

**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, JULY 16, 2003, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Jerry Boschen, First Assembly of God

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING JULY 26, 2003 AS “CELEBRATE THE AMERICANS WITH  
DISABILITIES ACT DAY” IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

RATIFICATION OF APPOINTMENT TO BUILDING CODE BOARD OF APPEALS

APPOINT ALTERNATE MEMBER TOM TETTING AS A MEMBER OF THE RIDGES  
ARCHITECTURAL CONTROL COMMITTEE

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO NEWLY APPOINTED MEMBER OF THE WALKER FIELD AIRPORT AUTHORITY

TO NEWLY AND REAPPOINTED MEMBERS OF THE DOWNTOWN DEVELOPMENT  
AUTHORITY

TO NEWLY AND REAPPOINTED MEMBERS OF THE PARKS AND RECREATION  
ADVISORY BOARD

**SCHEDULED CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

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

\*\*\* *Indicates New Item*

<sup>®</sup> *Requires Roll Call Vote*

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

*Action: Approve the Summary of the June 30, 2003 Noon Workshop, the June 30, 2003 Workshop and the Minutes of the July 2, 2003 Regular Meeting*

2. **Model Records Retention Schedule** [Attach 2](#)

By adopting the Model Municipal Records Retention Schedule as endorsed by the Colorado State Archivist, the City Clerk's Office will have a tool that will enable the City's records retention and disposition process to work more efficiently and to be able to respond to requests for changes by departments more quickly.

Resolution No. 64-03 – A Resolution of the City of Grand Junction Adopting the Model Municipal Records Retention Schedule

*®Action: Adopt Resolution No. 64-03*

Staff presentation: Stephanie Tuin, City Clerk

3. **2003 Persigo Wastewater Treatment Plant Upgrades Study** [Attach 3](#)

Approve a cost-not-to-exceed design services contract with Sear-Brown/Black Veatch consulting engineers for the above project in the amount of \$93,785 to study and recommend upgrades to various components at the Persigo Wastewater Treatment Plant.

*Action: Authorize the City Manager to Execute a Design Services Contract with Sear-Brown/Black Veatch for the 2003 Persigo WWTP Upgrade Study in the Amount of \$93,785*

Staff presentation: Tim Moore, Public Works Manager

4. **Authorizing the Use of Overhead to Underground Funds at Three Locations** [Attach 4](#)

Requesting a City Council Resolution authorizing Public Service Company of Colorado d/b/a Xcel Energy to spend up to \$436,000 of City of Grand Junction overhead to underground one percent (1%) funds to relocate overhead power lines at the following locations:

- 29 Road between Pinyon Street and Patterson Road
- 25 ½ Road between Independent Avenue and Patterson Road

- Tiara Rado Golf Course adjacent to the 10<sup>th</sup> fairway

Resolution No. 65-03 – A Resolution Authorizing Public Service Company of Colorado d/b/a Xcel Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for Relocation of Overhead Power Facilities at Tiara Rado Golf Course and as Part of Street Improvement Projects on 25 ½ Road and 29 Road as Established in the Ordinance Granting a Franchise Signed November 4, 1992

®Action: *Adopt Resolution No. 65-03*

Staff presentation: Tim Moore, Public Works Manager

5. **Setting a Hearing on Monument Presbyterian Church Annexation No. 1, No. 2, No. 3 and No. 4 Located at 2020 ½ South Broadway** [File #ANX-2003-113] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.1711 acre Monument Presbyterian Church annexation consists of one parcel and South Broadway right-of-way. It is a serial annexation located at 2020 ½ South Broadway and is in conjunction with a proposed two phase development of a new church facility.

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

Resolution No. 66-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Monument Presbyterian Church Annexation, a Serial Annexation Comprising Monument Presbyterian Church Annexation No. 1, Monument Presbyterian Church Annexation No. 2, Monument Presbyterian Church Annexation No. 3 and Monument Presbyterian Church Annexation No. 4 Located at 2020 ½ South Broadway and Including a Portion of South Broadway Right-of-Way

®Action: *Adopt Resolution No. 66-03*

**b. Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 1, Approximately 0.0097 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 2, Approximately 0.0474 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 3, Approximately 0.0243 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 4, Approximately 8.871 Acres, Located at 2020 ½ South Broadway

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 20, 2003*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on Vacation of a 15' North/South Alley Right-of-Way Located Northeast of the Intersection of N. 7<sup>th</sup> Street and Rood Avenue at 202 N. 7<sup>th</sup> Street** [File #VR-2003-098] [Attach 6](#)

The petitioners, 4SC Partnership, wish to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue in anticipation of future commercial development. The only utilities that are located in the alley right-of-way are a sanitary sewer line and gas line. The existing seven (7) lots owned by the petitioners will be consolidated into one (1) 0.51 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation with the existing 15' alley right-of-way being converted to a 15' Utility & Drainage Easement. The Planning Commission recommended approval at its July 8<sup>th</sup>, 2003 meeting.

Proposed Ordinance Vacating a 15' Wide Alley Right-of-Way Located Northeast of the Intersection of North 7<sup>th</sup> Street and Rood Avenue Known as: 202 N. 7<sup>th</sup> Street

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 6, 2003*

Staff presentation: Scott D. Peterson, Associate Planner

7. **Setting a Hearing on Zoning the Westgate Free Will Baptist Church Annexation Located at 2155 Broadway to CSR** [File #ANX-2003-114] [Attach 7](#)

The request for CSR (Community Services and Recreation) Zoning allows public and private recreational facilities, school, fire stations, libraries, fairgrounds and other public/institutional uses and facilities. This property is the proposed location for Fire Station #5.

Proposed Ordinance Zoning the Westgate Free Will Baptist Church Annexation to CSR (Community Services and Recreation) Located at 2155 Broadway

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 6, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

8. **Setting a Hearing on Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID** [Attach 8](#)

This is an ordinance concerning the City of Grand Junction Rimrock Marketplace General Improvement District. The Bond Ordinance is being revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid shall be used to redeem Bonds on the next interest payment date. The Assessment Ordinance is being amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

Proposed Ordinance Concerning the City of Grand Junction Rimrock Marketplace General Improvement District and Amending Ordinance No. 3532 Relating to the Issuance of Special Assessment Bonds and Ordinance No. 3533 Levying Special Assessments Within the District

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 6, 2003*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

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

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

9. **Defense Acknowledgement Resolution Relative to the Thorpe Claim** [Attach 9](#)

A Resolution indemnifying current and former officers named in Federal District Court action 03-B-1181 from damages in a lawsuit filed against them in their personal capacity. The suit results from the investigation and arrest of Robert and Maria Thorpe.

Resolution No. 67-03 – A Resolution Acknowledging Defense of Stanley Ancell, Robert M. Culver, Martyn E. Currie, John C. Jackson, Robert Russell and Julia Stogsdill in Civil Action No. 03 B 1181

®Action: *Adopt Resolution No. 67-03*

Staff presentation: John Shaver, Assistant City Attorney

10. **Consulting Services for 1601 Process for the Riverside Parkway** [Attach 10](#)

City Council will authorize the selection of a consulting firm to assist in completing the Policy Directive 1601 for a new interchange at Highway 50 (5<sup>th</sup> Street) and the proposed Riverside Parkway. Interviews were conducted on July 11, 2003.

Action: *Authorize the City Manager to Execute a Contract for Consulting Services with Carter & Burgess, Inc. for a Cost not to Exceed \$300,000 for the Completion of the PD 1601 Process*

Staff presentation: Tim Moore, Public Works Manager

11. **Public Hearing – Vacating of Right-of-Way and Multi-purpose Easements, Rimrock Marketplace 3 Subdivision** [File # PFP-2003-076] [Attach 11](#)

The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the new

recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

Ordinance No. 3541 – An Ordinance Vacating a Portion of Ligrani Lane and Portions of Adjacent Multi-Purpose Easements Located Between Rimrock Avenue and State Highway 6 & 50

*®Action:* Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3541

Staff presentation: Lori V. Bowers, Senior Planner

12. **Public Hearing – Sonrise Acres Annexation Located at 3068 F Road** [File #ANX-2003-090] [Attach 12](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Sonrise Acres 1, 2, 3, and 4 Annexation, located at 3068 F Road.

**a. Accepting Petitions**

Resolution No. 68-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sonrise Acres Annexation, a Serial Annexation Comprising of Sonrise Annexation No. 1, Sonrise Annexation No. 2, Sonrise Annexation No. 3 and Sonrise Annexation No. 4 Located at 3068 F Road is Eligible for Annexation

*®Action:* Hold a Public Hearing and Consider Passage of Resolution No. 68-03

**b. Annexation Ordinances**

Ordinance No. 3542 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 1, Approximately 0.0666 Acres Right-of-Way Located Along F Road

Ordinance No. 3543 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 2, Approximately 0.3278 Acres Right-of-Way Located Along F Road

Ordinance No. 3544 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 3, Approximately 5.0956 Acres Located at 3068 F Road

Ordinance No. 3545 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise Acres Annexation No. 4, Approximately 4.3572 Acres Located at 3068 F Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No's. 3542, 3543, 3544 and 3545*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing – Zoning the Sunrise Acres Annexations No. 1, 2, 3, & 4 Located at 3068 F Road** [File #ANX-2003-090] [Attach 13](#)

Hold a Public Hearing and Consider Final Passage reading of the zoning ordinance to zone the Sunrise Annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

Ordinance No. 3546 – An Ordinance Zoning the Sunrise Acres Annexation to RSF-4 Located at 3068 F Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3546*

Staff presentation: Lori V. Bowers, Senior Planner

14. **Public Hearing - Unawep Heights Annexation No. 1, 2 and 3 Located at 2857 Unawep Avenue** [File # ANX-2003-022] [Attach 14](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Unawep Heights Annexation, located at 2857 Unawep Avenue; a residential subdivision consisting of 109 lots on 30.334 acres.

**a. Accepting Petition**

Resolution No. 69-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Unawep Heights Annexation Located at 2857 Unawep Avenue is Eligible for Annexation

*®Action: Hold a Public Hearing and Consider Passage of Resolution No. 69-03*

**b. Annexation Ordinances**



Ordinance No. 3547 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 1, Approximately 0.0358 Acres Right-Of-Way Located Along B ¾ Road

Ordinance No. 3548 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 2, Approximately 1.3790 Acres Located at 2857 UnawEEP Avenue

Ordinance No. 3549 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 3, Approximately 34.7049 Acres Located at 2857 UnawEEP Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No's. 3547, 3548 and 3549*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Zoning the UnawEEP Heights Annexation Located at 2857 UnawEEP Avenue** [File # ANX-2003-022] [Attach 15](#)

Hold a Public Hearing and Consider Final Passage of the Zoning ordinance to zone the UnawEEP Heights annexation RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

Ordinance No. 3550 – An Ordinance Zoning the UnawEEP Heights Annexation to RSF-4, Located at 2857 UnawEEP Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3550*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Public Hearing – Watershed and Water Supply Protection District Ordinance** [Attach 16](#)

Public hearing on Watershed Protection Ordinance. The Ordinance is to protect the City of Grand Junction municipal drinking water supplies in the Kannah Creek area of Grand Mesa, and on the Gunnison and Colorado Rivers above the municipal water supply intakes.

Ordinance No. 3551 – An Ordinance Establishing Watershed and Water Supply Protection Zones; Establishing Procedures and Standards for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed Permit for most Activities; and Providing Penalties and Remedies for Violation of this Ordinance

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3551*

Staff presentation: Dan Wilson, City Attorney  
Greg Trainor, Utility Manager

- 17. **NON-SCHEDULED CITIZENS & VISITORS**
- 18. **OTHER BUSINESS**
- 19. **ADJOURNMENT**

**Attach 1  
Minutes of Previous Meetings**

**GRAND JUNCTION  
CITY COUNCIL ADDITIONAL WORKSHOP  
SUMMARY**

**June 30, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, June 30, 2003 at 11:36 a.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall to discuss additional workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Absent was Councilmember Bill McCurry.

Staff members present were City Manager Kelly Arnold, Assistant City Manager David Varley, City Attorney Dan Wilson, Intern Seth Hoffman, Public Works Director Mark Relph, Utilities Manager Greg Trainor and City Clerk Stephanie Tuin.

Others present were Larry Beckner, Frank Hyde and Mari Vader.

**Summaries and action on the following topics:**

1. **UPCOMING PERSIGO MEETING ISSUES FOR JULY 10, MEETING:**  
City Council discussed issues to be discussed at the upcoming annual Persigo meeting. The potential change to the 201 boundary in the 21 ½ and 22 Roads and H Road area is on the agenda. Council wanted assurance that this is the only area that will come before them for such a request from the Commissioners. City Attorney Wilson said some work has been done in that regard but the complete answer will not be ready by the 10<sup>th</sup>.

Other topics include the request from Clifton Sanitation District #2 to begin discussions on the possibility of attaching to the Persigo facility and revenue sharing with the Special Districts.

Frank Hyde, Clifton Sanitation District #2 manager, said that time is running out for them. The current plant will not pass the "wet test" and the permit applied for in 1999 still has not been issued. There are a lot of political issues involved in hooking up to the Persigo system but the Clifton District wants to look at the best course of action.

Regarding the revenue sharing, Council felt strongly about the eventual dissolution of the Districts but the attorney for the Special District, Larry

Beckner, argued that the condition of dissolution was not part of the original deal to gain the Districts' support of the loans for the combined sewer elimination project. He felt it was unfair for the Council to hold the funding that was previously agreed to out as a carrot to persuade the Districts to begin dissolution. Even so, the matter still has to go to the voters.

**Action summary:** Council agreed to discuss the additions to the 201 boundary at the July 10<sup>th</sup> meeting. It was the consensus of the City

Council to proceed into discussions on the Clifton Sanitation District #2 to see if there are any financial or regulatory issues that would prevent positive negotiations. The matter of the future of the District will also be looked at. The District was asked to contact the State Health Department to see what their position is on the two options.

On the revenue sharing topic, City Attorney Wilson suggested using the decision-making model while Councilmember Enos-Martinez thought it appropriate to have the discussion with the County on July 10<sup>th</sup>.

2. **SMOKING IN PUBLIC PLACES ORDINANCE:** City Attorney Dan Wilson reviewed the current changes and referred the Council to a questionnaire he drafted that might help formulate the direction for the version to be considered on July 2. Council discussed the public testimony taken previously and felt that it was directed toward the general issue not the specific versions of the ordinance. The definition of a restaurant under this ordinance was discussed. Annual certification through the City Clerk was discussed. Other proposed provisions were workplaces that can allow smoking under the new ordinance could not be forced to go non-smoking and an employer would not be forced to spend money to satisfy an employee on smoke-free environment. Council then debated physically separated areas in non-liquor restaurants, bingo hall separations and bowling alley provisions. The time frame for amortization was clarified. Council agreed there should be ongoing education but did not want that included in the ordinance.

**Action summary:** City Council decided no additional public testimony will be taken on July 2, that the current version will be amended prior to Wednesday night to include a 55%-45% distinction between restaurants and bars, that physically separated will mean completely closed off with doors, that bingo halls will be non-smoking except that an area physically separated may allow smoking, that bowling alleys can allow smoking in a

physically separated bar area, that the amortization date will stay at January 1, 2006, and that the education piece will not be included in the proposed ordinance. The alternative will be the focus of the consideration on Wednesday, and various Councilmembers can propose changes at the meeting if they so desire. The City Attorney will have wording for some of the other options discussed including a non-bar physically separated area of a bowling alley allowing smoking available at the meeting.

**ADJOURNED** at 1:35 p.m.

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP**

**June 30, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, June 30, 2003 at 7:05 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Absent was Councilmember Bill McCurry.

**Summaries and action on the following topics:**

1. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold advised that the study on the interstate interchanges was due in June but has been postponed until October. However, the Code Enforcement Practices study has been completed a month early and is being presented for Council's review. Discussion of the report should be scheduled for a workshop.

**Action summary:** Council accepted the report and agreed to schedule discussion for a noon workshop in September.

2. **CINEMA AT THE AVALON PROPOSAL:** City Manager Kelly Arnold suggested the cinema idea be tried and tracked and that Council review the results in a year. Parks & Recreation Director Joe Stevens presented options for allowing movies downtown at the Avalon, including continuing to market the Avalon in conjunction with Two Rivers. DDA wants to bring more people downtown and feels the cinema is one way. Also, the subsidy for the Avalon was estimated at \$75,000 but it is looking more like \$100,000 for 2003. The department is still trying to find the right market niche for the building. The good news is through the end of May, there has been positive cash flow for Two Rivers Convention Center.

Mr. Stevens then went through the various options. In one option, the Avalon Cinema, Incorporated will raise about \$36,000 and pay that back to the City at the end of 2004. The agreement would include a provision to allow an outside rental event (like with Sandstone Entertainment) to bump the movie if an advance notice of 30 days is provided.

Concerns brought up by City Council included setting a precedence of subsidizing a non-profit's use of the Avalon, the cost of utilities, the

\$10,000 in the budget for variables and miscellaneous, accelerating the repayment of the \$36,000, the cost of the reconstruction of the support structures, the sound system improvements, the decision for what films will be played, using relationships between other downtown organizations to help reduce some of the expenses, and the repayment of subsidies with any profits reaped.

**Action summary:** Staff was directed to draft the Memorandum of Understanding and include provisions that address a six month review,

that the first increment out of any profits go toward the subsidy, that the Avalon board and DDA help offset the miscellaneous and variables expenses, and doesn't allow capital improvements to be driven by ongoing capital needs. The Council would like the MOU brought back after the other parties have reviewed it, sometime in August.

The meeting recessed at 8:48 p.m.

The meeting reconvened at 8:55 p.m.

3. **PUBLIC WORKS AND PARKS CIP PRE-BUDGET DISCUSSION AND REVENUE DISCUSSION:** Staff will review long term projects and revenue projections in preparation for upcoming budget discussions.

Ron Lappi, Administrative Services Director, referred to the compilation of the Council survey and summarized the results. City Manager Kelly Arnold noted that it is clear that neighborhood parks are priority and the City should look at raising fees in lieu of park dedication. He advised that there is an annual appropriation of \$75,000 for park site acquisition which is reserved for when and if an opportunity presents itself.

Two areas were identified as being deficient in park land – Redlands and Pear Park. City Manager Arnold noted that the Lincoln Park Master Plan is coming up soon.

City Manager Arnold advised that under public works, the stormwater committee is ready to report back in the near future and there is pressure to meet with the partners to discuss a regional stormwater utility.

Another new item for consideration is 7<sup>th</sup> Street improvements, which is important, but no where in the budget. Since they should not anticipate any new money and there is lots of support to do El Poso, it is suggested

that the City move Horizon Drive out in order to meet the El Poso need. It is important to make sure it gets done within the time frame so improvement district numbers are correct.

Another new item is a parking garage being planned by the County. The City has been asked to participate. A decision must be made quickly (August). A possibility is to use the lease money for parking garage. The City's share is estimated at \$750,000 for 80 spaces.

Public Works Director Mark Relph then reviewed the history of the big pipe project and how the City pursued removing the area from the floodplain, and in that pursuit it was discovered that the federal government made an error. It was then the big pipe alternative was devised. The cost is \$6 million, there is existing funding of \$5 million and

they are planning to construct in 2004 – 2005 to prevent any action from FEMA.

Councilmember Kirtland asked if funding can be partially tied into the parkway project. Mr. Relph said he would look at that more closely. Mr. Arnold said the Council needs to figure out what to do regarding a stormwater utility, making it an enterprise fund, otherwise paying for this will be very tough.

Administrative Services Director Ron Lappi spoke on the topic of anticipated revenues. He advised that sales tax growth for the month of June is up 4.4%, so the City has still had positive growth for the first 6 months. However, they are still projecting a shortfall of \$738,000 in general sales tax, a CIP sales tax shortage of \$276,000, totaling a \$1 million shortfall. This lessens the base which may result in a \$3 million shortfall over the next three years. City Manager Arnold added that although Grand Junction has been doing well, the new big boxes going into the smaller communities will have an impact on Grand Junction.

**Action summary:** The Council determined that the budget presentation will take place on Friday, October 24<sup>th</sup>, starting at 10:00 a.m. and the priorities in the budget will be neighborhood parks, El Poso and the big pipe, as well as finishing 29 Road. Funding for El Poso will be derived from the Horizon Drive project on the CIP, leaving the bridge project in. Staff said they would look into funding the 7<sup>th</sup> Street improvements with the DDA TIF and enhancement funds. Council said that although the



improvements are desirable, it should not be considered in this cycle. Council agreed that the 7<sup>th</sup> Street corridor needs to remain multi-lane.

4. **Other Business**

Regarding the railroad remote issue, Council determined that they cannot have an impact on the issue and the decision-making model does not indicate that it is an issue they should address.

**ADJOURNED** at 10:28 p.m.

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

**JULY 2, 2003**

The City Council of the City of Grand Junction convened into regular session on the 2<sup>nd</sup> day of July 2003, at 7:33 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Bill McCurry was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Jim Spehar called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jim Hale, Spirit of Life Christian Fellowship.

**APPOINTMENTS**

**APPOINTMENTS TO THE WALKER FIELD PUBLIC AIRPORT AUTHORITY**

Councilmember Palmer moved to appoint Frank Roger Little to the Walker Field Public Airport Authority for a three year term. Councilmember Kirtland seconded. Motion carried.

**APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD AND  
APPOINT A CITY COUNCIL REPRESENTATIVE TO THE PARKS AND RECREATION  
ADVISORY BOARD**

Councilmember Butler moved to reappoint Bernie Goss to a three-year term, appoint Reford Theobald to a three year term and appoint Tom Fisher to fill an unexpired term until June, 2005 on the Parks and Recreation Advisory Board and to appoint Cindy Enos-Martinez as the City Council representative on the Parks and Recreation Advisory Board as ex-officio. Councilmember Hill seconded. Motion carried.

**APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY**

Councilmember Kirtland moved to reappoint Doug Simons to a four-year term, appoint Karen Vogel to a four year term and Scott Howard to fill an unexpired term until June,

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

*Revised December 16, 2011*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

2005 on the Downtown Development Authority. Councilmember Enos-Martinez seconded. Motion carried.

#### RATIFICATION OF APPOINTMENT TO RIVERVIEW TECHNOLOGY CORPORATION

Councilmember Hill moved to ratify the appointment of Dennis King to the Riverview Technology Corporation Board of Directors for a three year term. Councilmember Kirtland seconded. Motion carried.

Council President Spehar explained the appointment process for volunteer boards to the audience.

#### **SCHEDULED CITIZEN COMMENTS**

Lena Elliot, former Parks and Recreation Advisory Board member, addressed the Council on her service on the board. She reflected on the accomplishments of the board. She distributed a list of projects for the Council's review and the Council thanked Ms. Elliot for her service on the board.

#### **CONSENT CALENDAR**

It was moved by Councilmember Palmer, seconded by Councilmember Enos-Martinez and carried to approve Consent Items #1 through 6.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the June 16, 2003 Workshop and the Minutes of the June 16, 2003 Regular Meeting*

2. **Create Sanitary Sewer Improvement District No. SS-45-03**

A majority of property owners in an area on both sides of 26 ½ Road bounded by Dahlia Drive on the north, and F ½ Road on the south have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 59-03 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within said City Sanitary Sewer Improvement District No. SS-45-03, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

*®Action: Adopt Resolution No. 59-03*

3. **Hazard Elimination Grant for the 24 ½ Road and G Road Intersection Project**

Approve a contract with CDOT for a Federal Hazard Elimination Grant of \$771,241 for the intersection and drainage improvements at 24½ & G Road.

Resolution No. 60-03 – A Resolution Authorizing a Contract with the Colorado Department of Transportation for Hazard Elimination Grant Funding for Intersection Improvements at 24 ½ & G Road

*®Action: Adopt Resolution No. 60-03*

4. **Setting a Hearing - Vacating of Right-of-Way and Multipurpose Easements, Rimrock Marketplace 3 Subdivision** [File # PFP-2003-076]

The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

Proposed Ordinance Vacating a Portion of Ligrani Lane and Portions of Adjacent Multi-purpose Easements Located between Rimrock Avenue and State Highway 6 & 50

*Action: Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

5. **Setting a Hearing - Zoning the Sonrise Acres Annexations No. 1, 2, 3, & 4 Located at 3068 F Road** [File #ANX-2003-090]

Introduction of the Zoning ordinance to zone the Sonrise Acres Annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

Proposed Ordinance Zoning the Sonrise Acres Annexations to RSF-4, Located at 3068 F Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

6. **Setting a Hearing - Zoning the UnawEEP Heights Annexation Located at 2857 UnawEEP Avenue** [File # ANX-2003-022]

Introduction of the Zoning ordinance to zone the UnawEEP Heights Annexation, RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

Proposed Ordinance Zoning the UnawEEP Heights Annexation to RSF-4, Located at 2857 UnawEEP Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for July 16, 2003*

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

**Contract for Combined Sewer Elimination Project Phase I, Basin 8**

This project is the third of six contracts associated with the Combined Sewer Elimination Project and the Waterline Replacement Project. This contract will construct 18,800 feet of storm sewer, a storm water quality facility, storm water pump station, and 900 feet of 6" water line. On June 17, 2003, Mendez, Inc. of Grand Junction submitted a low, qualified, bid of \$4,430,101.65 to complete the work.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted the magnitude of the project, the number of bids received and advised that Mendez Inc. was the low bid.

Councilmember Kirtland moved to authorize the City Manager to Execute a Construction Contract for the Combined Sewer Elimination Project Phase I – Basin 8 with Mendez Inc., in the Amount of \$4,430,101.65. Councilmember Hill seconded the motion. Motion carried.

**Distribution of Forfeited Property**

This resolution is brought to the Council by Chief Morrison and the Mesa County Forfeiture Board. This is actually a resolution to reaffirm Resolution No. 49-92 which approved a Committee on the disposition of forfeited property pursuant to C.R.S. 16-13-702. The Committee on Disposition of Forfeited Property has determined the appropriate distribution for forfeited property since that time. The City Council receives annual reports on the distributions.

Mary Beth Buescher, Deputy District Attorney for Mesa County, explained what a forfeiture of property is and why it is a good idea to adopt a new resolution.

Councilmember Butler asked if there is ever a case where a property owner is forced to forfeit property when they were unaware of the crime being committed. Ms. Buescher said no, there is very strong law on behalf of innocent owners in the State Statutes. She gave a few examples and showed a table that listed the funds and the percentages that were forfeited versus returned to the rightful owner. She deferred to Chief Morrison on how the distributions are spent.

Chief Morrison told the Council what police items were purchased in the last year with the forfeited property money that was distributed to the Grand Junction Police Department.

Ms. Buescher noted that the amounts will go down significantly since half the funds must now go to substance abuse treatment. Councilmember Palmer questioned the need for the resolution when the State Law requires one half of the monies to go to Social Services for substance abuse treatment. City Attorney Wilson confirmed that and the State law does supercede any local desire but thought it best to confirm that through this resolution.

