. Ft.), more or less, as described.

SERIANI ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 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 Southwest corner of Lot 12, Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°00'00" E along the West line of said Lot 12, a distance of 150.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°00'00" E along the West line of said Lot 12, a distance of 149.67 feet, more or less, to a point being the Northwest corner of said Lot 12; thence S 89°58'26" E along the North line of said Lot 12, a distance of 100.00 feet to a point being the Northeast corner of said Lot 12; thence S 00°00'00" W along the East line of said Lot 12, a distance of 149.66 feet; thence N 89°58'41" W a distance of 100.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3436 Acres (14,966.50 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of February, 2003;

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

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

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

ADOPTED this 16th day of April, 2003.

Attest:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SERIANI ANNEXATION NO. 1

APPROXIMATELY 0.3444 ACRES

LOCATED AT 2986 GUNNISON AVENUE

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
SERIANI ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter (NE 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 Southwest corner of Lot 12, Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'00" E along the West line of said Lot 12, a distance of 150.00 feet; thence S 89°58'41" E a distance of 100.00 feet to a point on the East line of said Lot 12; thence S 00°00'00" W along the East line of said Lot 12, a distance of 150.00 feet to a point being the Southeast corner of said Lot 12; thence N 89°58'41" W along the South line of said Lot 12,

also being the North Right of Way for Gunnison Avenue, a distance of 100.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3444 Acres (15,000.00 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 19th day February, 2003.

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

Attest:

City Clerk

President of the Council

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SERIANI ANNEXATION NO. 2

APPROXIMATELY 0.3436 ACRES

LOCATED AT 2986 GUNNISON AVENUE

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
SERIANI ANNEXATION NO. 2**

A certain parcel of land lying in the Northeast Quarter (NE 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 Southwest corner of Lot 12, Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado, and assuming the North line of said Banner Industrial Park bears S 89°58'26" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°00'00" E along the West line of said Lot 12, a distance of 150.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°00'00" E along the West line of said Lot 12, a distance of 149.67 feet, more or less, to a point being the Northwest corner of said Lot 12; thence S 89°58'26" E along the North line of said Lot 12, a distance of 100.00 feet to a point being the Northeast

corner of said Lot 12; thence S 00°00'00" W along the East line of said Lot 12, a distance of 149.66 feet; thence N 89°58'41" W a distance of 100.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3436 Acres (14,966.50 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 19th day February, 2003.

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

Attest:

City Clerk

President of the Council

**Attach 18
Public Hearing – Zoning the Seriani Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Seriani Annexation located at 2986 Gunnison Avenue					
Meeting Date		April 16, 2003					
Date Prepared		April 7, 2003			File #ANX-2003-025		
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			Consent	X Individual Consideration

Summary: The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner’s intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial. The Planning Commission recommended approval at its February 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Adopt the Ordinance which would zone the Seriani Annexation as I-1, Light Industrial.

Attachments:

- 9. Background Information/Staff Analysis
- 10. Site Location Map
- 11. Aerial Photo Map
- 12. Future Land Use Map
- 13. Existing City & County Zoning Map

- 14. Annexation Map
- 15. Proposed Ordinance for City Council action

BACKGROUND INFORMATION			
Location:		2986 Gunnison Avenue	
Applicants:		Michael & Mary Jane Seriani, Owners	
Existing Land Use:		Storage yard	
Proposed Land Use:		Office/shop building for concrete business	
Surrounding Land Use:	North	Vacant	
	South	Industrial (RW Specialties Inc.)	
	East	Vacant (Storage yard)	
	West	Vacant	
Existing Zoning:		I-2 (County)	
Proposed Zoning:		I-1	
Surrounding Zoning:	North	I-2 (County)	
	South	I-2 (County)	
	East	I-2 (County)	
	West	I-2 (County)	
Growth Plan Designation:		Commercial/Industrial	
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 I-1 would be in keeping with the Persigo Agreement and the Growth Plan Future Land Use Map.

I-1 ZONE DISTRICT

- The proposed Light Industrial (I-1) zoning is consistent with the Growth Plan Future Land Use Map for this area. Currently, the Growth Plan Future Land Use Map indicates this area of Gunnison Avenue to be commercial/industrial in character
- Zoning this annexation as Light Industrial (I-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 all four (4) sides to current County heavy industrial zoning, north, south, east, & west. The proposed annexation is consistent with recent annexations in the area along Gunnison Avenue of light industrial (I-1).

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 I-2 is currently not consistent with the Growth Plan as this area is identified as commercial/industrial in character, not industrial on the Future Land Use Map. The proposed annexation is consistent with recent annexations in the area along Gunnison Avenue of light industrial (I-1) and also the Growth Plan Future Land Use Map.

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

The property is located in an area that is currently developed and zoned in a commercial/industrial manner. All public utilities are located adjacent to the 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 development of an office/shop building would not create adverse impacts to the adjacent existing commercial/industrial 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 and Growth Plan.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the I-1 zone district.

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

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

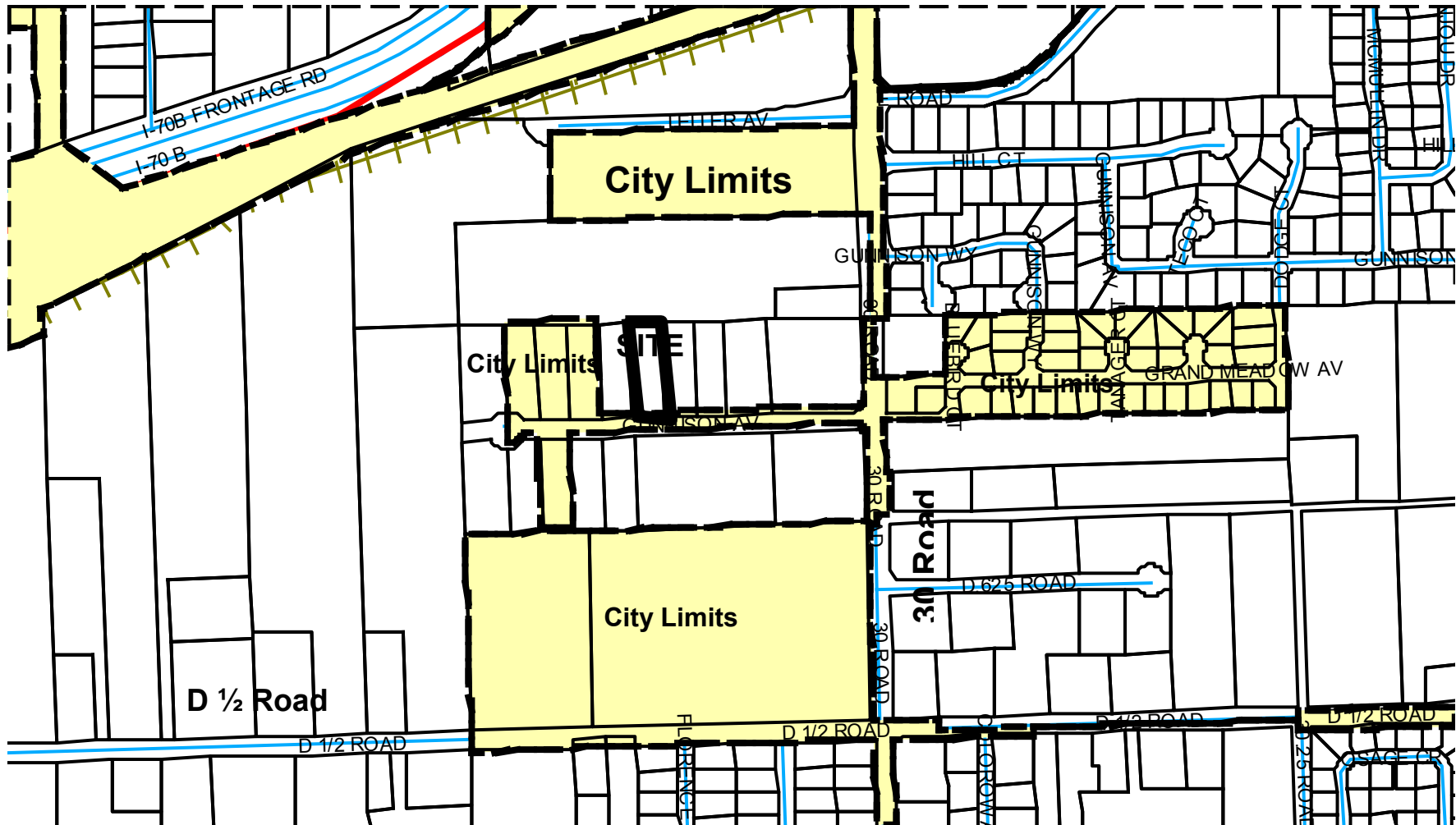
FINDINGS AND CONCLUSIONS:

1. Consistent with the Growth Plan Future Land Use Map 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 Seriani Annexation to Light Industrial (I-1) at their February 25, 2003 meeting.

Site Location Map

Figure 1



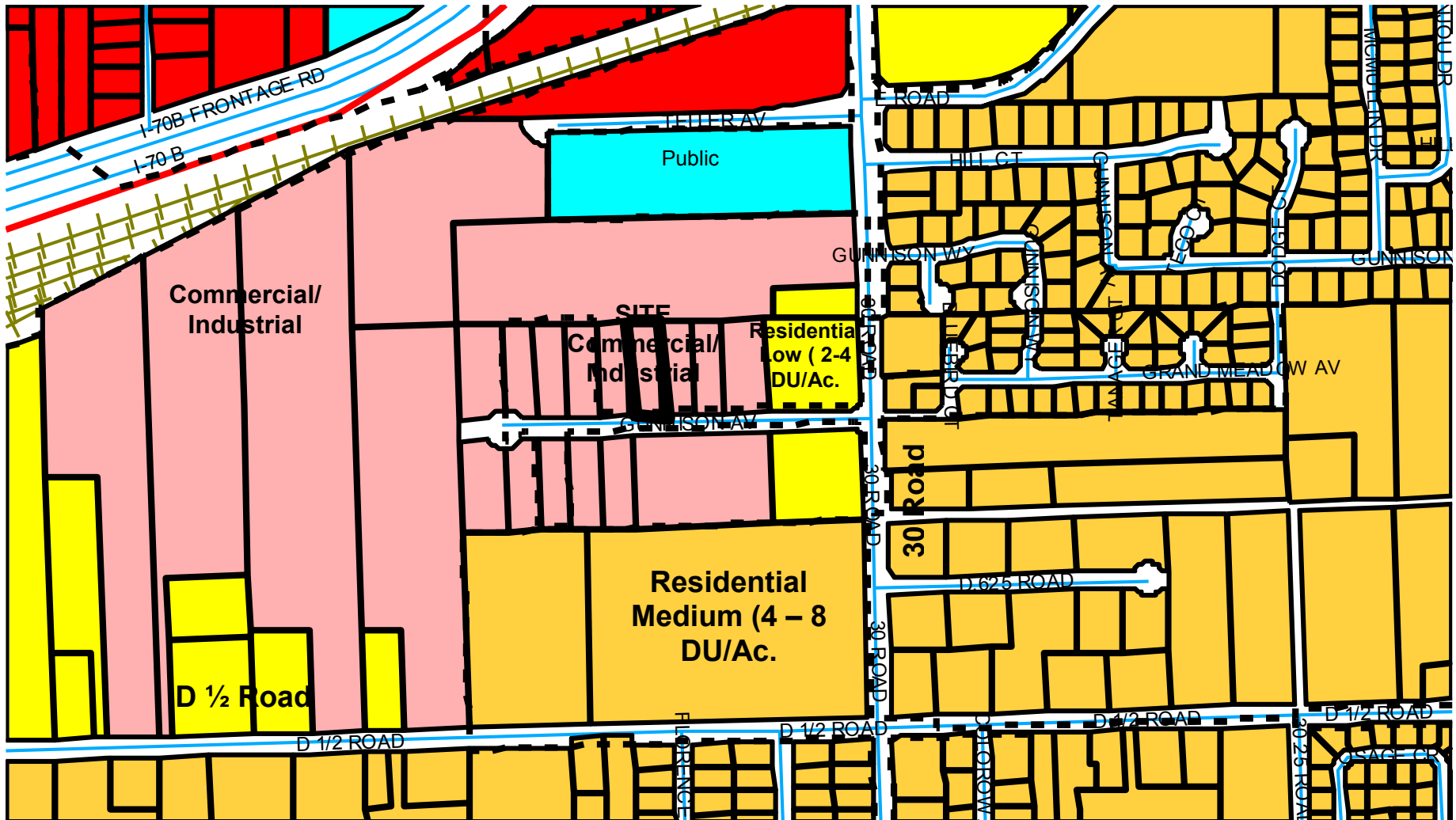
Aerial Photo Map

Figure 2



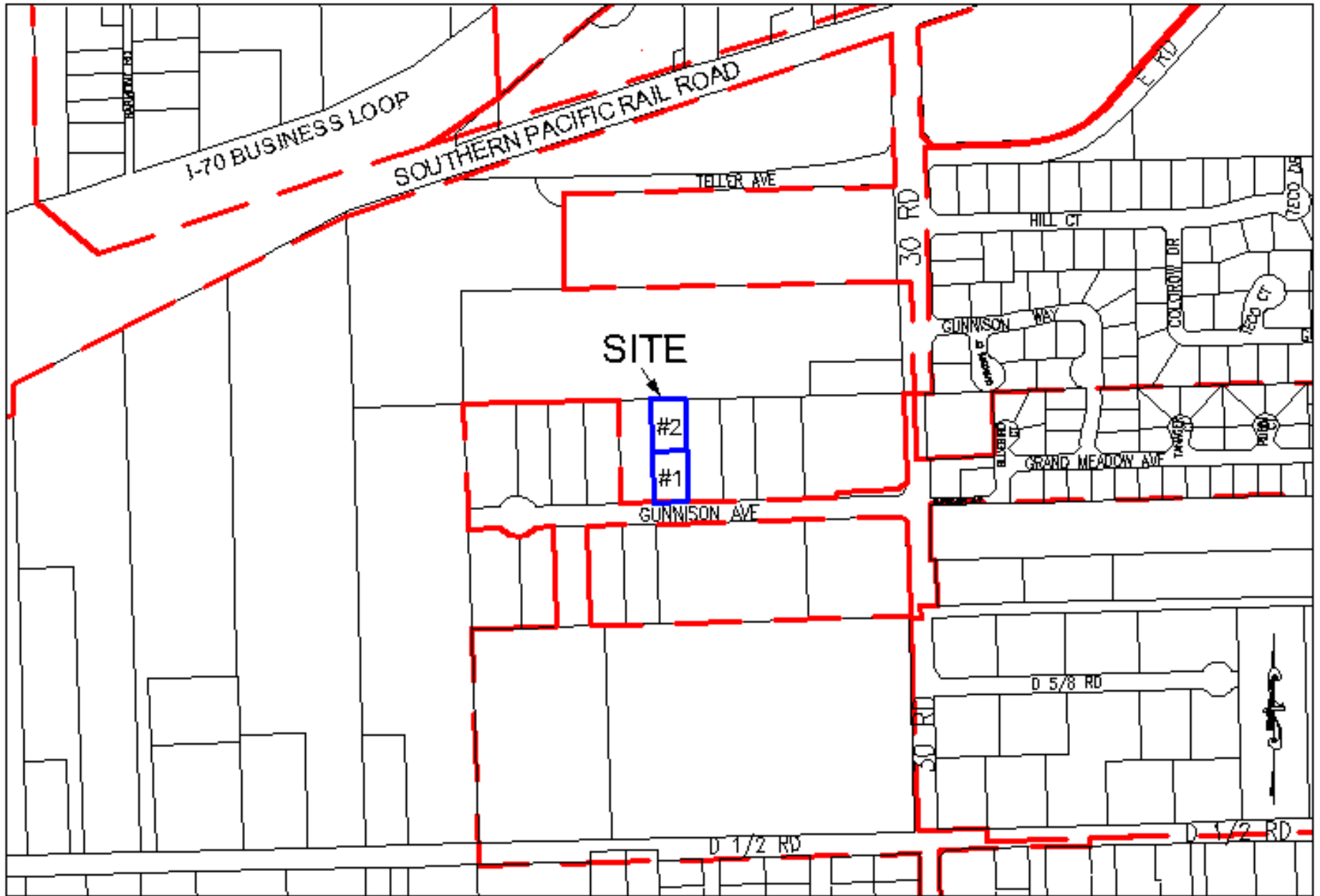
Future Land Use Map

Figure 3



SERIANI ANNEXATIONS #1 & #2

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE SERIANI ANNEXATION –

Lot 12, BANNER INDUSTRIAL PARK

TO LIGHT INDUSTRIAL (I-1)

LOCATED AT 2986 Gunnison 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 an I-1 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that an I-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 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 Light Industrial (I-1) zone district

Includes the following tax parcel: 2943-171-07-012

Lot 12, Banner Industrial Park, Mesa County, Colorado

CONTAINING 0.68 Acres (29,966 Square Feet), more or less as described.

Introduced on first reading on the 2nd day April, 2003.

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

Attest:

City Clerk

President of the Council

**Attach 19
Public Hearing – Fairway Pine Annexation Located at 2970 B Road**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Fairway Pines Annexation, 2970 B Road							
Meeting Date		April 16, 2003							
Date Prepared		April 8, 2003				File #ANX-2003-021			
Author		Pat Cecil		Development Services Supervisor					
Presenter Name		Pat Cecil		Development Services Supervisor					
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: The Fairway Pines Annexation is an annexation comprised of 1 parcel of land located at 2970 B Road, comprising a total of 6.4295 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution accepting the Fairway Pines Annexation petition, and adopt the Fairway Pines Annexation Ordinance.

Attachments:

- 10. Staff report/Background information
- 11. General Location Map
- 12. Aerial Photo
- 13. Growth Plan Map
- 14. Zoning Map
- 15. Annexation map
- 16. Resolution of acceptance of petition
- 17. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

Location:		<i>2970 B Road</i>	
Applicants:		Furukawa Family Trust – Petitioners Thompson-Langford - Representatives	
Existing Land Use:		<i>Existing Residence</i>	
Proposed Land Use:		<i>Residential Subdivision</i>	
Surrounding Land Use:	North	<i>Chipeta Golf Course</i>	
	South	Mesa View Elementary School	
	East	Chipeta Pines Subdivision	
	West	Chipeta Golf Course	
Existing Zoning:		RSF-R (County)	
Proposed Zoning:		RSF-4 (Residential Single Family -4 dwelling units per acre.	
Surrounding Zoning:	North	<i>PD (County) Chipeta Golf Course</i>	
	South	RSF-R (County) Mesa View Elem. School	
	East	PD (City) Chipeta Pines Subdivision (.25 DU/AC)	
	West	<i>PD (County) Chipeta Pines Golf Course</i>	
Growth Plan Designation:		Residential Medium Low 2-4	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 6.4295 acres of land. The property owners have requested annexation into the City as the result of needing a

rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
02/19/03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
03/11/03	Planning Commission considers Zone of Annexation
04/2/03	First Reading on Zoning by City Council
04/16/03	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
05/18/03	Effective date of Annexation and Zoning

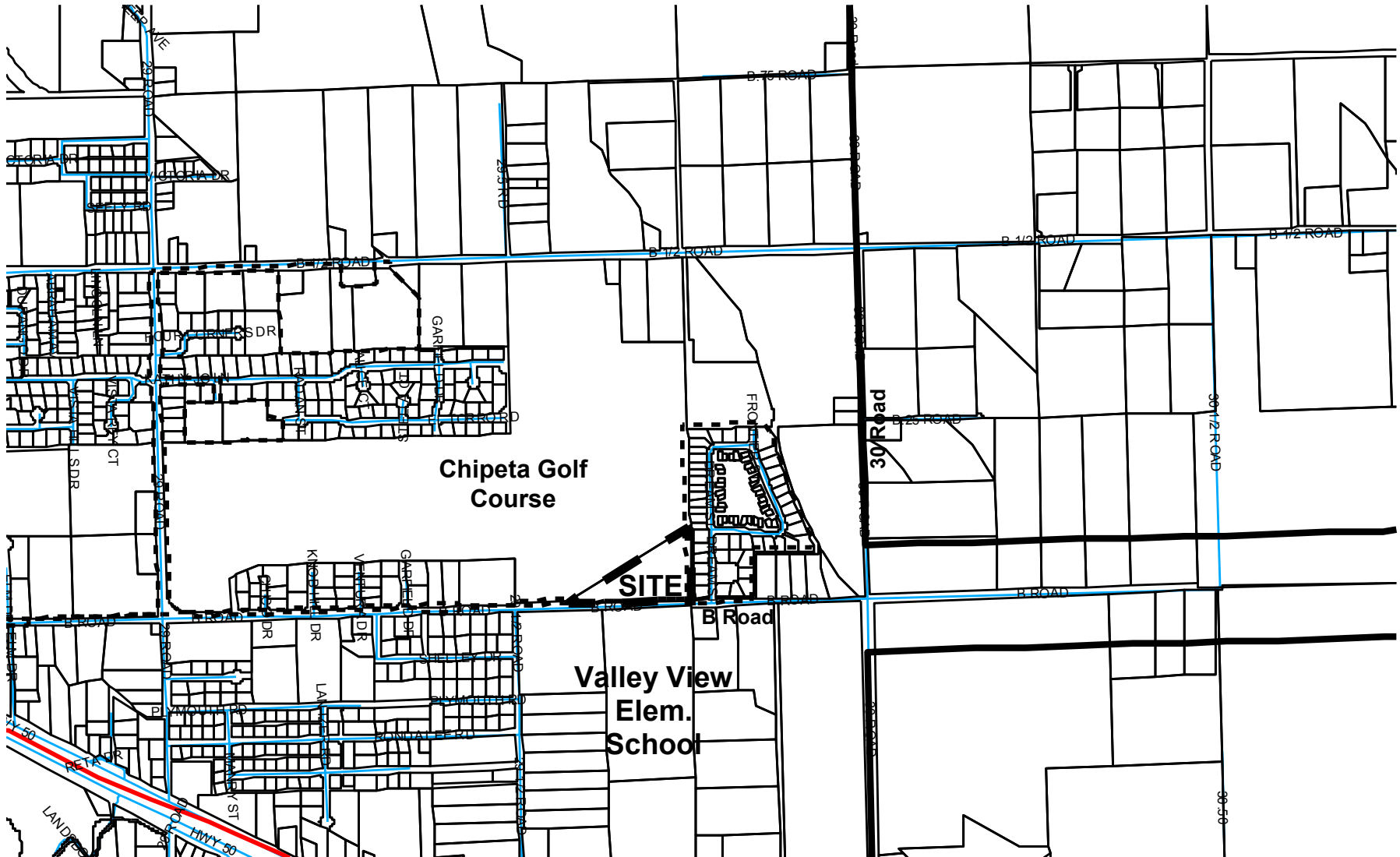
FAIRWAY PINES ANNEXATION SUMMARY

File Number:		ANX-2003-021
Location:		2970 Road
Tax ID Number:		2943-294-00-144
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		6.4295 acres
Developable Acres Remaining:		6.4295 acres
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		Undeveloped
Future Land Use:		Residential Medium Low 2-4
Values:	Assessed:	\$17,960
	Actual:	\$196,320
Address Ranges:		East to West: 2958 through 2974 North to South: 200 through 212
Special Districts:	Water:	Ute Water District