Resolution No. 61-03 – A Resolution Affirming Resolution No. 49-92 Relating to the Distribution of Forfeited Property

Councilmember Kirtland moved to adopt Resolution No. 61-03. Councilmember Enos-Martinez seconded the motion. Motion carried unanimously by roll call vote.

**Public Hearing - O'Connor Annexation and Zoning Located at 511 31 Road** [File #ANX-2003-068]

Resolution for Acceptance of the Petition to Annex and Consideration of Final Passage of the Annexation Ordinance for the O'Connor Annexation located at 511 31 Road. The Annexation consists of 1.3121 acres on one parcel of land. The petitioner is seeking annexation in conjunction with a future subdivision request, pursuant to the 1998 Persigo Agreement with Mesa County.

The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

The public hearing was opened at 8:00 p.m.

Ronnie Edwards, Associate Planner, reviewed this item combining the annexation and zoning hearings.

Councilmember Palmer addressed a matter related to the development of the property, specifically the road improvements. Ms. Edwards advised that improvements would be addressed when and if the property is actually developed. The matter at hand is annexation and zoning only.

Jim White, land surveyor, representing the petitioner said the petitioner is willing to work with the Planning Department to comply with any required improvements on 31 Road.

Michael Melgares, residing northwest of the proposed subdivision, does not object to the requested annexation and zoning but is concerned about the road improvements and the need for them to be addressed. He feels a paved road is necessary because he is concerned about the children at the Pear Park Baptist Church School playing around all the dust that will be created from the unpaved road.

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

**a. Accepting Petition**

Resolution No. 62-03 - A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as O'Connor Annexation, Located at 511 31 Road and Including a Portion of 31 Road and E Road Right-of-Way, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3535 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, O'Connor Annexation, Approximately 1.3121 Acres Located at 511 31 Road and Including a Portion of E Road and 31 Road Rights-Of-Way

**c. Zoning Ordinance**

Ordinance No. 3536 – An Ordinance Zoning the O'Connor Annexation to Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) Located at 511 31 Road

Councilmember Enos-Martinez moved to adopt Resolution No. 62-03 and Ordinances No. 3535 and No. 3536 on Second Reading. Councilmember Kirtland seconded the motion. Motion carried by a unanimous roll call vote.

**Public Hearing – Rezoning 653 Young Street to RSF-2** [File # RZ-2003-070]

Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning Commission recommended approval at its June 10, 2003 meeting.

Public hearing was opened at 8:09 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She explained the staff recommendation for denial is because staff found that the requested rezone is not consistent with the adjacent property development and review criteria in section 2.6a had not all been met, specifically items 1,2,4,6 and 7 have not been satisfied.

Councilmember Hill asked for her to go through each criteria that had not been met.

Karl Clemons, property owner, agreed that the zoning was not in error at the time with RSF-1, but things have changed. As far as compatibility, he feels it is compatible on the west side. He noted the unique shape of the lot and feels there is a buildable envelope on the property. It is not practical to develop the area in conjunction with the existing lot because getting access would require going back onto Young Street and F ½ to get to the property.

Councilmember Palmer asked about the easement. Mr. Clemons said the biggest handicap is a Grand Valley Irrigation ditch that goes almost to the middle of the property. There is a big enough envelope to build an 1800 square foot ranch style house without moving the easement, but it is also possible to move the easement.

Councilmember Kirtland asked if he will have to fence off the property from the canal. Mr. Clemons said that it could be a possibility if required.

Councilmember Hill asked if the proposed area is the only buildable area. Mr. Clemons said yes because there is already a house on the other side of the property. They are just trying to solve an unattractive nuisance.

Councilmember Palmer asked about surrounding zoning. Mr. Clemons described the surrounding zoning.

Councilmember Kirtland asked about ground water problems. Mr. Clemons said that 17,000 square feet is the minimum lot size and that will include the canal. It will be a small lot.



Councilmember Palmer asked what the curb and gutter requirements are, and if it is possible to meet the RSF-2 requirements. Mr. Clemons said the easement will count for part of the 17,000 square foot lot size; they just can't build on the easement.

Public hearing was closed at 8:24 p.m.

Councilmember Palmer stated that he visited the site and it is unsightly and he believes a house would be more desirable on that location.

Councilmember Kirtland said he looked at it also and it is a fairly big piece of property. He feels it will be a challenge to build on the property but the adjoining new development would merit the property to be developed in the same character.

Councilmember Hill felt the property being developed would be a better fit but it is a small envelope to build on.

Councilmember Spehar stated that the property appears to be an unfinished part of the adjacent subdivision, but it would take some ingenuity to develop the property right.

Ordinance No. 3537 – An Ordinance Zoning a Parcel of Land Located at 653 Young Street to RSF-2 (Residential Single Family, with a Density Not to Exceed Two Units per Acre)

Councilmember Palmer moved to adopt Ordinance No. 3537. Councilmember Kirtland seconded the motion. Motion carried by a vote of 6 to 1 with Councilmember Butler voting NO.

**Public Hearing - Rold Annexation and Zoning Located at 524 30 Road** [File #ANX-2003-080]

Resolution for Acceptance of Petition to Annex and Consideration of Final Passage of the annexation ordinance. The .7998 acre Rold Annexation consists of one parcel of land. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road.

Consideration of Final Passage of the Zoning Ordinance for the Rold Annexation located at 524 30 Road. The .7998-acre Rold consists of one parcel of land. The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

The public hearing was opened at 8:28 p.m.

Senta Costello, Associate Planner, reviewed this item.

Dan Whalen, Director of Housing Resources, purchased the building two months ago and has moved their offices there after 25 years downtown. He would like to be a part of the City of Grand Junction.

There were no public comments.

The public hearing was closed at 8:31 p.m.

Councilmember Enos-Martinez disclosed for the record that she was one of the prior owners of the property.

**a. Accepting Petition**

Resolution No. 63-03 - A Resolution Accepting a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings and Determining that Property known as the Rold Annexation, Located at 524 30 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3538 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rold Annexation, Approximately 0.7998 Acres Located at 524 30 Road

**c. Zoning Ordinance**

Ordinance No. 3539 – An Ordinance Zoning the Rold Annexation to C-1 (Light Commercial) Located at 524 30 Road

Councilmember Kirtland moved to adopt Resolution No. 63-03, Ordinances No. 3538 and No. 3539. Councilmember Hill seconded the motion. Motion carried by a unanimous roll call vote.

The Council President called a recess at 8:33 p.m.

The meeting was back in session at 8:40 p.m.

**Smoking in Public Places - Council Consideration Continued from June 16, 2003 Council Meeting**

A proposal to prohibit smoking in public places is to be considered.

Council President Spehar explained where Council is in the process of this item and that Council has decided not to take any more public testimony. He then deferred to the City Attorney for further explanation.

City Attorney Dan Wilson echoed what the Mayor stated and that two weeks ago Proposed Ordinance Alternative 1C was on the internet site and the newest version labeled Proposed Ordinance Alternative 1E has highlighted the changes from Alternative 1C.

He then reviewed each of the highlighted areas. Enclosed areas and physically separated areas were first explained, with Mr. Wilson noting that there will be a three year time frame for establishments to comply.

The next significant change is the distinction between restaurants and bars. If 55 percent or more of an annual business is food, by definition, it is a restaurant, irrespective of their liquor license. If liquor is more than 45 percent of an annual business, the person has the election to treat it as a bar.

A restaurant with an attached bar can physically separate the bar and allow smoking.

Outdoor areas, if not covered by a roof or extension of the roof, can have smoking.

Bowling alleys and bingo halls have special exceptions in the old version of the proposed ordinance. Now the new version requires physical separation in bingo halls. Attached bars in bowling alleys are treated the same as restaurants.

A new section adds a new concept. An establishment can elect to be treated as a bar if serving less than 55 percent food. These places may elect to be smoking. A reminder will be sent out annually in the fall for the establishment to elect to be a bar. Council-member Palmer asked how establishments will be notified and Mr. Wilson answered that the City Clerk already sends out annual renewals for occupational tax licenses in the late fall and will include another notice for the election on bar or restaurant.

A significant factor is if there is a complaint, the owner must make an affirmative defense and prove that they are under the 55 percent food service. Without that provision the owner would not be required to provide the information since financial information is confidential.

Lastly, if the election is made and the business changes so that food becomes a larger percentage, it is the duty of the owner to notify the Clerk. The new version also confirms that sales tax and financial information is confidential and the general public is not entitled to that information.

He summarized that smoking in public places is not allowed with the following exceptions: an owner can elect to have smoking in freestanding bars, bingo halls and bowling alleys with attached bars can have smoking if an area is enclosed. Regarding workplace rules, the owner is not required to spend money to provide a smoke-free workplace. The rule also includes that the employee cannot force non-smoking in workplaces where smoking is allowed by the ordinance.

Councilmember Kirtland asked Mr. Wilson to address the amortization period. Mr. Wilson stated that the current proposed ordinance draft states that the amortization period for compliance allows until January 1, 2006, which is roughly 2 ½ years.

Councilmember Enos-Martinez emphasized the importance for the audience to understand that if the ordinance is passed, changes will not be expected to happen right away. Mr. Wilson suggested that ongoing education will be critical because of the time frame for the compliance period. Councilmember Spehar agreed with ongoing education but felt that the provision should not be in the ordinance. Mr. Wilson agreed.

Councilmember Palmer asked about motel and hotel regulations. Mr. Wilson said there is no mention of motels or hotels in the ordinance.

Councilmember Hill questioned section 3.a.6. where workplaces do not include offices to be non-smoking. Mr. Wilson stated that public does not access offices. Councilmember Hill asked about signage. Mr. Wilson thought signage would be required for all areas, both smoking and not smoking in public settings. Councilmember Hill asked for clarification if smoking was allowed only in a bar in a bowling alley. Mr. Wilson said that is correct. Councilmember Hill asked about the three workplace alternatives that were listed on the proposed ordinance. Mr. Wilson clarified that the workplace alternative labeled 1E is the wording for this proposed draft. The other two were from previous drafts of the proposed ordinance.

Councilmember Palmer asked that if this proposed ordinance is adopted, can amendments be made to it. Mr. Wilson replied that it could always be changed but would require introduction, ten day publication and final passage. If it were to go to the ballot, changes would have to go to the voters.

Ordinance No. 3540 – An Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction

Councilmember Kirtland moved to adopt Ordinance No. 3540, Alternative 1E and not to include any other alternatives or include additions on page 10 of the Ordinance. Councilmember Palmer seconded.

Council President Spehar asked for discussion or proposed amendments.

Councilmember Hill felt that more consistency was needed between free standing bars and bars attached to a restaurant. He felt that the Ordinance should read the same as for bingo halls or bowling alleys.

Councilmember Enos-Martinez asked for more clarification on bowling alleys. Would smoking be allowed around the lanes? Councilmember Palmer stated that he understands that as long as an area is physically separated, smoking could be allowed in that area, whether it is behind the lanes or wherever.

Council President Spehar cautioned making provisions for specific establishments as it could create an enforcement issue.

Councilmember Kirtland stated that food is an important part of preventing over imbibing and these businesses do have to consider their insurance costs. He does support the amortization period. It will allow the opportunity for people to figure out how to apply this to their business. It is important to put something in place this community can live with.

Council President Spehar stated there is an expectation that soon there will be a statewide ban on smoking in public places, therefore he is resistant to tweaking the restaurant section of the Ordinance. A county-wide ban would not apply to municipalities, so discussion is important.

Councilmember Enos-Martinez reiterated that this Ordinance would only cover those establishments that are within the city limits.

Councilmember Hill commended the City of Grand Junction for being ahead of its time with the earlier ordinance and appreciates going to non-smoking places and being provided with clean air. Many restaurants are going to non-smoking without the requirement. He agrees with Council President Spehar that there is a movement toward a statewide ban. He feels that this issue should be revisited sooner than every 17 years.

Councilmember Hill moved to amend the motion to adopt Ordinance No. 3540, section 3.a.7.(a) to delete the wording "attached bar" and replace it with the word "area". Councilmember Palmer seconded the motion. The motion failed with a 4 to 2 vote with Councilmembers Kirtland, Butler, Enos-Martinez and Council President Spehar voting NO.

Councilmember Butler moved to amend the motion to adopt Ordinance No. 3540 to prohibit smoking in outdoor seating areas of restaurants. The motion died for lack of a second.

Councilmember Hill moved to amend the motion to adopt Ordinance No. 3540 to add indoor smoking is not prohibited in physically separated areas not limited to bars in

bowling alleys and bingo halls, section 6.a.(viii), and delete the next subsection and make other areas or ordinance consistent. Councilmember Palmer seconded the motion. The motion failed with a 3 to 3 vote with Councilmember's Butler, Enos-Martinez and Council President Spehar voting NO.

Council President Spehar explained the reason for the 55 percent food, originally proposed at 25 percent, which was too low of a number. Councilmember Kirtland agreed they should be allowed to serve food and he supports the 55/45 number.

Councilmember Butler moved to amend the motion to adopt Ordinance No. 3540 to prohibit smoking in stage productions, section 6. a.(v).The motion died for lack of a second.

Councilmember Butler moved to amend the motion to adopt Ordinance No. 3540 to prohibit smoking in bingo halls and all reference. The motion died for lack of a second.

Council President asked for a round of Council comments.

Councilmember Enos-Martinez applauded students for all their work towards bringing this Ordinance to the Council. If she was voting on just her feelings she would leave it up to the owners to decided whether smoking is allowed or not, but as an elected official, overwhelmed by constituents asking for adoption, it is her duty to listen and she will have to support the ordinance. She feels it's not perfect, but it is time to move forward.

Councilmember Hill stated that this is an interesting issue as a new Councilmember. His personal preference is non smoking. From a business perspective, he also holds to that choice.

Councilmember Kirtland echoed kudos to students. The important thing is to try and figure out the balance for the community, no one wants to see jobs leaving the City. He likes this issue being an Ordinance so that Council can make amendments if needed, and keeping the issue from going to the community through a difficult election process.

Councilmember Palmer agrees with a lot of what he has heard. He said it is incumbent upon Council to make a decision, to save taxpayers the cost of an election, and to have quality of life. He does not think it is a perfect ordinance, but supports it.

Councilmember Butler stated that he was elected to serve the public and think of their welfare. He prefers no smoking in any establishment, but this ordinance is better than no ordinance at all.

Councilmember Spehar applauds Councilmember Enos-Martinez with the point that she made. He believes that they have crafted something that is reflective of the community.

They are elected to serve and he feels the process has worked well. He said Council can make some people happy but can't please everyone. He is proud of the community that this has been a very civil discussion.

The motion to adopt Ordinance No. 3540, Alternate 1E and not to include any other alternatives and not include additions on page 10 of the Ordinance was carried 5 to 1 by a roll call vote with Councilmember Hill voting NO.

Councilmember Spehar congratulated the students and apologized for allowing derogatory comments made at the public hearing. He pledged to watch that in the future.

**NON-SCHEDULED CITIZENS & VISITORS**

None.

**OTHER BUSINESS**

None

**ADJOURNMENT**

Councilmember Kirtland moved to adjourn. It was seconded and carried. The meeting adjourned at 10:00 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**  
**Model Records Retention Schedule**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		<b>Model Records Retention Schedule</b>					
<b>Meeting Date</b>		<b>July 16, 2003</b>					
<b>Date Prepared</b>		<b>June 24, 2003</b>				<b>File #</b>	
<b>Author</b>		<b>Stephanie Tuin</b>		<b>City Clerk</b>			
<b>Presenter Name</b>		<b>Stephanie Tuin</b>		<b>City Clerk</b>			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>
							<b>Individual Consideration</b>

**Summary:** By adopting the Model Municipal Records Retention Schedule as endorsed by the Colorado State Archivist, the City Clerk’s Office will have a tool that will enable the City’s records retention and disposition process to work more efficiently and to be able to respond to requests for changes by departments more quickly.

**Budget:** There is no cost for adoption of the Model.

**Action Requested/Recommendation:** Adopt Proposed Resolution Adopting the Model Municipal Records Retention Schedule.

**Attachments:** Resolution

**Background Information:** As custodian for the City’s records, the City Clerk’s office coordinates the retention and destruction of the City’s records. This is done under the rules and guidance of the State Archivist. In 2000, a coalition of municipalities, the

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

*Revised December 16, 2011*

\*\*\* Indicates New Item

® Requires Roll Call Vote



Archivist and a records consultant developed a model schedule for the use of all Colorado municipalities. Since that time 51 municipalities have adopted the model schedule. The Archivist strongly encourages adoption of the Model to the benefit of municipalities since, after adoption, changes can be made locally and in a shorter amount of time. Current processing time for changes to the records schedules can be up to four months through the State. The Model, simply stated, identifies the minimum time frame for retention of public records.

**RESOLUTION NO. \_\_\_\_\_-03**

**A RESOLUTION OF THE CITY OF GRAND JUNCTION ADOPTING THE MODEL MUNICIPAL RECORDS RETENTION SCHEDULE**

**RECITALS.**

1. The City of Grand Junction has in place a records management system that functions under and with the guidance of the Colorado State Archivist all in accordance with Colorado law.
2. The State Archivist has approved the use of a Model Municipal Records Retention Schedule (hereinafter "Model") and encourages its adoption by Colorado municipalities.
3. 51 municipalities in the State of Colorado have adopted the Model as of April, 2003.
4. The use of the Model will save time when making changes to the City's record retention schedules and practices.
5. The State Archivist allows for municipalities to adapt the Model to the needs of individual jurisdictions. The Model will be of benefit to the City and the City Clerk has recommended that it be adopted.

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

The Model Municipal Records Retention Schedule, as may be amended from time to time to meet the administrative requirements of the City of Grand Junction and Colorado State Archivist, is hereby adopted.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

CITY OF GRAND JUNCTION, CO

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin, MMC  
City Clerk

**Attach 3**  
**2003 Persigo Wastewater Treatment Plant Upgrades Study**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		2003 Persigo Wastewater Treatment Plant Upgrades Study					
<b>Meeting Date</b>		July 16, 2003					
<b>Date Prepared</b>		July 8, 2003			<b>File #</b>		
<b>Author</b>		Trent Prall		City Utility Engineer			
<b>Presenter Name</b>		Tim Moore		Public Works Manager			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Approve a cost-not-to-exceed design services contract with Sear-Brown/Black Veatch consulting engineers for the above project in the amount of \$93,785 to study and recommend upgrades to various components at the Persigo Wastewater Treatment Plant.

**Budget:**

The study will be funded through Plant Backbone Improvements Fund 904 where there is \$2,241,812 budgeted in the account of which \$1.657 million is reserved for the grease handling facility should a private developer fail to move forward with his facility. This leaves \$584,812 for this study (\$93,785), finishing the plant water line replacements (\$50,000), and belt filter press rehabilitations (\$50,000). Unused funds in the amount of \$391,027 will be reallocated to next year's budget to start on implementation of the study recommendations.

**Action Requested/Recommendation:**

City Council authorizes the City Manager to execute a design services contract with Sear Brown in the amount of \$93,785.

**Background Information:**

The Persigo Wastewater Treatment Plant is nearing 20 years old. The 12.5 million gallon per day activated sludge treatment plant, although well-maintained, could benefit

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

*Revised December 16, 2011*

\*\*\* Indicates New Item

® Requires Roll Call Vote

from some technological advances in order to meet not only current water quality standards, but also plan for the future.

The study will include the evaluation of the existing process systems and Persigo's possible conversion to a nitrification / denitrification treatment facility. Nitrification/denitfication is being evaluated to determine approach and associated costs toward meeting proposed regulations and effluent limits. In addition the study will include an energy audit, biogas usage, supervisory control and data acquisition (SCADA) evaluation and the conversion from chlorine gas to ultraviolet disinfection as well as how to enhance sludge digestion.

The goal of the study is for not five separate studies, but an overall plan that ties all of the above facets together into a comprehensive plan that recommends where the plant can be optimized to run more effectively and efficiently. The consultant shall work with City staff to develop a prioritized implementation plan based on cost vs. benefit as well as where it would make sense do coordinate certain improvements to maximize the benefit of those improvements. The study will serve as a "master plan" for upgrades to the facilities over the next two to ten years.

Sear Brown's team, which includes Black and Veatch, was selected based on its understanding of the work required, project approach, and best overall qualifications to perform the work.

Sear Brown is currently working on the Combined Sewer Elimination Project and has completed other Persigo plant work in 2001 on the design and construction inspection of the Persigo Final Clarifier and Headworks Improvements.

Sear Brown has estimated an effort of 958 man-hours to complete the study.

**Schedule:**

Work is slated to commence the week of July 7 with a consultant staff workshop at Persigo. Draft recommendations are due the end of August in order for utility staff to budget for some of the improvements. Final recommendations are due September 29, 2003.

**Attach 4**  
**Authorizing the Use of Overhead to Underground Funds**  
**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Resolution Authorizing the use of Overhead to Underground (1%) Funds at Three Locations						
<b>Meeting Date</b>	July 16, 2003						
<b>Date Prepared</b>	July 10, 2003				<b>File #</b>		
<b>Author</b>	Don Newton			Engineering Projects Manager			
<b>Presenter Name</b>	Tim Moore			Public Works Manager			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Requesting a City Council Resolution authorizing Public Service Company of Colorado d/b/a Xcel Energy to spend up to \$436,000 of City of Grand Junction overhead to underground one percent (1%) funds to relocate overhead power lines at the following locations:

- 29 Road between Pinyon Street and Patterson Road
- 25 ½ Road between Independent Avenue and Patterson Road
- Tiara Rado Golf Course adjacent to the 10<sup>th</sup> fairway

**Budget:**

Estimated cost of relocating the power lines underground:

29 Road - Pinyon St. to Patterson Rd.-----	\$180,000
25 ½ Road – West Pinyon Ave. to Patterson Rd.-----	\$156,000
Tiara Rado Golf Course – adjacent to 10 <sup>th</sup> Fairway-----	\$100,000
<b>Total cost-----</b>	<b>\$436,000</b>

Funding:

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

*Revised December 16, 2011*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

Overhead to underground (1%) funds available including	
3 years of future allocations @ \$262,645 per year-----	\$620,139
29 Road Phase III project budget for ½ of undergrounding cost	
(City and County share)-----	\$90,000
<b>Total funds available-----</b>	<b>\$710,139</b>
<b>City (1%) funds remaining, 2004 year end fund balance-----</b>	<b>\$274,139</b>

**Action Requested/Recommendation:** City Council resolution authorizing Public Service Company of Colorado d/b/a Xcel Energy to use of City of Grand Junction Overhead to Underground one percent (1%) funds to relocate power lines from overhead to underground at three locations described above.

**Background Information:** The proposed power line relocation work will be performed by Xcel Energy Company. On 29 Road and 25 ½ Road, additional conduits will be installed in the utility trench for future use by the City. The schedules for the underground installations are as follows:

- 29 Road - Pinyon St. to Patterson Rd.-----January - April, 2004
- 25 ½ Road – West Pinyon Ave. to Patterson Rd.-----January - April, 2004
- Tiara Rado Golf Course – adjacent to 10<sup>th</sup> Fairway-----September – December, 2003

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY TO USE THE CITY OF GRAND JUNCTION OVERHEAD TO UNDERGROUND ONE PERCENT (1%) FUNDS FOR RELOCATION OF OVERHEAD POWER FACILITIES AT TIARA RADO GOLF COURSE AND AS PART OF STREET IMPROVEMENT PROJECTS ON 25 ½ ROAD AND 29 ROAD AS ESTABLISHED IN THE ORDINANCE GRANTING A FRANCHISE SIGNED NOVEMBER 4, 1992**

WHEREAS, the City of Grand Junction is planning relocate overhead power facilities adjacent to Fairway Number 10 at Tiara Rado Golf Course; on 25 ½ Road between Independent Avenue and Patterson Road; and on 29 Road between Pinyon Street and Patterson Road; and

WHEREAS, the City Council believes the relocation of these existing power lines from overhead to underground is necessary for the overall upgrade of City infrastructure; and

WHEREAS, the existing overhead power facilities are located in the City Limits with the exception of 29 Road where approximately 65 percent of the overhead facilities are within the City limits, and

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

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

That the use of overhead to underground one percent (1%) funds at Tiara Rado Golf Course; on 25 ½ Road between Independent Avenue and Patterson Road; and on 29 Road between Pinyon street and Patterson Road is hereby approved for such amounts as the City Manager may designate.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council



**Attach 5**

**Monument Presbyterian Church Annexation**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Setting a hearing for the Monument Presbyterian Church annexation located at 2020 1/2 South Broadway					
<b>Meeting Date</b>	July 16, 2003					
<b>Date Prepared</b>	July 1, 2003			File #ANX-2003-113		
<b>Author</b>	Ronnie Edwards		Associate Planner			
<b>Presenter Name</b>	Ronnie Edwards		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.1711 acre Monument Presbyterian Church annexation consists of one parcel and South Broadway right-of-way. It is a serial annexation located at 2020 1/2 South Broadway and is in conjunction with a proposed two phase development of a new church facility.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Monument Presbyterian Church Annexation petition and introduce the proposed Monument Presbyterian Church Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for August 20, 2003.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2020 1/2 South Broadway		
<b>Applicants:</b>		Monument Presbyterian Church		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Church Facility		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Single Family		
	<b>South</b>	Residential Single Family		
	<b>East</b>	Residential Single Family		
	<b>West</b>	Residential Single Family		
<b>Existing Zoning:</b>		County RSF-2		
<b>Proposed Zoning:</b>		City RSF-R		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-2		
	<b>South</b>	County RSF-2/PUD (Cimarron Court Subdivision)		
	<b>East</b>	County RSF-2/PUD (Saddleridge Subdivision)		
	<b>West</b>	RSF-2		
<b>Growth Plan Designation:</b>		Rural (5 – 35 ac/du)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 9.1711 acres of land and is comprised of one parcel and includes a portion of South Broadway right-of-way. The property owners have requested annexation into the City in conjunction with the development of their property to construct a new church facility. Under the 1998 Persigo Agreement all development requires annexation and processing in the City.

It is staff's 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 Monument Presbyterian Church 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.