	Sewer:	Orchard Mesa Sanitation
	Fire:	GJ Rural Fire District
	Drainage:	Orchard Mesa
	School:	District 51
	Pest:	N/A

Site Location Map

Figure 1



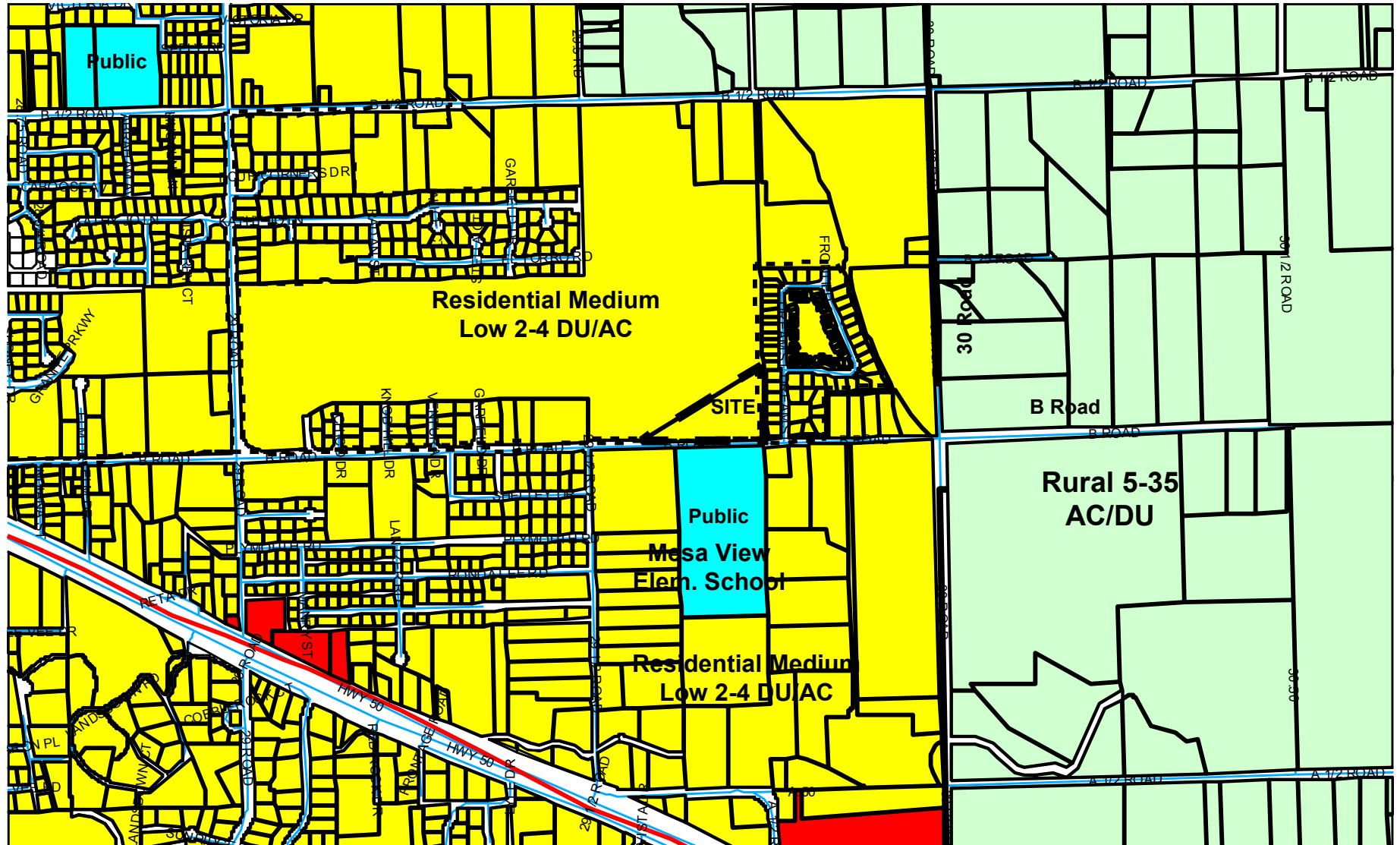
Aerial Photo Map

Figure 2



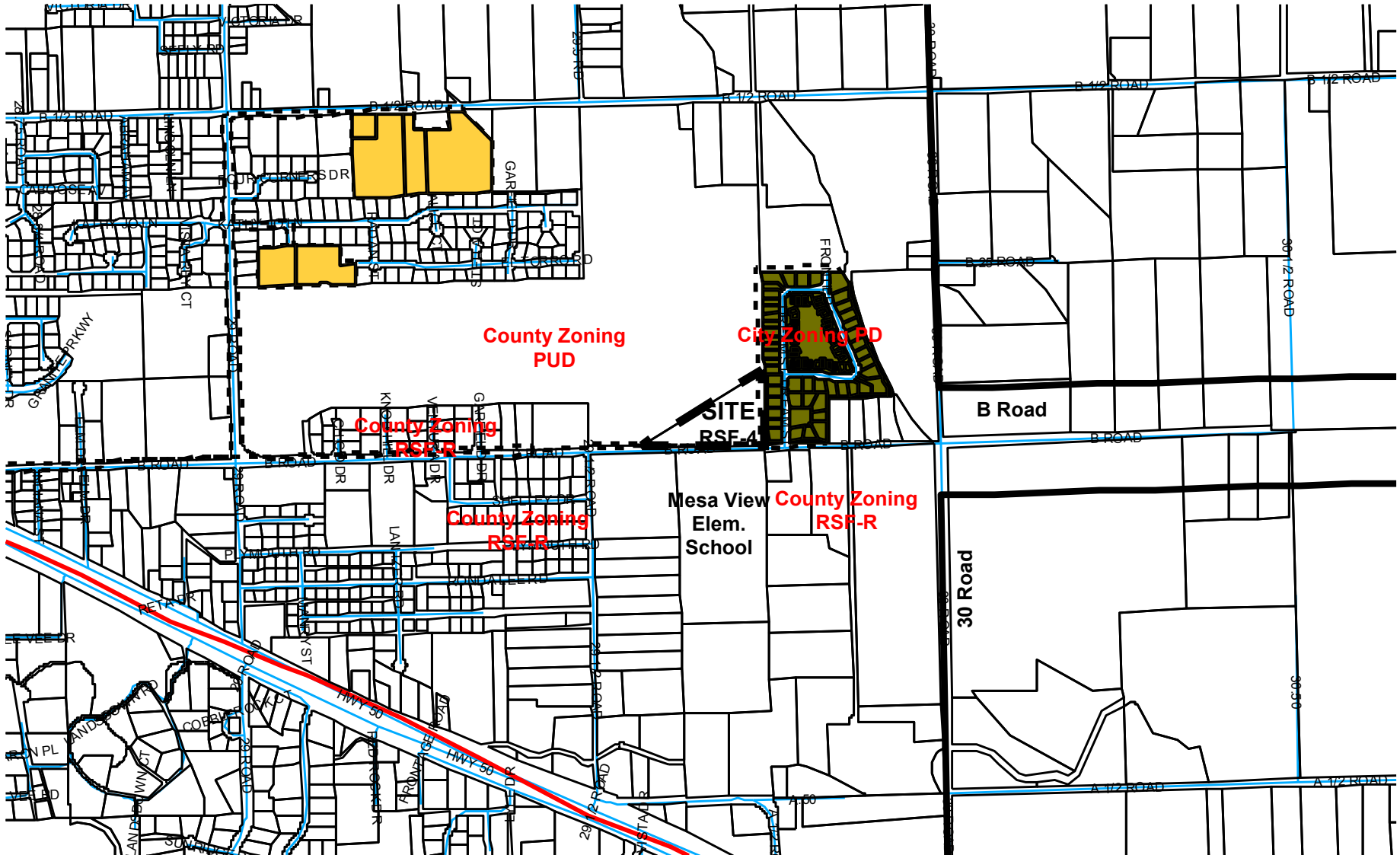
Future Land Use Map

Figure 3



Existing City and County Zoning

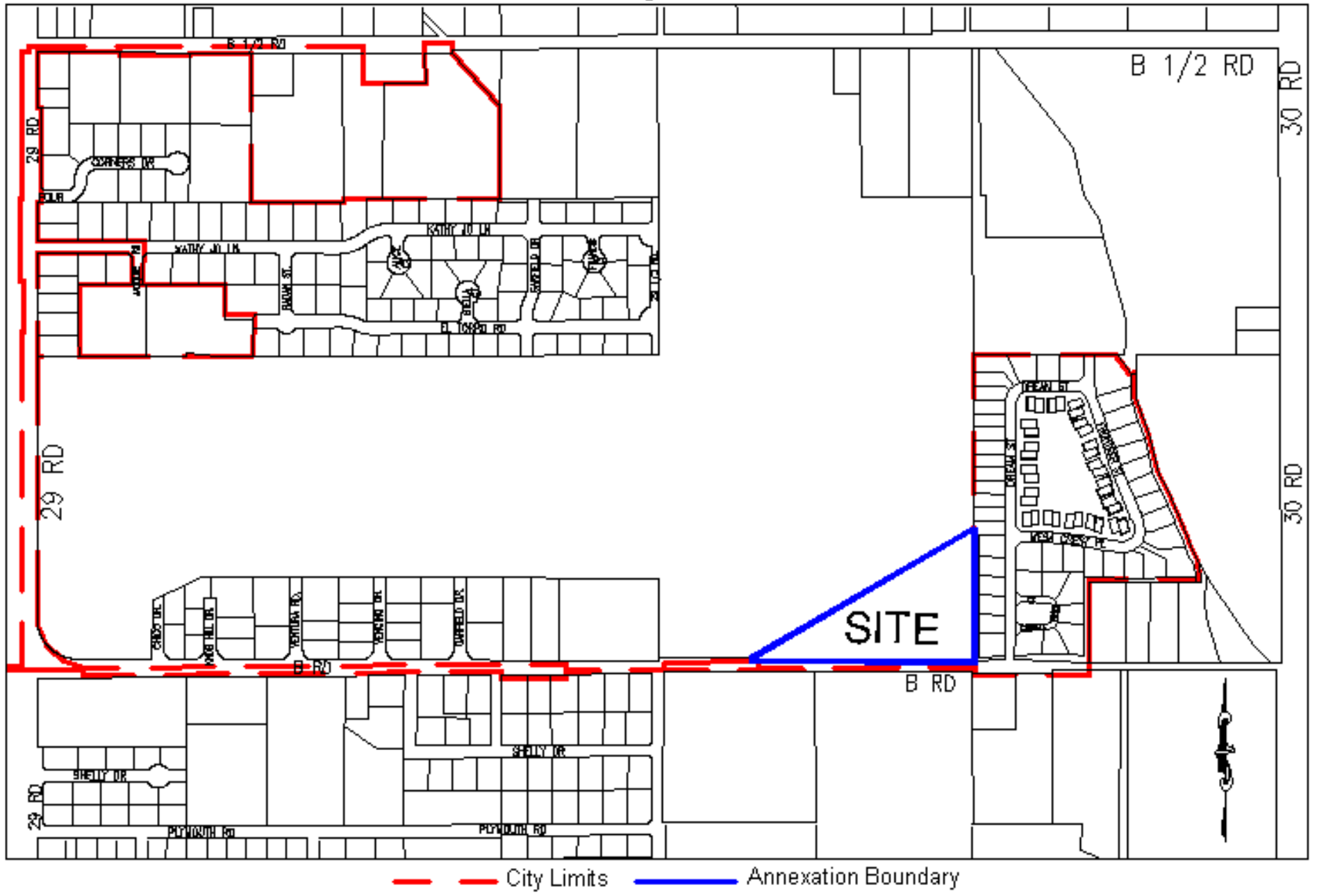
Figure 4



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."

FAIRWAY PINES ANNEXATION

Figure 5



RESOLUTION NO. ____

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

FAIRWAY PINES ANNEXATION

IS ELIGIBLE FOR ANNEXATION

LOCATED at 2970 B ROAD.

WHEREAS, on the 19th day of February, 2003, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 29 and assuming the South line of the SW 1/4 SE 1/4 of said Section 29 bears S 89°52'01" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'43" W along the East line of the SW 1/4 SE 1/4 of said Section 29 a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°52'01" W along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 29 a distance of 921.92 feet; thence N 00°07'59" W a distance of 28.00 feet to a point on the North Right of Way for B Road, as same is recorded in Book 1319, Page 33, Public Records of Mesa County, Colorado; thence N 58°59'12" E a distance of 1074.64 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 29, also being the West line of Chipeta Pines Subdivision, as same is recorded in Plat Book 17, Pages 171 and 172, Public Records of Mesa County, Colorado; thence S 00°05'43" E along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 579.56 feet, more or less, to the Point of Beginning.

CONTAINING 6.4295 Acres (280,068.54 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of April, 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 therefore; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this th day of _____, 2003.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FAIRWAY PINES ANNEXATION

APPROXIMATELY 6.4295 ACRES

LOCATED AT 2970 B ROAD

WHEREAS, on the 19th day of February, 2003, 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 16th day of April, 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 situated in Mesa County, Colorado, and described to wit:
A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 29 and assuming the South line of the SW 1/4 SE 1/4 of said Section 29 bears S 89°52'01" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'43" W along the East line of the SW 1/4 SE 1/4 of said Section 29 a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°52'01" W along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 29 a

distance of 921.92 feet; thence N 00°07'59" W a distance of 28.00 feet to a point on the North Right of Way for B Road, as same is recorded in Book 1319, Page 33, Public Records of Mesa County, Colorado; thence N 58°59'12" E a distance of 1074.64 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 29, also being the West line of Chipeta Pines Subdivision, as same is recorded in Plat Book 17, Pages 171 and 172, Public Records of Mesa County, Colorado; thence S 00°05'43" E along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 579.56 feet, more or less, to the Point of Beginning.

CONTAINING 6.4295 Acres (280,068.54 Sq. Ft.), more or less, as described be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 19th day of February, 2003.

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

President of the Council

Attest:

City Clerk

**Attach 20
Public Hearing – Zoning Fairway Pines**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Fairway Pines Annexation, located at 2970 B Road					
Meeting Date	April 16, 2003					
Date Prepared	April 8, 2003				File #ANX-2003-021	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Budget: N/A

Action Requested/Recommendation: Conduct the public hearing and approve a zoning of RSF-4 for the Fairway Pines Annexation.

Attachments:

- 18. Staff report/Background information
- 19. General Location Map
- 20. Aerial Photo
- 21. Growth Plan Map
- 22. Zoning Map
- 23. Annexation map
- 24. Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT/BACKGROUND INFORMATION				
Location:		2970 B Road		
Applicants:		Furukawa Family Trust – Petitioner Nicholas Construction – Developer Thompson-Langford Corp. - Representative		
Existing Land Use:		Two existing residences with accessory buildings		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	Golf Course (Chipeta Golf Course)		
	South	Mesa View Elementary School		
	East	Chipeta Pines Residential Subdivision		
	West	Golf Course (Chipeta Golf Course)		
Existing Zoning:		RSF-R (County)		
Proposed Zoning:		RSF-4 (City)		
Surrounding Zoning:	North	PUD (County) (Golf Course)		
	South	RSF-R (County) (Mesa View Elem. Sch.)		
	East	PD (City) (Approx. .25 DU/AC)		
	West	PUD (County) (Chipeta Golf course)		
Growth Plan Designation:		Residential Medium Low 2-4 DU/AC		
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:

2. 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.

6. 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.

7. 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.

8. 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.

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

Response: Not applicable.

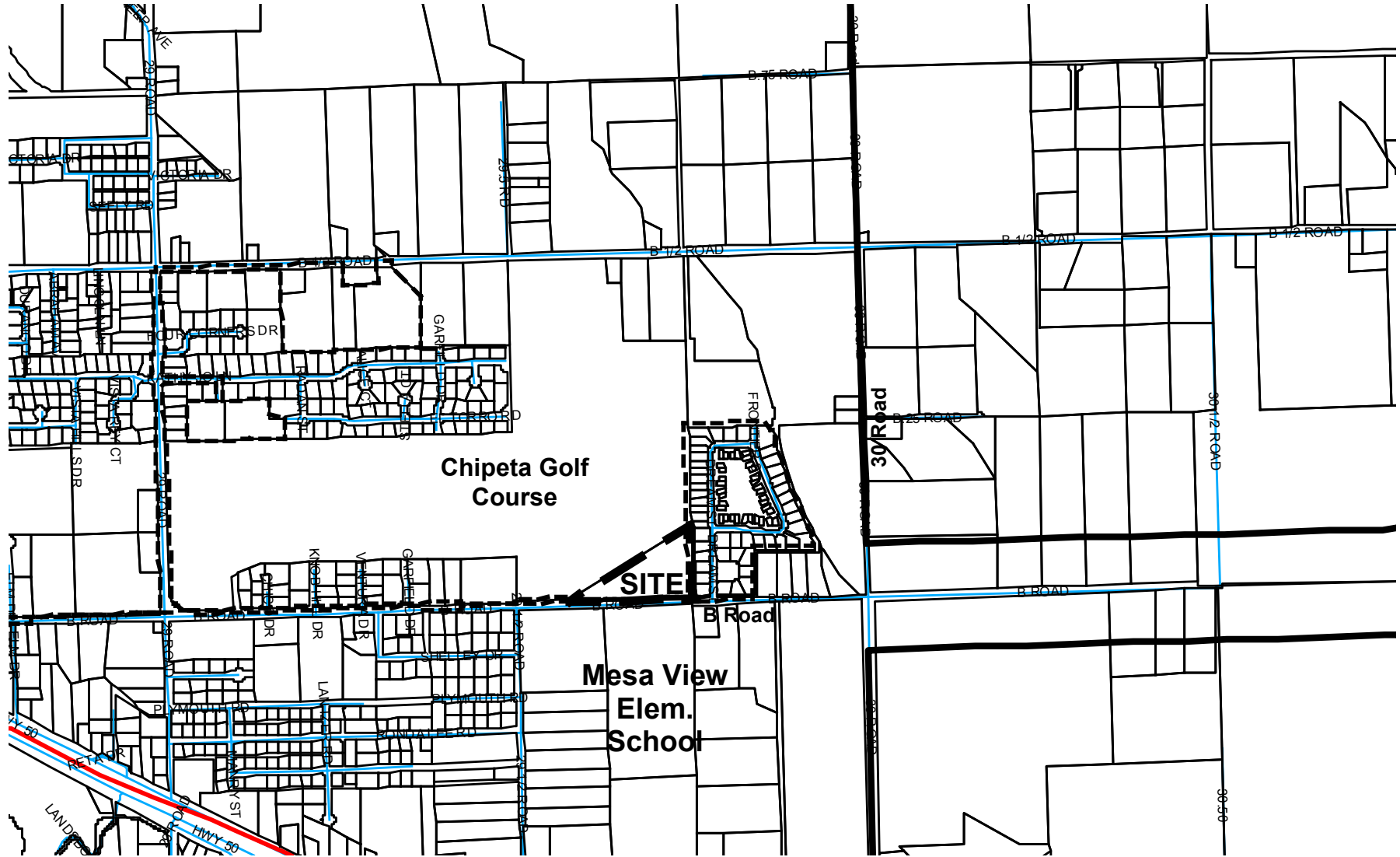
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from B Road.

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, the existing County Zoning and Sections 2.14 and 2.6 of the Zoning and Development Code.

Site Location Map

Figure 1



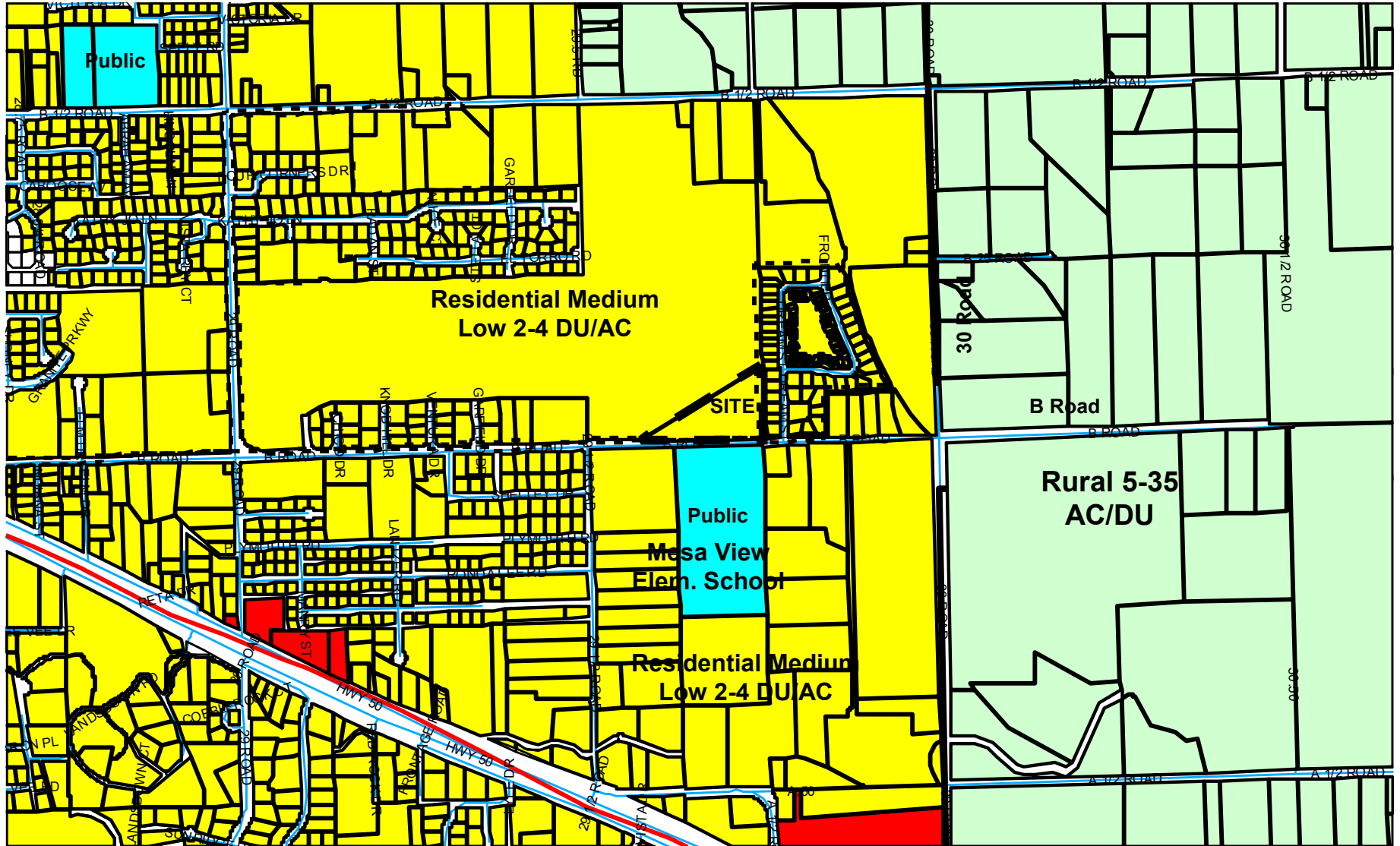
Aerial Photo Map

Figure 2



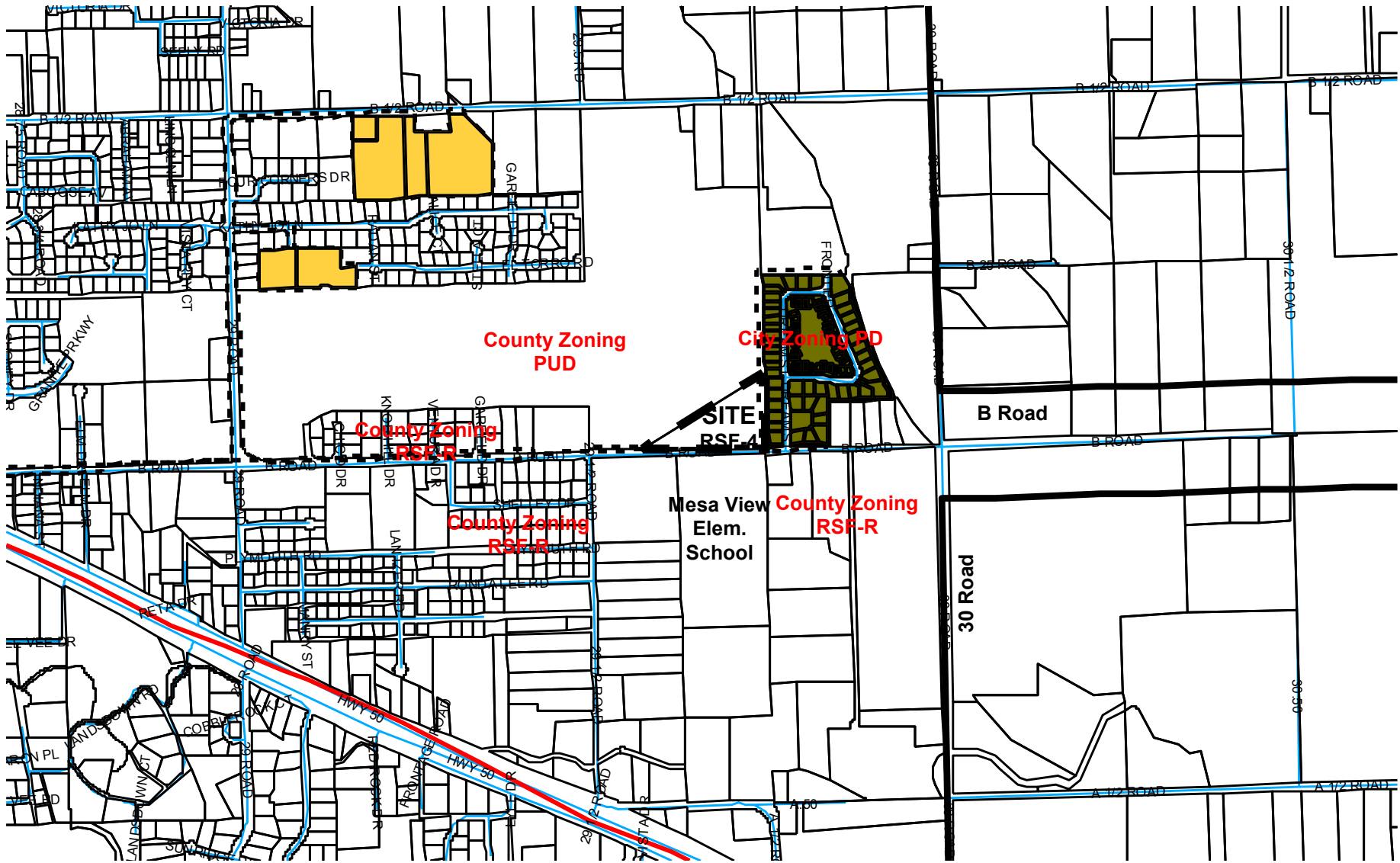
Future Land Use Map

Figure 3



Existing City and County Zoning

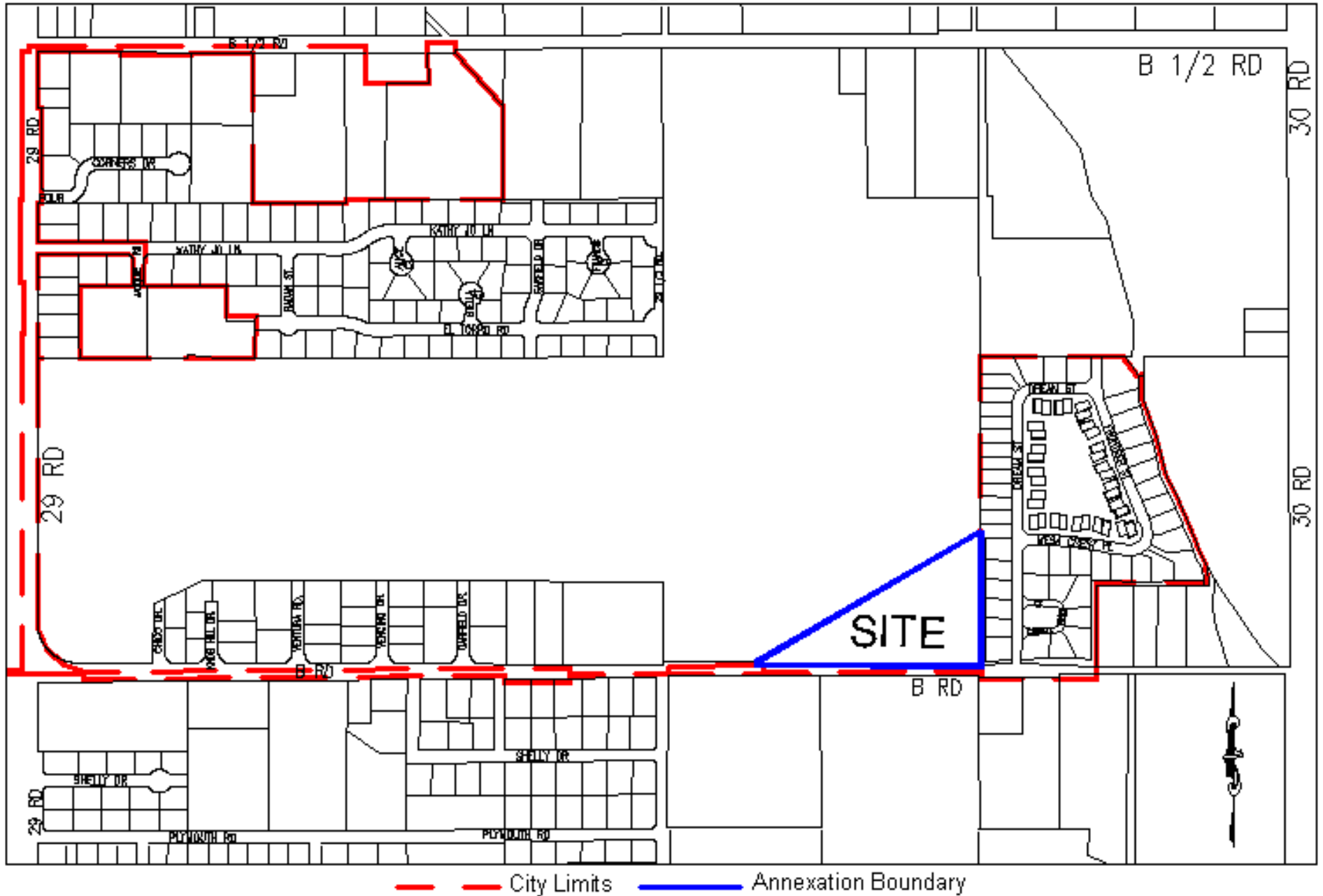
Figure 4



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."

FAIRWAY PINES ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district

Located at 2970 B 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: 2943-294-00-144

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 29 and assuming the South line of the SW 1/4 SE 1/4 of said Section 29 bears S 89°52'01" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'43" W along the East line of the SW 1/4 SE 1/4 of said Section 29 a

distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°52'01" W along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 29 a distance of 921.92 feet; thence N 00°07'59" W a distance of 28.00 feet to a point on the North Right of Way for B Road, as same is recorded in Book 1319, Page 33, Public Records of Mesa County, Colorado; thence N

58°59'12" E a distance of 1074.64 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 29, also being the West line of Chipeta Pines Subdivision, as same is recorded in Plat Book 17, Pages 171 and 172, Public Records of Mesa County, Colorado; thence S 00°05'43" E along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 579.56 feet, more or less, to the Point of Beginning.

CONTAINING 6.4295 Acres (280,068.54 Sq. Ft.), more or less, as described.

Introduced on the first reading this 2nd day of April, 2003.

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

President of Council

ATTEST:

City Clerk

Attach 21

Public Hearing Fruitvale Estates Annex South of E ½ Road North of Hoover Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Fruitvale Estates Annexation, south of E½ Road (Orchard Ave.), north of Hoover Drive (3083 E ½ Road)					
Meeting Date	April 16, 2003					
Date Prepared	April 7, 2003				File #ANX-2003-023	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The Fruitvale Estates Annexation is an annexation comprised of 1 parcel of land located on the south side of E ½ Road, north of Hoover Drive, comprising a total of 4.3815 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution accepting the Fruitvale Estates Annexation petition, and adopt the Fruitvale Estates Annexation Ordinance.

Attachments:

- 25. Staff report/Background information
- 26. Letter to property owner of property being enclaved
- 27. General Location Map
- 28. Aerial Photo
- 29. Future Land Use Map
- 30. Zoning Map
- 31. Annexation map

- 32. Resolution for acceptance of petition
- 33. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

<i>BACKGROUND INFORMATION</i>			
Location:		<i>3083 E ½ (Orchard Ave.) Road</i>	
Applicants:		Disraeli Development, Inc. – Petitioner Thompson-Langford Corp. - Representative	
Existing Land Use:		<i>Undeveloped</i>	
Proposed Land Use:		<i>Residential subdivision</i>	
Surrounding Land Use:	North	<i>Residential</i>	
	South	Commercial	
	East	Residential and Commercial	
	West	Residential	
Existing Zoning:		RSF-4 (County)	
Proposed Zoning:		RSF-4 (City)	
Surrounding Zoning:	North	<i>RSF-4 (County)</i>	
	South	B-2 (County) and C-1 (City)	
	East	RSF-4 & PD (Commercial) (County)	
	West	<i>RSF-4 (County)</i>	
Growth Plan Designation:		Residential Medium Low 2-4	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.3815 acres of land. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

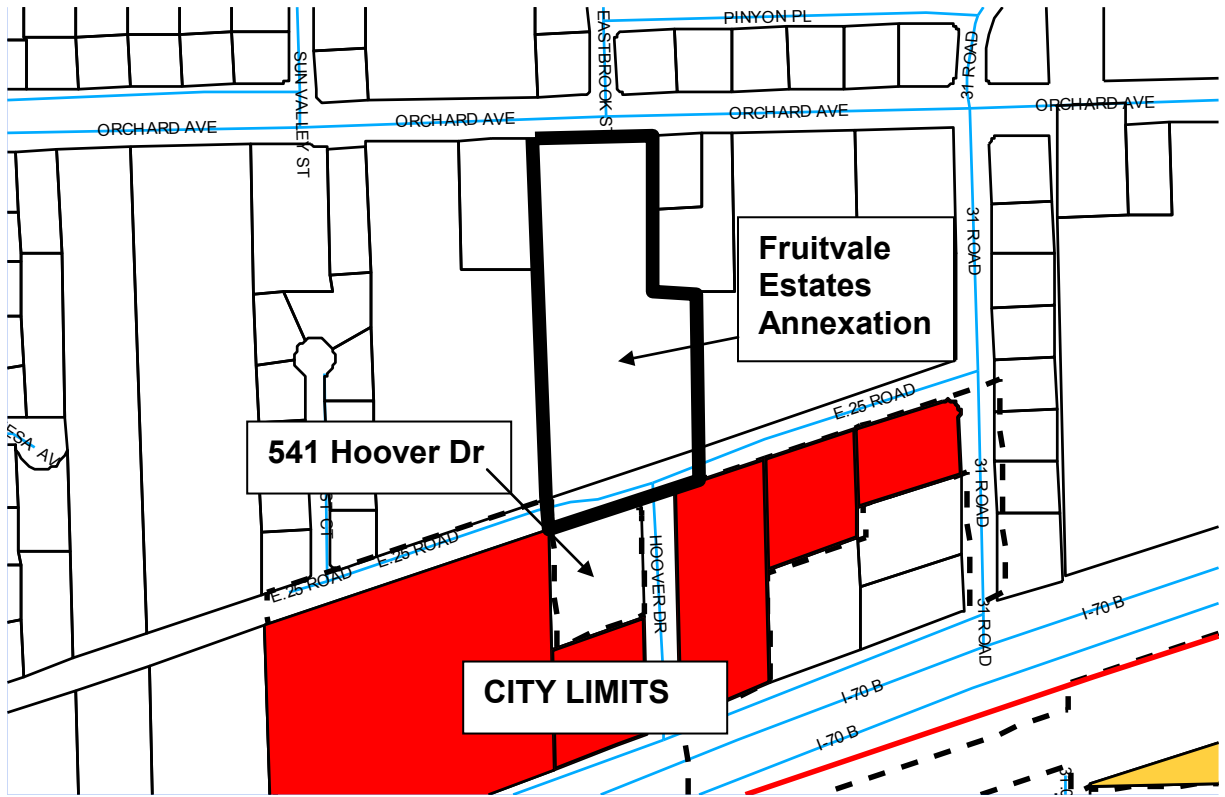
It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Fruitvale Estates Annexation is eligible to be annexed because of compliance with the following:

- 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.

One property is being enclaved by this annexation.

The Fruitvale Estates Annexation will inadvertently enclave one property (see picture below) which under the requirements of the Persigo Agreement with Mesa County requires the City to annex such property after three years but before five years from being enclaved. Central Grand Valley Sanitation District owns and uses this property located at 541 Hoover Drive as their company offices. Previously enclaved areas have been similarly enclaved since 1998 including four properties enclaved by the Webb Crane Annexation in March of 2000 and twelve properties enclaved as result of the Cimarron Mesa Annexation in February 2002.

As with Webb Crane and Cimarron Mesa Annexations, staff is sending a letter to the affected property owner notifying them of their property being enclaved. Please see a copy of the letter included with this staff report. The letter was sent prior to the public hearing before City Council for this annexation.



The following is the annexation and zoning schedule.

<i>ANNEXATION SCHEDULE</i>	
3-05-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
3-25-03	Planning Commission considers Zone of Annexation
4-02-03	First Reading on Zoning by City Council
4-16-03	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
5-18-03	Effective date of Annexation and Zoning



FRUITVALE ESTATES ANNEXATION SUMMARY	
File Number:	ANX-2003-023
Location:	3083 E ½ Road (Orchard Avenue)
Tax ID Number:	2943-094-00-135
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	4.3815 acres
Developable Acres Remaining:	4.3815 acres
Right-of-way in Annexation:	0
Previous County Zoning:	RSF-4
Proposed City Zoning:	RSF-4
Current Land Use:	Undeveloped
Future Land Use:	Residential Medium Low 2-4
Values:	Assessed: \$11,680
	Actual: \$40,280
Address Ranges:	3081-3085 East to west 540-550 North to south

Special Districts:	Water:	Clifton Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	N/A

April 4, 2003

Central Grand Valley Sanitation District
541 Hoover Drive
Grand Junction, CO 81504

Tax Parcel #2943-094-77-944
Property address: 541 Hoover Drive

Dear Central Grand Valley Sanitation District,

The Mesa County Board of Commissioners and Grand Junction City Council have forged a relationship to improve service delivery to all county residents and to properly manage growth and development in the Central Grand Valley. The foundation of this relationship is the Persigo Agreement, a comprehensive document that covers a variety of service and growth issues, which was adopted by the Commission and Council in October 1998. Included in the agreement is a provision to close all enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. On May 18, 2003 the Fruitvale Estates Annexation will become effective (see enclosed map). Your property is located within an enclave created by this annexation. The City of Grand Junction

has established no dates at this point for annexing your property within this enclave, but you will be notified once a timeline is established.

There are many benefits of annexing the enclaves for those that own property or live within such areas. These include: improved delivery of services such as public safety and street maintenance, reduced recreation fees, and possible improvements to basic infrastructure such as sidewalks, streetlights and storm drainage, as well as other benefits.

If you have questions or comments, please feel free to contact us. The Grand Junction City Council can be reached through their secretary at 244-1508.

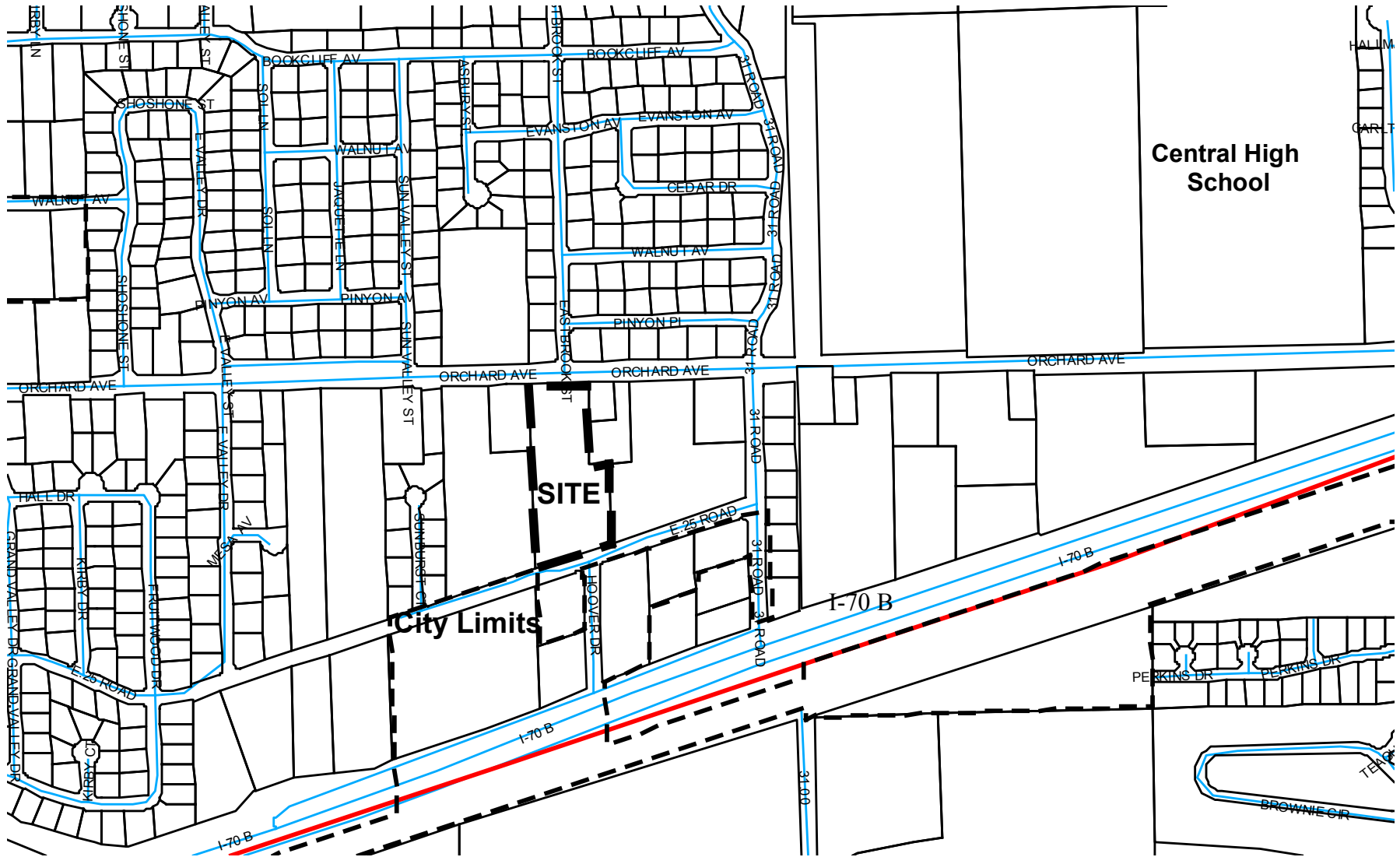
If you are no longer the owner and/or resident of this property, please notify the City Community Development Department at 244-1450. Thank you.