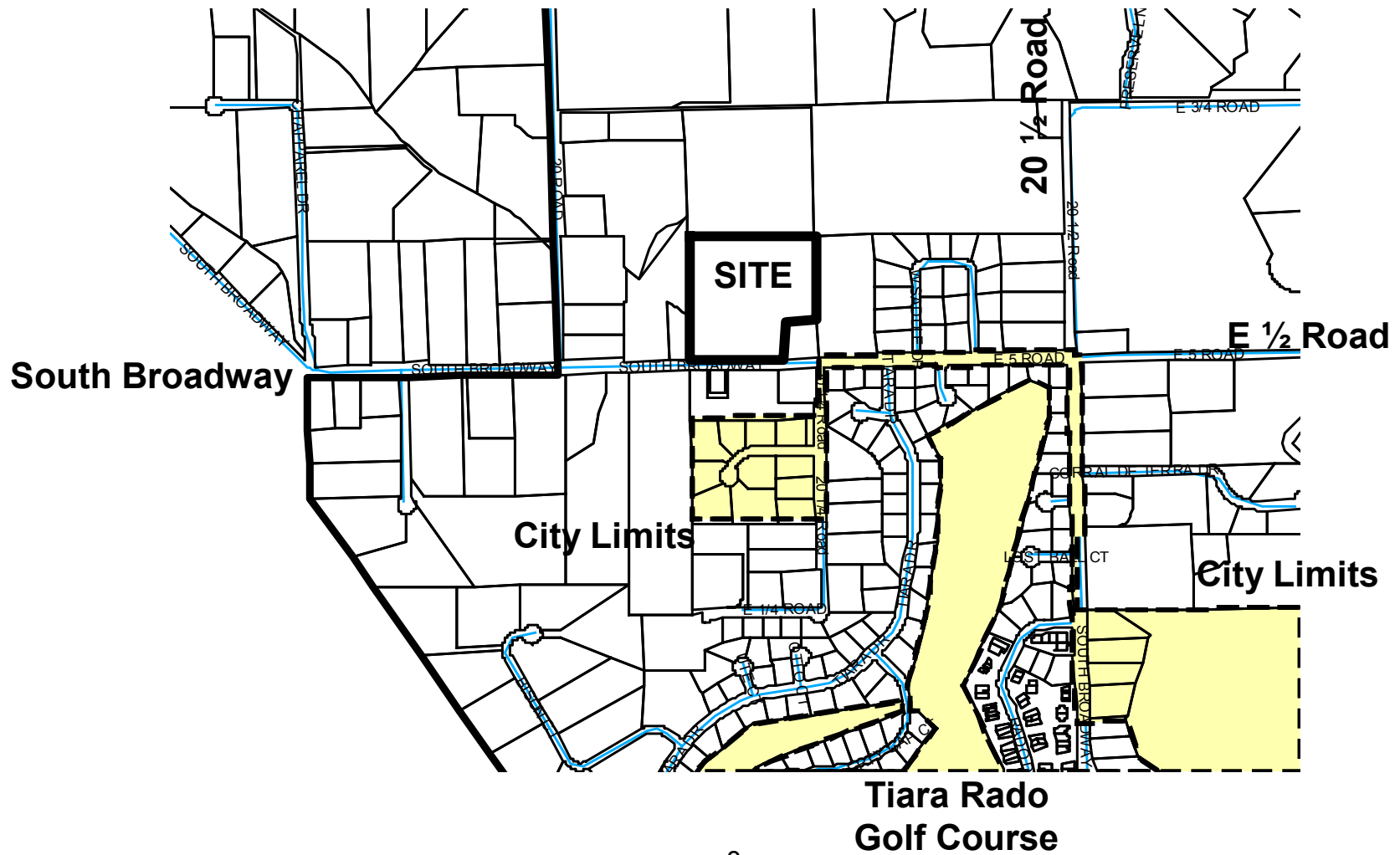
The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
July 16, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
July 22, 2003	Planning Commission considers Zone of Annexation
August 6, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council
August 20, 2003	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 21, 2003	Effective date of Annexation and Zoning

<b>MONUMENT PRESBYTERIAN CHURCH ANNEXATION SUMMARY</b>		
<b>File Number:</b>	ANX-2003-113	
<b>Location:</b>	2020 1/2 South Broadway	
<b>Tax ID Number:</b>	2947-222-00-207	
<b>Parcels:</b>	one	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	N/A	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	9.1711 acres for annexation area	
<b>Developable Acres Remaining:</b>	8.871 acres	
<b>Right-of-way in Annexation:</b>	20' strip for 660' of South Broadway (See Map)	
<b>Previous County Zoning:</b>	RSF-2	
<b>Proposed City Zoning:</b>	RSF-R	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Church facility	
<b>Values:</b>	<b>Assessed:</b>	\$ 41,400
	<b>Actual:</b>	\$142,750
<b>Address Ranges:</b>	2012 to 2022 South Broadway (even only)	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water District
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/ Drainage:</b>	Redlands Water & Power
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A

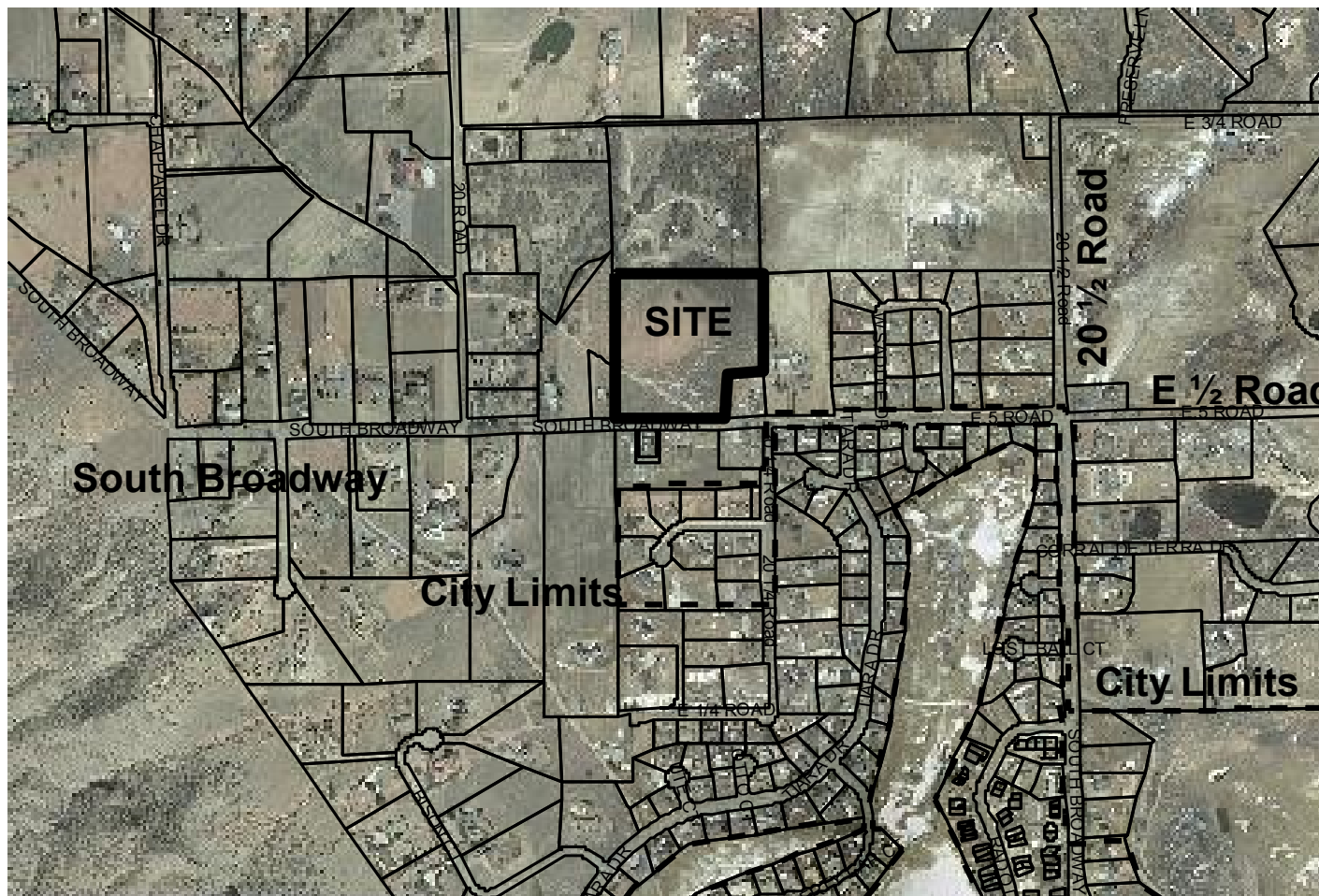
# Site Location Map

Figure 1



# Aerial Photo Map

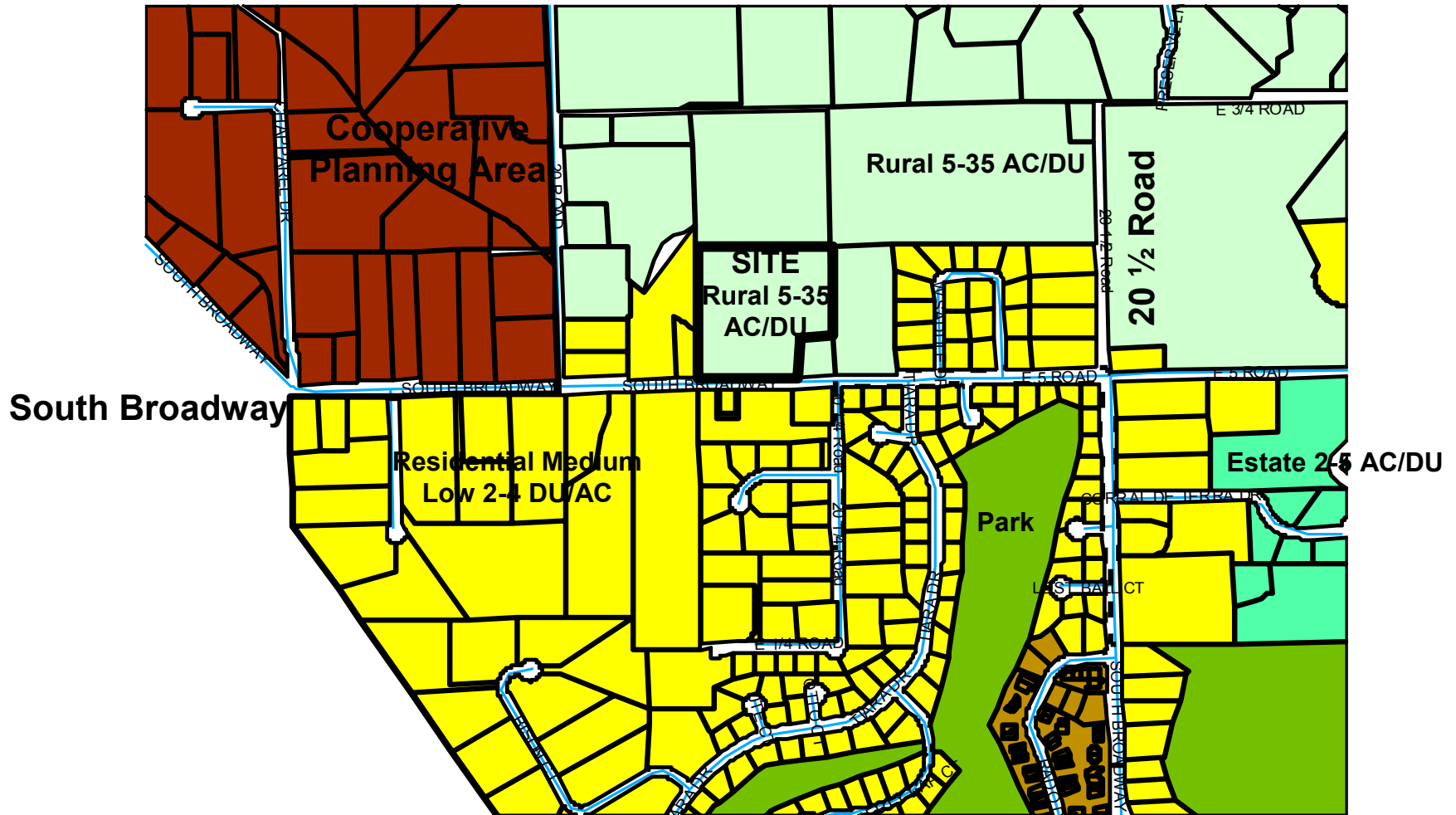
Figure 2



Tiara Rado  
Golf Course

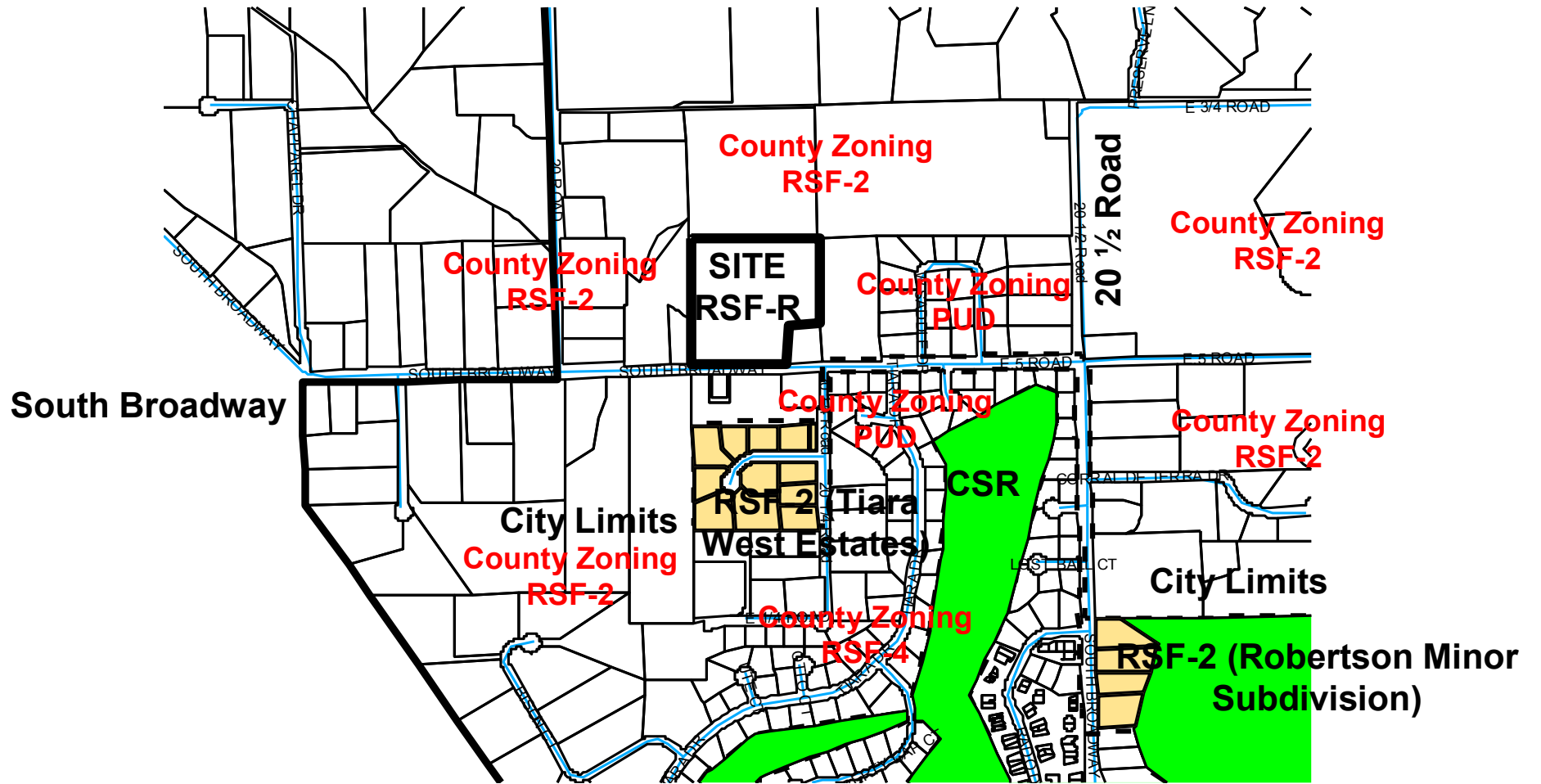
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4

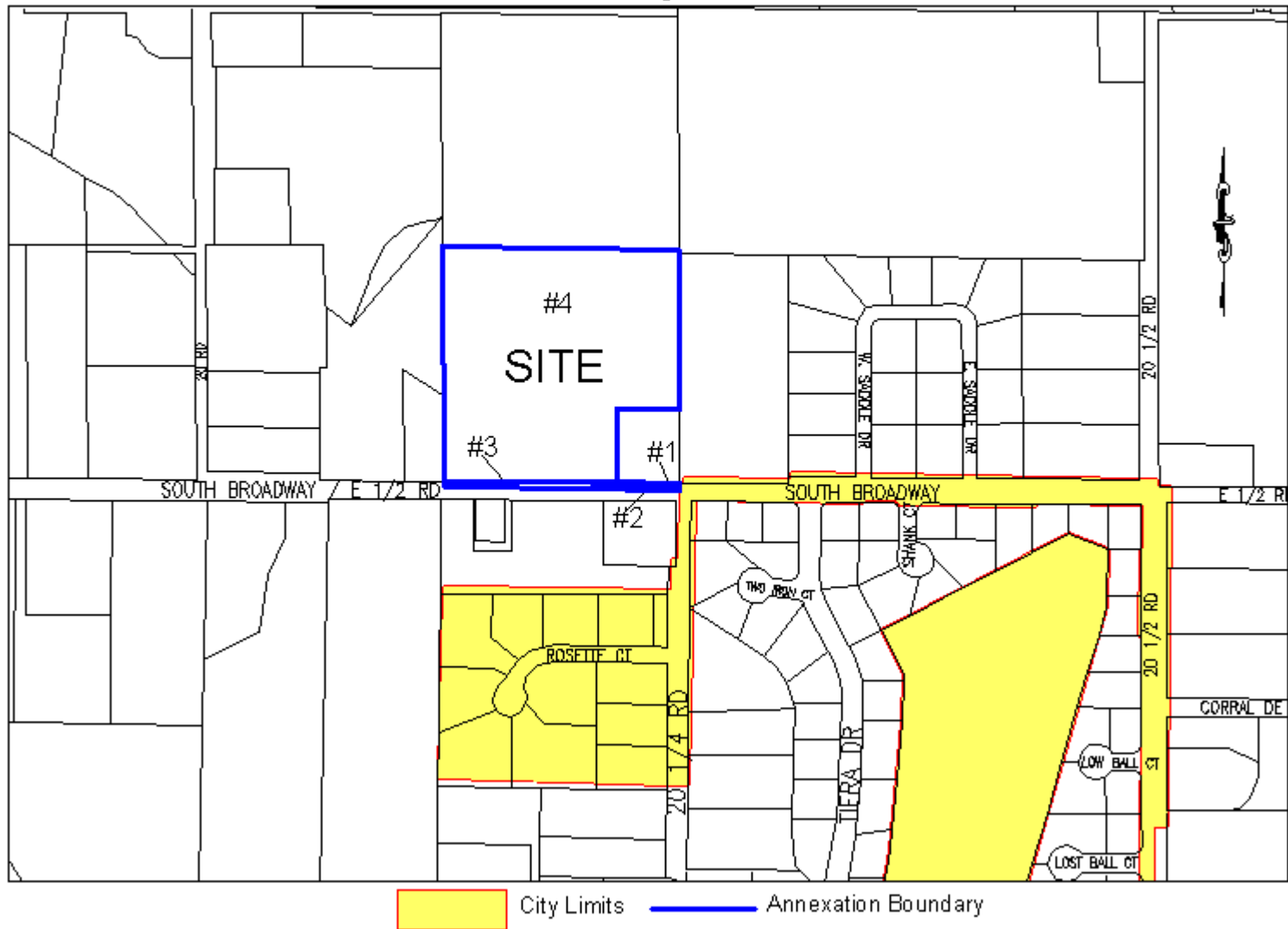


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



### Monument Presbyterian Church Annexations #1-4

Figure 5



**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16th of July, 2003, the following Resolution was adopted:

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

*Revised December 16, 2011*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION**

**A SERIAL ANNEXATION COMPRISING MONUMENT PRESBYTERIAN  
CHURCH ANNEXATION NO. 1, MONUMENT PRESBYTERIAN CHURCH  
ANNEXATION NO. 2, MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3  
AND  
MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4**

**LOCATED at 2020 1/2 SOUTH BROADWAY AND INCLUDING  
A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

WHEREAS, on the 16th day of July, 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:

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION**

**Monument Presbyterian Church Annexation No. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°50'40"W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet; thence N 00°09'20" W a distance of 5.00 feet; thence N 89°50'40" E along a line 5.00 feet North of and parallel to, the South

line of the SW 1/4 NW 1/4 of said Section 22, a distance of 64.80 feet; thence N 00°56'37" W along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37" E, along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 20.02 feet, more or less, to the Point of Beginning.

Containing 0.0097 Acres (424.37 Sq. Ft.), more or less, as described.

#### Monument Presbyterian Church Annexation No. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet to the Point of beginning; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 169.00 feet; thence N 00°09'20" W a distance of 10.00 feet; thence N 89°50'40" E along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence N 00°56'37" W along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet; thence S 00°56'37" E along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet; thence S 89°50'40" W a distance of 64.83 feet; thence S 00°09'20" E a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.0474 Acres (2,064.02 Sq. Ft.), more or less, as described.

Monument Presbyterian Church Annexation No. 3

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 238.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 414.49 feet; thence N 01°04'31" W a distance of 20.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 643.42 feet; thence S 00°56'37" E along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet; thence S 89°50'40" W along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence S 00°09'20" W a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.243 Acres (10,589.50 Sq. Ft.), more or less, as described.

Monument Presbyterian Church Annexation No. 4

A certain parcel of land being a portion of Lot 3, Block 134, Cunningham Redlands Subdivision, as same is recorded in Plat Book 4, Page 19, Public Records of Mesa County, Colorado, and a portion of that certain vacated road right of way as recorded in Book 1163, Page 20, Public Records of Mesa County, Colorado and lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence N 00°56'37" W along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 226.19 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°24'09" W a distance of 174.86 feet; thence S 00°51'29" E a distance of 204.82 feet, more or less, to a point on the North right of way for E 1/2 Road; thence S 89°50'41" W, along said North right of way, a distance of 478.25 feet; thence N 01°04'31" W a distance of 645.78 feet; thence N 89°50'55" E a distance of 654.94 feet, more or less, to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37' E, along said East line, a distance of 439.54 feet, more or less, to the Point of Beginning.

Containing 8.871 Acres (386,423.46 Sq. Ft.), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 20th day of August, 2003, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation

proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 16th day of July, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

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

---

City Clerk

<i>DATES PUBLISHED</i>
<b>July 18, 2003</b>
<b>July 25, 2003</b>
<b>August 1, 2003</b>
<b>August 8, 2003</b>



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 1**

**APPROXIMATELY 0.0097 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 1**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°50'40"W along the

South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet; thence N 00°09'20" W a distance of 5.00 feet; thence N 89°50'40" E along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 64.80 feet; thence N 00°56'37" W along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37" E, along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 20.02 feet, more or less, to the Point of Beginning.

Containing 0.0097 Acres (424.37 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 16th day of July, 2003 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO.2**

**APPROXIMATELY 0.0474 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:

MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S

89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 69.90 feet to the Point of beginning; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 169.00 feet; thence N 00°09'20" W a distance of 10.00 feet; thence N 89°50'40" E along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence N 00°56'37" W along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 5.00 feet; thence S 00°56'37" E along a line 5.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 15.02 feet; thence S 89°50'40" W a distance of 64.83 feet; thence S 00°09'20" E a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.0474 Acres (2,064.02 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 16th day of July, 2003 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3**

**APPROXIMATELY 0.243 ACRES**

**A PORTION OF SOUTH BROADWAY RIGHT-OF-WAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 3**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S

89°50'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 238.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°50'40" W along the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 414.49 feet; thence N 01°04'31" W a distance of 20.02 feet to a point on the North right of way for E 1/2 Road; thence N 89°50'40" E along said North right of way, a distance of 643.42 feet; thence S 00°56'37" E along a line 10.00 feet West of and parallel to, the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 10.02 feet; thence S 89°50'40" W along a line 10.00 feet North of and parallel to, the South line of the SW 1/4 NW 1/4 of said Section 22, a distance of 228.76 feet; thence S 00°09'20" W a distance of 5.00 feet, more or less, to the Point of Beginning.

Containing 0.243 Acres (10,589.50 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 16<sup>th</sup> day of July, 2003 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4**

**APPROXIMATELY 8.871 ACRES**

**LOCATED AT 2020 1/2 SOUTH BROADWAY**

**WHEREAS**, on the 16th day of July, 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 20th day of August, 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:

MONUMENT PRESBYTERIAN CHURCH ANNEXATION NO. 4

A certain parcel of land being a portion of Lot 3, Block 134, Cunningham Redlands Subdivision, as same is recorded in Plat Book 4, Page 19, Public Records of Mesa County, Colorado, and a portion of that certain vacated road right of way as recorded in Book 1163, Page 20, Public Records of Mesa County, Colorado and lying in the Northwest Quarter (NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, and assuming the South line of the SW 1/4 NW 1/4 of said Section 22 bears S 89°50'40" W with all other bearings contained herein being relative thereto; thence N 00°56'37" W along the East line of the SW 1/4 NW 1/4 of said Section 22, a distance of 226.19 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°24'09" W a distance of 174.86 feet; thence S 00°51'29" E a distance of 204.82 feet, more or less, to a point on the North right of way for E 1/2 Road; thence S 89°50'41" W, along said North right of way, a distance of 478.25 feet; thence N 01°04'31" W a distance of 645.78 feet; thence N 89°50'55" E a distance of 654.94 feet, more or less, to a point on the East line of the SW 1/4 NW 1/4 of said Section 22; thence S 00°56'37" E, along said East line, a distance of 439.54 feet, more or less, to the Point of Beginning.

Containing 8.871 Acres (386,423.46 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 16th day of July, 2003 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**Attach 6  
Vacation of an Alley Right-of-Way at 202 N. 7<sup>th</sup> Street**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a Hearing for the Vacation of a 15' north/south alley right-of-way located northeast of the intersection of N. 7 <sup>th</sup> Street and Rood Avenue – 202 N. 7 <sup>th</sup> Street						
<b>Meeting Date</b>	July 16, 2003						
<b>Date Prepared</b>	July 9, 2003				<b>File #VR-2003-098</b>		
<b>Author</b>	Scott D. Peterson			<b>Associate Planner</b>			
<b>Presenter Name</b>	Scott D. Peterson			<b>Associate Planner</b>			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The petitioners, 4SC Partnership, wish to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue in anticipation of future commercial development. The only utilities that are located in the alley right-of-way are a sanitary sewer line and gas line. The existing seven (7) lots owned by the petitioners will be consolidated into one (1) 0.51 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation with the existing 15' alley right-of-way being converted to a 15' Utility & Drainage Easement. The Planning Commission recommended approval at its July 8<sup>th</sup>, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** First reading of the ordinance and set hearing for August 6<sup>th</sup>, 2003.