Sincerely

Cindy Enos-Martinez, Mayor
City of Grand Junction

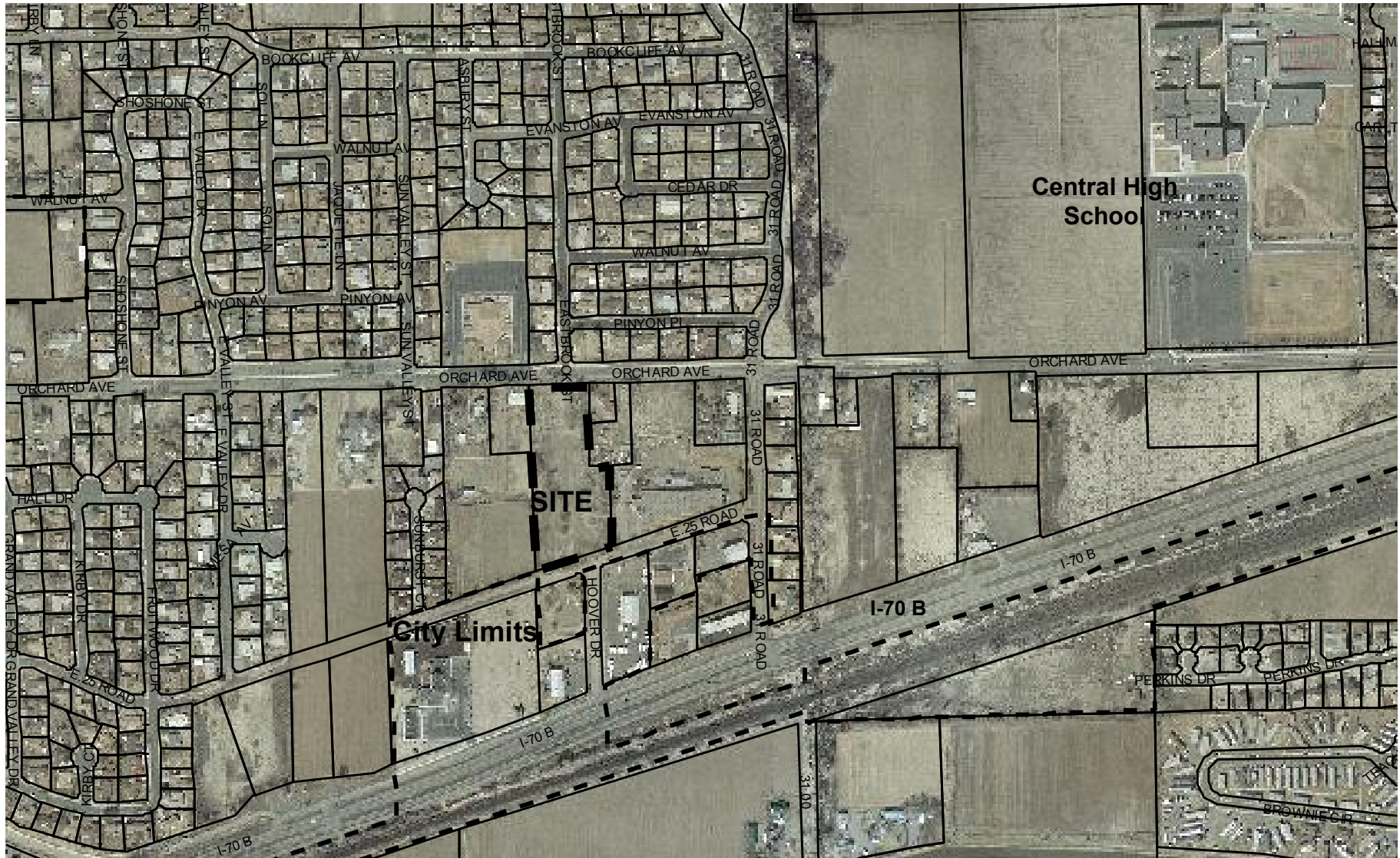
Site Location Map

Figure 1



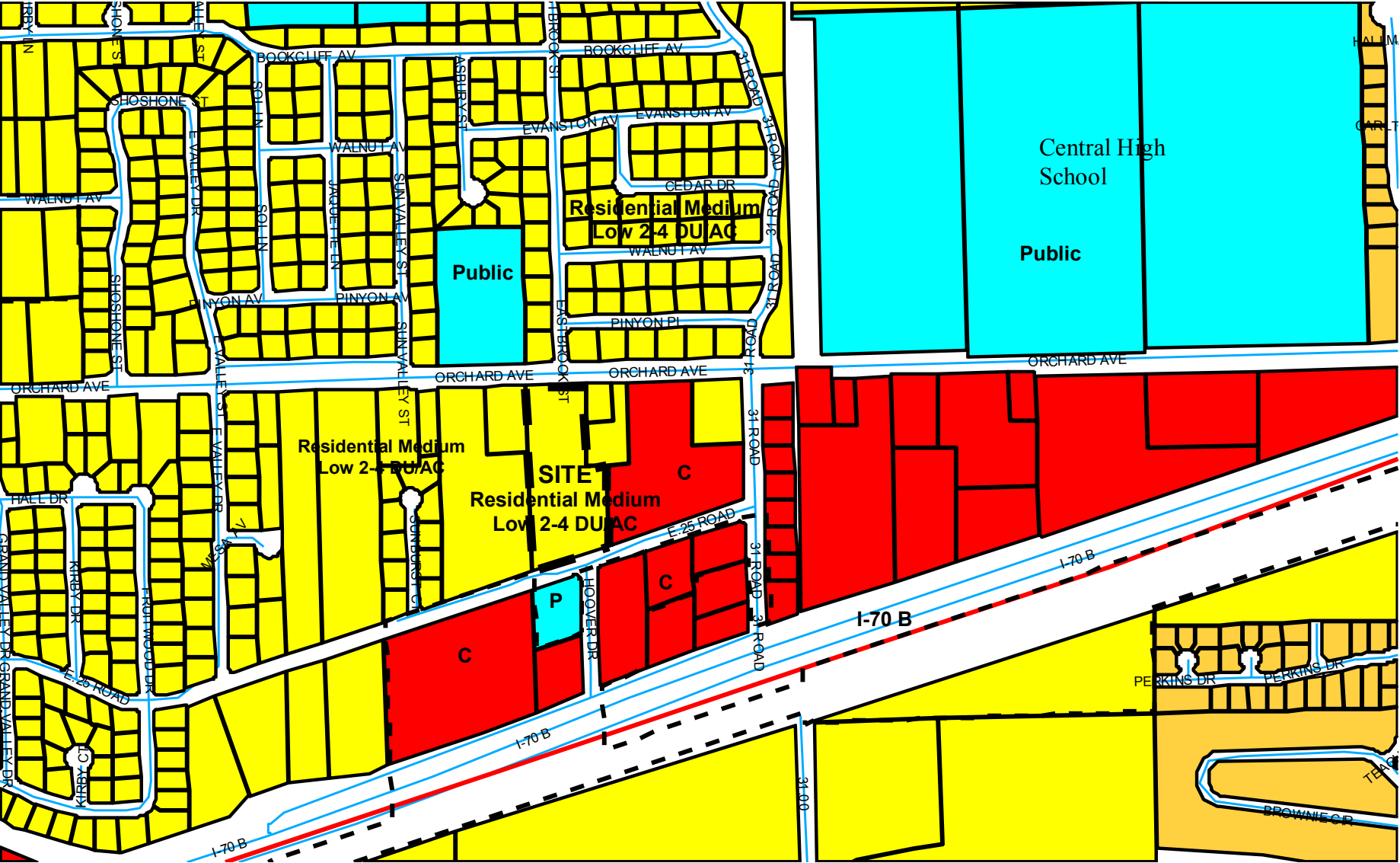
Aerial Photo Map

Figure 2



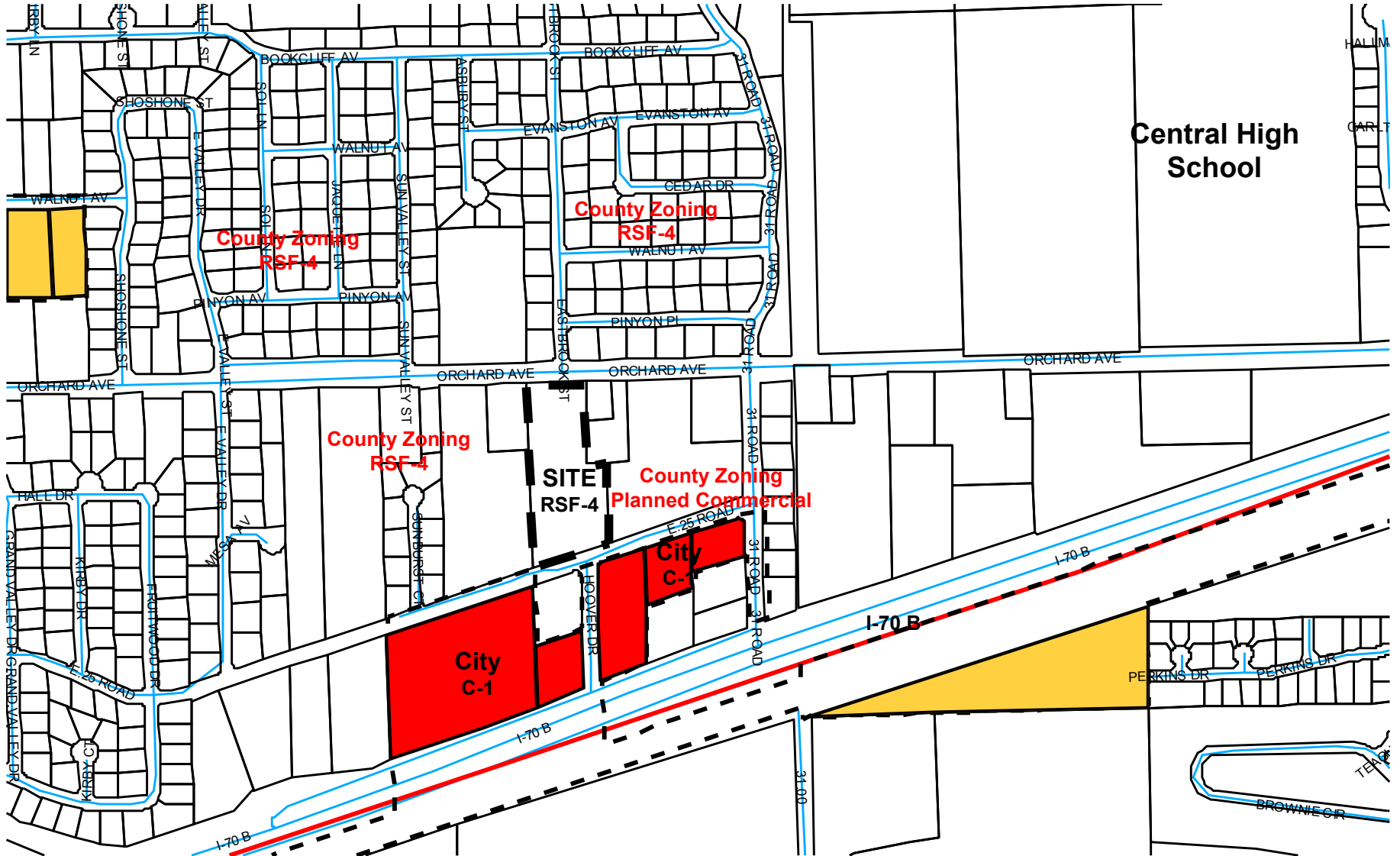
Future Land Use Map

Figure 3



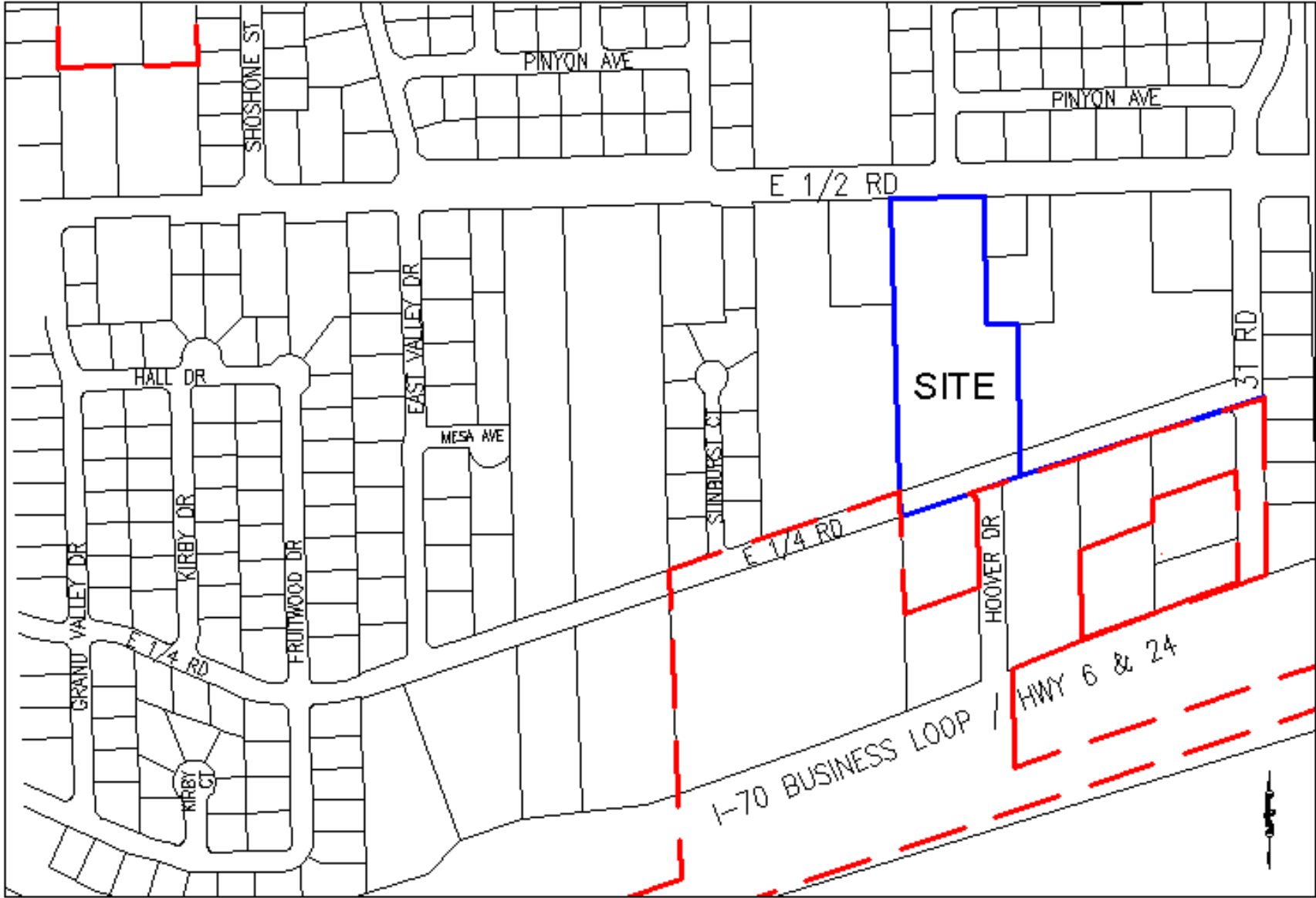
Existing City and County Zoning

Figure 4



FRUITVALE ESTATES ANNEXATION

Figure 5



--- City Limits — Annexation Boundary

RESOLUTION NO. ____

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

FRUITVALE ESTATES ANNEXATION

IS ELIGIBLE FOR ANNEXATION

LOCATED at 3083 E ½ ROAD.

WHEREAS, on the 5th day of March, 2003, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, 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 SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of Mesa County, Colorado, a distance of 608.96 feet to a point on the East right of way for 31 Road, as same is shown on the Plat of East Park, as recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of 911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along

said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of April, 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 therefore; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this day of , 2003.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FRUITVALE ESTATES ANNEXATION

APPROXIMATELY 4.3815 ACRES

LOCATED AT 3083 E 1/2 ROAD

WHEREAS, on the 5th day of March, 2003, 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 16th day of April, 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 situated in Mesa County, Colorado, and described to wit:

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, 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 SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of

Mesa County, Colorado, a distance of 608.96 feet to a point on the East right of way for 31 Road, as same is shown on the Plat of East Park, as

recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of 911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described as described be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 5th day of March, 2003.

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

President of the Council

Attest:

City Clerk

**Attach 22
Public Hearing Zoning the Fruitvale Estates**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Fruitvale Estates Annexation, located at 3083 E ½ (Orchard Avenue) Road					
Meeting Date	April 16, 2003					
Date Prepared	April 7, 2003				File #ANX-2003-023	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Budget: N/A

Action Requested/Recommendation: Conduct the public hearing and approve a zoning of RSF-4 for the Fruitvale Estates Annexation.

Attachments:

- 34. Staff report/Background information
- 35. General Location Map
- 36. Aerial Photo
- 37. Growth Plan Map
- 38. Zoning Map
- 39. Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT/BACKGROUND INFORMATION

Location:		3083 E ½ (Orchard Ave.) Road		
Applicants:		Disraeli Development, Inc. – Petitioner Thompson-Langford Corp. - Representative		
Existing Land Use:		Undeveloped		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	Residential		
	South	Commercial		
	East	Residential and Commercial		
	West	Residential		
Existing Zoning:		RSF-4 (County)		
Proposed Zoning:		RSF-4 (City)		
Surrounding Zoning:	North	RSF-4 (County)		
	South	B-2 (County) and C-1 (City)		
	East	RSF-4 and PD (commercial) (County)		
	West	RSF-4 (County)		
Growth Plan Designation:		Residential Medium Low 2-4 DU/AC		
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. The existing County zoning is RSF-4. 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:

3. 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.

9. 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.

10. 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.

11. 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.

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

Response: Not applicable.

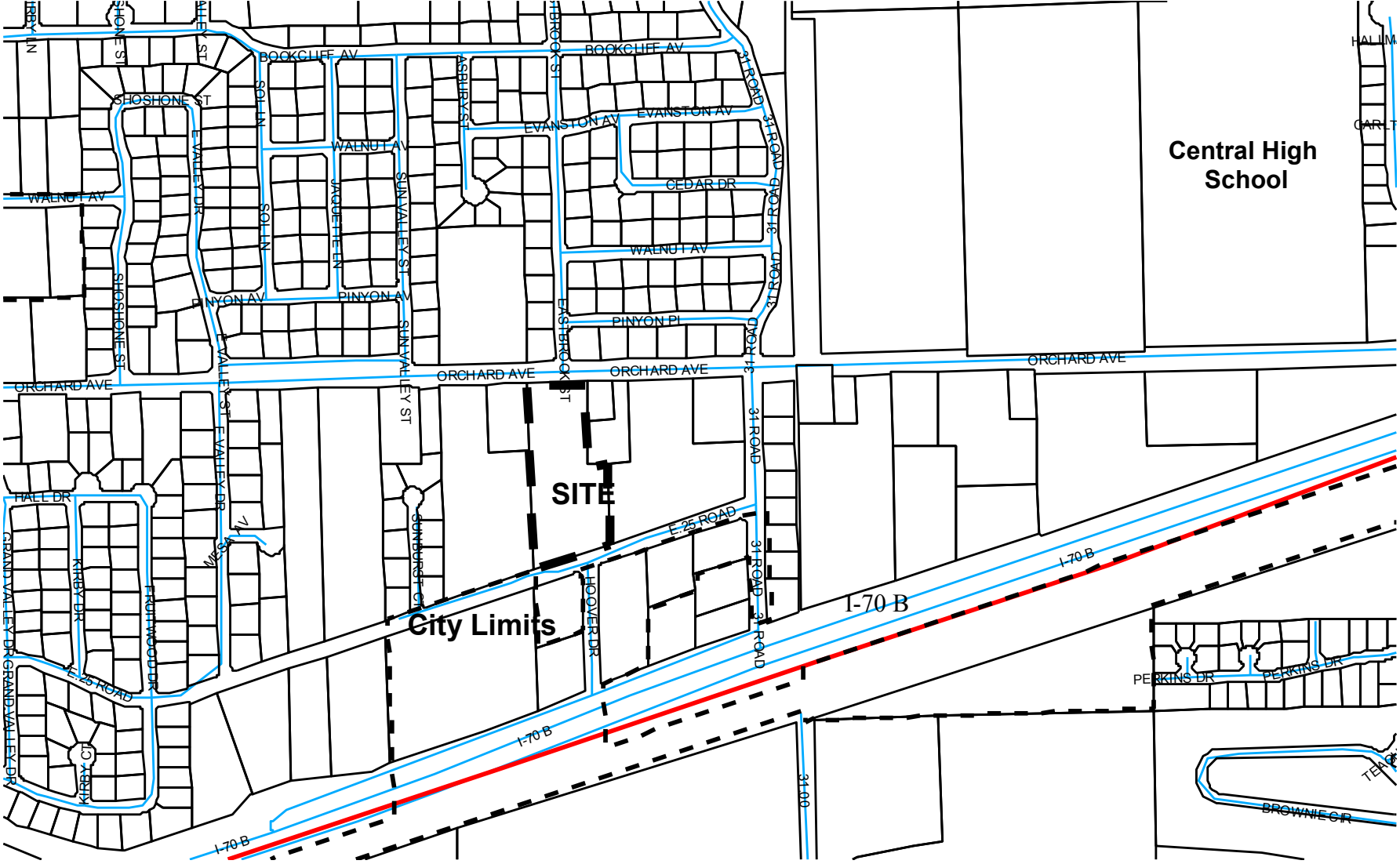
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from E ½ (Orchard Avenue) Road. An additional access point will be developed to the property to the west.