**Attachments:**

1. Background Information/Staff Analysis
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City Zoning Map
6. Ordinance & Exhibit A

BACKGROUND INFORMATION					
<b>Location:</b>		202 N. 7 <sup>th</sup> Street			
<b>Applicant:</b>		4SC Partnership, Owner			
<b>Existing Land Use:</b>		Vacant lots			
<b>Proposed Land Use:</b>		Future commercial development			
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial office			
	<b>South</b>	Commercial office			
	<b>East</b>	Vacant lot			
	<b>West</b>	Commercial office			
<b>Existing Zoning:</b>		B-2, Downtown Business			
<b>Proposed Zoning:</b>		N/A			
<b>Surrounding Zoning:</b>	<b>North</b>	B-2, Downtown Business			
	<b>South</b>	B-2, Downtown Business			
	<b>East</b>	B-2, Downtown Business			
	<b>West</b>	B-2, Downtown Business			
<b>Growth Plan Designation:</b>		Commercial			
<b>Zoning within density range?</b>		N/A	Yes	<input type="checkbox"/>	No

**Staff Analysis:**

The petitioners, 4SC Partnership, wish to vacate the existing 15' north/south alley right-of-way that presently divides their property located at 202 N. 7<sup>th</sup> Street. The alley has never been fully constructed but does contain a concrete drainage swale. Upon the approval of the requested vacation by the City, a 15' Utility & Drainage Easement will be dedicated for the sanitary sewer line and gas line and a Simple Subdivision Plat filed that will combine all seven (7) lots that the petitioners own into one (1) 0.51 acre lot in anticipation of future commercial development.

**Consistency with the Growth Plan:**

The site is currently zoned B-2, Downtown Business with the Growth Plan Future Land Use Map showing this area as Commercial.

**Section 2.11 C. of the Zoning and Development Code:**

Requests to vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.

Granting the request to vacate the existing 15' alley right-of-way does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

- b. No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of this alley vacation.

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

Access will not be restricted.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

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

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the 15' alley right-of-way will be converted to a 15' Utility & Drainage Easement for the benefit of the existing sanitary sewer line and gas line. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as a new 15' Utility & Drainage Easement will be dedicated through a Simple Subdivision Plat.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the alley vacation application located at 202 N. 7<sup>th</sup> Street, VR-2003-098 for the vacation of a 15' alley right-of-way, the Planning Commission at their July 8<sup>th</sup>, 2003 meeting made the following findings of fact and conclusions:

1. The requested 15' alley right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. Approval of the alley vacation request is contingent upon the approval and filing of the Simple Subdivision Plat and the dedication of the 15' Utility & Drainage Easement for the benefit of the existing sanitary sewer line and gas line.

**Action Requested/Recommendation:** Recommend First Reading of the Ordinance for the vacation of a 15' alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue – 202 N. 7<sup>th</sup> Street, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

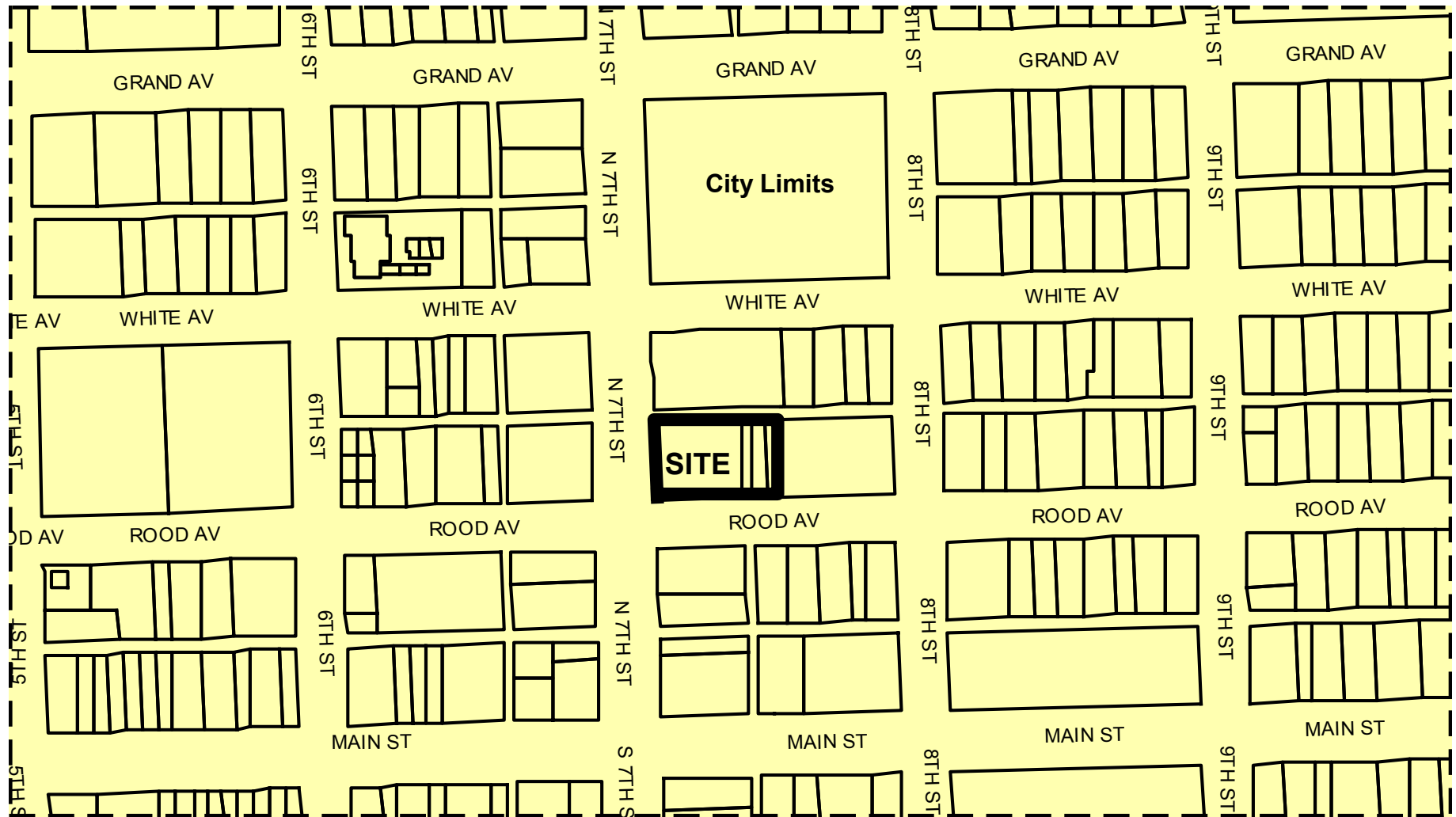
**Attachments:**

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Ordinance & Exhibit A



# Site Location Map – Alley Vacation

Figure 1



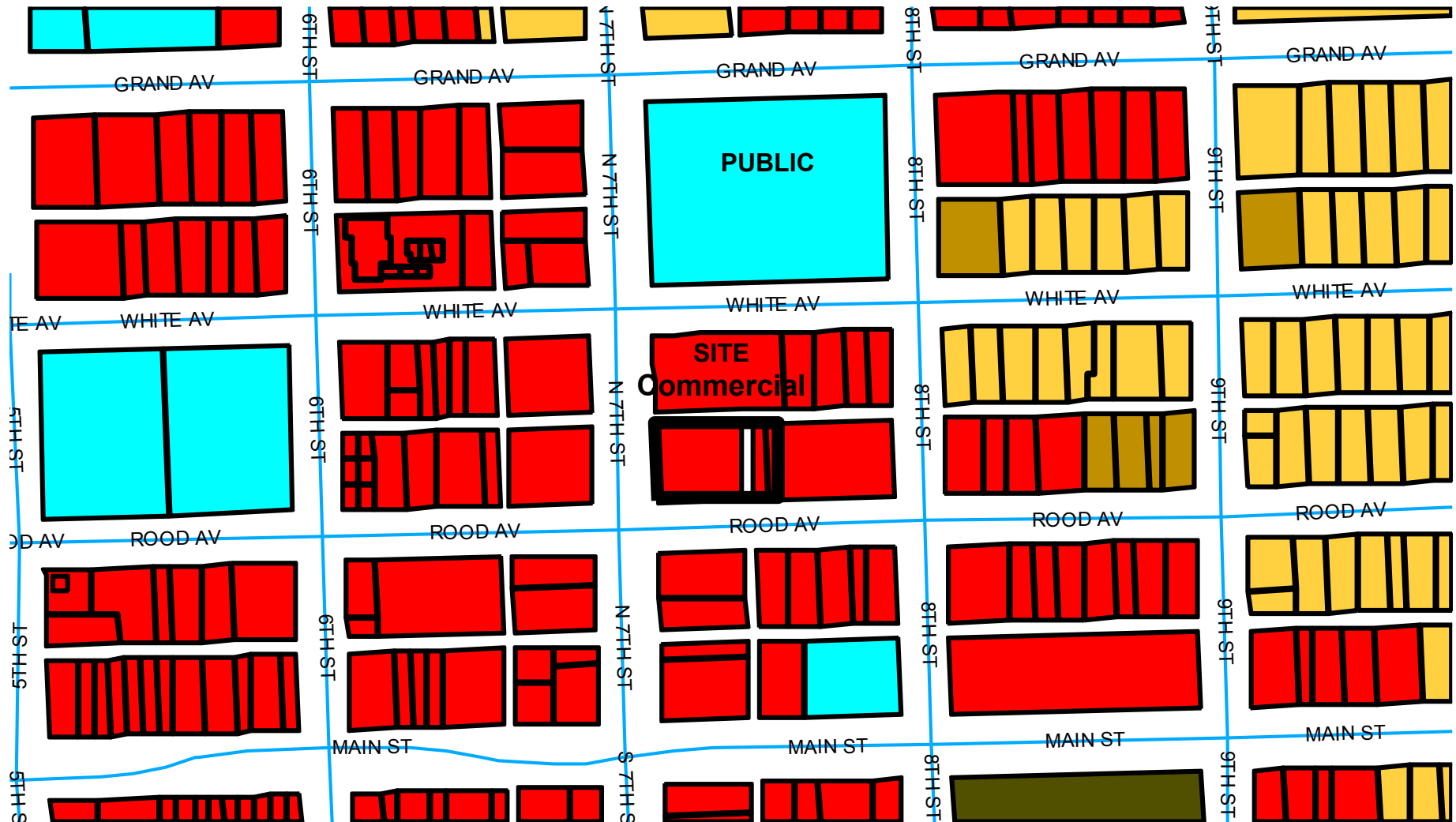
# Aerial Photo Map – Alley Vacation

Figure 2



# Future Land Use Map – Alley Vacation

Figure 3

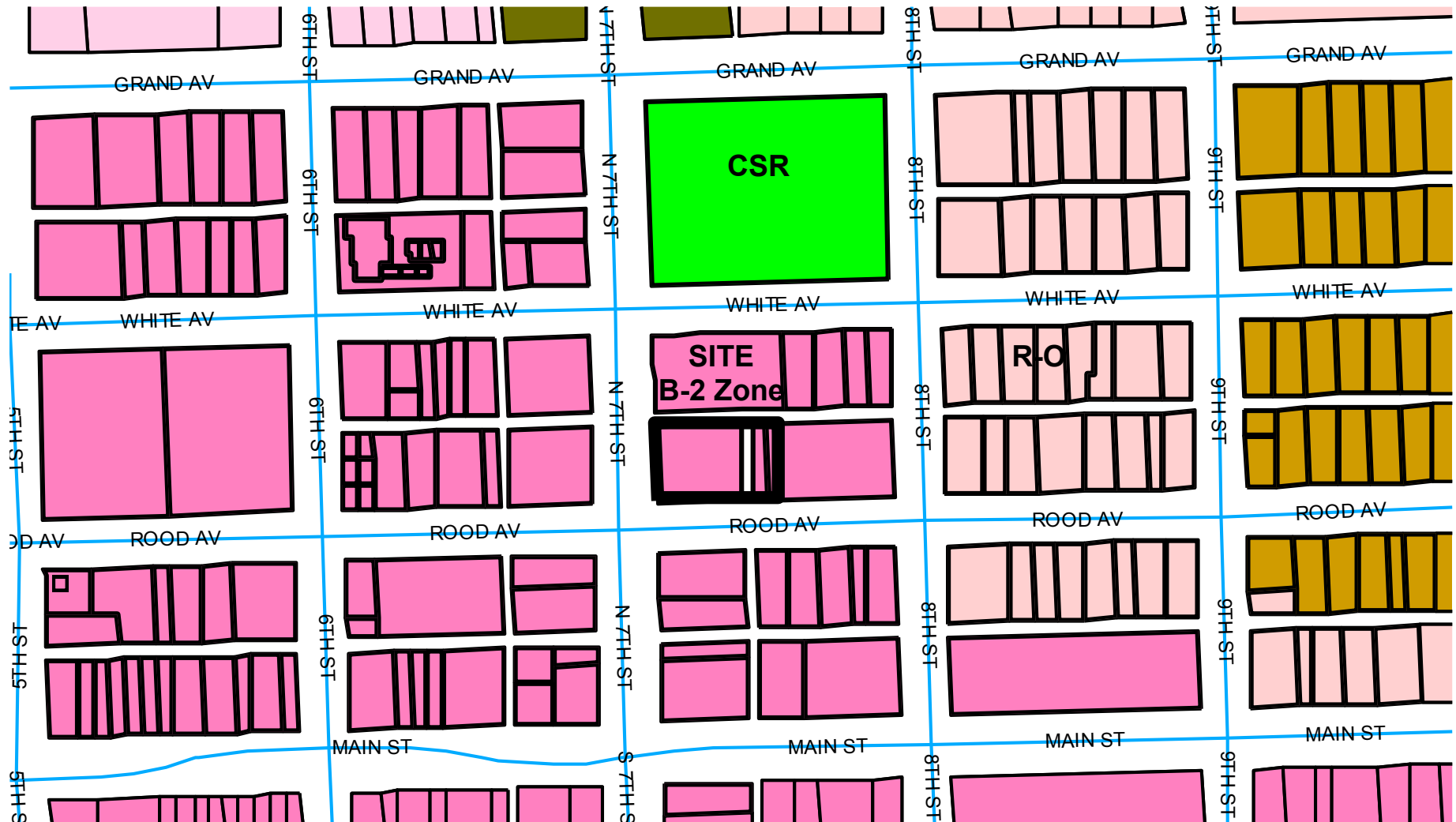






# Existing City Zoning – Alley Vacation

Figure 4



**CITY OF GRAND JUNCTION**

**Ordinance No. \_\_\_\_\_**

AN ORDINANCE VACATING A 15' WIDE ALLEY RIGHT-OF-WAY LOCATED  
NORTHEAST OF THE INTERSECTION OF NORTH 7<sup>th</sup> STREET AND  
ROOD AVENUE  
KNOWN AS: 202 N. 7<sup>th</sup> STREET

RECITALS:

In conjunction with the filing of a Simple Subdivision Plat and in anticipation of future commercial development, the applicant proposes to vacate a 15' wide alley right-of-way which will be converted to a 15' Utility & Drainage Easement.

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

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

1. The following described 15' alley right-of-way is hereby conditionally vacated:

Beginning at the NE corner of Lot 5 in Block 93 of the City of Grand Junction, as recorded in Plat Book 2865, Page 415, and whose North line is assumed to bear N89°58'13"E and all bearings contained herein to be relative thereto; thence N 89°58'13" 15.00 feet to the NW corner of Lot 28 in said Block 93; thence along the West line of said Lot 28, S 00°04'16"E 124.61 feet to the SW corner of said Lot 28 and the North right of way of Rood Avenue; thence along said North right of way N 89°57'52" W 15.00 feet to the SE corner of Lot 1 in said Block 93; thence leaving said North right of way N 00°04'16"W 124.59 feet to the point of beginning, Mesa County, Colorado. See attached Exhibit "A."

This 15' alley right-of-way vacation is conditioned and contingent upon the approval and filing of the Simple Subdivision Plat and the dedication of the 15' Utility & Drainage Easement for the benefit of the existing sanitary sewer line and gas line.

INTRODUCED on first reading on the 16<sup>th</sup> day of July, 2003 and ordered published

ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2003.

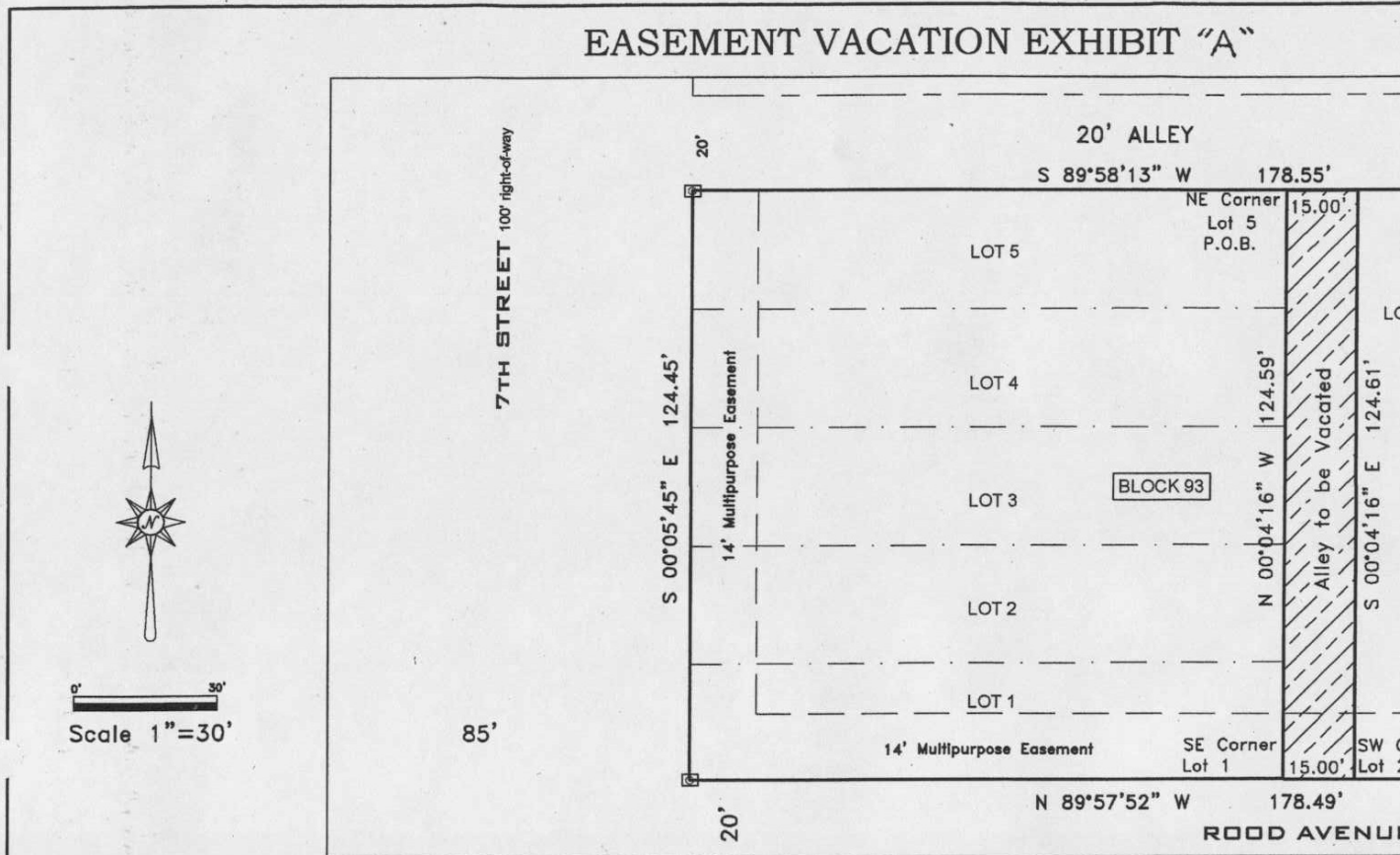
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council



## EASEMENT VACATION EXHIBIT "A"



### EASEMENT VACATION DESCRIPTION:

Beginning at the NE corner of Lot 5 in Block 93 of the City of Grand Junction and whose North line is assumed to bear N89°58'13"E and all bearings contained herein to be relative thereto; thence N 89°58'13" E 15.00 feet to the NW corner of Lot 28 in said Block 93; thence along the West line of said Lot 28, S 00°04'16"E 124.61 feet to the SW corner of said Lot 28 and the North right of way of Rood Avenue; thence along said North right of way N 89°57'52" W 15.00 feet to the SE corner of Lot 1 in said Block 93; thence leaving said North right of way N 00°04'16"W 124.59 feet to the point of beginning, Mesa County, Colorado.

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

Revised December 16, 2011

\*\*\* Indicates New Item

® Requires Roll Call Vote

**Attach 7**

**Zoning the Westgate Free Will Baptist Church Annexation  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Westgate Free Will Baptist Church Annexation					
<b>Meeting Date</b>	July 16, 2003					
<b>Date Prepared</b>	July 10, 2003				File #ANX-2003-114	
<b>Author</b>	Lori V. Bowers			Senior Planner		
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The request for CSR (Community Services and Recreation) Zoning allows public and private recreational facilities, school, fire stations, libraries, fairgrounds and other public/institutional uses and facilities. This property is the proposed location for Fire Station #5.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 9. Staff report/Background information
- 10. Minutes from the Planning Commission meeting
- 11. General Location Map
- 12. Aerial Photo
- 13. Growth Plan Map
- 14. Zoning Map
- 15. Annexation map
- 16. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		2155 Broadway	
<b>Applicant:</b>		Westgate Free Will Baptist Church, Bobby C. Lewis Jr., representative	
<b>Existing Land Use:</b>		Church	
<b>Proposed Land Use:</b>		Fire Station # 5	
<b>Surrounding Land Use:</b>	<b>North</b>	Shopping Center & single family residential	
	<b>South</b>	Single family residential	
	<b>East</b>	Single family residential	
	<b>West</b>	Single family residential	
<b>Existing Zoning:</b>		RSF-4 (Mesa County)	
<b>Proposed Zoning:</b>		RSF-2; RSF-4 or CSR	
<b>Surrounding Zoning:</b>	North	Commercial and PD residential (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	RSF-4 (Mesa County)	
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre	
<b>Zoning within density range?</b>		X	Yes
			No

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the CSR zoning district is consistent with the Growth Plan density of Residential Medium Low, by allowing single family detached homes. 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. The purpose of the CSR (Community Services and Recreation) zoning district is to provide public and private recreational facilities, school, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities.

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. Therefore, this criteria is not applicable.

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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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

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;

Response: 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: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**STAFF RECOMMENDATION**

Staff recommends approval of the CSR zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** At their regularly scheduled meeting of July 8, 2003, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the CSR district to be consistent with the Growth Plan; the existing County Zoning; and Sections 2.6 and 2.14 of the Zoning and Development Code.

**GRAND JUNCTION PLANNING COMMISSION (unapproved)  
JULY 8, 2003 MINUTES  
7 p.m. to 7:35 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, John Evans, John Redifer, Richard Blosser, William Putnam and Bill Pitts.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Ronnie Edwards (Assoc. Planner), Scott Peterson (Assoc. Planner) and Lisa Cox (Sr. Planner).

Also present was John Shaver (Asst. City Attorney).

Terri Troutner was present to record the minutes.

There were approximately 8 interested citizens present during the course of the hearing.

\*\*\*\*\*

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the June 10, 2003 public hearing.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the minutes as presented.

Commissioner Evans seconded the motion.

A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

## II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

## III. CONSENT AGENDA

Pulled from the agenda were items ANX-2003-116 (Zone of Annexation--Carville Annexation) and PFP-2003-092 (Preliminary/Final Plan--Grand Mesa Center, Revised Plan).

Offered for placement on the Consent Agenda were items PLN-2003-129 (Grand Valley Circulation Plan--Reclassifying B 3/4 Road), CUP-2003-049 (Conditional Use Permit--Broken Spoke Co-Location), CUP-2003-046 (Conditional Use Permit--Verizon Co-Locate on Commercial Drive), VR-2003-098 (Vacation of Right-of-Way, Alley Vacation at 7th Street and Rood Avenue), and ANX-2003-114 (Zone of Annexation--Westgate Free Will Baptist Church). At citizen request, item ANX-2003-114 was pulled from Consent and placed on the Full Hearing Agenda.

MOTION: (Commissioner Blosser) "Mr. Chairman, I make the motion that we approve the Consent Agenda as modified."

Commissioner Pitts seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

## IV. FULL HEARING

### ANX-2003-114 ZONE OF ANNEXATION--WESTGATE FREE WILL BAPTIST CHURCH

A request to establish a zoning of RSF-2 (Residential Single-Family, 2 units/acre) or appropriate zone district on 4.537 acres.

Petitioner: Westgate Free Will Baptist Church  
Location: 2155 Broadway

### STAFF'S PRESENTATION

Pat Cecil briefly overviewed the request. The City had purchased the property from Westgate Free Will Baptist Church and intended to construct a fire station on it for service to the Redlands. While either an RSF-2 or RSF-4 zone would be compatible with surrounding zonings, the fire station would be publicly owned. As such, staff recommended application of a CSR zone district,

which distinguished publicly-owned property (e.g., parks, schools, etc.). The CSR zone district would comply with both Code requirements and Growth Plan recommendations. Mr. Cecil offered a Powerpoint presentation containing the following slides: 1) site location map; 2) aerial photo of the site; 3) Future Land Use Map; and 4) Existing City and County Zoning Map.

### QUESTIONS

Commissioner Cole asked if there were any benefits to the CSR zone that were not available with residential zones. Mr. Cecil said that while all three were compatible, residential zones would require a Conditional Use Permit for the fire station. Application of the CSR zone district on the subject property was consistent with other City-owned properties. Bob Blanchard elaborated that even in public zones, if the building exceeded 80,000 square feet, a Conditional Use Permit would still be required.

Commissioner Cole asked if churches were allowed in CSR zones, to which Mr. Cecil replied affirmatively. He noted that the church intended to move from the site.

Chairman Dibble asked if the fire station would be the only structure on the site, to which Mr. Cecil responded affirmatively.

Mr. Cecil reiterated that the only issue before the Planning Commission was the zone of annexation. The site plan for the fire station was not completed and not under current review.

### PETITIONER'S PRESENTATION

The petitioner was absent and offered no testimony on behalf of the request.

### PUBLIC COMMENTS

#### FOR:

There were no comments for the request.

#### AGAINST:

Greg Dillon (575 Meadowlark Lane, Grand Junction) expressed disillusion with the City and its processes. The current request, he said, would impact him and his property greatly, and he felt that City representatives had already made up their minds to approve the request regardless of public input. He hoped that there would be a process in place by which his concerns could be heard and addressed prior to final approval of any site plan.

### QUESTIONS

Chairman Dibble asked for confirmation that the only item before the Planning Commission was the zone of annexation, which was given. Mr. Cecil explained that if a CSR zone were applied to the property, comments received from citizens who had attended neighborhood meetings would be incorporated into the site plan's design. Notification would be made to those folks when a plan was ready for submission, which would give them an opportunity for review. He noted that final approval would be administrative; however, citizens retained the right to appeal the administrative decision if not satisfied. Any appeal would then come before the Planning Commission for its review and consideration.

Chairman Dibble asked if a site plan currently existed for the fire station, to which Mr. Cecil replied affirmatively. He reiterated that public comments and concerns would be considered prior to submission of the plan for administrative review.