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

Site Location Map

Figure 1



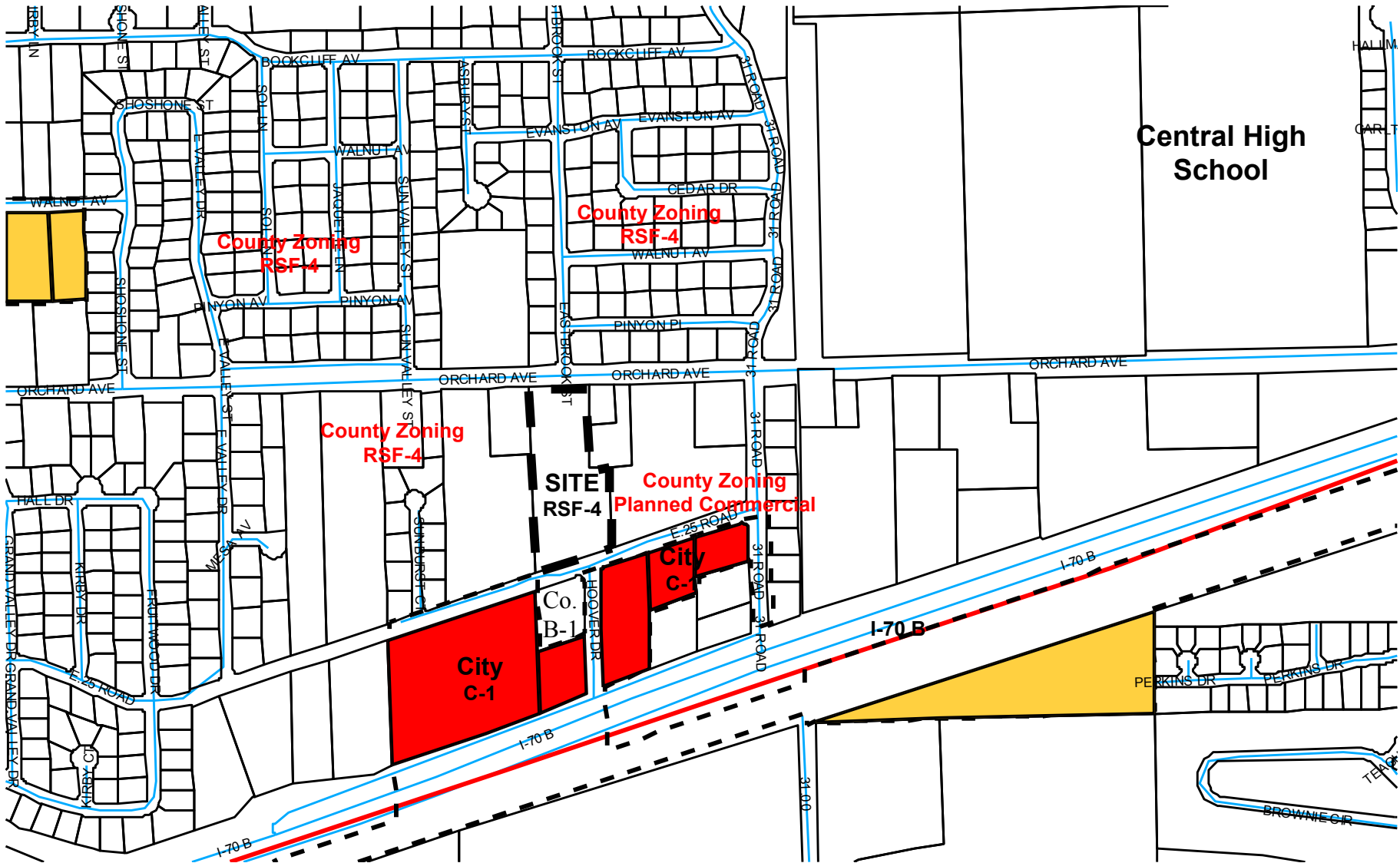
Aerial Photo Map

Figure 2



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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district Located at 3083 E ½ (Orchard Avenue) 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.
- The proposed zoning is consistent with the existing County zoning.

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: 2943-094-00-135

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, 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 SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South

right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of Mesa County, Colorado, a distance of 608.96 feet to a point on the East right of way for 31 Road, as same is shown on the Plat of East Park, as recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of

911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described.

Introduced on the first reading this 2nd day of April, 2003.

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

President of Council

ATTEST:

City Clerk

Attach 23

Public Hearing – Spanish Trails Filing 3 ROW and Easement Vacation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Spanish Trails, Filing 3, Right-of-Way and Easement Vacation								
Meeting Date		April 16, 2003								
Date Prepared		April 9, 2003					File #FPP-2002-204			
Author		Kathy Portner			Planning Manager					
Presenter Name		Kathy Portner			Planning Manager					
Report results back to Council		X	No		Yes	When				
Citizen Presentation		X	Yes		No	Name				
Workshop		X	Formal Agenda			Consent	X	Individual Consideration		

Summary: A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3

Budget: N/A

Action Requested/Recommendation: Second reading of the ordinances to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement.

Attachments:

- 16. Staff Report
- 17. Vicinity Map
- 18. Aerial Photo
- 19. Site Plan
- 20. Ordinances

Background Information: See attached staff report

AGENDA TOPIC: FPP-2002-204 Spanish Trails, Filing 3, Right-of-Way and easement vacation

ACTION REQUESTED: Second reading of the ordinances vacating a portion of the 24 ¼ Road right-of-way and an emergency access easement in Spanish Trails Subdivision

BACKGROUND INFORMATION				
Location:		719 24 ½ Road		
Applicants:		Reimer Development—Steve and Kevin Reimer		
Existing Land Use:		Undeveloped		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Canyon View Park		
	South	Residential—mixed density		
	East	Church and Residential		
	West	Canyon View Park		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	CSR (Conservation, Service, Recreation)		
	South	PD and RSF-4		
	East	PD and RSF-4		
	West	CSR		
Growth Plan Designation:		Residential Medium, 4-8 units per acre		
Zoning within density range?		x	Yes	No

PROJECT DESCRIPTION: Request to vacate a portion of the 24 ¼ Road right-of-way and emergency access easement.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The proposed Spanish Trails development was annexed and received approval of a Planned Development (PD) zoning and Outline Development Plan (ODP) on July 21, 1999. The ODP included 212 residential units on approximately 30 acres, including an existing house along 24 ½ Road. The applicant received approval to remove the existing house from the Planned Development through a minor subdivision and rezoned the proposed .34 acre lot with the house to RSF-4.

1. A Preliminary Plan for the remainder of the property, Spanish Trails, was approved by the Planning Commission on October 10, 2000. The Preliminary Plan includes 170 residential units on 28.6 acres, for an overall density of 6 units per acre. At the time the PD zoning was approved with the ODP, a density range of 6 to 7.2 units per acre was established. The Preliminary Plan has a density just at the 6 units per acre that was required as a minimum density. The Preliminary Plan included four types of housing units: 62 detached single-family homes, 58 attached single-family, 22 patio units and 28 cluster-attached (hacienda) units. Major circulation through the site will be provided by one access point onto G Road and one access point onto 24 ½ Road.

The applicant dedicated additional ROW along G Road because of the constraint created by Leach Creek on the south side of G Road.

Right-of-Way and Easement Vacation

In 1995, a portion of the platted, but unbuilt, 24 ¼ Road right-of-way was vacated in conjunction with the development of Canyon View Park. The southern portion of the right-of-way was not vacated at that time because it would have landlocked a lot in the Pomona Park Subdivision plat. Since then, that lot has been incorporated into the Spanish Trails plans and no longer needs 24 ¼ Road for potential access. The developer is proposing to vacate the portion of the right-of-way adjacent to Spanish Trails, Filing 3. The right-of-way is not needed for future access since Canyon View Park is already developed with alternate access, as is Spanish Trails. Likewise, the Mendicelli property at the NE corner of 24 ¼ Road and G Road does not need additional access. The portion of the right-of-way that is not adjacent to Spanish Trails is not being vacated with this request, but could be in the future.

A value for the right-of-way to be vacated, consisting of 9,900 square feet, has been determined to be \$7,425. It should be noted that this developer was required to dedicate an additional 10 feet of right-of-way along their G Road frontage to allow for a full street section to be off-set because of the constraint of Leach Creek on the south side of G Road.

Filing 1 of Spanish Trails included an emergency access easement from Willow Creek Road and Roan Ridge Road to G Road. With the platting of Filing 3 and access to 24 ½ Road, the emergency

access is no longer needed. Therefore, the applicant is requesting the vacation of the emergency access easement.

2. Consistency with the Growth Plan

The prior approvals of the Outline Development Plan and Preliminary Plan found the project to be consistent with the Growth Plan. The final plat and plan for Spanish Trails, Filing 3 conforms to the approved Outline Development Plan and Preliminary Plan.

3. Section 8-3 of the 1997 Zoning and Development Code

Because Spanish Trails received initial approvals prior to the adoption of the 2000 Zoning and Development Code, subsequent filings are subject to review and approval under the 1997 Zoning and Development Code. That is why this final plat and plan requires Planning Commission approval. Sections 6-8-1 and 7-5-5 require that the final plat and plan meet all requirements and conditions as set forth in the Preliminary Plan approval, which the filing 3 plat and plan does.

Section 8-3 sets for the following criteria for review of a request to vacate right-of-way and easements:

8-3-1 The proposal shall not landlock any parcel of land.

8-3-2 The proposal shall not so restrict access to any parcel that such access is unreasonable, economically prohibitive, and reduces or devalues any property affected by the proposed vacation.

8-3-3 The proposal shall have no adverse impacts on the health, safety, and/or welfare of the general community, and shall not reduce the quality of public services provided to any parcel of land.

8-3-4 The proposal shall not conflict with adopted plans and policies.

8-3-5 The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Staff finds that the proposal to vacate the remainder of 24 ¼ Road and the emergency access easement meets the above criteria.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Spanish Trails, Filing 3 application, FPP-2002-204, for right-of-way and easement vacation approval, staff makes the following findings of fact and conclusions:

3. The proposed final plat and plan is consistent with the Growth Plan.

4. The review criteria in Section 8-3 of the 1997 Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

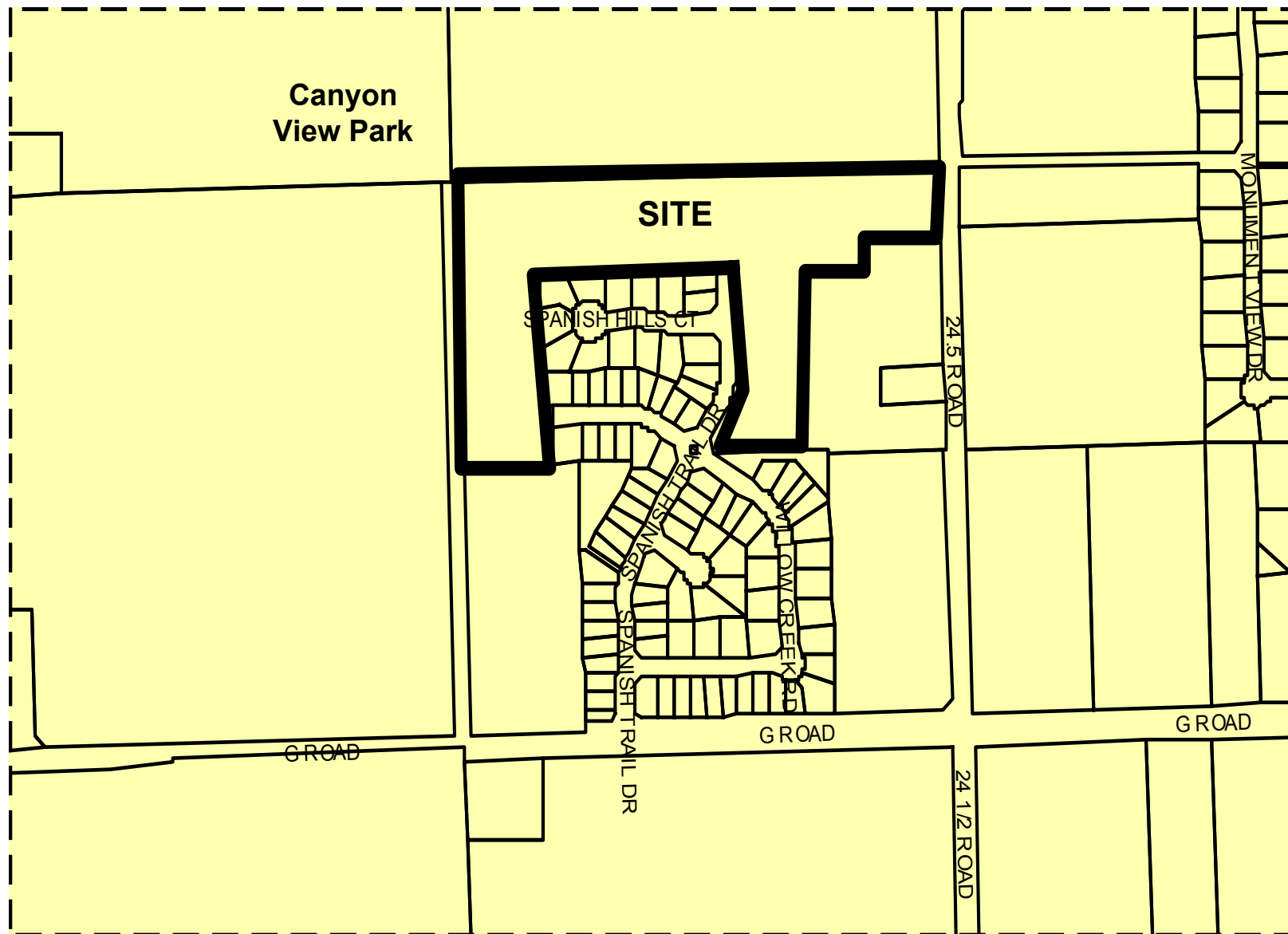
Staff recommends that the City Council approve the proposed right-of-way and easement vacation, FPP-2002-204, with the findings and conclusions listed above.

Attachments:

Vicinity Map
Aerial Photo
Site Plan
Ordinances

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



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

24 ¼ Road Right-of-Way to be Vacated



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF THE 24 ¼ ROAD
RIGHT-OF-WAY

Recitals:

In 1995, a portion of the platted, but unbuilt, 24 ¼ Road right-of-way was vacated in conjunction with the development of Canyon View Park. The southern portion of the right-of-way was not vacated at that time because it would have landlocked a lot in the Pomona Park Subdivision plat. Since then, that lot has been incorporated into the Spanish Trails plans and no longer needs 24 ¼ Road for potential access. The developer is proposing to vacate the portion of the right-of-way adjacent to Spanish Trails, Filing 3. The right-of-way is not needed for future access since Canyon View Park is already developed with alternate access, as is Spanish Trails. Likewise, the Mendicelli property at the NE corner of 24 ¼ Road and G Road does not need additional access. The portion of the right-of-way that is not adjacent to Spanish Trails is not being vacated with this request, but could be in the future.

Staff and Planning Commission find that the proposal to vacate the remainder of 24 ¼ Road meets the criteria of the Zoning and Development Code and recommends approval.

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

That the right-of-way described as follows is hereby vacated:

Legal Description:

A right of way, dedicated for the use as a public highway, over a parcel of land located in the Southwest Quarter (SW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, depicted on the Map of Pomona Park, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado, said right of way being more particularly described as follows:

The East one-half (E 1/2) of that certain 30.0 foot road right of way lying South of the Westerly projection of the North line of Spanish Trail Subdivision Phase 1, as same is recorded in Plat Book 18, Pages 240 through 243, inclusive, Public Records of Mesa County, Colorado, and North of the Westerly projection of the North line of Lot 2, Mendicelli Subdivision, as same is recorded in Plat Book 17, Page 19, Public Records of Mesa County, Colorado.

CONTAINING 0.227 Acres, more or less, as described.

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING AN EMERGENCY ACCESS EASEMENT IN
SPANISH TRAILS LOCATED AT 719 24 ½ ROAD

Recitals:

Filing 1 of Spanish Trails included an emergency access easement from Willow Creek Road and Roan Ridge Road to G Road. With the platting of Filing 3 and access to 24 ½ Road, the emergency access is no longer needed. Therefore, the applicant is requesting the vacation of the emergency access easement.

Staff and Planning Commission find that the proposal to vacate the emergency access easement meets the criteria of the Zoning and Development Code and recommends approval.

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

That the emergency access easement described as follows is hereby
vacated:

Legal Description:

The Emergency Access Easement as shown on lot 11, Block 2, Spanish Trail Subdivision Phase 1, as recorded in plat book no. 18, pages 240-243, reception no. 2018401, Mesa County Clerk and Recorder, Colorado

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

**Attach 24
Zoning Redlands Mesa Phase III**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning Ordinance for Redlands Mesa, Phase III					
Meeting Date		April 16, 2003					
Date Prepared		April 9, 2003			File #FPP-2002-211		
Author		Kathy Portner		Planning Manager			
Presenter Name		Kathy Portner		Planning Manager			
Report results back to Council		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name	
	Workshop	X	Formal Agenda			Consent	X Individual Consideration

Summary: A request to approve zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

Budget: N/A

Action Requested/Recommendation: Second reading of the ordinance to zone Redlands Mesa, Phase III

Attachments:

- 21. Staff Report
- 22. Vicinity Map
- 23. Aerial Photo
- 24. Growth Plan Map
- 25. Zoning Map
- 26. Redlands Mesa, Overall Plan
- 27. Redlands Mesa, Preliminary Plan for Phase III
- 28. Ordinance

Background Information: See attached staff report

AGENDA TOPIC: RZ-2002-211 Zoning for Redlands Mesa, Phase III

ACTION REQUESTED: Second reading of an ordinance to zone Redlands Mesa, Phase III, to allow 61 single family lots.

BACKGROUND INFORMATION					
Location:		<i>Monument Road and Mariposa Road</i>			
Applicants:		Redlands Mesa, LLC – Dave Slemon			
Existing Land Use:		<i>Undeveloped</i>			
Proposed Land Use:		<i>Residential Single Family</i>			
Surrounding Land Use:	North	<i>Golf Course and Residential</i>			
	South	<i>Golf Course and Open Space</i>			
	East	<i>Golf Course and Undeveloped</i>			
	West	<i>Golf Course, Residential and Open Space</i>			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD			
	South	PD			
	East	PD			
	West	PD			
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/AC)			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: Request approval for amending the PD zoning ordinance for Redlands Mesa, Phase III, consisting of 61 single family lots on 36 acres.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

Background: The Redlands Mesa project has an approved ODP (Outline Development Plan and design density for 526 residential units and 20,000 s.f. of office on 175.69 acres, 145.25 acres of open space and 160.89 acres for the golf course and club house. The total acreage for the development is 494.08. Preliminary Plans and zoning for Phases I and II of the development have also been approved. Phase I consists of 118 single family homes, the golf course, clubhouse and maintenance facility. With the first filing of Phase I the golf course was created and 85 acres of open space was dedicated to the City of Grand Junction. Phase II includes parcels 9, 10A, 10B and 11 from the original ODP and consists of 67 residential lots.

Phase III of Redlands Mesa includes the development of parcels 12A, 12B, 13A and 13B for a total of 61 lots. Parcel 12A includes 6 lots, parcel 12B includes 17 lots, parcel 13A includes 37 lots and parcel 13B includes 1 lot. Three filings are proposed.

The proposed Redlands Mesa, Phase III Preliminary Plan is consistent with the ODP approval.

Traffic Circulation

All of the proposed parcels for development will be accessed via an extension of West Ridges Boulevard. West Ridges Boulevard will include the standard City street section with a detached, 10' wide concrete path on one side. Most lots are accessed from short cul-de-sacs or loop lanes, with the remainder being accessed from shared driveways onto West Ridges Boulevard.

Trails and Open Space

With the platting of the first filing of Redlands Mesa over 80 acres of open space was deeded to the City for public access. Included in that open space, and other areas of the development, were designated single-track trails to continue the historic use of the property for pedestrians and bicyclists. A portion of that single-track trail system is along the ridgeline adjacent to West Ridges Boulevard in Phase III. In addition to the single-track trails system, the detached, improved pathway along West Ridges Boulevard, High Desert Road, and eventually, Mariposa Drive, will provide additional trail access through the development.

Drainage and Utilities

Drainage is being accommodated through storm drain systems and natural swales to various detention facilities in the development.

To address the need for adequate water pressure for domestic use and fire flow, a pump station is being completed for the development and will be completed prior to platting the first filing of Phase III.

Phase III development will also include an extension of West Ridges Boulevard to Mariposa for emergency access. The access will be graveled, designed to accommodate the weight and size of a fire truck. The road will be 16 feet wide, except in areas requiring significant cuts and fills, where the width will be reduced to 12 feet.

2. Consistency with the Growth Plan

The following policies in the Growth Plan must be considered in the review of this project:

Policy 1.12: The City will require that provisions be made for on-going maintenance of open space areas by an appropriate public or private entity.

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use a habitat and open space areas.

Policy 23.8: The City will require vehicular, bike and pedestrian connections between adjacent projects when such connections improve traffic flow and safety.

The Future Land Use Map designates this area as Residential Medium Low, 2 to 4 units per acre. The overall density of Redlands Mesa is at the low end of the density range, with the exclusion of the golf course, open space and undevelopable land.

The Redlands Mesa Plan is consistent with the goals and policies of the Growth Plan.

The overall plan for Redlands Mesa is also consistent with the Amended Plan for the Ridges.

The adopted Urban Trails Master Plan identifies the Redlands Mesa Property as an area that trail connections are needed. This area of the trails plan includes the following note:

Dedicated public trails are anticipated for this area in the future. Actual trail locations will be determined in coordination with developers during the planning process for the affected parcels. The Redlands Mesa plan incorporates hard and soft surface trails.

3. Zoning and Development Code

Because this project was initiated under the previous Zoning and Development Code (Code), it will continue to be reviewed under the old Code. The Preliminary is subject to section 6-7 and 7-5-4 of the Code. Section 6-7-3 states Preliminary Plans shall:

- A. *Conform to adopted plans and policies;*
- B. *Be compatible with the future development of adjacent properties under the “then existing” zoning;*
- C. *Provide for functional arrangement of lot sizes for compliance with zoning;*
- D. *Provide correct naming of streets;*
- E. *Conform to the design standards in the SSID Manual and other applicable development standards; and*
- F. *Provide basic engineering solutions of all major physical site problems, i.e. drainage.*

Section 7-5-4 state: “A Preliminary Plan constitutes a major step in the review process. The submittal shall be detailed enough to answer the question, ‘Should this use, designed in this particular manner, be constructed on this site?’ The accepted ‘design’ density indicated in the Outline Development Plan approval cannot be presumed as a matter of right from the PD zoning designation, but shall be justified at the preliminary stage through site and structure design.”

The review of the Preliminary Plan will include traffic circulation, trails and open space, drainage, utility provision and lot configuration and design.

The Redlands Mesa Phase III Preliminary Plan conforms with the Outline Development Plan approval and with the relevant sections of the 1997 Zoning and Development Code.

Because only a design density was approved with the original zoning ordinance for the Redlands Mesa ODP, an amended ordinance is required with each Preliminary Plan to specify uses and final density.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa, Phase III application, RZ-2002-211, for an amended zoning ordinance and Preliminary Development Plan, staff makes the following findings of fact and conclusions:

- 5. The requested amended zoning ordinance and Preliminary Development Plan is consistent with the Growth Plan and the Amended Plan for the Ridges.
- 6. The review criteria in Section 6-7 and 7-5 of the 1997 Zoning and Development Code have all been met.
- 7. The Preliminary Plan for Redlands Mesa, Phase III is consistent with the design density and ODP approval.

STAFF RECOMMENDATION:

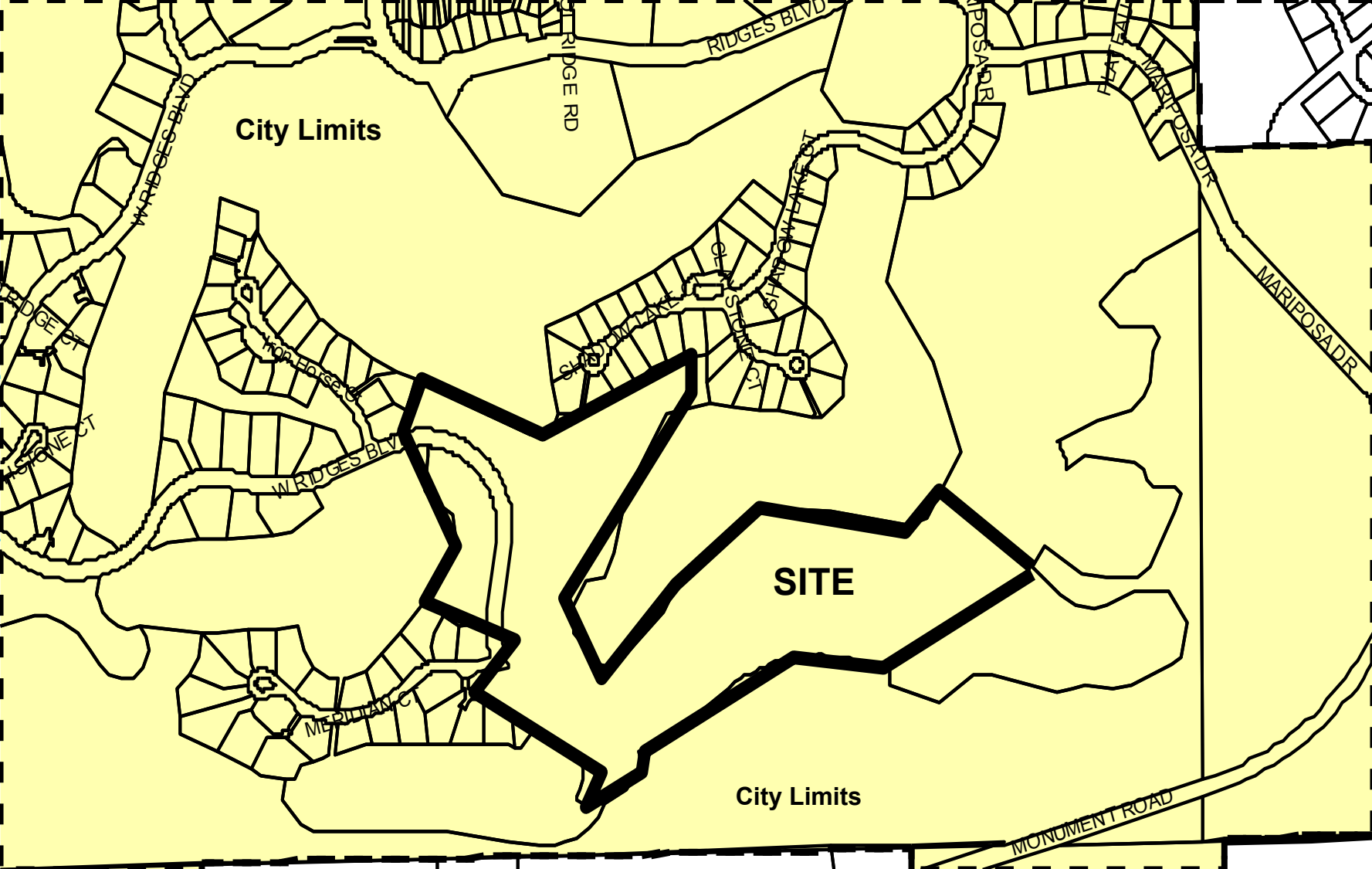
Staff recommends approval of the requested amendment to the PD zoning ordinance with the findings and conclusions listed above.

Attachments:

Vicinity Map
Aerial Photo
Growth Plan Map
Zoning Map
Redlands Mesa, Overall Plan
Redlands Mesa, Preliminary Plan for Phase III
Ordinance

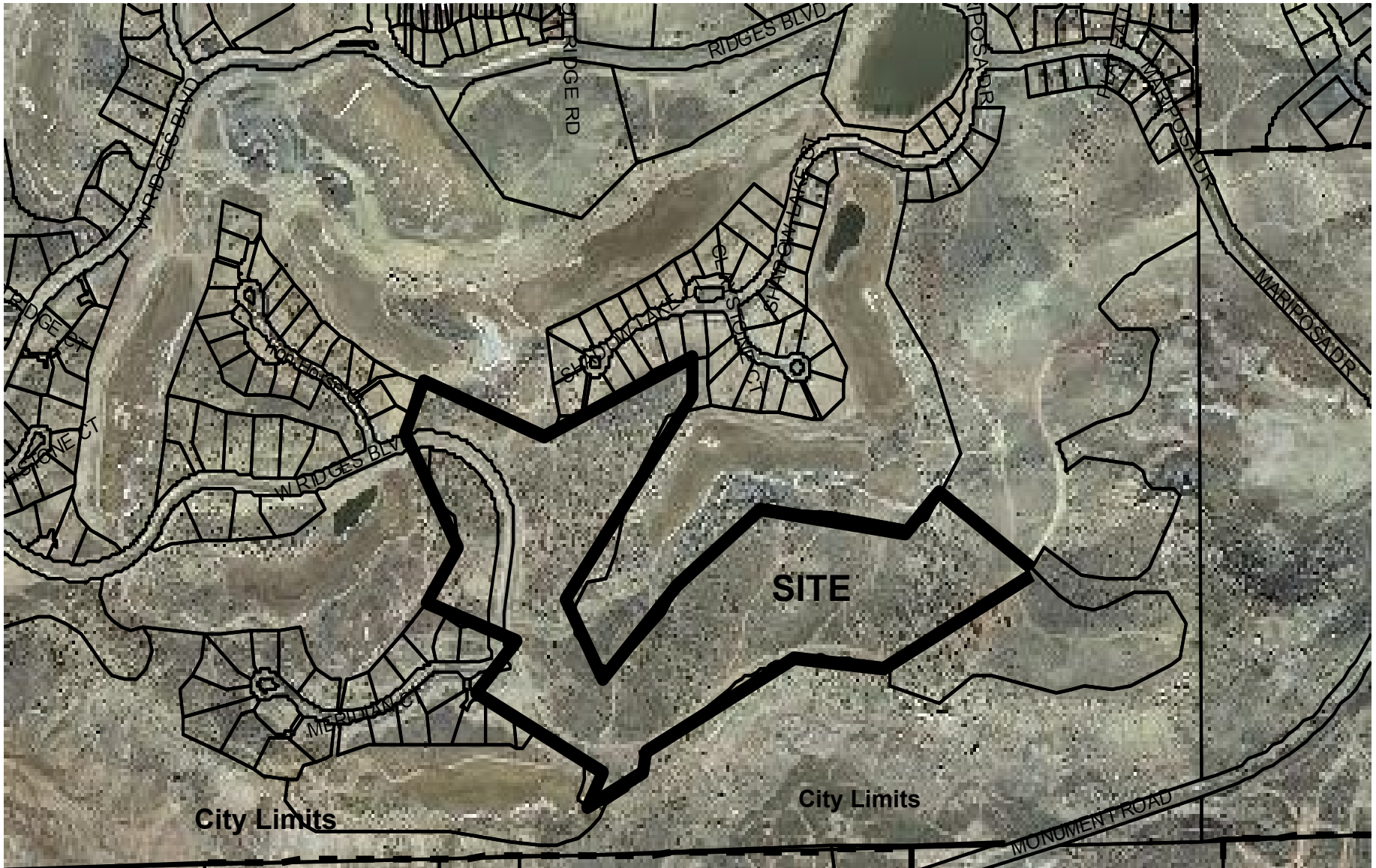
Site Location Map

Figure 1



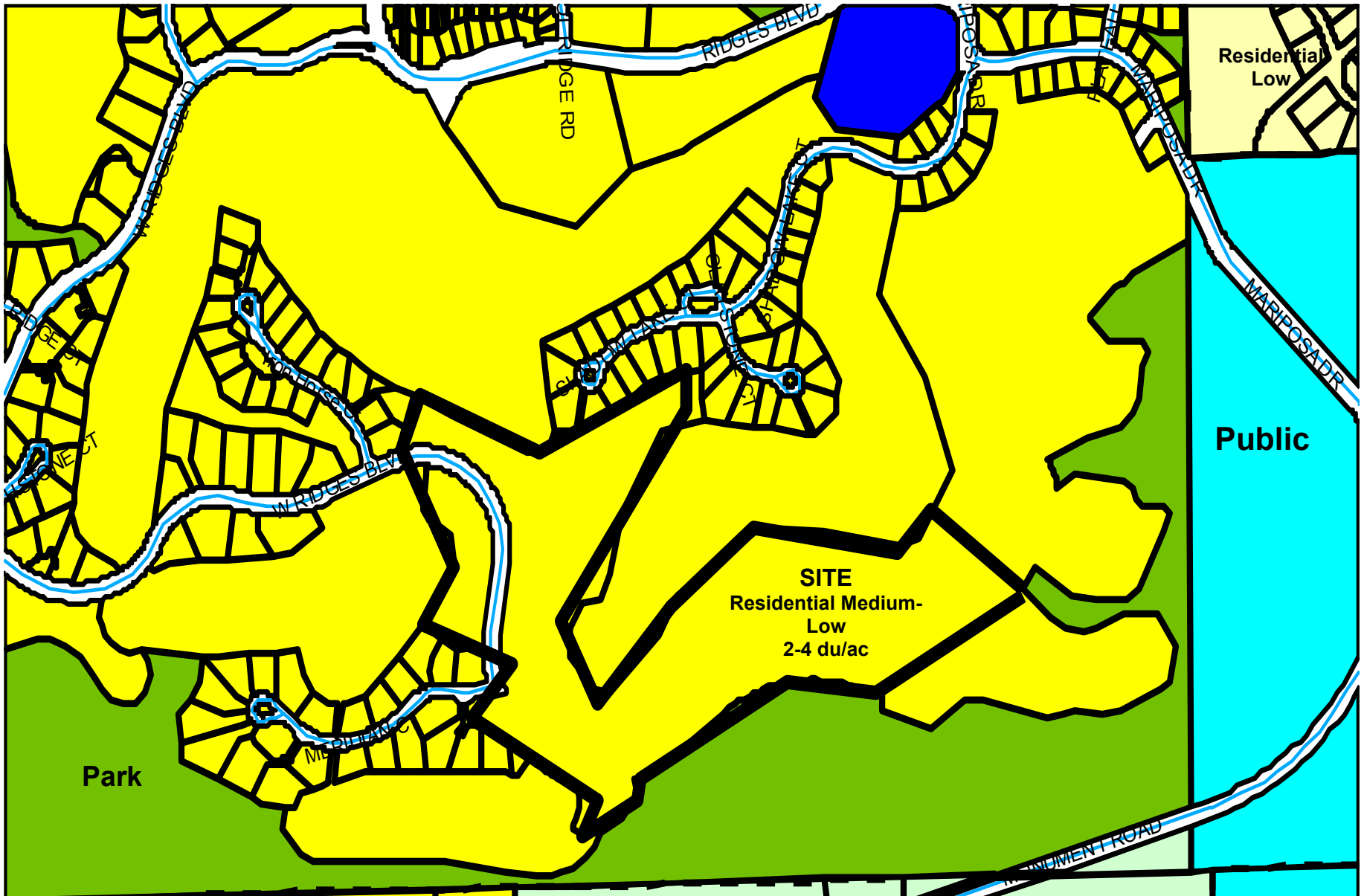
Aerial Photo Map

Figure 2



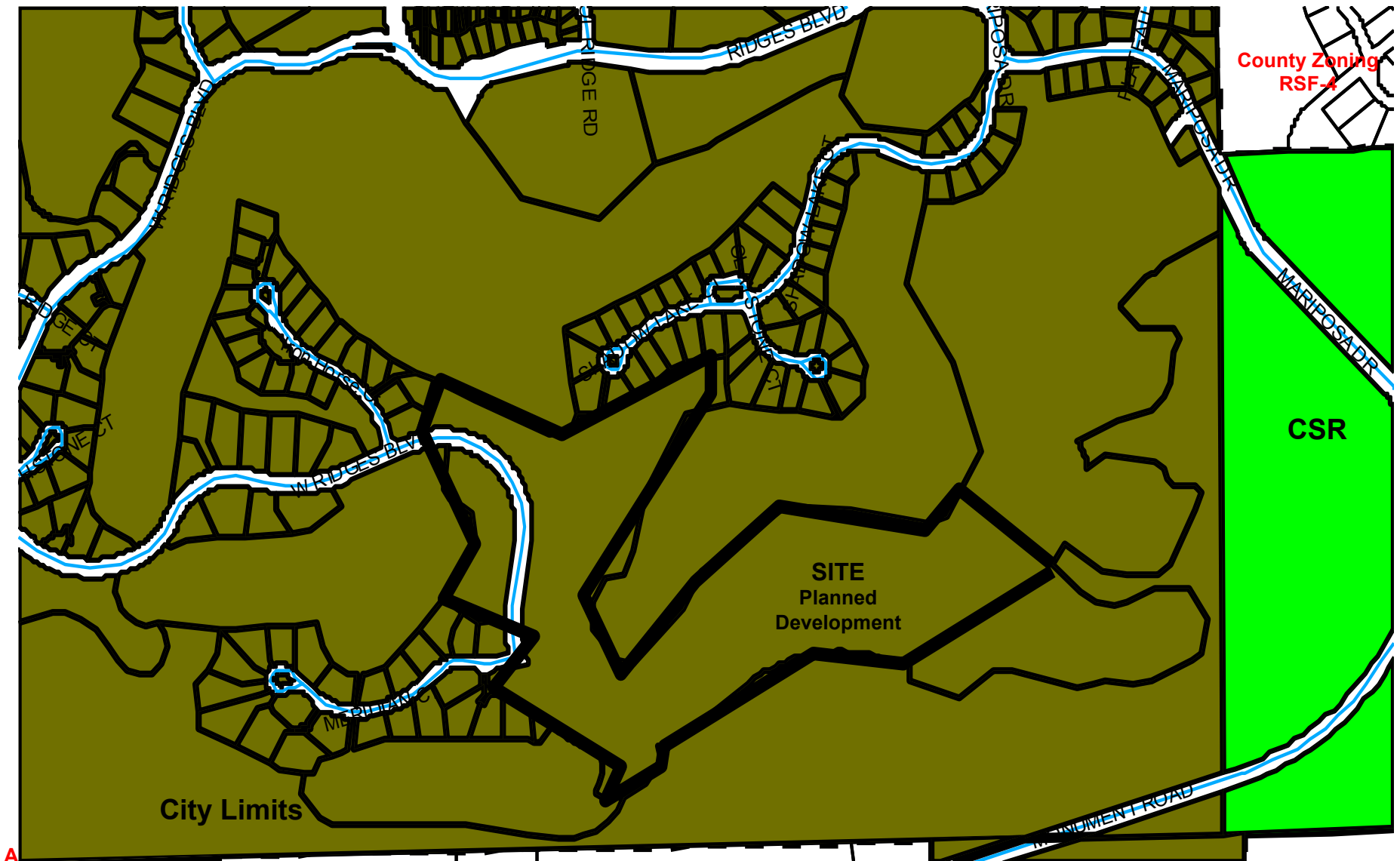
Future Land Use Map

Figure 3



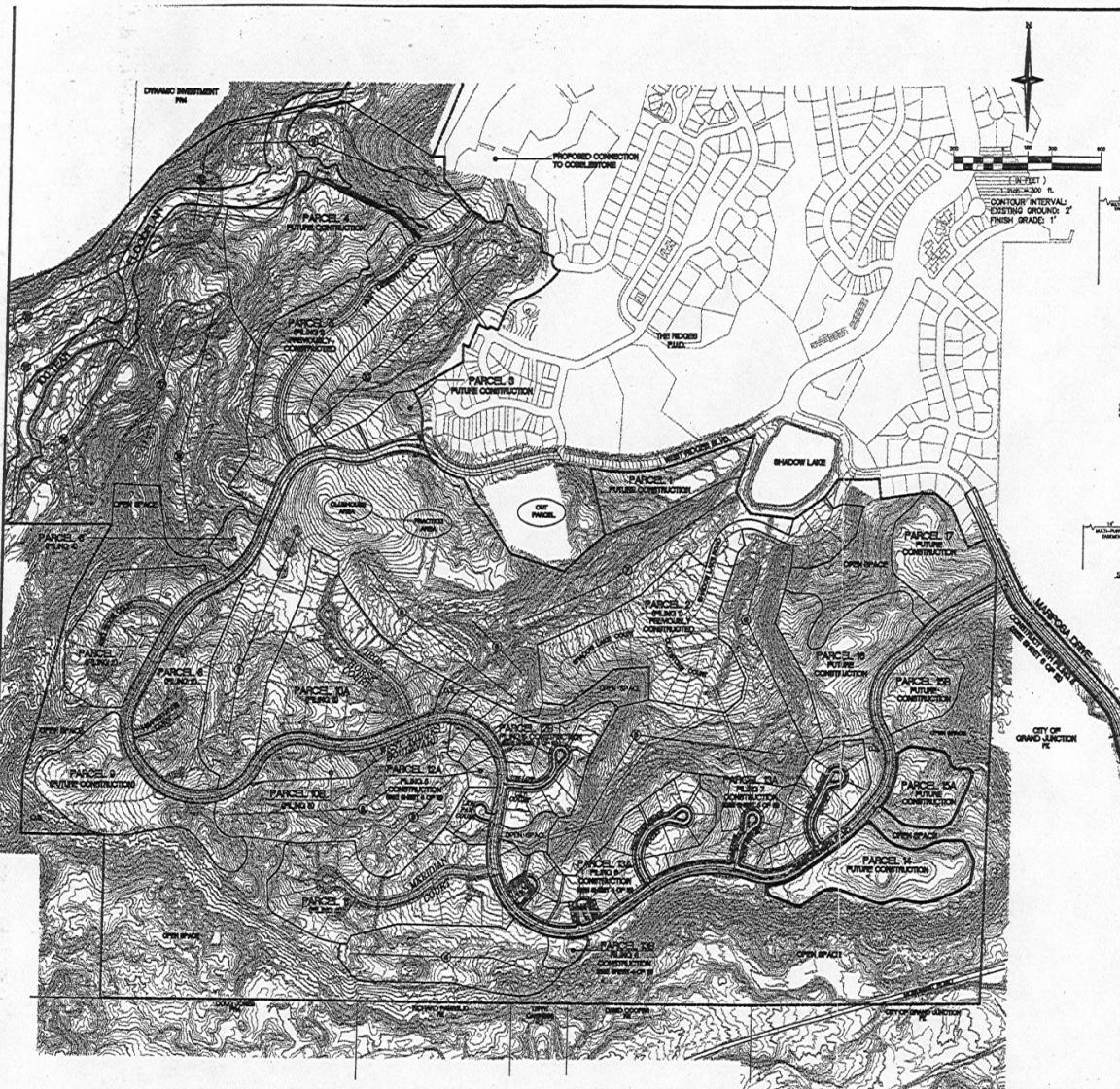
Existing City and County Zoning

Figure 4



A

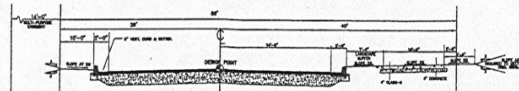
NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



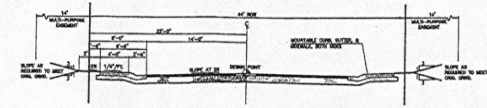
BENCHMARK
 BONNET BOLT ON TOP FLANGE OF HYDRANT
 LOCATED AT EAST END OF WEST RIDGES BLVD.
 ELEVATION=4544.31

NOTE:
 DUE TO THE SIZE AND COMPLEXITY OF THE REDLANDS MESA BOUNDARY, PLEASE REFER
 TO THE ENCLOSED "REDLANDS MESA BOUNDARY EXHIBIT" FOR BOUNDARY AND SECTIONAL
 INFORMATION.