Commissioner Redifer asked if the appeal process would still be available to residents if a residential zone district were applied to the property. Mr. Cecil replied affirmatively, adding that the application of a zone district by the Planning Commission was a recommendation only; City Council retained final approval authority.

Commissioner Cole asked if neighbor concerns would be incorporated prior to submission of a site plan or only after a plan was completed by staff. Mr. Cecil said that the plan would be flexible. Comments and concerns received thusfar would be addressed and factored into the initial plan; however, citizens could also submit their comments and concerns through each phase of the review process. Thus, the site plan could conceivably undergo revision. When asked if there were any costs to residents wanting to file an appeal, Mr. Cecil replied negatively.

### DISCUSSION

Commissioner Blosser agreed with staff that a CSR zone made more sense than the residential zone options. He hoped that citizens would actively participate in the City's processes and know that their concerns would be heard and addressed.

Commissioners Cole, Evans and Pitts concurred that the CSR zone was the most appropriate designation for the property.

Chairman Dibble remarked that a fire station was long overdue for the Redlands and would provide that area with a much needed public asset. He agreed that the CSR zone district was the most appropriate option.

Commissioner Redifer said that while application of a residential zone would elicit additional review by the Planning Commission, he trusted that staff would incorporate comments received from citizens into the site's design. Citizens could always appeal the administrative decision if they felt their concerns hadn't been addressed.

MOTION: (Commissioner Cole) "Mr. Chairman, on item ANX-2003-114, I move that the Planning Commission recommend to the City Council the zoning designation of CSR (Community Services and Recreation) for the Zone of Annexation of the Westgate Free Will Baptist Church Annexation, located at 2155 Broadway, finding that the project is consistent with the Growth Plan, the Persigo Agreement, and section 2.6 of the Zoning and Development Code."

Commissioner Pitts seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

Mr. Blanchard said that since the City Council didn't send out notification cards apprising residents of its meetings, he advised Mr. Dillon to contact staff for additional information should he want to make a statement at that public hearing as well.

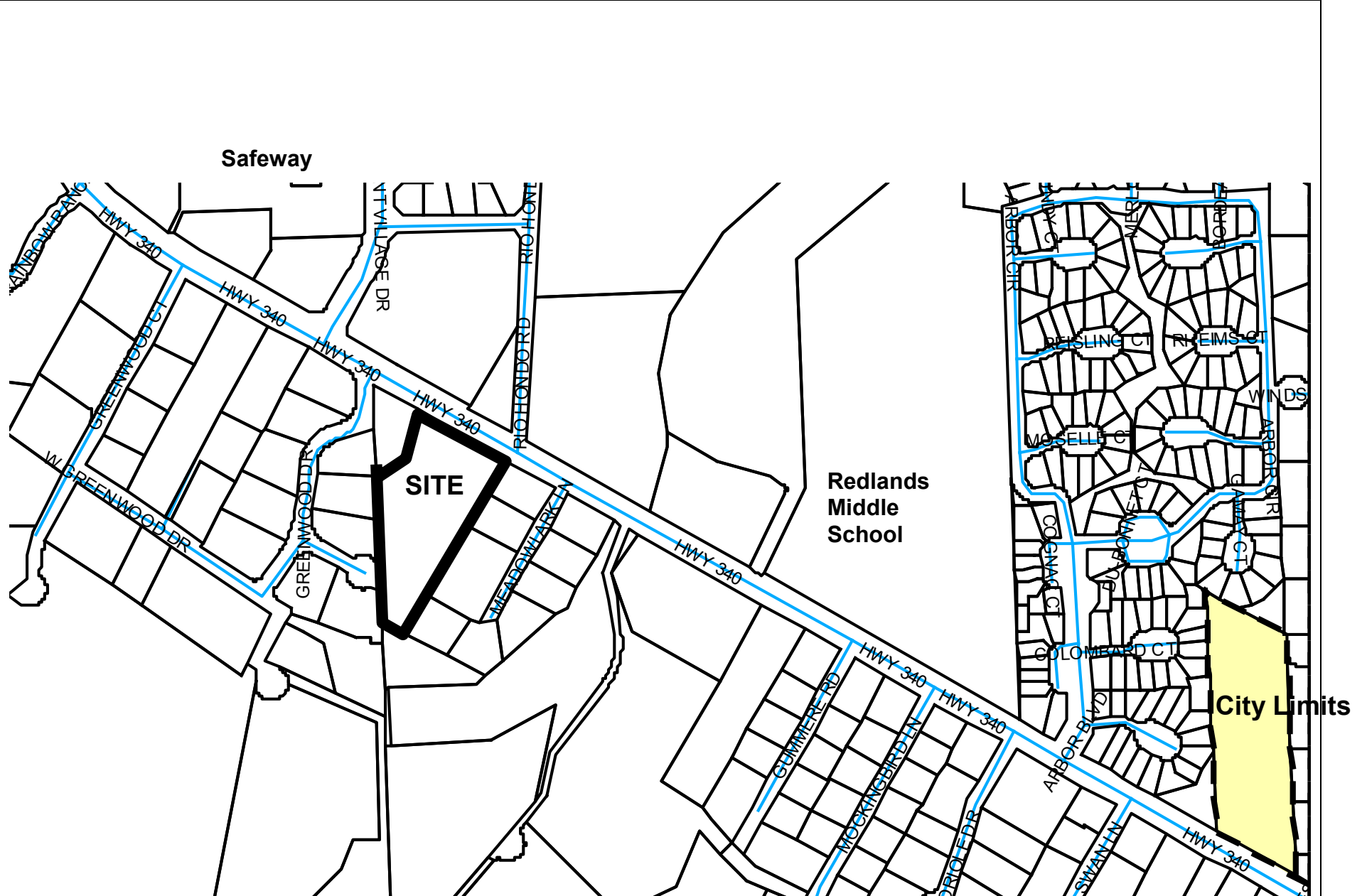
### V. GENERAL DISCUSSION

Chairman Dibble noted an upcoming City Council/Planning Commission joint planning workshop scheduled for July 15. He asked planning commissioners to submit to him any discussion items as soon as possible.

With no further business to discuss, the public hearing was adjourned at 7:35 p.m.

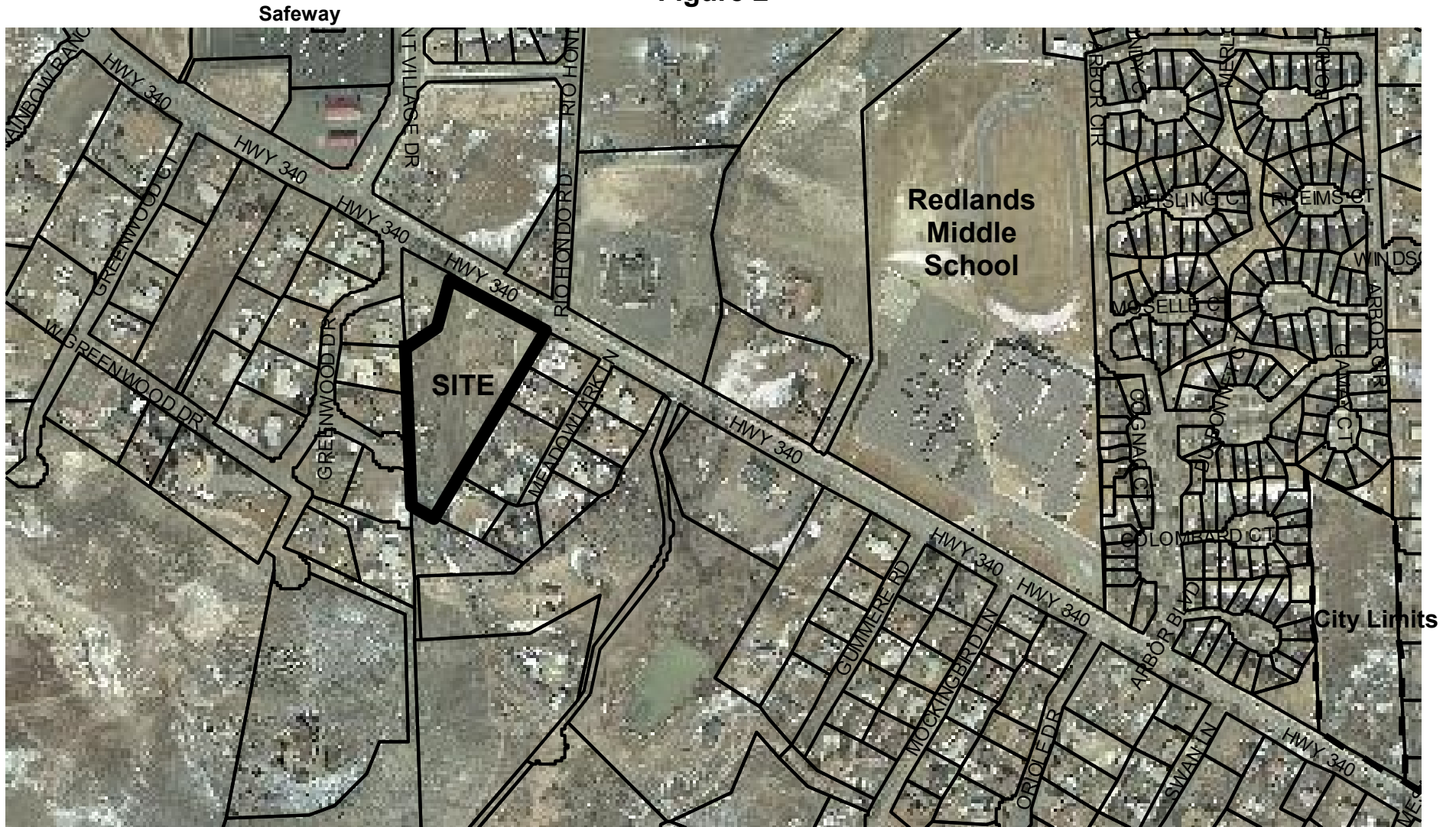
# Site Location Map

Figure 1



# Aerial Photo Map

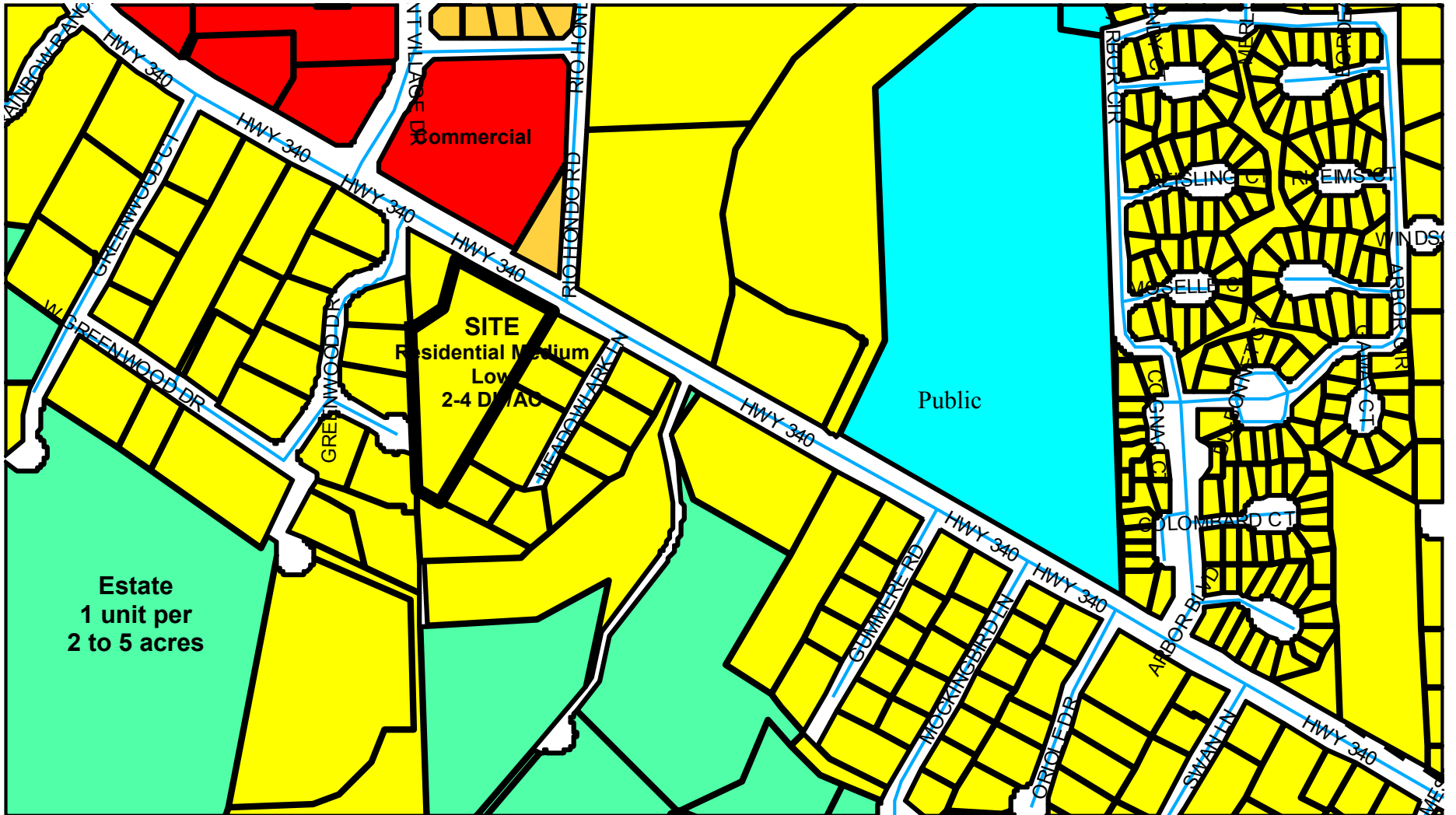
Figure 2





# Future Land Use Map

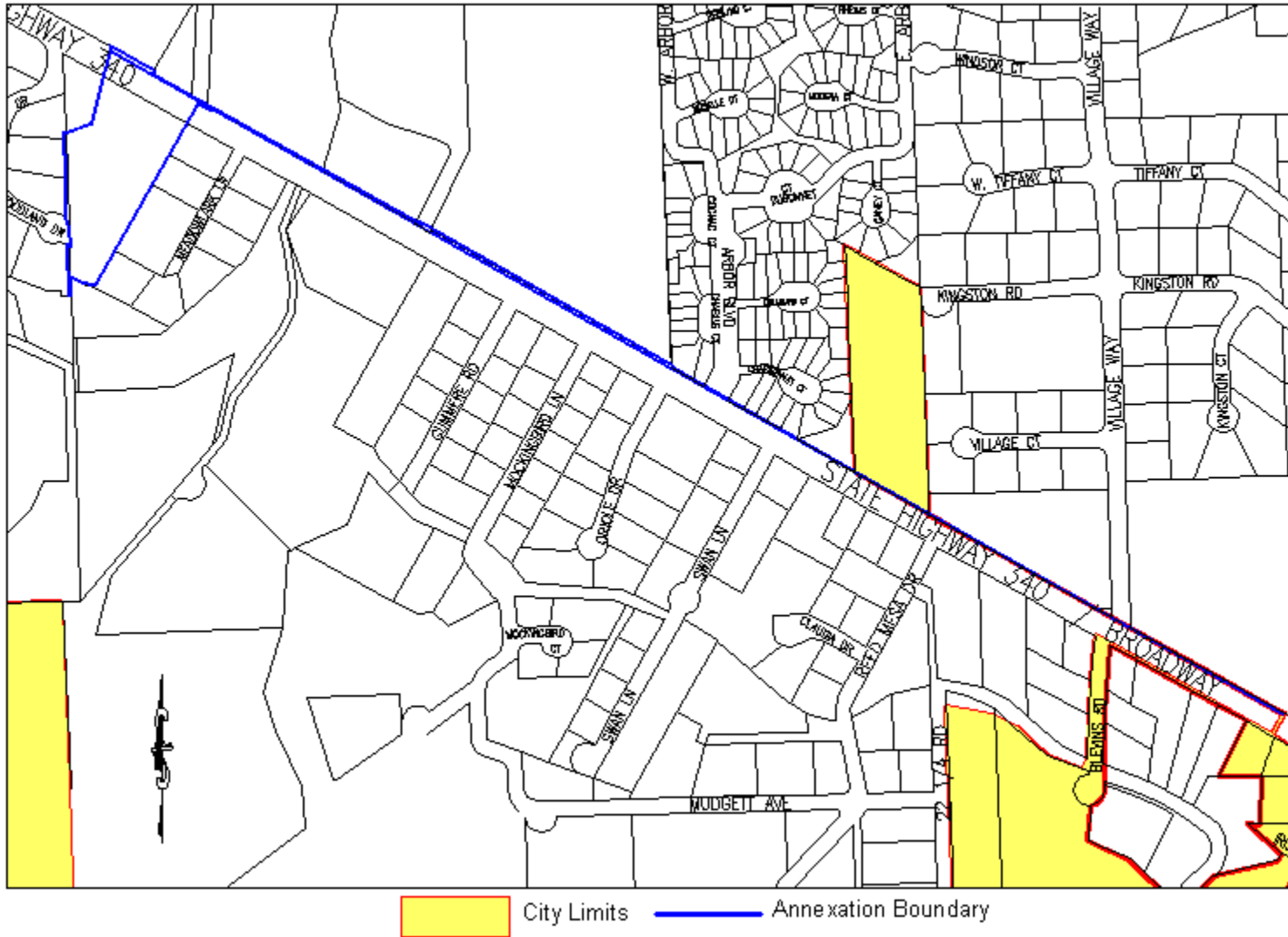
Figure 3





# Westgate Freewill Baptist Church Annexations #1 & #2

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION TO  
CSR (COMMUNITY SERVICES AND RECREATION)**

**LOCATED AT 2155 BROADWAY**

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 Westgate Free Will Baptist Church Annexation to the CSR 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 land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the CSR zone district be established.

The Planning Commission and City Council find that the CSR 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 CSR with a building density not to exceed 80,000 square feet. If the building exceeds 80,000 square feet the property is subject to a CUP (Conditional Use Permit).

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION  
A Serial Annexation comprising Westgate Freewill Baptist Church Annexation No.  
1 and Westgate Freewill Baptist Church Annexation No. 2**

WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 1

A certain parcel of land lying in the West Half (W 1/2) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, and the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the point of intersection of the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), and the East line of the 50' right of way for Rio Hondo Road, as same is recorded in Book 945, Page 602, Public Records of Mesa County, Colorado and depicted on the Plat of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado, being the Southwest corner of that certain parcel of land, Parcel Control Number 2947-231-00-950, Mesa County, Colorado, and considering the East line of said Rio Hondo Road to bear N 05°01'52" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 05°01'52" E along the East line of said Rio Hondo Road, a distance of 432.33 feet; thence S 89°50'04" E a distance of 411.73 feet; thence S 33°53'56" W a distance of 75.24 feet; thence S 13°15'56" W a distance of 180.80 feet; thence S 06°19'04" E a distance of 229.00 feet; thence S 18°52'58" W a distance of 189.71 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E along said Northerly right of way, a distance of 362.35 feet; thence N 27°31'56" E a distance of 6.01 feet; thence S 59°01'04" E along the South line of the Redlands Middle School, Parcel Control Number 2947-231-00-949, Mesa County, Colorado, a distance of 895.90 feet to a point on the West line of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County, Colorado; thence S 00°43'52" E, along said West line, a distance of 7.05 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E, along said Northerly right of way, a distance of 661.59 feet; thence S 00°48'00" E a distance of 4.71 feet; thence S 59°01'04" E, along a line 4.00 feet South of and parallel to, the Northerly right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 2, Ordinance No. 3474, City of Grand Junction, a distance of 1546.75 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W along a line 8.00 feet South of and parallel to the North right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 1, Ordinance No. 3473, City of Grand Junction, a distance of 4228.15 feet; thence N 15°24'04" E a distance of 18.69 feet, more or less, to a point on the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted within Monument Village Commercial Center, recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado; thence S 59°01'04" E along said Northerly right of way, a distance of 143.04 feet to a point on the East line of said Monument Village Commercial Center; thence S 31°55'07" W along the Southerly projection of the East line of said Monument Village Commercial Center, a distance of 10.00 feet; thence S 59°01'04" E along the Northerly right of way

for said Colorado Highway 340 (Broadway) a distance of 198.39 feet, more or less, to the Point of Beginning.

CONTAINS 0.7907 Acres (34,441.88 Square Feet), more or less, as described.

WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, R.C. Jones Subdivision, as same is recorded in Plat Book 13, Page 40, Public Records of Mesa County, Colorado, and considering the East line of said Lot 1 bears N 15°24'04" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 15°24'04" E a distance of 74.75 feet; thence S 59°01'04" E along a line 72.00 feet North of and parallel to, the Southerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), a distance of 367.33 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W a distance of 49.96 feet; thence S 30°23'25" W a distance of 659.02 feet; thence N 79°11'08" W a distance of 40.80 feet; thence N 56°14'40" W a distance of 44.93 feet to a point on the East line of Shadow Mountain Subdivision, as same is recorded in Plat Book 9, Page 175, Public Records of Mesa County, Colorado; thence S 00°02'34" E along said East line, a distance of 61.04 feet to a point being the Southeast corner of Lot 7, said Plat of Shadow Mountain Subdivision; thence S 89°57'26" W along the South line of said Lot 7, a distance of 10.00 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to, the East line of said Shadow Mountain Subdivision, a distance of 161.89 feet to a point on the North line of said Lot 7; thence S 59°19'34" E along said North line, a distance of 11.63 feet to a point on the East line of said Shadow Mountain Subdivision; thence N 00°02'34" W along said East line, a distance of 58.16 feet to a point being the beginning of a 50.00 foot radius curve, concave Southwest; thence 32.81 feet along the arc of said curve, through a central angle of 37°35'39", having a long chord bearing of N 18°07'23" W with a chord distance of 32.22 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to the East line of said Shadow Mountain Subdivision, a distance of 135.80 feet; thence N 00°39'34" W along said parallel line, a distance of 127.71 feet to a point on the North line of Lot 9, said Shadow Mountain Subdivision; thence N 89°45'26" E, along said North line, a distance of 10.00 feet to a point being the Northeast corner of said Lot 9; thence N 71°09'44" E along the North line of Lot 2, said R.C. Jones Subdivision, a distance of 84.12 feet to a point being the Southeast corner of said Lot 1, R.C. Jones Subdivision; thence N 15°24'04" E along the East line of said Lot 1, a distance of 162.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.7466 Acres (163,200.18 Sq. Ft.), more or less, as described.

The CSR zoning designation will allow for the City of Grand Junction's Fire Station #5. Additional uses may be single-family detached residential unit.

Introduced on first reading this 16<sup>th</sup> day of July, 2003 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 8**  
**Amending Sp. Assess. and Levying Ord. for Rimrock Marketplace GID**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Rimrock Amendment to Ordinances No. 3532 and No. 3533					
<b>Meeting Date</b>		July 16, 2003					
<b>Date Prepared</b>		July 8, 2003			<b>File #</b>		
<b>Author</b>		Ron Lappi		Admin Services & Finance Director			
<b>Presenter Name</b>		Ron Lappi		Admin Services & Finance Director			
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This is an ordinance concerning the City of Grand Junction Rimrock Marketplace General Improvement District and amending Ordinance No. 3532 relating to the issuance of special assessment bonds and Ordinance No. 3533 levying special assessments within the district.

The following two amendments are being made to these documents:

- 1) The Bond Ordinance is being revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid shall be used to redeem Bonds on the next interest payment date.
- 2) The Assessment Ordinance is being amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

**Budget:** No impact.

**Attachments:** Ordinance Amending the Rimrock Ordinances

**Background Information:** The Rimrock bonds have been delivered and all monies have now been received by the GID.

**Recommendation:** Introduction of Proposed Ordinance and Set a Hearing for August 6, 2003.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT AND AMENDING ORDINANCE NO. 3532 RELATING TO THE ISSUANCE OF SPECIAL ASSESSMENT BONDS AND ORDINANCE NO. 3533 LEVYING SPECIAL ASSESSMENTS WITHIN THE 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 Ordinance No. 3531 adopted by the Board on May 7, 2003, (the “Creation Ordinance”) the Board created within the GID a special improvement district known as the City of Grand Junction Rimrock Marketplace General Improvement District (In the City of Grand Junction, Colorado) Special Improvement District (the “SID”); and

WHEREAS, pursuant to Ordinance No. 3532 adopted on May 7, 2003 (the “Bond Ordinance”), the Board approved and authorized the issuance of Special Assessment Bonds (the “Bonds”) by the SID; and

WHEREAS, pursuant to Ordinance No. 3533 adopted on May 7, 2003 (the “Assessment Ordinance”), the Board provided for the payment of the Bonds by assessing the cost and expense of the Project (as defined in the Assessment Ordinance) and levying assessments against the assessable lots, tracts and parcels of land in the District benefited by the Project; and

WHEREAS, the Board has determined that the redemption provisions included in the Bond Ordinance be revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid (both voluntarily and involuntarily) shall be used to redeem Bonds on the next interest payment date; and

WHEREAS, the Board has determined that the Assessment Ordinance be amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

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:

Unless otherwise defined herein, all terms used herein shall have the same meaning as in the Bond Ordinance and Assessment Ordinance.

Subsection (a) of Section 2.03 of the Bond Ordinance, "Redemption of Bonds," is deleted and replaced in its entirety with the following:

(a) 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 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.

Section 2 of the Assessment Ordinance, "Payment of Assessments," is deleted and replace in its entirety with the following:

Section 2. 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 6.75% 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%.

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.

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.

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 JULY 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON AUGUST 6, 2003.

CITY OF GRAND JUNCTION  
RIMROCK MARKETPLACE GENERAL  
IMPROVEMENT DISTRICT

(SEAL)

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF COLORADO )  
 )  
 COUNTY OF MESA )  
 )S.S.  
 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 August 6, 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 July 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 August 6, 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 Nay:

\_\_\_\_\_

Those Abstaining:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

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

5. That notices of the meetings of July 16, 2003 and August 6, 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)

**Attach 9**  
**Defense Acknowledgement Resolution**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Acknowledgement of Defense of current and former Police Officers Stan Ancell, Julia Stogsdill, Robert Russell, John Jackson, Robert Culver and Martyn Currie						
<b>Meeting Date</b>	July 16, 2003						
<b>Date Prepared</b>	July 9, 2003				<b>File #</b>		
<b>Author</b>	John Shaver			<b>Assistant City Attorney</b>			
<b>Presenter Name</b>	John Shaver			<b>Assistant City Attorney</b>			
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	<b>X</b>	<b>Formal Agenda</b>		<b>X</b>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A Resolution indemnifying current and former officers named in Federal District Court action 03-B-1181 from damages in a lawsuit filed against them in their personal capacity. The suit results from the investigation and arrest of Robert and Maria Thorpe.