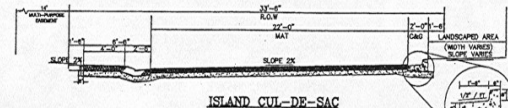
NOTE:
 AREAS OF OPEN SPACE SHOWN IN THE AREA SUMMARY TABLE BELOW, ADDRESS ONLY
 THAT OPEN SPACE TO BE DEDICATED IN PARCELS 12A, 12B, 13A AND 13B. LARGE AREAS
 OF OPEN SPACE OUTSIDE THESE PARCELS HAVE BEEN PREVIOUSLY DEDICATED WITH THE
 "REDLANDS MESA FILING 1" PLAT.



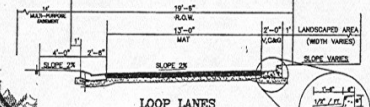
RESIDENTIAL PARKWAY
 WEST RIDGES BOULEVARD
 AND MARIPOSA DRIVE



URBAN RESIDENTIAL STREET
 ALL INTERNAL STREETS EXCEPT FOR LOOP LANES
 AND WEST RIDGES BOULEVARD



ISLAND CUL-DE-SAC
 YELLOW CAT COURT, THUNDER RIDGE COURT,
 CANYON WREN COURT AND WILD RIDGE COURT



LOOP LANES
 DESERT STAR CIRCLE AND
 NIGHT STAR CIRCLE

- LEGEND**
- PROJECT BENCHMARK
 - PROPOSED 8" SANITARY SEWER WITH MANHOLE (GRAVITY)
 - EXISTING SANITARY SEWER WITH MANHOLE (GRAVITY)
 - PROPOSED WATER WITH VALVE, TEE, THURST BLOCK AND FIRE HYDRANT
 - COMMON TRENCHED ELECTRIC, GAS, TELEPHONE AND CABLE
 - PROPOSED IRRIGATION LINE
 - RIGHT-OF-WAY LINE
 - DIRECTIONAL FLOW ARROWS

MAP KEY
 SCALE 1" = 300'

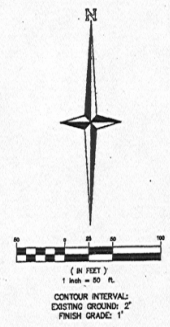
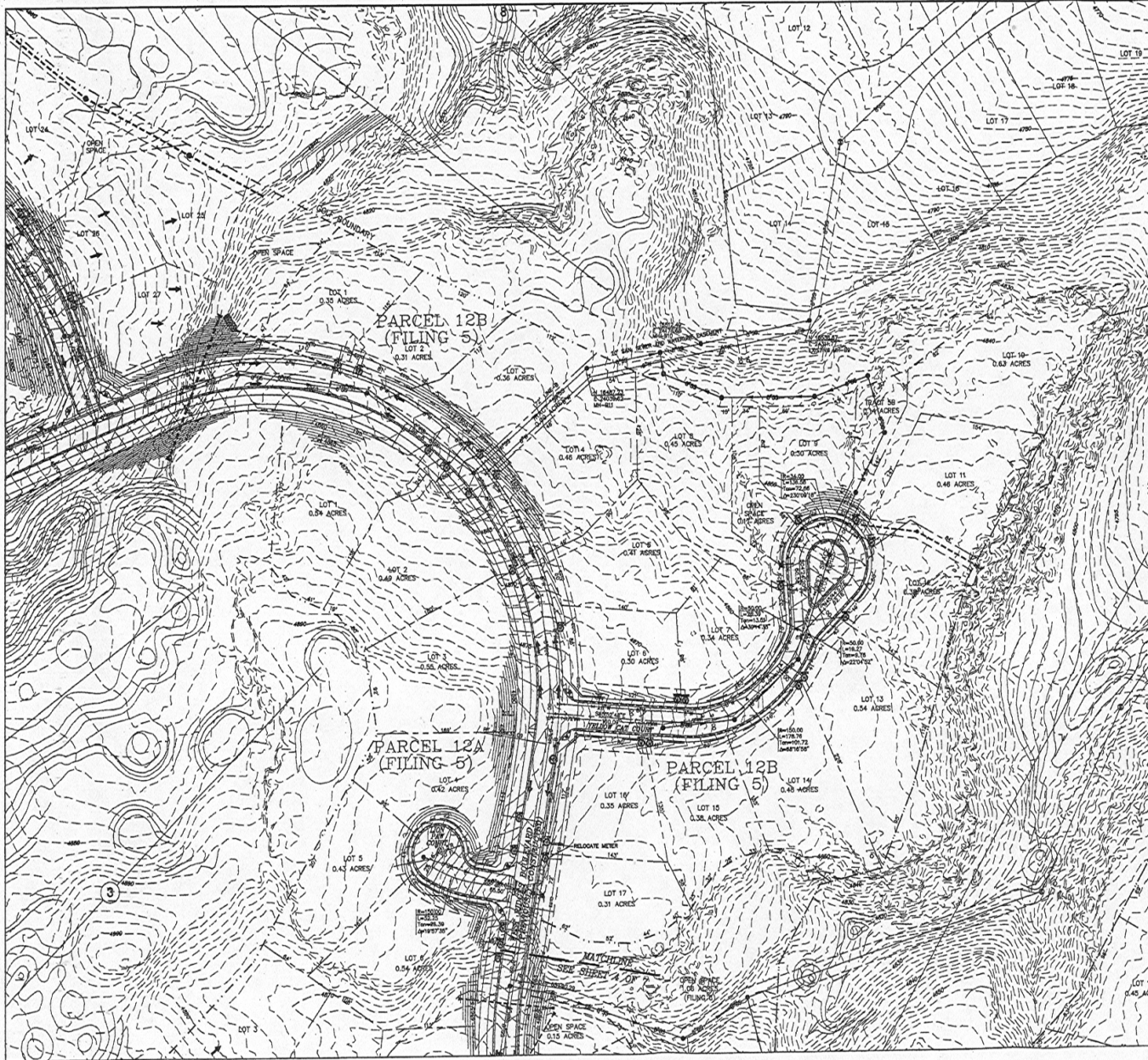
AREA SUMMARY - FILING 5			
LOTS - 23	7.43 ACRES	88.20%	
RIGHTS-OF-WAY	0.78 ACRES	9.12%	
OPEN SPACE	0.05 ACRES	0.60%	
TRACTS	0.09 ACRES	1.08%	
TOTAL:	8.33 ACRES	100.00%	

AREA SUMMARY - FILING 6			
LOTS - 21	10.12 ACRES	72.96%	
RIGHTS-OF-WAY	3.06 ACRES	22.06%	
OPEN SPACE	0.57 ACRES	4.11%	
TRACTS	0.12 ACRES	0.87%	
TOTAL:	13.87 ACRES	100.00%	

AREA SUMMARY - FILING 7			
LOTS - 17	7.08 ACRES	54.05%	
RIGHTS-OF-WAY	2.50 ACRES	19.06%	
OPEN SPACE	3.45 ACRES	26.34%	
TRACTS	0.07 ACRES	0.53%	
TOTAL:	13.10 ACRES	100.00%	

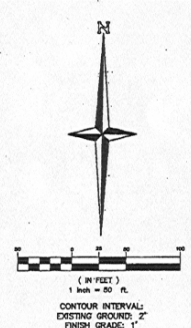
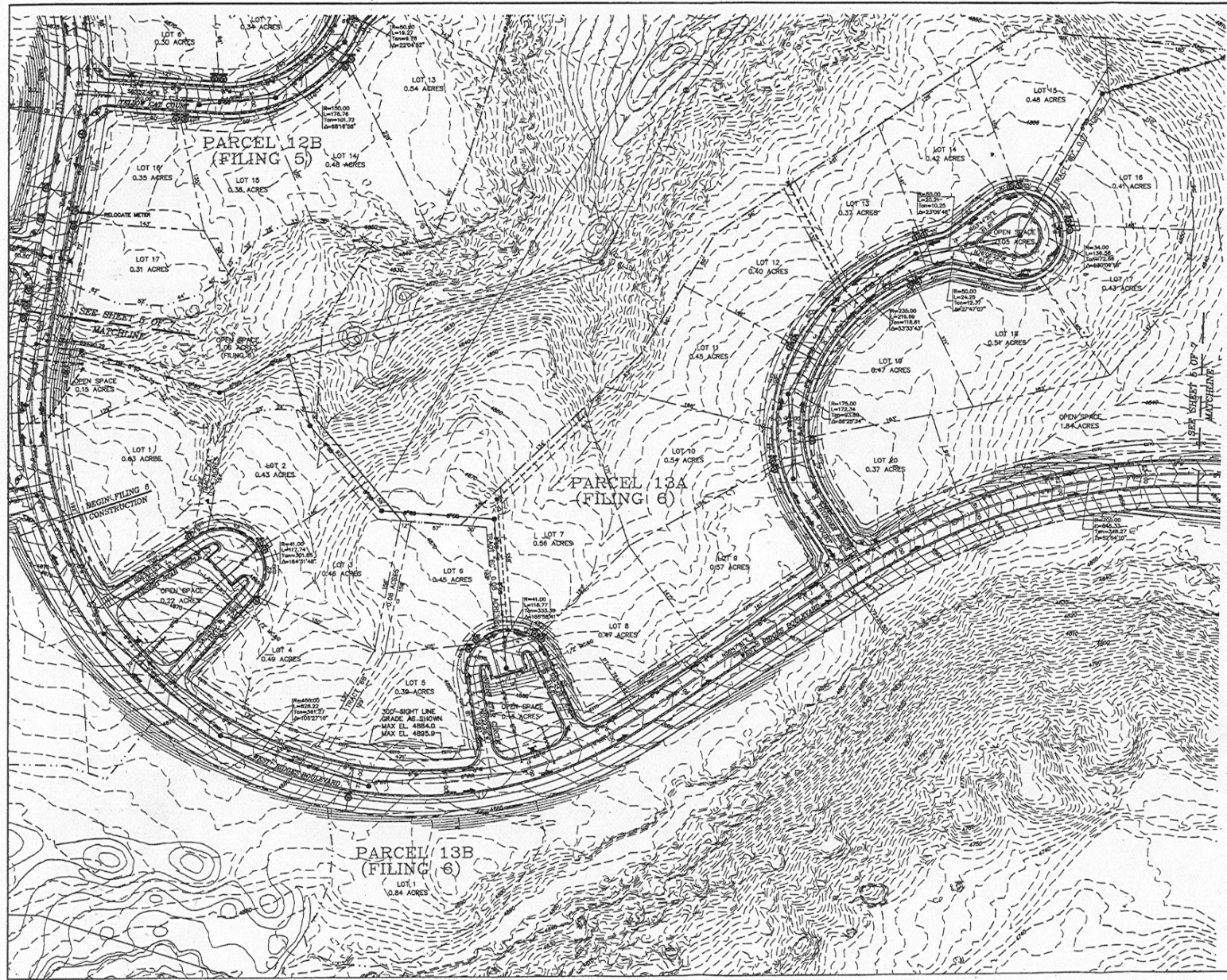
UTILITIES WILL BE PROVIDED TO THIS SITE BY THE FOLLOWING VENDORS	
GAS AND ELECTRIC	NOEL ENERGY
WATER	LUTE WATER
SANITARY SEWER	CITY OF GRAND JUNCTION
IRRIGATION WATER	CITY OF GRAND JUNCTION
TELEPHONE	QWEST
CABLE TELEVISION	A.T.T. CABLEVISION

BY		DATE		SECTION		DATE	
DESCRIPTION							
CITY OF GRAND JUNCTION							
LOCATION MAP, MAP KEY AND LEGEND							
<p>TRAMER-LAWRENCE CORP. ENGINEERS AND LAND SURVEYORS 529 W. 1/2 B. SEITE B18 GRAND JUNCTION, COLORADO FAX (970) 241-2866 URL: www.tramercorp.com</p>							
DRAWN BY:	MWT	CHECKED BY:	DAT				
<p>DATE: 10/9/02 SCALE: 1" = 300' Project No: 0356-009 SHEET NO: 2 OF 15</p>							

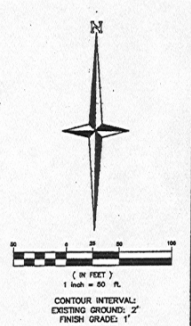
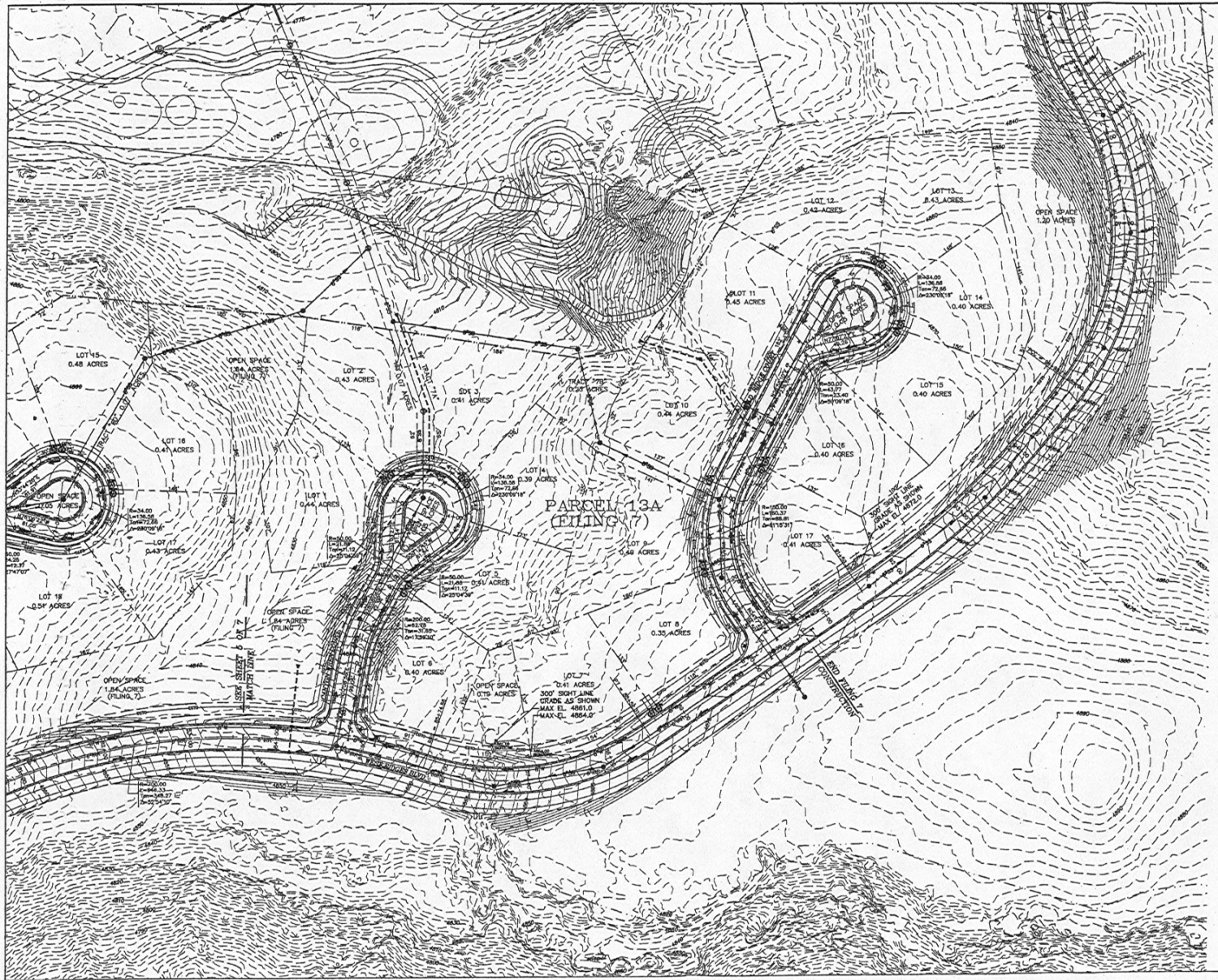


DATE	DESCRIPTION	BY	CHKD
10/02/02	REVISION PER REVIEW COMMENTS	MWT	DAT
REDLANDS MESA PARCELS 12A & 12B REDLANDS MESA PRELIMINARY PLAN FILING 5			
THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 838 25 1/4 BR. SITE B19 GRAND JUNCTION, COLORADO TEL (970) 241-2846 FAX (970) 241-2846 URL: www.tlcv.com			
DATE	SCALE	SHEET NO.	
10/02/02	1" = 50'	3 OF 15	

S:\m\p\10250-000\p\10250-022.dwg, Sun 10/02/02 10:28:37 AM



REVISION	DATE	DESCRIPTION	BY	DATE
1	7/7/02	REVISED PER REVIEW COMMENTS		
<p>RELANDS MESA PARCELS 13A & 13B</p> <p>RELANDS MESA PRELIMINARY PLAN FILING 6</p>				
<p>THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 508 25 1/2 BA. SUITE 200 GRANT JUNCTION, COLORADO PH. (970) 245-0087 FAX (970) 241-2646 tcl@tlfcorp.com</p>				
SCALE:	<p>Horizontal: 1" = 50'</p> <p>Vertical: NA</p>			
DATE:	10/02/02			
PROJECT NO.:	0356-022			
SHEET NO.:	4 OF 15			



DATE	10/02/02	BY	MT
DESIGNED BY		CHECKED BY	
DRAWN BY		APPROVED BY	
DATE		BY	
DESIGNED BY		CHECKED BY	
DRAWN BY		APPROVED BY	
DATE		BY	
DESIGNED BY		CHECKED BY	
DRAWN BY		APPROVED BY	
DATE		BY	
DESIGNED BY		CHECKED BY	
DRAWN BY		APPROVED BY	

REDLANDS MESA PARCELS 13A
**REDLANDS MESA
 PRELIMINARY PLAN
 FILING 7**

THOMPSON-LANGFORD CORP.
 ENGINEERS AND LAND SURVEYORS
 839 S. 1/2 E. 8th. SUITE 210
 GRAND JUNCTION, COLORADO
 81505
 PHONE (970) 241-2848
 FAX (970) 241-2848
 TL@tlcorp.com

DATE: 10/02/02
 SCALE: 1" = 50'
 MAP NO. NA
 PROJECT NO. 0356-022
 SHEET NO. 5 OF 15

C:\temp\10106-000\p10106-000\10106-000.dwg Sat Feb 23 17:06:36 2003

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE ZONING LAND LOCATED SOUTH AND WEST OF THE
RIDGES KNOWN AS REDLANDS MESA, PHASE III TO PLANNED
DEVELOPMENT (PD)

Recitals:

The proposed Redlands Mesa development received Design Density and Outline Development Plan approval by the Planning Commission and the City Council. The Preliminary Plan for Phase III of the development has been submitted and reviewed by the Planning Commission. Phase III includes 61 residential lots. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the land described below is hereby zoned PD (Planned Development) with the allowed uses being a maximum of 61 single-family homes.

Legal Description: Block 3 and Block 5 of Redlands Mesa Filing No. 3,
Reception No. 2031159, Mesa County, Colorado

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April,
2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

**Attach 25
Public Hearing Zoning the Cottages at the Commons**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Zoning the Cottages at The Commons Assisted Living Facility						
Meeting Date		April 16, 2003						
Date Prepared		April 9, 2003			File: RZ-2003-026			
Author		Kristen Ashbeck		Senior Planner				
Presenter Name		Kristen Ashbeck		Senior Planner				
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	Applicant / Representative	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Budget: NA

Action Requested/Recommendation: Second reading of a proposed revised Planned Development zoning ordinance for The Commons Assisted Living Facility and Cottages.

Attachments:

1. Background / Staff Analysis
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City Zoning Map
6. Original Approved Final Plan
7. Proposed Amended Final Plan
8. Proposed Amended Planned Development Zoning Ordinance

BACKGROUND INFORMATION				
Location:		625 27-1/2 Road		
Applicants:		Owner/Developer: Hilltop Health Services Representative: Robert Jenkins AIA		
Existing Land Use:		Assisted Living Facility and Vacant Land		
Proposed Land Use:		Assisted Living Facility and 20 Cottages		
Surrounding Land Use:	North	Multifamily Residential (Nellie Bechtel Gardens)		
	South	Vacant & Large Lot Residential		
	East	The Commons Assisted Living Facility and Vacant Land		
	West	Single Family Residential (Fairmount North)		
Existing Zoning:		Planned Development		
Proposed Zoning:		Same, amended ordinance		
Surrounding Zoning:	North	RMF-8		
	South	RMF-8		
	East	PD (The Commons) & RMF-5 (Spring Valley)		
	West	RMF-8		
Growth Plan Designation:		Residential Medium High 8 to 12 units per acre		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

ANALYSIS

1. Background

The Commons Assisted Living Facility Final Plan and Planned Development zoning were originally approved in May 2000 and included 268 living units and an

Enrichment Center on 18.8 acres. 254 living units are to be located in the Assisted Living Buildings: 141 in Phase 1 (now complete); and 113 in Phase 3, to follow construction of the Cottages. Fourteen (14) two-bedroom Cottages were originally proposed to be grouped as one (1) five-plex and three (3) three-plexes. The Cottages are located on either side of Hermosa Avenue, and directly east of 15th Street.

Per the City of Grand Junction Transportation Engineering and Design Standards (TEDS), each access to the driveways for the cottage clusters must be aligned across the street from each other, or space at least 150-feet apart, measured centerline to centerline. The developer submitted a TEDS Exception Request which showed the accesses spaced a minimum of 50-foot spacing measured edge of access to edge of access. The exception has been granted by the City Engineer.

The number of parking spaces shown on the original approved Final Plan included 221 spaces dedicated to the patrons of the proposed Enrichment Center or 1 space per 372 square feet of gross area of the Center. By expanding the number of cottage units, a portion of the proposed parking for the Enrichment Center will no longer be available – a reduction of 26 spaces available for the Center. Thus, with this revised Final Plan, Hilltop is proposing to reduce the square footage of the Enrichment Center by a proportionate amount – from 82,186 square feet to 72,514 square feet. The approved parking ratio of 1 space per 372 square feet will remain the same.

The parking area west of the proposed Enrichment Center (27 spaces) will be constructed concurrent with The Cottages so that the cottage units and site will not be disturbed during construction of the rest of the Enrichment Center phase. The lot can also serve as additional off-street parking spaces if needed for either The Cottages or the Assisted Living Facility at this time.

All other aspects of the approved Preliminary and Final Plans will remain the same. The proposed schedule for build-out of this phase, The Cottages project, as well as future phases of the overall plan for The Commons is outlined below.

Phase 1: Assisted Living-East	Start 10/2001	Completed
Phase 2: Cottages	Start 05/2003	End 12/2003
Phase 3: Assisted Living-West	Start 09/2004	End 11/2005
Phase 4: Enrichment Center	Start 04/2006	End 06/2007

2. Consistency with the Growth Plan

The Growth Plan Future Land Use Map shows this area as Residential Medium High (8-11.9 units per acre). Applying a multiplier of 1 unit per 2 beds in the Assisted Living Facility, the resulting residential density of the project, including the proposed 20 Cottages units, is 9.2 units per acre, which is well within the density range of the Growth Plan.

3. Section 2.12.F.1 of the Zoning and Development Code

A request to amend a Planned Development Zoning Ordinance may only be approved as follows:

- a) *No new use may be established that is not permitted in the PD without amending the rezoning ordinance through a rezoning process.*
- b) *The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process.*
- c) *The bulk, performance and default standards may not be amended without amending the PD rezoning ordinance through the rezoning process.*

The Commons Cottages project does not establish a new use within the approved Planned Development. However, the maximum density of the project is to be increased from 8.9 units per acre to 9.2 units per acre due to the proposed increase in the number of cottage units. In addition, the setbacks for the cottage units are proposed to be amended from those shown on the original approved Final Plan. For these reasons, the PD rezoning ordinance is being reviewed through the rezoning process.

4. Section 2.12.F.4 of the Zoning and Development Code

A request to amend a Final Plan for a Planned Development must demonstrate conformance with applicable criteria used for review and approval of the Final Development Plan:

- a) *The approved preliminary development plan.*
- b) *The approved PD rezoning ordinance.*
- c) *The SSID, TEDS and SWMM manuals.*

The proposed amendment to the Final Plan for The Commons to accommodate the increased number of cottage units meets the criteria listed above.

FINDINGS OF FACT/CONCLUSIONS

After reviewing The Commons Cottages, RZ-2003-026 for a Major Amendment to a Planned Development and an amendment to a Planned Development Rezoning Ordinance, staff makes the following findings of fact and conclusions:

- 8. The requested Major Amendment to a Planned Development, Final Plan is consistent with the Growth Plan.
- 9. The review criteria in Section 2.12.F.1 of the Zoning and Development Code have been met.
- 10. The review criteria in Section 2.12.F.4 of the Zoning and Development Code have been met.

PLANNING COMMISSION RECOMMENDATION (4/7/03 – 7-0): Approval

CITY OF GRAND JUNCTION
ORDINANCE NO. _____
AMENDING ORDINANCE No. 3263
PERTAINING TO THE COMMONS ASSISTED LIVING FACILITY
625 27-1/2 Road (formerly 616 27-1/2 Road)

Recitals.

A rezone from Residential Multifamily 8 units per acre (RMF-8) to Planned Development (PD) has been approved for the property located at 625 27-1/2 Road (formerly 616 27-1/2 Road) for purposes of developing an assisted living complex. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (8-11.9 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.12 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its April 7, 2003 hearing, recommended approval of the amended Final Plan and Planned Development Zoning Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ORIGINAL PLANNED DEVELOPMENT ZONING ORDINANCE (Ordinance No. 3263) FOR THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 4 THE COMMONS SUBDIVISION IS AMENDED AS INDICATED BELOW:

- 1) *The use allowed for this zone and property shall be mixed residential (10 duplexes – total 20 single family cottages), assisted living (306 beds) and senior recreation center as described in applicant’s project narrative contained in City Community Development File RZP-2000-064 and as revised in file RZ-2003-026.*
- 2) *The maximum size of the Senior Recreation Center shall be 72,514 square feet.*
- 3) The bulk requirements and signage allowance for this zone and property shall be as follows:
 - Parking and Building Setbacks: *As shown on Amended Final Plan (RZ-2003-026)*
 - Maximum Building Height:
 - Cottages – 1 story; 20 feet
 - Enrichment Center – 2 stories; 40 feet
 - Assisted Living Building, 2 story wings – 40 feet
 - Assisted Living Building, 3 story wings – 50 feet

- Signage: 4 Freestanding signs as shown on Preliminary Plan

Each sign shall not exceed 12-feet wide x 5-feet high, with the maximum height of 6 feet
Signs shall not be illuminated

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this 16th day of April, 2003.

ATTEST:

City Clerk
Council

President of

**Attach 26
Public Hearing Bond Ordinance for Community Hospital**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Bond Ordinance for Community Hospital					
Meeting Date		April 16, 2003					
Date Prepared		April 7, 2003				File #	
Author		Ron Lappi		Administrative Services and Finance Director			
Presenter Name		Ron Lappi		Administrative Services and Finance Director			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	Yes	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: An ordinance authorizing the issuance and sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the aggregate principal amount not to exceed \$3,025,000; making determinations as to sufficiency of revenues and as to other matters related to the project and approving the form and authorizing the execution of certain documents relating thereto.

Budget: No budget impact on the City of Grand Junction

Action Requested/Recommendation: Approve the bond ordinance on the second reading after the public hearing on April 16, 2003.

Attachments: Bond Ordinance

Background Information: The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating. In the past we have issued bonds on their behalf. The Administrative Services Director did solicit input from the City Council on any concerns about the City facilitating this issue and no one had any objections.

CERTIFIED RECORD
OF
PROCEEDINGS
OF
THE CITY COUNCIL
OF
THE CITY OF GRAND JUNCTION, COLORADO
RELATING TO
AN ORDINANCE
AUTHORIZING THE ISSUANCE
OF
A DEVELOPMENT REVENUE BOND
(COMMUNITY HOSPITAL PROJECT)
SERIES 2003
IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED
\$3,025,000

STATE OF COLORADO)
)
 COUNTY OF MESA) ss.
)
 CITY OF GRAND JUNCTION)

The City Council of the City of Grand Junction, Colorado, held a regular meeting open to the public in the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, on Wednesday, the 2nd day of April 2003, at the hour of 7:30 p.m.

The following members of City Council, constituting a quorum thereof, were present:

<u>Name</u>	<u>Title</u>
Cindy Enos-Martinez	Mayor
Dennis Kirtland	
Mayor Pro Tem	
Harry Butler	
Councilmember	
Janet Terry	
Councilmember	
William McCurry	
Councilmember	
James Spehar	
Councilmember	
Reford Theobald	
Councilmember	

The following persons were also present:

<u>Name</u>	<u>Title</u>
Stephanie Tuin	City Clerk
Ron Lappi	Administrative Services Director
Dan Wilson	City Attorney

Thereupon, the following proceedings, among others, were had and taken:

Councilmember _____ then introduced and moved the adoption on first reading of the following Ordinance, which was read by title, copies thereof having been made available to the Council and to the public:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GRAND JUNCTION, COLORADO, DEVELOPMENT REVENUE BOND (COMMUNITY HOSPITAL PROJECT), SERIES 2003, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,025,000; MAKING DETERMINATIONS AS TO SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO THE PROJECT AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

WHEREAS, the City of Grand Junction, Colorado (the "Issuer" or the "City"), is authorized by its Home Rule Charter (the "Charter"), the provisions of the County and Municipality Development Revenue Bond Act, article 3 of title 29, Colorado Revised Statutes, as amended (the "Act"), and the provisions of the Supplemental Public Securities Act, part 2, article 57 of title 11, Colorado Revised Statutes, as amended (the "Supplemental Act") to issue revenue bonds for the purpose of financing projects to be located within the Issuer for the purposes enumerated in the Act, to enter into financing agreements with others for the purpose of providing revenues to pay such bonds, and further to secure the payment of such bonds; and

WHEREAS, the Act provides that title to any project may at all times remain in the name of the user of the project; and

WHEREAS, Colorado West HealthCare System, d.b.a. Community Hospital, a Colorado nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Borrower"), has requested that the Issuer issue its revenue bond in accordance with the Charter and the Act, such bond to be designated the City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project) Series 2003 (the "Bond"), the proceeds of which shall be loaned to the Borrower for the purposes of (i) providing funds which will be sufficient to finance the purchase of a new phone system and medical equipment, including MRI, CT Scanner, Ultra-sound machines and diagnostic software and other medical equipment to be used at the Borrower's healthcare facilities located at 2021 North 12th Street, Grand Junction, Colorado 81501 (the "Project"), and (ii) paying certain costs relating to the issuance of the Bond; and

WHEREAS, a Financing and Security Agreement, to be dated as of May 1, 2003 (the "Agreement"), among the Issuer, the Borrower and Wells Fargo Bank West, N.A., a national banking association (the "Bank") has been submitted to the City Council (the "Council") and filed in the office of the City Clerk (the "Clerk"), and is there available for public inspection; and

WHEREAS, the Council desires at this time to authorize the issuance of the Bond, for the purpose of the Project; and

WHEREAS, a public hearing before the Council concerning the proposed Bonds and the nature and location of the Project is scheduled to be held on April 16, 2003, and such public hearing in accordance with Section 147(f) of the Internal

Revenue Code of 1986 will be required as condition to the issuance and sale of the Bonds; and

WHEREAS, it is necessary or desirable to authorize the issuance of the Bond by Ordinance and to approve the form and authorize the execution of the Agreement.

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

Section 1. Approvals and Authorizations. The form of the Agreement, including the form of the Bond (collectively, the “Issuer Documents”) is hereby approved. The Mayor or the Mayor-Pro-Tem and the Clerk or a deputy are hereby authorized and directed to execute the Issuer Documents and to affix the seal of the Issuer thereto, and further to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the Bond. Such documents are to be executed in substantially the form hereinabove approved, provided that such documents may be completed, corrected, or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein. The rights, title and interest of the Issuer in the Agreement when executed, shall, by the terms thereof, have been assigned to the Trustee except as therein provided.

Section 11-57-204 of the Supplemental Act provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Bonds.

The proper officers of the Issuer are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the Issuer relating to the Bond and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof, as such facts appear from the books and records in such officers' custody and control.

The approval hereby given to the various documents referred to above includes the approval of such additional details therein as may be necessary and appropriate for their completion and such modifications thereof, deletions therefrom, and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such instrument in accordance with the terms hereof.

Section 2. Issuance and Sale of Bond. The Issuer shall issue its Development Revenue Bond (Community Hospital Project) Series 2003, to be in registered form and to be dated as provided in the Agreement, in a total principal amount not to exceed \$3,025,000, for the purposes, in the forms and upon the terms set forth in this Ordinance and the Agreement, including the form of the Bond as set forth in the Agreement.

The Bond shall be payable in the manner and to the persons set forth in the Agreement and the form of the Bond set forth therein.

The maximum net effective interest rate authorized for the Bond shall not exceed 10% per annum.

Section 3. Determinations. It is hereby found, determined and declared, that:

(a) The financing of the Project will promote the public health, welfare, safety, convenience and prosperity and promote and develop trade or other economic activity by including commercial and business enterprises to locate, expand or remain in the Issuer and the State of Colorado, in order to mitigate the serious threat of extensive unemployment and to secure and maintain a balanced and stable economy for the Issuer and the State of Colorado.

(b) The maximum amounts necessary in each year to pay the principal of and interest on the Bond and the interest rate or rates to be borne by the Bond are as provided in the Agreement.

(c) The payments required in the Agreement to be made are sufficient to pay the principal of and interest on the Bond when due, and to pay all other costs required in the Agreement to be paid, including all sums referred to in paragraphs (b), (d) and (e) of this section.

(d) The Agreement provides that the Borrower shall maintain the Project in good repair and carry all proper insurance with respect thereto.

(e) The Agreement requires that the Borrower pay the taxes and other governmental charges with respect to the Project, including taxes and charges which

the taxing entities specified in C.R.S. Section 29-3-120 are entitled to receive, and sufficient revenues for such purpose are thereby provided.

(f) The City hereby certifies that the reasonably anticipated aggregate amount of tax-exempt obligations which will be issued by the City and all subordinate entities of the City during the calendar year 2003 (excluding the portion of obligations issued to currently refund any obligation to the extent the amount of the refunding obligation does not exceed the outstanding amount of the refunded obligation) will not exceed \$10,000,000. Accordingly, the City hereby designates the Bond for purposes of Section 265(b)(3) of the Code as a "qualified tax-exempt obligation."

Section 4. Nature of Obligation. Under the provisions of the Charter, the Act and the Supplemental Act, and as provided in the Agreement and the Bond, the Bond shall be a special, limited obligation of the Issuer payable solely from, and secured by a pledge of, the revenues derived from the Agreement, and any collateral provided by the Borrower. The Issuer does not pledge any of its property or secure the payment of the Bond with its property. The Bond and the interest thereon shall never constitute the debt or indebtedness or a multi-year fiscal obligation or the financial obligation of the State of Colorado or any political subdivision thereof, including the Issuer, within the meaning of any provision or limitation of the Colorado Constitution or statutes of the State of Colorado or the Charter, and shall not constitute or give rise to a pecuniary liability of the Issuer, its agents, employees or officers, or a charge against its general credit or taxing powers. In entering into the Issuer Documents, the Issuer will not obligate itself, except with respect to the application of the revenues derived from the

Agreement and the Bond proceeds. The Issuer will not pay out of its general fund or otherwise contribute any part of the cost of financing the Project. No costs are to be borne by the Issuer in connection with the issuance of the Bond. The Agreement provides that all fees and expenses of the Issuer shall be paid by the Borrower.

Section 5. Bond Printing and Related Matters. The officers of the Issuer are hereby authorized and directed to arrange for the printing of the Bond, provided that, subject to Section 3(c) above, the Borrower shall pay for all costs in connection with the preparation and printing of the Bond and no such costs are to be borne by the Issuer. The Bond will be purchased by the Bank in accordance with the Agreement.

Section 6. Bond Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the Issuer and the holder(s) of the Bond and shall be and remain irrepealable until the Bond, both principal and interest, shall be fully paid, cancelled and discharged.

Section 7. Ratification. All actions heretofore taken by the Issuer and by the officers thereof or on their behalf not inconsistent herewith directed toward the financing of the Project and the issuance and sale of the Bond, or the conduct of a public hearing relating to the issuance of the Bond or the location and nature of the Project, are hereby ratified, approved and confirmed.

Section 8. Repealer. All acts, orders, ordinances, resolutions or parts thereof, taken by the Issuer and in conflict with this Ordinance, are hereby repealed except that this repealer shall not be construed so as to revive any act, order, ordinance, resolution or part thereof heretofore repealed.

Section 9. Other Matters. By the passage of this Ordinance, the Council does not intend to approve, nor is it approving hereby, any matters relating to licensing, subdivision zoning, planning or landscaping of the Project. Approval of such matters must be obtained under normal procedures of the Issuer.

Section 10. Severability. If any paragraph, clause, section or provision of this Ordinance, except Section 4 hereof, is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining paragraphs, clauses, sections or provisions hereof.

Section 11. Effective Date. This Ordinance shall be effective thirty days after proper publication.

INTRODUCED AND ADOPTED ON FIRST READING, this 2nd day of
April, 2003.

CITY OF GRAND JUNCTION, COLORADO

By: _____
Cindy Enos-Martinez, Mayor

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk

ADOPTED AND FINALLY APPROVED, this _____ day of _____
_____, 2003.

CITY OF GRAND JUNCTION, COLORADO

By: _____
Cindy Enos-Martinez, Mayor

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk

Councilmember _____ seconded the motion to adopt on first reading, and the question being upon the passage of said proposed Ordinance on first reading, the roll was called with the following results:

Those voting "AYE":

Those voting "NO":

Those absent:

A majority of the members of the Council present having voted in favor of the passage on first reading of said proposed Ordinance, the presiding officer thereupon declared the motion duly passed and instructed the City Clerk or her deputy to publish in pamphlet form the Ordinance once in a newspaper legally qualified for City publications at least ten (10) days before consideration of the Ordinance for final passage and adoption or second reading.

Thereupon, after consideration of other business to come before the Council, the meeting was adjourned.

Cindy Enos-Martinez, Mayor
City of Grand Junction, Colorado

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

STATE OF COLORADO)
)
 COUNTY OF MESA) ss.
)
 CITY OF GRAND JUNCTION)

The City Council of the City of Grand Junction, Colorado, held a regular meeting open to the public in the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, on Wednesday, the 16th day of April 2002, at the hour of _____ p.m.

The following members of City Council, constituting a quorum thereof, were present:

<u>Name</u>	<u>Title</u>
Cindy Enos-Martinez	Mayor
Dennis Kirtland	
Mayor Pro Tem	
Harry Butler	
Councilmember	
Janet Terry	
Councilmember	
William McCurry	
Councilmember	
James Spehar	
Councilmember	
Reford Theobald	
Councilmember	

The following persons were also present:

<u>Name</u>	<u>Title</u>
Stephanie Tuin	City Clerk
Ron Lappi	Administrative Services Director
Dan Wilson	City Attorney

Thereupon, the following proceedings, among others, were had and taken:

The City Clerk informed the City Council that the proposed Ordinance, which was ordered published in pamphlet at the meeting of April 2, 2003, was duly published in a newspaper legally qualified for City publication, in its issue of April ____, 2003.

The Mayor declared that this was the time and place scheduled for a hearing on the proposed bonds, on the nature and location of project and on the ordinance, and declared the public hearing open, whereupon the following persons appeared:

[None]

The Mayor thereupon declared the public hearing closed.

Councilmember _____ then moved that the proposed Ordinance, as amended, which was read by title, copies thereof having previously been made available to the council and to the public, be passed and adopted on second reading, and that the proposed Ordinance be approved. Councilmember _____ seconded the motion, and the question being upon passage and adoption of said Ordinance or second reading, the roll was called, with the following result:

Those voting "AYE":

Those voting "NO": NONE

Those absent:

At least four (4) members of the entire City Council having voted in favor of the final passage and adoption of said Ordinance, the presiding officer thereupon declared the same finally passed and adopted and instructed the City Clerk to record such Ordinance in an Ordinance Book kept for such purposes, and to publish the title of the proposed Ordinance and a summary of the provisions thereof including a notice that copies of the Ordinance are available at the office of the City Clerk or to publish the Ordinance in full in a newspaper legally qualified for City publication.

Thereupon, after consideration of other business to come before the Council, the meeting was adjourned.

Cindy Enos-Martinez, Mayor
City of Grand Junction, Colorado

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

The undersigned, City Clerk of the City of Grand Junction, Colorado, does hereby certify that the attached copy of Ordinance No. _____, authorizing the issuance of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project) Series 2003, in the total principal amount not to exceed \$3,025,000 (the "Bond") is a true and correct copy thereof as finally enacted, passed and adopted by the Council at regular meetings thereof held at the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, the regular meeting place thereof, on Wednesday the 2nd day of April, 2003 and Wednesday the _____ day of _____, 2003, that the original of said Ordinance has been duly executed and authenticated by the signatures of the Mayor or Mayor Pro Tem of the City and myself, sealed with the seal of the City, and recorded in the Ordinance Book of the City; that a public hearing on the nature and location of the project to be financed with proceeds of the Bond and on the Bond was held at a regular meeting of the Council on Wednesday, the _____ day of _____, 2003, following publication of a notice of hearing in a newspaper of general circulation in the City of Grand Junction, Colorado, as evidenced by the affidavit of publication attached hereto at page A; that the attached constitutes a full, true and correct copy of the record of the proceedings of the Council at said regular meetings insofar as said proceedings relate to said Ordinance and hearing; that said proceedings were duly had and taken; that said meetings were duly held; that the persons were

present at said meetings as therein shown; and that said Ordinance was published after first reading, such publication being in a newspaper legally qualified for City publication, as evidenced by the Affidavit of Publication attached hereto at page B, and after final adoption, as evidenced by the Affidavit of Publication attached hereto at page C.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of
the City of Grand Junction, Colorado, this _____ day of _____,
2003.

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

(SEAL)

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of
Notice of Public Hearing

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of Ordinance following first reading

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of Ordinance following adoption