**Budget:** No direct budget impact from the adoption of the Resolution; there is the possibility of direct and indirect cost of responding to the lawsuit and indemnifying the officers if judgment were to attach.

**Action Requested/Recommendation:** Council approval and adoption of Resolution

**Attachments:** None

**Background Information:** A lawsuit was recently filed in Federal District Court against the current and former officers named above. The action clearly arises out of the officers' assigned and lawful duties and as such is in appropriate for the City to indemnify and defend them. By adopting this Resolution, the City Council is authorizing such defense. The Plaintiff's have made a number of allegations including false arrest, illegal search, false imprisonment and other civil rights/constitutional claims. The Plaintiffs were charged and arrest; however, the special prosecutor did not prosecute the criminal case. The Plaintiffs have now brought an action against the officers. An

answer to the suit, which is expected to state a general denial of all allegations is being drafted and will be filed.

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_**

**A RESOLUTION ACKNOWLEDGING DEFENSE OF STANLEY ANCELL,  
ROBERT M. CULVER, MARTYN E. CURRIE, JOHN C. JACKSON, ROBERT  
RUSSELL  
AND JULIA STOGSDILL IN  
CIVIL ACTION NO. 03 B 1181**

**RECITALS:**

A Federal District Court action has been filed by Robert and Maria Thorpe alleging that current and former employees of the Grand Junction Police Department, Stan Ancell, Robert Culver, Martyn Currie, John Jackson, Robert Russell and Julia Stogsdill violated their rights. The lawsuit alleges misconduct by these officers in obtaining a search warrant, subsequently searching premises and seizing property and in arresting and requesting prosecution of the Plaintiffs. The lawsuit alleges that Marty Currie, when he was police chief failed to adequately supervise and train the officers and therefore condoned illegal, unconstitutional behavior. The lawsuit states compensatory and punitive damage claims against the City, Mesa County and individual current and former police officers. The City denies the allegations.

Under the provisions of the Colorado Governmental Immunity Act, specifically sections 24-10-110 and 24-10-118 C.R.S., the City has certain indemnification obligations and it may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend a public employee against a punitive damages claim or pay or settle any punitive damage claim against a public employee. Although it is unlikely that a punitive damage claim would be sustained, it is right and proper to pass this resolution defending the current and former City officers.

Because the City Council finds that the Grand Junction Police Department officers were acting appropriately and within the scope of their employment and also because to do otherwise would send a wrong message to the employees of the City, that the City may be unwilling to stand behind them when such employees are being sued for the lawful performance of their duties, the City Council adopts this resolution;

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Stanley Ancell, Robert Culver, Martyn Currie, John Jackson, Robert Russell and Julia Stogsdill against claims for damages in accordance with 24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118 C.R.S. arising out of case 03 B 1181.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2003.

---

Jim Spehar  
President of the Council

ATTEST:

---

Stephanie Tuin  
City Clerk

**Attach 10  
 Consulting Services for 1601 Process  
 CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Riverside Parkway – PD 1601 Consultant							
<b>Meeting Date</b>		July 16, 2003							
<b>Date Prepared</b>		July 7, 2003					<b>File #</b>		
<b>Author</b>		Tim Moore			<b>Public Works Manager</b>				
<b>Presenter Name</b>		Tim Moore			<b>Public Works Manager</b>				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** City Council will review proposals and select a consulting firm to assist in completing the Policy Directive 1601 for a new interchange at 5<sup>th</sup> Street and the proposed Riverside Parkway.

Staff is scheduled to interview interested consulting firms on Friday, July 11<sup>th</sup> to assist in the preparation of the PD 1601. A summary of these interviews, complete with cost estimates will be presented to Council for their review at the Monday night Workshop.

**Budget:** Budget and cost information will be provided to City Council Monday evening.

**Action Requested/Recommendation:** Authorize the City Manager to enter into a contract for consulting services for completion of the PD 1601 process.

**Attachments:** None

**Background Information:**

The PD 1601 process will be focused on the alignment options for the Riverside Parkway crossing at 5<sup>th</sup> Street and will include an evaluation of the associated impacts for each alternative. This review will also consider alignment options for possible routes through the lower downtown area between 5<sup>th</sup> Street and D Road. When completed, the process will recommend a preferred alternative for

crossing 5<sup>th</sup> Street and will determine the preferred roadway alignment between 5<sup>th</sup> Street and D Road.

**Attach 11**  
**Vacating of Right-of-Way, Rimrock Marketplace 3 Subdivision**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	<b>Vacation of Right-of-Way and Multi-purpose Easements, Rimrock Marketplace 3 Subdivision</b>					
<b>Meeting Date</b>	<b>July 16, 2003</b>					
<b>Date Prepared</b>	<b>July 7, 2003</b>			<b>File # PFP-2003-076</b>		
<b>Author</b>	<b>Pat Cecil</b>		<b>Development Services Supervisor</b>			
<b>Presenter Name</b>	<b>Lori Bowers</b>		<b>Senior Planner</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>
<b>Citizen Presentation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>No</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the new recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

**Background Information:** The Planning Commission reviewed the vacation request on June 24, 2003, and recommends that the City Council approve the vacation request.

**Budget:** There are no budget impacts from the vacation.

**Action Requested/Recommendation:** Adoption of the vacation ordinance on second reading.

**Attachments:**

- 17. Staff report/Background information
- 18. General Location Map
- 19. Aerial Photo
- 20. Growth Plan Map
- 21. Zoning Map
- 6. Vacation Diagram



- 7. Preliminary/Final Plat
- 8. Vacation Ordinance

**Background Information:** See attached Staff Report/Background Information

BACKGROUND INFORMATION			
<b>Location:</b>		2530 & 2546 Rimrock Avenue, 519 Ligrani Lane and 2541 Hwy. 6 & 50	
<b>Applicants:</b>		THF Belleville, LP, - Petitioner Elizabeth and Harold Woolard –Petitioner LANDesign - Representative	
<b>Existing Land Use:</b>		Commercial uses (existing and under construction) and undeveloped commercial land	
<b>Proposed Land Use:</b>		Commercial	
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial uses and Hwy 6 & 50	
	<b>South</b>	Commercial use under construction	
	<b>East</b>	Commercial uses	
	<b>West</b>	Undeveloped commercial land	
<b>Existing Zoning:</b>		General Commercial (C-2)	
<b>Proposed Zoning:</b>		Same	
<b>Surrounding Zoning:</b>	<b>North</b>	C-2	
	<b>South</b>	C-2	
	<b>East</b>	C-2	
	<b>West</b>	C-2	
<b>Growth Plan Designation:</b>		Commercial	
<b>Zoning within density range?</b> N/A		Yes	No

**PROJECT DESCRIPTION:** The project involves the vacation of a portion of the dedicated right-of-way for Ligrani Lane and vacation of a portion of the dedicated multi-purpose easements that exist on either side of the right-of-way being vacated to allow for the extension and re-alignment of Ligrani Lane.

**RECOMMENDATION:** The Planning Commission recommends that the City Council approve the vacation of a portion of the right-of-way for Ligrani Lane and portions of the multi-purpose easements adjacent to Ligrani Lane.

**ANALYSIS:**

1. **Background:**

The Rimrock Marketplace subdivision was recorded in October of 2002. As a component of an agreement regarding an appeal of the administrative approval of the Final Plat, the developer of the Rimrock Marketplace project agreed to provide a cul-de-sac at the north end of Ligrani Lane to provide improved access to the Wollard lot.

As a result of that agreement, a lot line adjustment and vacation of platted right-of-way and associated multi-purpose easements was necessary.

In order to save time and expense, the developer of the Rimrock Marketplace is requesting approval of a Preliminary Plat/Final Plat as part of the line adjustment and vacation, to create a new lot from Lot 1 of Block 2 at this time. New right-of-way and multipurpose easement dedications for the realigned Ligrani Lane will occur with the recording of the new plat.

2. **Consistency with the Growth Plan:**

The existing and proposed uses on the site will remain commercial, consistent with the Commercial Land Use designation on the Future Land Use Map for the site.

3. **Section 2.11.c of the Zoning and Development Code:**

Requests for the vacation of any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
- b. No parcel shall be landlocked as a result of the vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposed vacation of a portion of the right-of-way for Ligrani Lane and the associated multi-purpose easements is consistent with and in compliance with all criteria of Section 2.11.c. of the Zoning and Development Code.

**FINDINGS OF FACT/CONCLUSIONS for the Vacation request:**

After reviewing the Rimrock Marketplace 3, (PFP-2003-076) for the vacation of a portion of public right-of-way and multi-purpose easements, the Planning Commission recommends that the City Council make the following findings of fact and conclusions and approve the vacation request:

1. The requested right-of-way/easement vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C. of the Zoning and Development Code have all been met.

**PROJECT NARRATIVE**

**Rimrock Marketplace 3 Subdivision**  
And  
**Vacation of Ligrani Lane**

Re-Plat of Blocks 2 & 3, Rimrock Marketplace 2 subdivision  
And Tax Parcel 2945-103-00-080

**2530 Rimrock Avenue**

April 18, 2003

Prepared for:

THF Grand Junction Development LLC  
2127 Innerbelt Business Center Drive  
Suite 200  
St. Louis, MO 63114  
314-429-0900

Prepared by:

  
**LANDesign**  
ENGINEERS • SURVEYORS • PLANNERS  
244 N. 7<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 245-4099

**A. Project Description**

Rimrock Marketplace 3 Subdivision is a replat of Blocks 2 and 3, Rimrock Marketplace 2 Subdivision, and Tax parcel 2945-103-00-080 located north of Blocks 2 and 3, at the Southeast corner of the intersection of Highway 6 and 50 and Rimrock Avenue. The purpose of the Subdivision is to create two lots in the existing Block 3 of Rimrock Marketplace 2 Subdivision, and to reconfigure Ligrani Lane and add a Cul-de-sac at the north end to serve the property to the north and meet the Fire Department request, which requires the replat of Block 2.

Proposed Block 1 will consist of three Lots. Lot 1 is 3.830 acres, Lot 2 is 0.927 acres, and, Lot 3 (existing Woolard property) is 1.038 acres. Proposed Block 2, Lot 1 is 1.663 acres.

The subject property is part of the approved Rimrock Development currently under construction and the Woolard property to the north that presently has a RV and other recreational vehicles resale business on site.

**B. Public Benefit**

Rimrock Marketplace 3 Subdivision is a continuing development of Rimrock Marketplace 2 Subdivision, which allows for the development of the pads. The proposed subdivision is designed in accordance with the City of Grand Junction Standards and the approved plans for Rimrock Development. The pads will be developed as C-2 acceptable uses that will serve the growing needs of the community.

**C. Project Compliance, Compatibility and Impact****1. Zoning**

The subject property is zoned C-2. The property is part of the approved Rimrock Development (File FP 2002-023).

**2. Surrounding Land Use**



The Land use surrounding the property is Commercial. The property to the West and South is the Rimrock Development, consisting of 5 parcels designated as Commercial. The property to the North is an Auto sales center. The property to the East is the undeveloped 25 ½ Road, with a RV center east of the road.

3. Site Access

The new Block 1, lot 1 will have access off of Rimrock Avenue. Block 2, Lot 2 will have access off of Ligrani Lane. The north end of Ligrani Lane will provide access to the adjoining property to the north. Block 2 will have access off of Ligrani Lane and Rimrock Avenue. The development of this subdivision was incorporated into the traffic study for the Rimrock Marketplace Center. Ligrani Lane has been re-designed, to accommodate the cul-de-sac at the north end of the street, as part of this submittal. The North end of Ligrani Lane is being vacated as part of this process to accommodate the new Cul-de-sac design.

4. Utilities

The site will be served by new utilities constructed in the development of Rimrock Marketplace, presently under construction as approved by the City of Grand Junction.

**D. Right-of-Way and 14 foot Multipurpose easement Vacation**

The vacation of a portion of Ligrani Lane is required for the realignment of the north end of Ligrani Lane. A cul-de-sac at the north end of Ligrani Lane is required to provide access to the parcel to the north (Lot 3, Block 1, Rimrock Marketplace 3 Subdivision) and to meet the fire department request for a turnaround.





The original Ligrani Lane, as platted by Rimrock Marketplace 2 Subdivision, is a straight road with no cul-de-sac at the end.

The proposed Ligrani Lane is a curve street with a Cul-de-sac at the north end. The new design creates a sliver of dedicated road right-of-way that is not uniform with the new road design. This vacation is required to make the road right-of-way uniform for the new design.

There are no utilities in the existing right-of-way or 14' multi purpose easements to be vacated.

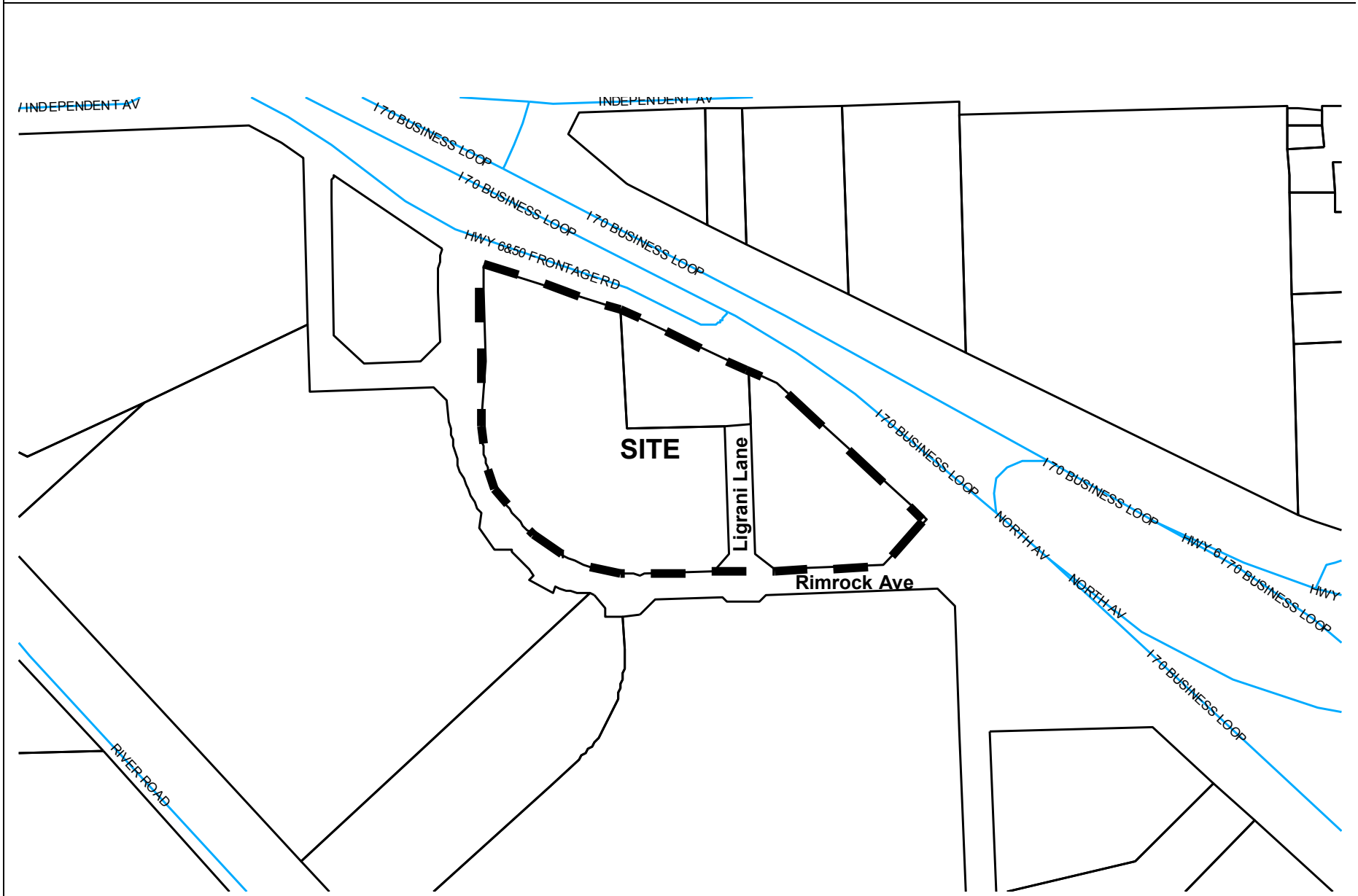
The vacation of the existing right-of-way meets the Approval Criteria in City Code under 2.11

- 1) The vacation of the right-of-way is in conformance with the overall street plan approved by the City, for the Rimrock development, and allows for a uniform right-of-way for the required cul-de-sac.
- 2) The new cul-de-sac at the end of Ligrani Lane, to be created by this plat, assures that there will not be a land locked parcel created by the vacation of a portion of Ligrani Lane.
- 3) The proposed vacation will allow for the access to adjoining parcels with the new road configuration.
- 4) The vacation of part of the existing Ligrani Lane will allow for a cul-de-sac at the end of the road and will not adversely affect the health, safety and welfare of the general community.
- 5) Adequate public facilities and services will not be inhibited by this vacation.
- 6) The vacation will allow for the new road design thereby reducing maintenance to a uniform configuration and improve circulation by the creation of a cul-de-sac.

The vacation of part of Ligrani Lane is required to accommodate the City requirement for a cul-de-sac at the end of Ligrani Lane. At this time Ligrani Lane is not a developed street. Therefore, there will not be any adverse impact in the vacation of a part of the Street right-of-way to accommodate the new configuration, proposed by the plat of Rimrock Marketplace 3 Subdivision.

# Site Location Map

Figure 1



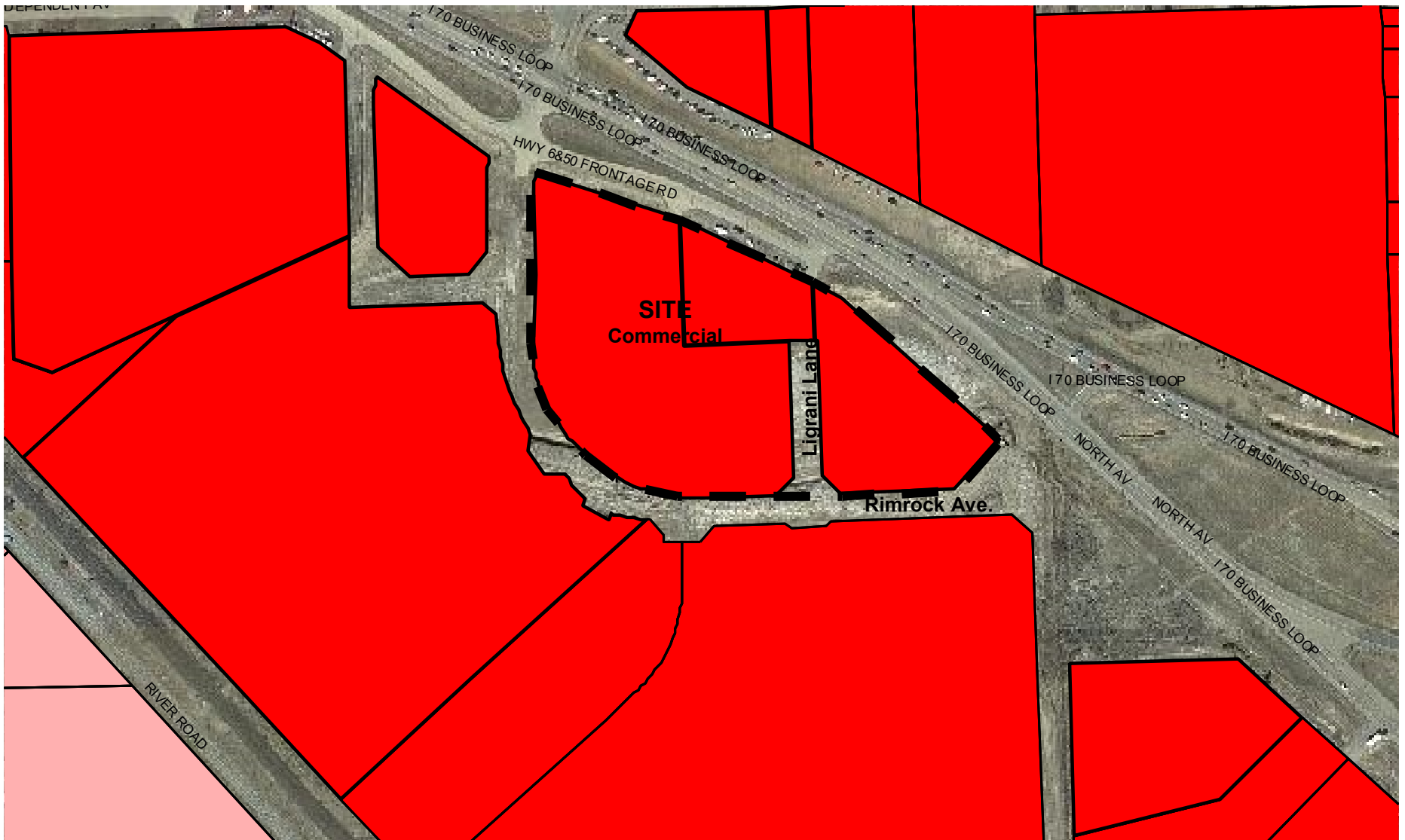
# Aerial Photo Map

Figure 2



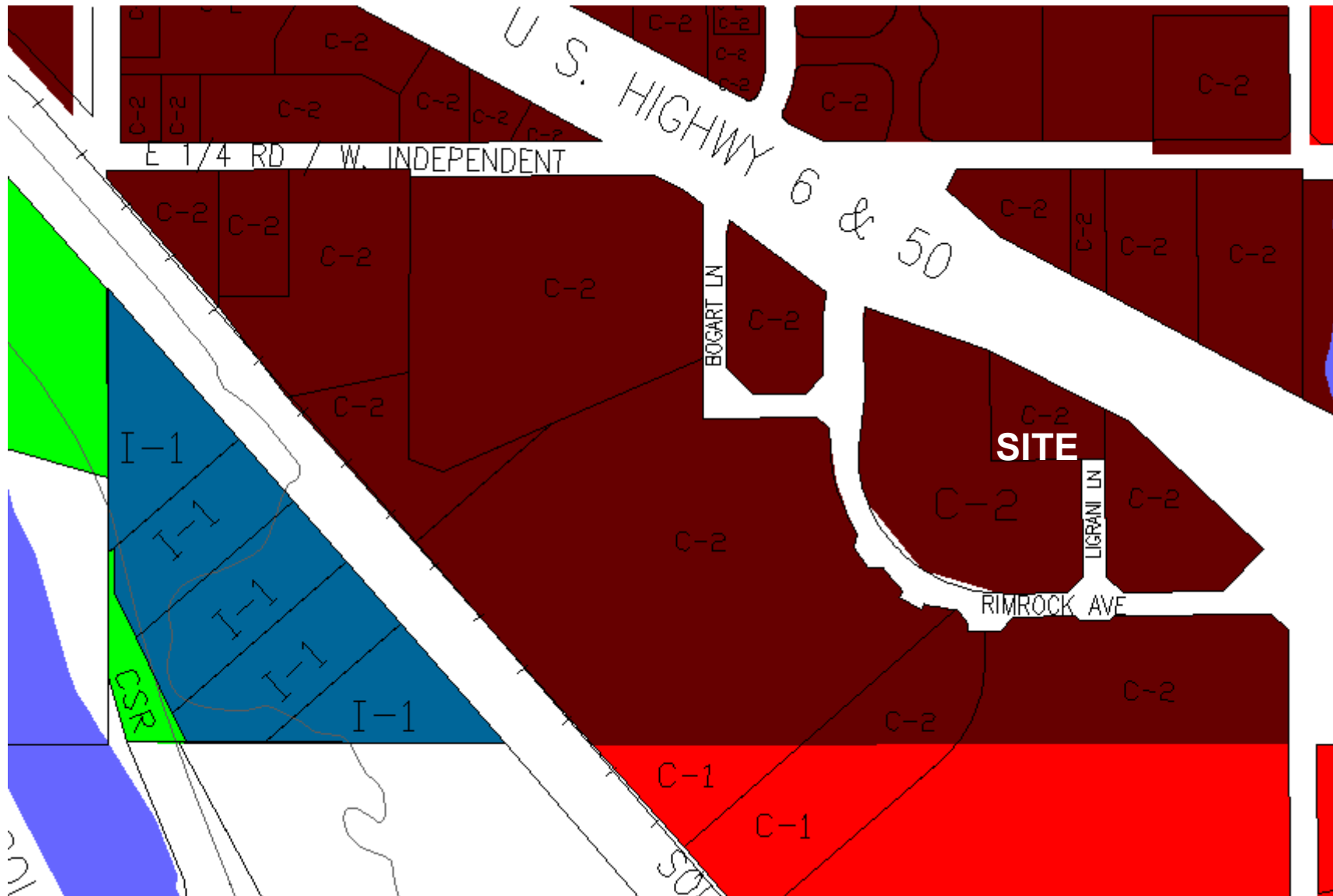
# Future Land Use Map

Figure 3



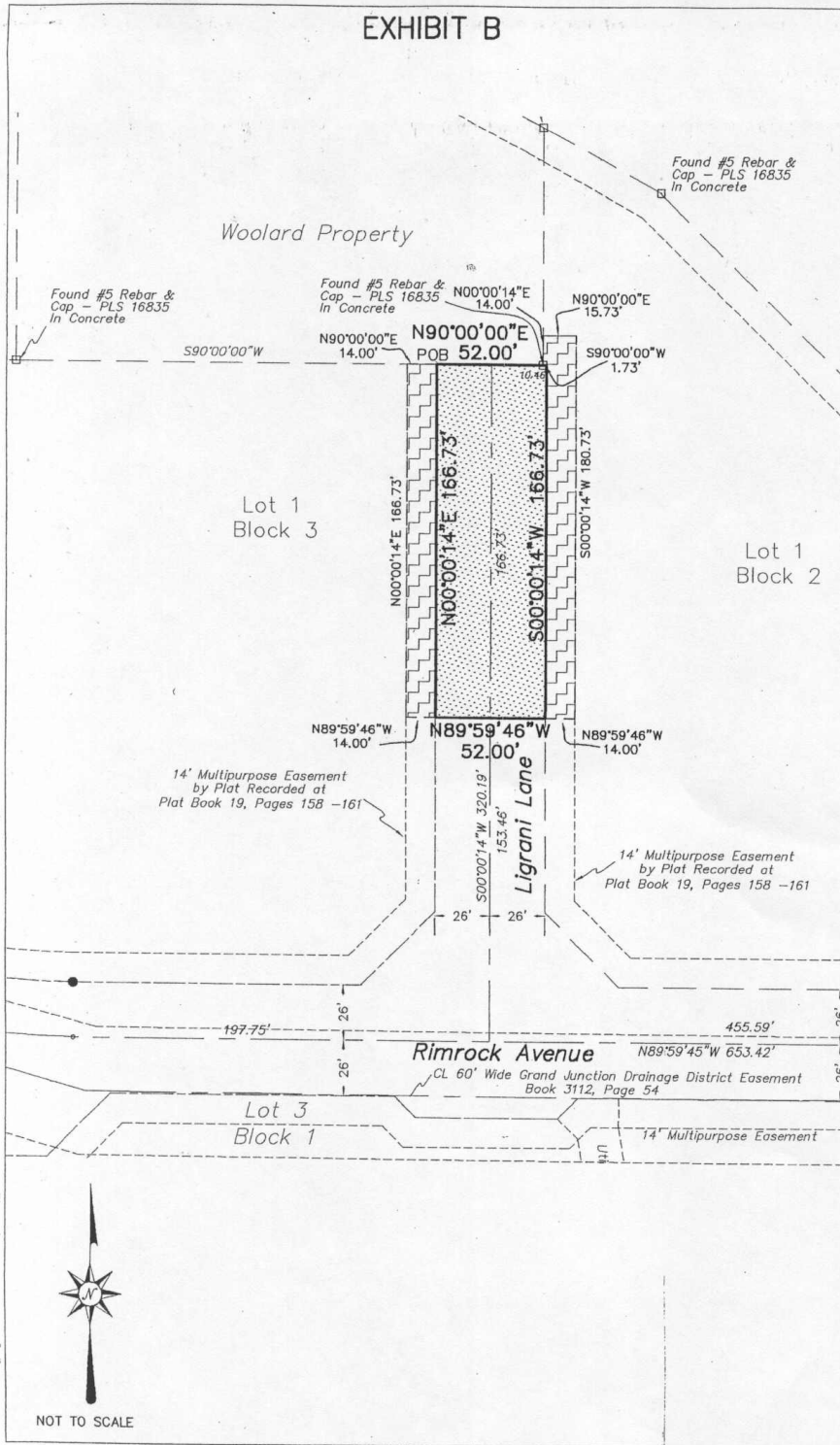
# Existing City and County Zoning

Figure 4

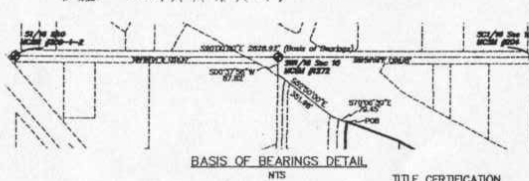
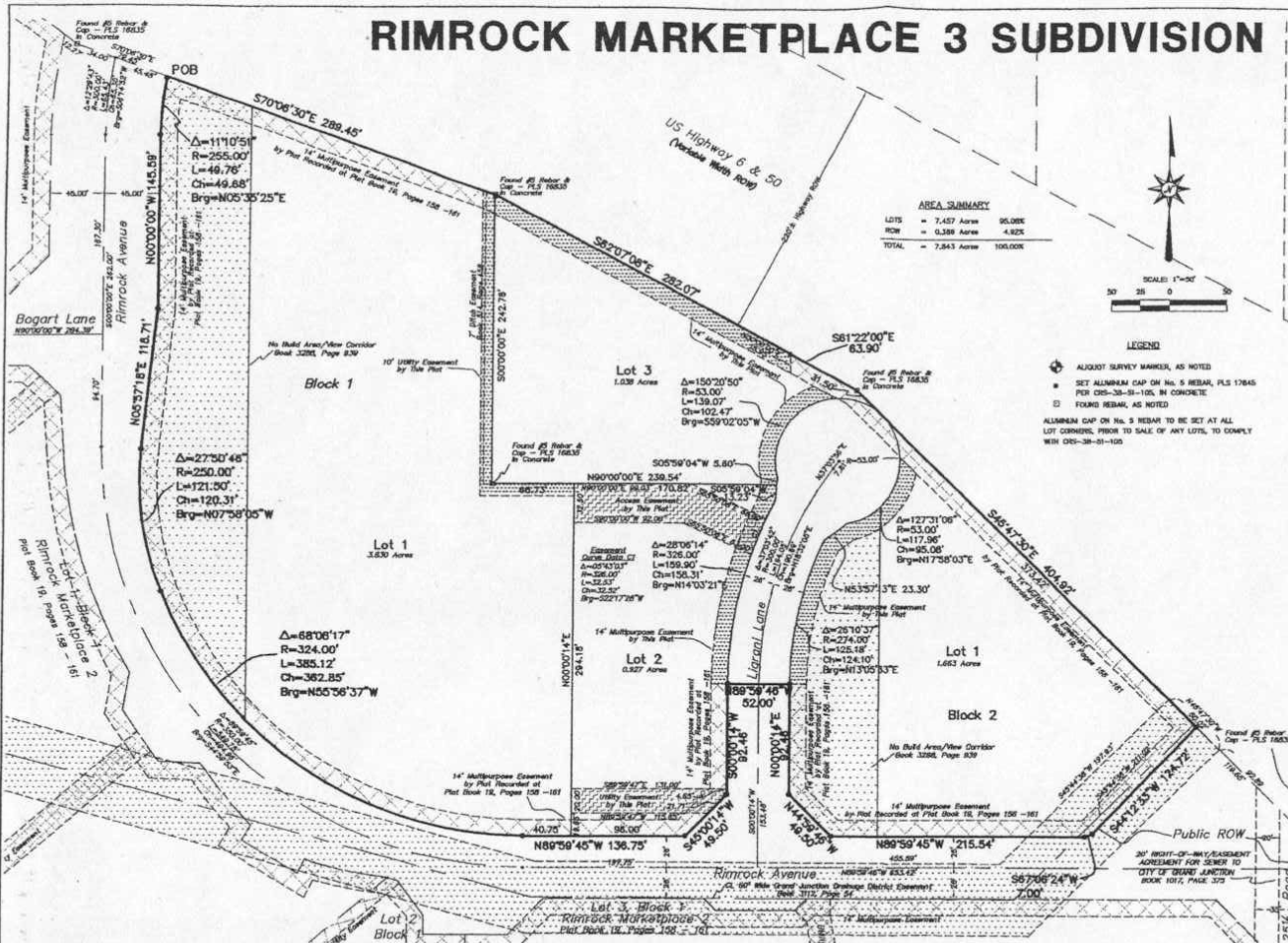


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning

EXHIBIT B



# RIMROCK MARKETPLACE 3 SUBDIVISION



**CITY OF GRAND JUNCTION APPROVAL**

This plat of Rimrock Marketplace 3 Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

City Manager \_\_\_\_\_  
President of City Council \_\_\_\_\_

### TITLE CERTIFICATION

STATE OF COLORADO } as  
COUNTY OF MESA }

We, \_\_\_\_\_ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the herein described property, that we find the title to the property is vested in \_\_\_\_\_ that the current taxes have been paid, that all mortgages not satisfied or released or record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record, that all easements, reservations and rights of way of record are shown hereon.

Date: \_\_\_\_\_ by: \_\_\_\_\_ Name And Title  
for: \_\_\_\_\_ Name Of Title Company

### SURVEYOR'S CERTIFICATION

I, Patrick R. Green, do hereby certify that the accompanying plat of Rimrock Marketplace 3 Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified \_\_\_\_\_

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That THE Grand Junction Development, L.L.C., a Missouri Limited Liability Company, and Harold R. Woodard and Elizabeth A. Woodard are the owners of that real property located in part of the Southwest Quarter (280.73) of Section 10, Township 1 South, Range 1 West of the 10th Meridian, Mesa County, Colorado, being more particularly described as follows:

Lot 1, Block 2, and Lot 1, Block 3, Rimrock Marketplace 2, as shown on plat recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records, and that property as described in Warranty Deed Book 2202, Page 828 of the Mesa County records (Woodard), and that portion of Loyal Lane owned by City of Grand Junction Ordinance No. \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

Said parcels containing 7.843 Acres, are described:

Said owners here by these presents did, plotted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as Rimrock Marketplace 3 Subdivision, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All streets, roads and rights-of-way are dedicated to the City of Grand Junction for the use of the public forever.

All Utility Easements to the City of Grand Junction for the use of City approved public utilities on perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, water TV lines, natural gas pipelines, sanitary sewer lines, storm sewer, water lines, telephone lines, wastewater sewer public providers and appurtenant facilities.

All Multipurpose Easements to the City of Grand Junction for the use of City approved utility and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, water TV lines, natural gas pipelines, sanitary sewer lines, storm sewer, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or an agent, together with the right to run or remove interfering lines and loads, and to Drainage and Detention/Retention easements, the right to develop provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or blocks hereon platted shall not locate or encumber said easements by recording or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF, said owners, THE Grand Junction Development, L.L.C., a Missouri Limited Liability Company and Harold R. Woodard and Elizabeth A. Woodard have caused their names to be heretofore subscribed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

by: \_\_\_\_\_ Title \_\_\_\_\_  
THE Grand Junction Development, L.L.C., a Missouri Limited Liability Company

by: Harold R. Woodard by: Elizabeth A. Woodard

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF \_\_\_\_\_ ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me as \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003, for THE Grand Junction Development, L.L.C., a Missouri Limited Liability Company, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF Colorado ) ss  
COUNTY OF Mesa )

The foregoing instrument was acknowledged before me by Harold R. Woodard, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**NOTARY PUBLIC'S CERTIFICATE**

STATE OF Colorado ) ss  
COUNTY OF Mesa )

The foregoing instrument was acknowledged before me by Elizabeth A. Woodard, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**GENERAL NOTES**

The Descriptions of Easements and Restrictions are recorded at Book \_\_\_\_\_ Page \_\_\_\_\_ Mesa County Records.

Books of bearings in the North line of the South Half of the Southwest Quarter of Section 10 which bears South 80 degrees 20 minutes 00 seconds East, a distance of 2628.92 feet, as measured. Such monuments on this line are Mesa County Survey Markers, as shown on the face of this plat.

Note: Property corners located during this survey that were within 0.254 feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Stewart Title of Western Colorado, Inc., Commitment No. 03004589, dated Dec. 2, 2002, and No. 03004596, dated Dec. 11, 2002.

Holder's Reflection of plat, executed by First Bank, is recorded at Book \_\_\_\_\_ Page \_\_\_\_\_ Mesa County, Colorado records.

**NOTES REQUIRED BY THE CITY**

- All Separators/Sign/Showers/Center stands as set forth in Section 4.3.4 of the City of Grand Junction Zoning and Development Code, adopted March 7, 2002, or subsequent amendments, are required to be set for the development of any of these sites. The development within this subdivision that meets the standards set and approved shall set the unobstructed display standards for the entire shopping center. All subsequent development shall be consistent with these design standards.
- The following signage shall be permitted for the lots within the development:
  - One freestanding entrance sign shall be permitted for the entire development along the Highway 6 & 50 frontage. Said sign shall be limited by a maximum height of 40 feet and a maximum sign face area of 370 square feet per lot.
  - Two signs shall be located to measurement signs only, with a maximum height of 8 feet and a maximum sign face area of 60 square feet per site. Directional architectural detailing and support structures is to be counted as part of the total allowed sign area.
  - Building signs shall be limited to 175 square feet of sign per front foot of building frontage on a public road right-of-way. No single sign shall be larger than 300 square feet.

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO ) ss  
COUNTY OF MESA )

I hereby certify that this instrument was filed in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ A.D. 2003, and was duly recorded in Plat Book \_\_\_\_\_ Page No. \_\_\_\_\_ Reception No. \_\_\_\_\_ Drawer \_\_\_\_\_ Face \_\_\_\_\_

Clerk and Recorder \_\_\_\_\_

By: Deputy \_\_\_\_\_

**RIMROCK MARKETPLACE 3 SUBDIVISION**  
SECTION 10, 11S, 11W, 10M  
MESA COUNTY, COLORADO

**LANDesign**  
LANDSCAPE ARCHITECTS & PLANNERS  
244 NORTH 7TH STREET  
GRAND JUNCTION, COLORADO 81501 (970) 245-4098

PROJECT NO. 2002-22	SURVEYED (DATE)	CHECKED (DATE)	SHEET
DATE: Feb. 2003	RAY/ACW	JK	1

PATRICK R. GREEN  
COLORADO PROFESSIONAL LAND SURVEYOR  
P.L.S. No. 0748

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.





**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF LIGRANI LANE AND PORTIONS  
OF ADJACENT MULTI-PURPOSE EASEMENTS**

**LOCATED BETWEEN RIMROCK AVENUE AND STATE HIGHWAY 6 & 50**

**RECITALS:**

A vacation of a portion of the dedicated right-of-way for Ligrani Lane and portions of adjacent multi-purpose easements has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated right-of-way for Ligrani Lane and adjacent multi-purpose easements are hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance.
2. The Vacation Ordinance will be recorded concurrent with the Final Plat for the Rimrock Marketplace 3 Subdivision.

**The following right-of-way and multi-purpose easements are shown on "Exhibit A" as part of this vacation of description.**

**Dedicated right-of-way to be vacated:**

BEING a portion of the 52 foot wide right-of-way for Ligrani Lane, located in the Rimrock Marketplace 2 Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:

BEGINNING at the corner of Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision, whence the most Southwesterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence North 90 degrees 00 minutes 00 seconds East, a distance of 52.00 feet, to a point on the West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision; thence, along said West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, South 00 degrees 00 minutes 14 seconds West, a distance of 166.73 feet; thence, North 89 degrees 59 minutes 46 seconds West, a distance of 52.00 feet, to a point on the East line of said Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision; thence, along said East line, North 00 degrees 00 minutes 14 seconds East, a distance of 166.73 feet to the Point of Beginning.

Said parcel containing an area of 0.199 Acres, as described.

**Dedicated multi-purpose easements to be vacated:**

1) BEING a portion of the 14 foot wide multi-purpose easement West of Ligrani Lane, located in Lot 1, Block 2, Rimrock Marketplace 2 Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, whence the most Southwesterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence, along the West line of said Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, North 00 degrees 00 minutes 14 seconds East, a distance of 14.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 15.73 feet; thence South 00 degrees 00 minutes 14 seconds West, a distance of 180.73 feet; thence North 89 degrees 59 minutes 46 seconds West, a distance of 14.00 feet, to a point on the West line of said Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision; thence, along said West line of Lot 1, Block 2 of said Rimrock Marketplace 2 Subdivision, North 00 degree 00 minutes 14 seconds East, a distance of 166.73 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 1.73 feet to the Point of Beginning.

Said parcel containing an area of 0.059 Acres, as described.

2) BEING a portion of the 14 foot multi-purpose easement West of Ligrani Lane, located in Lot 1, Block 3, Rimrock Marketplace Subdivision, as shown on the plat of said subdivision recorded in Plat Book 19, Pages 158 through 161 of the Mesa County records and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, Block 3 of said Rimrock Marketplace 2 Subdivision, whence the most Southeasterly Northwest corner of said Lot bears South 90 degrees 00 minutes 00 seconds West, for a basis of bearings, with all bearings contained herein relative thereto; thence, along the East line of said Lot 1, Block 3, Rimrock Marketplace 2 Subdivision, South 00 degrees 00 minutes 14 seconds West, a distance of 166.73 feet; thence North 89 degrees 59 minutes 46 seconds West, a distance of 14.00 feet; thence North 00 degrees 00 minutes 14 seconds East, a distance of 166.73 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 14.00 feet to the Point of Beginning.

Said parcel containing an area of 0.054 Acres, as described.

**Introduced for first reading on this 2<sup>nd</sup> day of July, 2003**

**PASSED and ADOPTED this      day of      , 2003.**

\_\_\_\_\_  
**President of City Council**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**







**Attach 12**  
**Sonrise Acres Annexation**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Public hearing for acceptance of petition and annexation ordinance for the Sonrise Acres 1, 2, 3 & 4 Annexation, located at 3068 F Road.					
<b>Meeting Date</b>	July 18, 2003					
<b>Date Prepared</b>	July 10, 2003				File # <b>ANX-2003-090</b>	
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>	X	Yes		No	Name	Vista Engineering, Patrick O'Connor
<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Sonrise Acres 1, 2, 3, and 4 Annexation, located at 3068 F Road.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and hold a Public Hearing and Consider Final Passage of the annexation ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 22. Staff report/Background information
- 23. General Location Map
- 24. Aerial Photo
- 25. Growth Plan Map
- 26. Zoning Map
- 27. Annexation map
- 28. Acceptance Resolution
- 29. Annexation Ordinance

<i>STAFF REPORT/BACKGROUND INFORMATION</i>			
<b>Location:</b>		3068 F Road	
<b>Applicants:</b>		CPS Enterprises, LLC, owner; Vista Engineering Corporation, representative	
<b>Existing Land Use:</b>		Vacant land and house	
<b>Proposed Land Use:</b>		Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Thunder Mountain Elementary	
	<b>South</b>	Museum of Western Colorado	
	<b>East</b>	Single Family residential	
	<b>West</b>	Single Family residential	
<b>Existing Zoning:</b>		RSF-4 (Mesa County)	
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4 (Mesa County)	
	<b>South</b>	RSF-4 (Mesa County)	
	<b>East</b>	RSF-4 (Mesa County)	
	<b>West</b>	RSF-4 (Mesa County)	
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre	
<b>Zoning within density range?</b>		<b>X</b>	Yes
			No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 9.8472 acres, leaving 6.28 acres for development. The annexation area is comprised of 1 parcel of land; the remaining area is comprised of annexed right-of-way. The property owners have requested annexation into the City as the result of wishing to subdivide their property in the County. Under the 1998 Persigo Agreement all subdivisions 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 Sonrise Acres 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 was proposed.

<i>ANNEXATION SCHEDULE</i>	
<b>June 4<sup>th</sup></b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>June 10<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>July 2<sup>nd</sup></b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>July 16<sup>th</sup></b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>August 17</b>	Effective date of Annexation and Zoning

<b>SONRISE ACRES ANNEXATION</b>		
<b>File Number:</b>	<b>ANX-2003-090</b>	
<b>Location:</b>	<b>3068 F Road</b>	
<b>Tax ID Numbers:</b>	<b>2943-044-00-130</b>	
<b>Parcels:</b>	<b>1</b>	
<b>Estimated Population:</b>	<b>2</b>	
<b># of Parcels (owner occupied):</b>	<b>0</b>	
<b># of Dwelling Units:</b>	<b>1</b>	
<b>Acres land annexed:</b>	<b>9.8472 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>6.28 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>1,049 linear feet along F Road</b>	
<b>Previous County Zoning:</b>	<b>RSF-4 (County)</b>	
<b>Proposed City Zoning:</b>	<b>(RSF-4) Residential Single Family not to exceed 4 units per acre</b>	
<b>Current Land Use:</b>	<b>Single residence / vacant land</b>	
<b>Future Land Use:</b>	<b>Residential</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 12,130</b>
	<b>Actual:</b>	<b>= \$ 132,590</b>
<b>Address Ranges:</b>		
<b>Special Districts:</b>	<b>Water:</b>	<b>Clifton Water &amp; Ute Water</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>Clifton Fire</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage District</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>Upper Grand Valley Pest Control</b>

# Site Location Map

Figure 1



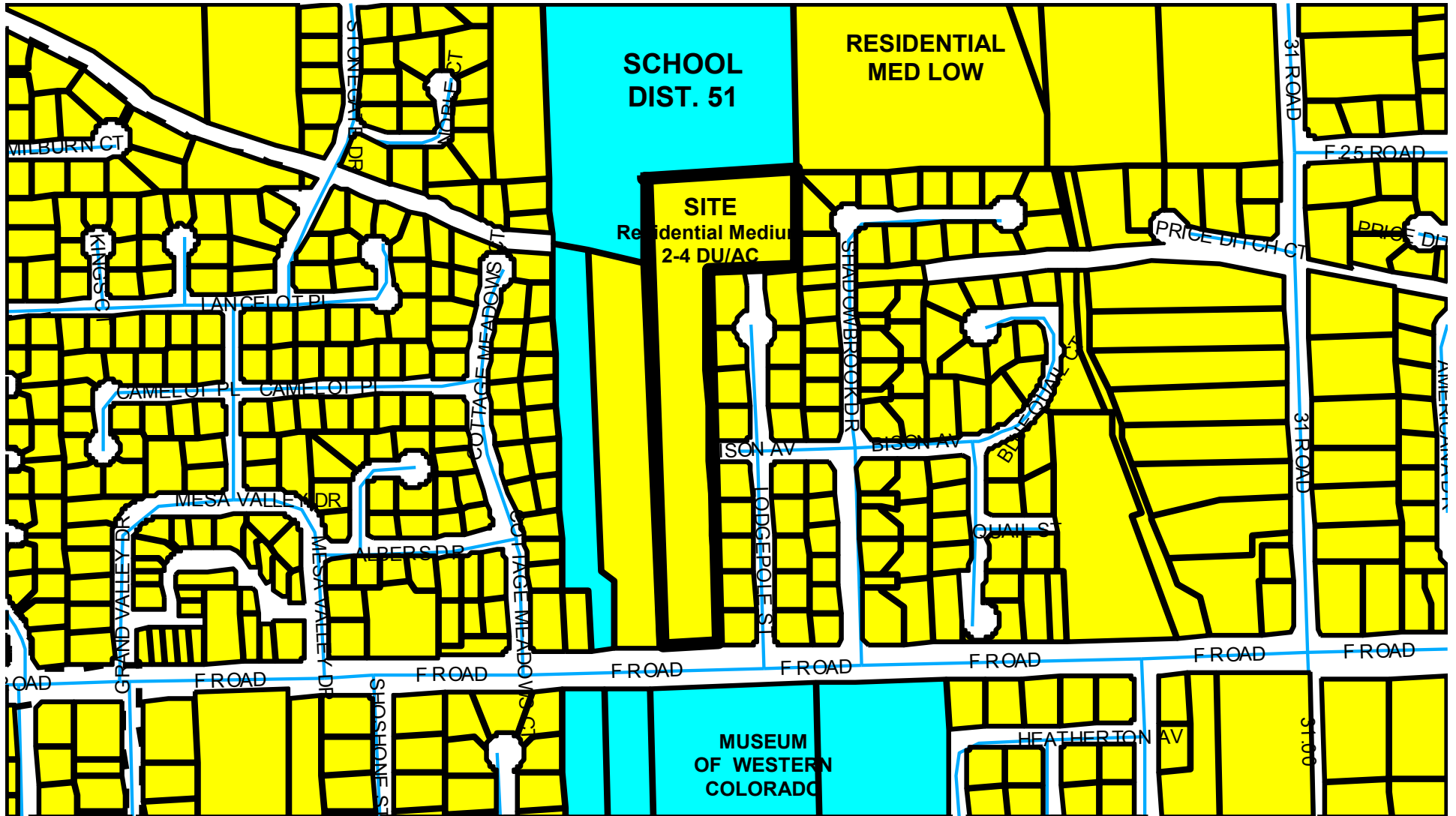
# Aerial Photo Map

Figure 2



# Future Land Use Map

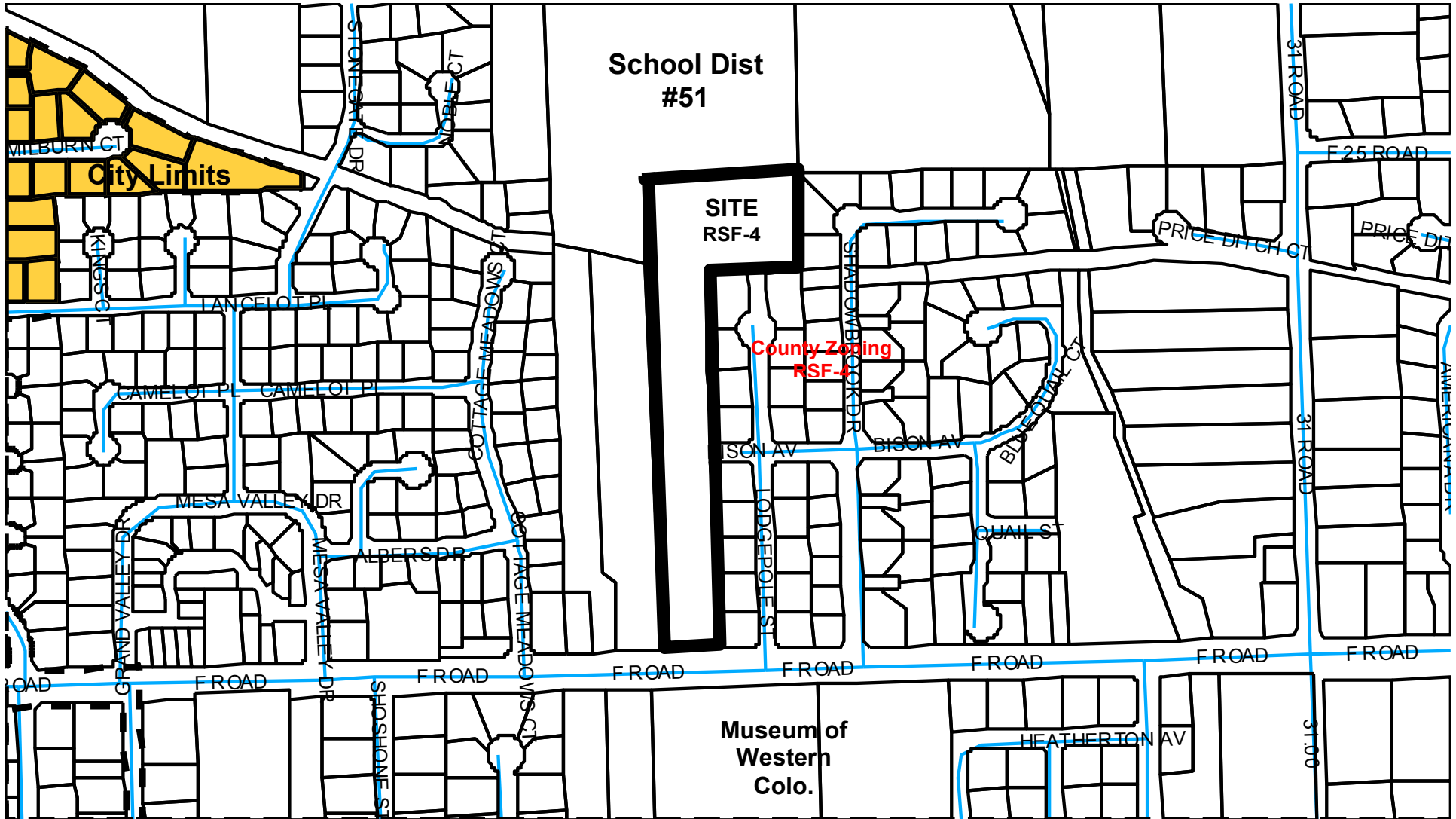
Figure 3



# Existing City and County Zoning

City Limits

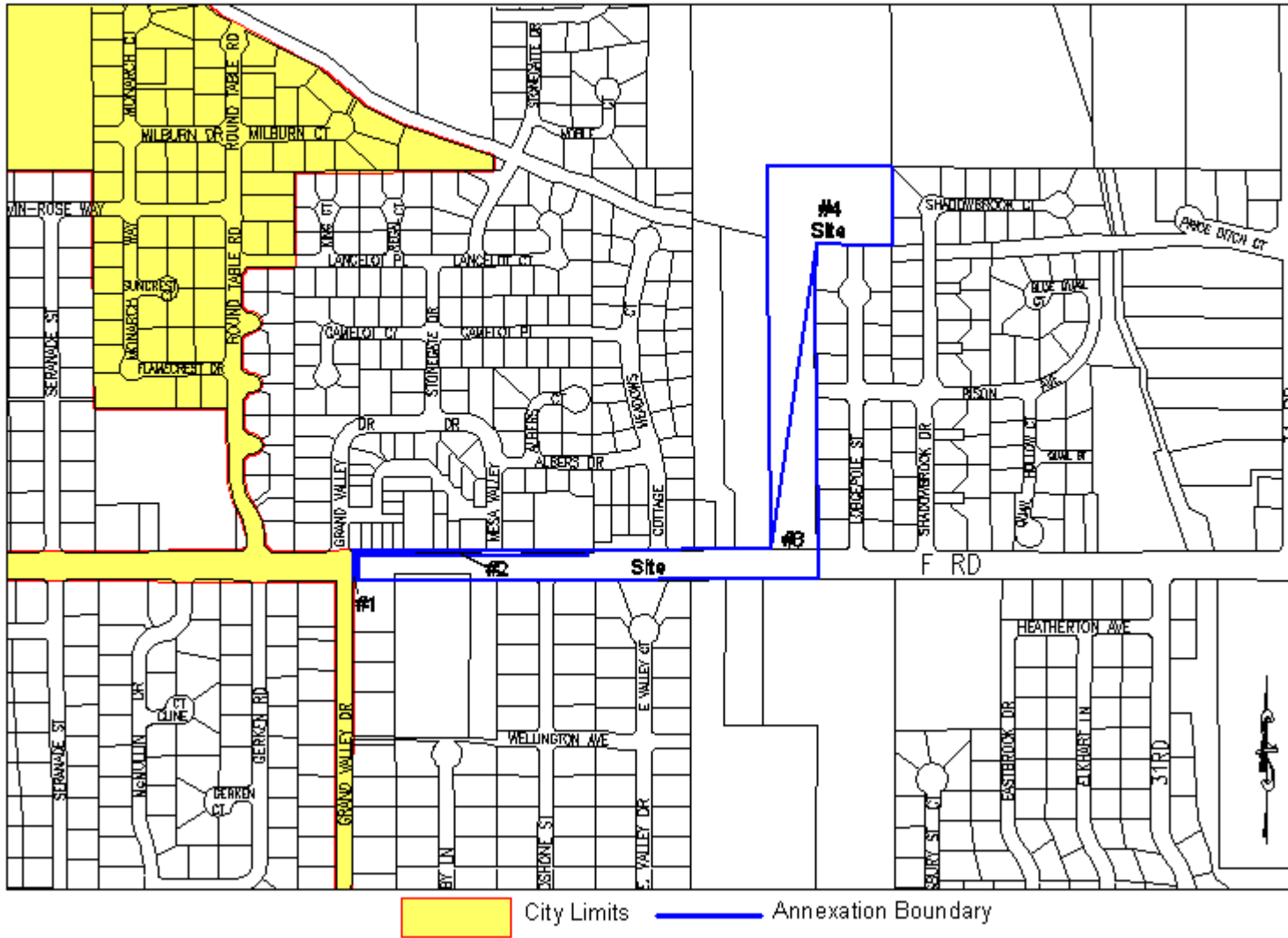
Figure 4



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."

### Sonrise Acres Annexations #1, #2, #3, & #4

Figure 5



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A**

**PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**SONRISE ACRES ANNEXATION  
A SERIAL ANNEXATION COMPRISING OF SONRISE ANNEXATION NO. 1, SONRISE  
ANNEXATION NO. 2, SONRISE ANNEXATION NO. 3 AND SONRISE ANNEXATION NO. 4**

**LOCATED AT 3068 F ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 4th day of June, 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:

**SONRISE ACRES ANNEXATION**

A Serial Annexation Comprising OF Sonrise Acres Annexation No.1, Sonrise Acres Annexation No. 2, Sonrise Acres Annexation No. 3 and Sonrise Acres Annexation No. 4

**SONRISE ACRES  
ANNEXATION NO. 1**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3, Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.



CONTAINING 0.0666 Acres (2,899.84 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a point on the North right of way for Patterson Road; thence S 89°55'23" E, along said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of

1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 Sq. Ft.) more or less, as described.

#### SONRISE ACRES ANNEXATION NO. 4

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

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 Sq. Ft.) more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 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 16<sup>th</sup> day of July, 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**

**SONRISE ACRES ANNEXATION NO. 1  
APPROXIMATELY 0.0666 ACRES**

**RIGHT-OF WAY LOCATED ALONG F ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

SONRISE ACRES  
ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3, Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of

way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0666 Acres (2,899.84 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SONRISE ACRES ANNEXATION NO. 2**

**APPROXIMATELY 0.3278 ACRES**

**RIGHT-OF-WAY LOCATED ALONG F ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

**SONRISE ACRES ANNEXATION NO. 2**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a

point on the North right of way for Patterson Road; thence S 89°55'23" E, along said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SONRISE ACRES ANNEXATION NO. 3**

**APPROXIMATELY 5.0956 ACRES**

**LOCATED AT 3068 F ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

**SONRISE ACRES ANNEXATION NO. 3**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a



point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of 1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SONRISE ACRES ANNEXATION NO. 4**

**APPROXIMATELY 4.3572 ACRES**

**LOCATED AT 3068 F ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

**SONRISE ACRES ANNEXATION NO. 4**

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

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said

Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 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 2<sup>nd</sup> day of June, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 13**  
**Zoning the Sonrise Acres Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning Sonrise Acres Annexation No. 1, 2, 3 and 4, located at 3068 F Road					
<b>Meeting Date</b>	July 16, 2003					
<b>Date Prepared</b>	July 10, 2003			File #ANX-2003-090		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a Public Hearing and Consider Final Passage reading of the zoning ordinance to zone the Sonrise annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

**Budget:** N/A

**Action Requested/Recommendation:** Approve Final Passage of the zoning ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 30. Staff report/Background information
- 31. General Location Map
- 32. Aerial Photo
- 33. Growth Plan Map
- 34. Zoning Map
- 35. Annexation map
- 36. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		3068 F Road		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		CPS Enterprises, LLC, owner; Vista Engineering Corporation, representative		
<b>Existing Land Use:</b>		Vacant land and house		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Thunder Mountain Elementary		
	<b>South</b>	Museum of Western Colorado		
	<b>East</b>	Single Family residential		
	<b>West</b>	Single Family residential		
<b>Existing Zoning:</b>		RSF-4 (Mesa County)		
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4 (Mesa County)		
	<b>South</b>	RSF-4 (Mesa County)		
	<b>East</b>	RSF-4 (Mesa County)		
	<b>West</b>	RSF-4 (Mesa County)		
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre		
<b>Zoning within density range?</b>	X	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of “residential medium low”, 2 to 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:

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. Therefore, this criteria is not applicable.

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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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;

Response: 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: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**STAFF RECOMMENDATION:**

Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** At their regularly scheduled meeting of June 10, 2003, 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 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

Figure 1





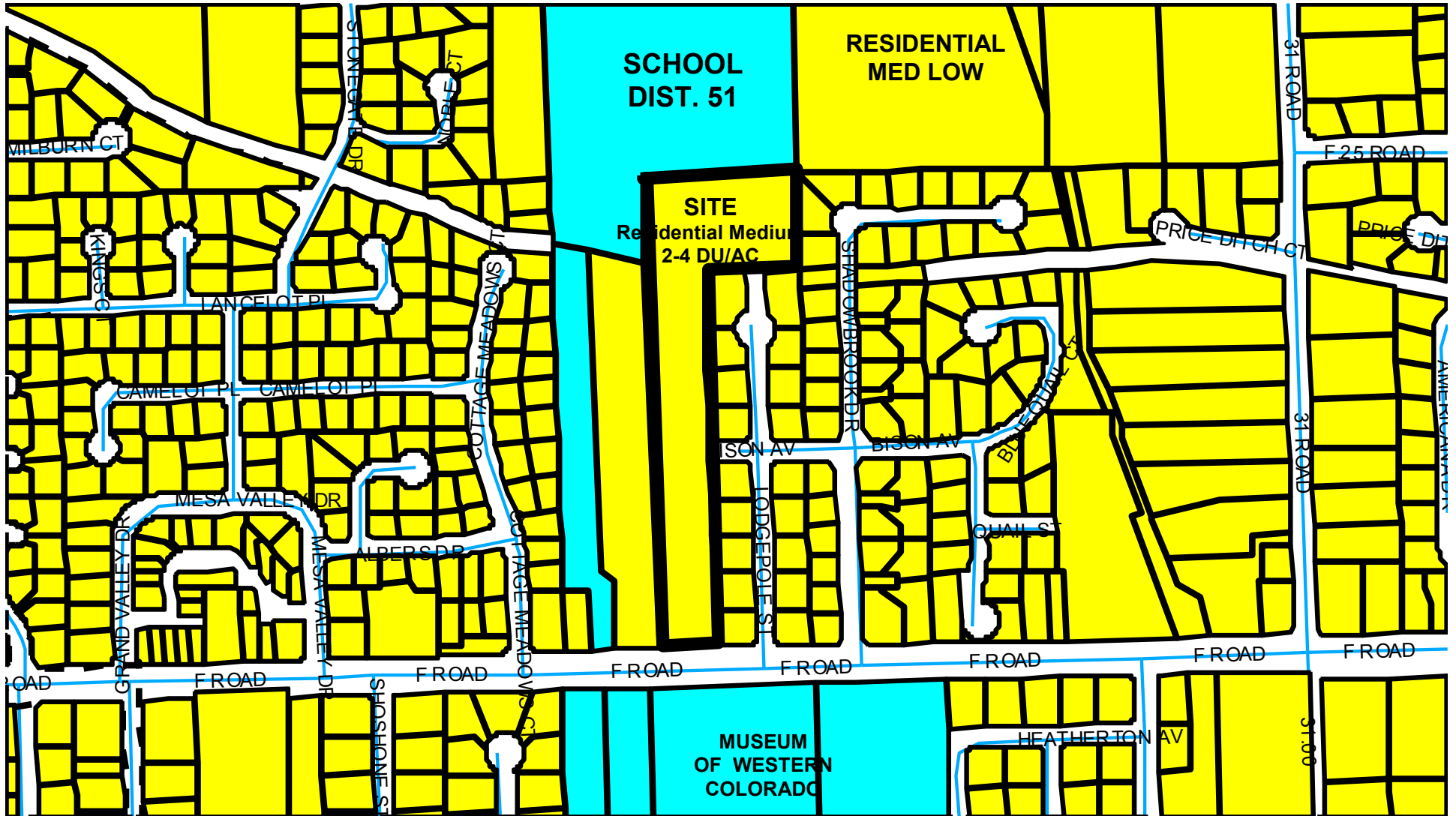
# Aerial Photo Map

Figure 2



# Future Land Use Map

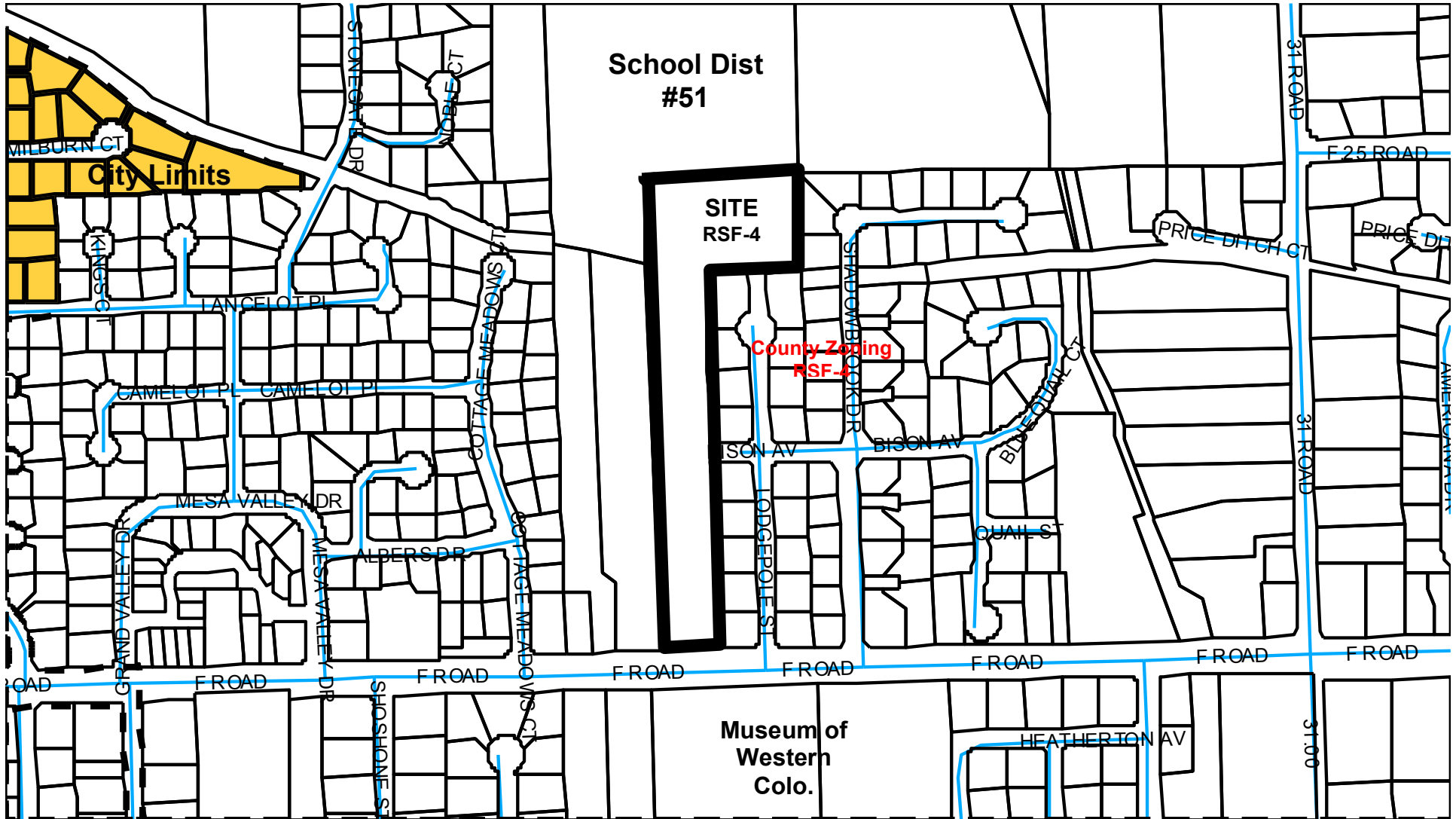
Figure 3



# Existing City and County Zoning

City Limits

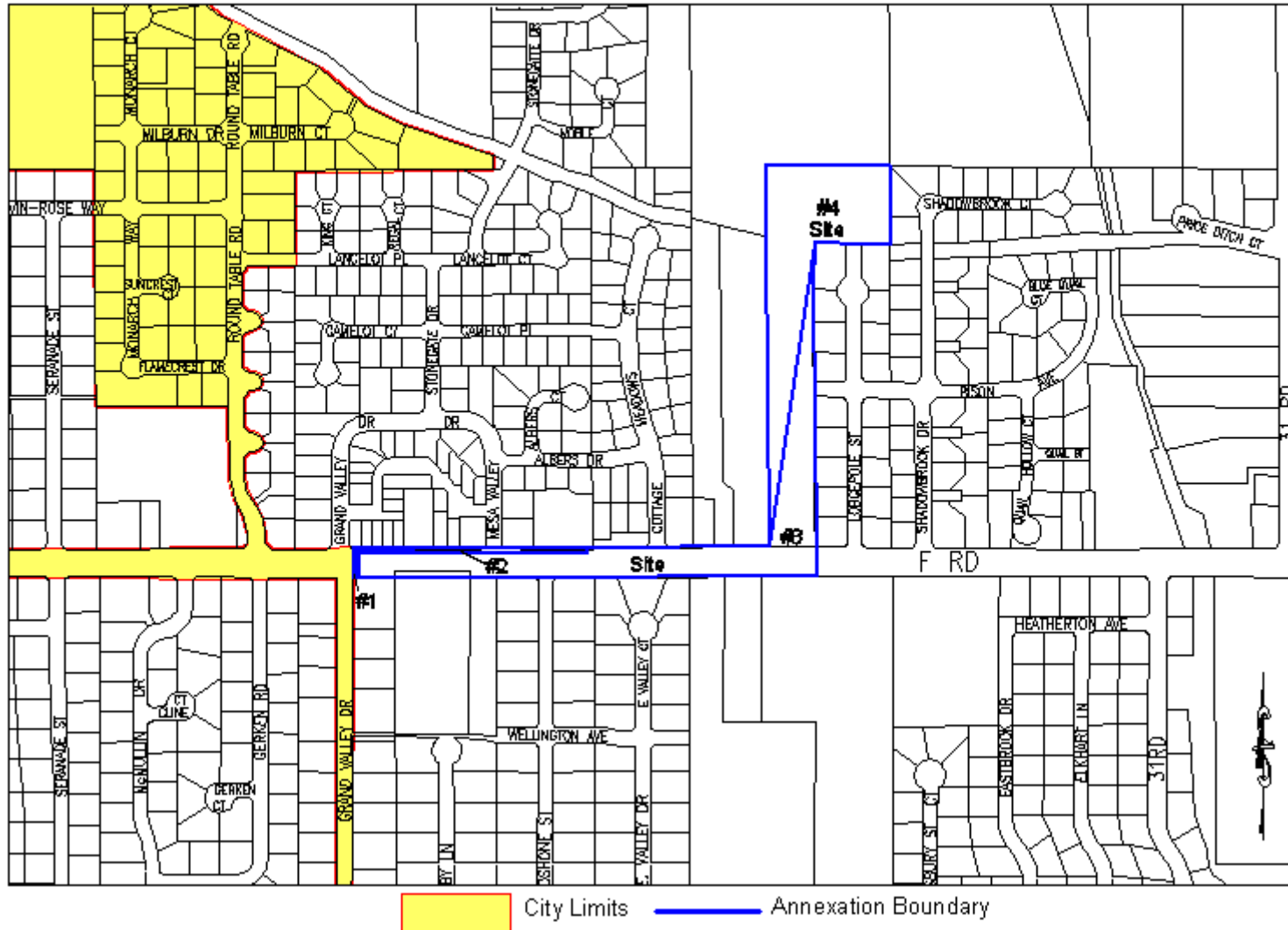
Figure 4



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."

### Sonrise Acres Annexations #1, #2, #3, & #4

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE SONRISE ACRES ANNEXATION TO  
RSF-4**

**LOCATED AT 3068 F 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 Sonrise Acres Annexation to the RSF-4 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 land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The Planning Commission and City Council find that the RSF-4 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 RSF-4 with a density not to exceed 4 dwelling units per acre.

**SONRISE ACRES ANNEXATION**

A Serial Annexation Comprising Sonrise Acres Annexation No. 1, Sonrise Acres Annexation No.2, Sonrise Acres Annexation No. 3 and Sonrise Acres Annexation No. 4

**SONRISE ACRES  
ANNEXATION NO. 1**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3, Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0666 Acres (2,899.84 Sq. Ft.) more or less, as described.

#### SONRISE ACRES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a point on the North right of way for Patterson Road; thence S 89°55'23" E, along

said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of 1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 Sq. Ft.) more or less, as described.

### SONRISE ACRES ANNEXATION NO. 4

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

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 Sq. Ft.) more or less, as described.

Introduced on first reading this 2<sup>nd</sup> day of July, 2003 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Attach 14**  
**UnawEEP Heights Annexation**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Public hearing for acceptance of petition and annexation ordinance for the UnawEEP Heights, 1, 2 and 3 Annexation, located at 2857 UnawEEP Avenue.					
<b>Meeting Date</b>	July 18, 2003					
<b>Date Prepared</b>	July 10, 2003				File # <b>ANX-2003-022</b>	
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No		Yes	When	
<b>Citizen Presentation</b>	<input checked="" type="checkbox"/>	Yes		No	Name	Thompson-Langford Corporation, Doug Thies representative
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b> <input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue; a residential subdivision consisting of 109 lots on 30.334 acres.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing on the annexation and acceptance of the petition. Approve resolution accepting a petition for annexation and approve final passage of the annexation ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 37. Staff report/Background information
- 38. General Location Map
- 39. Aerial Photo
- 40. Growth Plan Map
- 41. Zoning Map
- 42. Annexation map
- 43. Acceptance Resolution
- 44. Annexation Ordinance

<i>BACKGROUND INFORMATION</i>					
<b>Location:</b>		2857 UnawEEP Avenue (C Road)			
<b>Applicant:</b>		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative			
<b>Existing Land Use:</b>		Irrigated field			
<b>Proposed Land Use:</b>		Residential			
<b>Surrounding Land Use:</b>	<b>North</b>	Residential			
	<b>South</b>	Vacant land and residential			
	<b>East</b>	Farm			
	<b>West</b>	Residential			
<b>Existing Zoning:</b>		RSF-4 (Mesa County)			
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)			
<b>Surrounding Zoning:</b>	North	RSF-4 (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	RSF-4 (Mesa County)			
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre			
<b>Zoning within density range?</b>		X	Yes		No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 36.119 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City as the result of requesting to subdivide the property in the County. Under the 1998 Persigo Agreement all subdivisions 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 UnawEEP Heights 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.

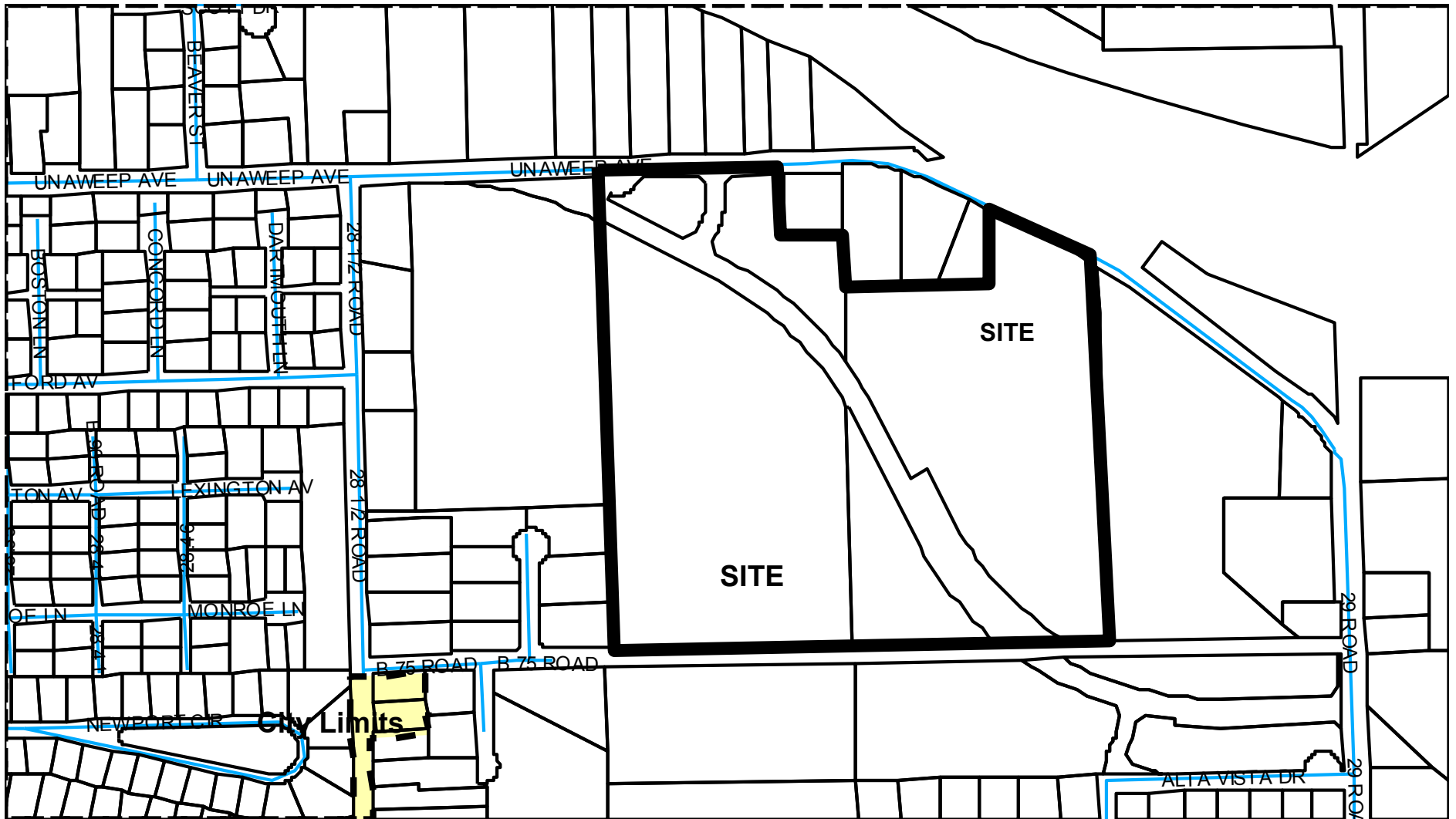
The following annexation and zoning schedule was proposed.

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>June 4<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>June 10<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>July 10<sup>th</sup></b>	First Reading on Zoning by City Council
<b>July 16<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>August 17</b>	Effective date of Annexation and Zoning

<b>UNAWEEP HEIGHTS ANNEXATION</b>		
<b>File Number:</b>	<b>ANX-2003-022</b>	
<b>Location:</b>	<b>2857 UnawEEP Avenue</b>	
<b>Tax ID Numbers:</b>	<b>2943-301-00-254 &amp; 2943-301-00-162</b>	
<b>Parcels:</b>	<b>2</b>	
<b>Estimated Population:</b>	<b>0</b>	
<b># of Parcels (owner occupied):</b>	<b>0</b>	
<b># of Dwelling Units:</b>	<b>0</b>	
<b>Acres land annexed:</b>	<b>36.119 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>34.70 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>365 linear feet along B 3/4 Road</b>	
<b>Previous County Zoning:</b>	<b>RSF-4 (County)</b>	
<b>Proposed City Zoning:</b>	<b>(RSF-4) Residential Single Family not to exceed 4 units per acre</b>	
<b>Current Land Use:</b>	<b>Vacant land</b>	
<b>Future Land Use:</b>	<b>Residential</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>= \$6,160</b>
	<b>Actual:</b>	<b>= \$21,230</b>
<b>Address Ranges:</b>		
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	<b>Orchard Mesa Sanitation</b>
	<b>Fire:</b>	<b>Grand Junction Rural Fire</b>
	<b>Drainage:</b>	<b>Orchard Mesa Irrigation</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	

# Site Location Map

Figure 1



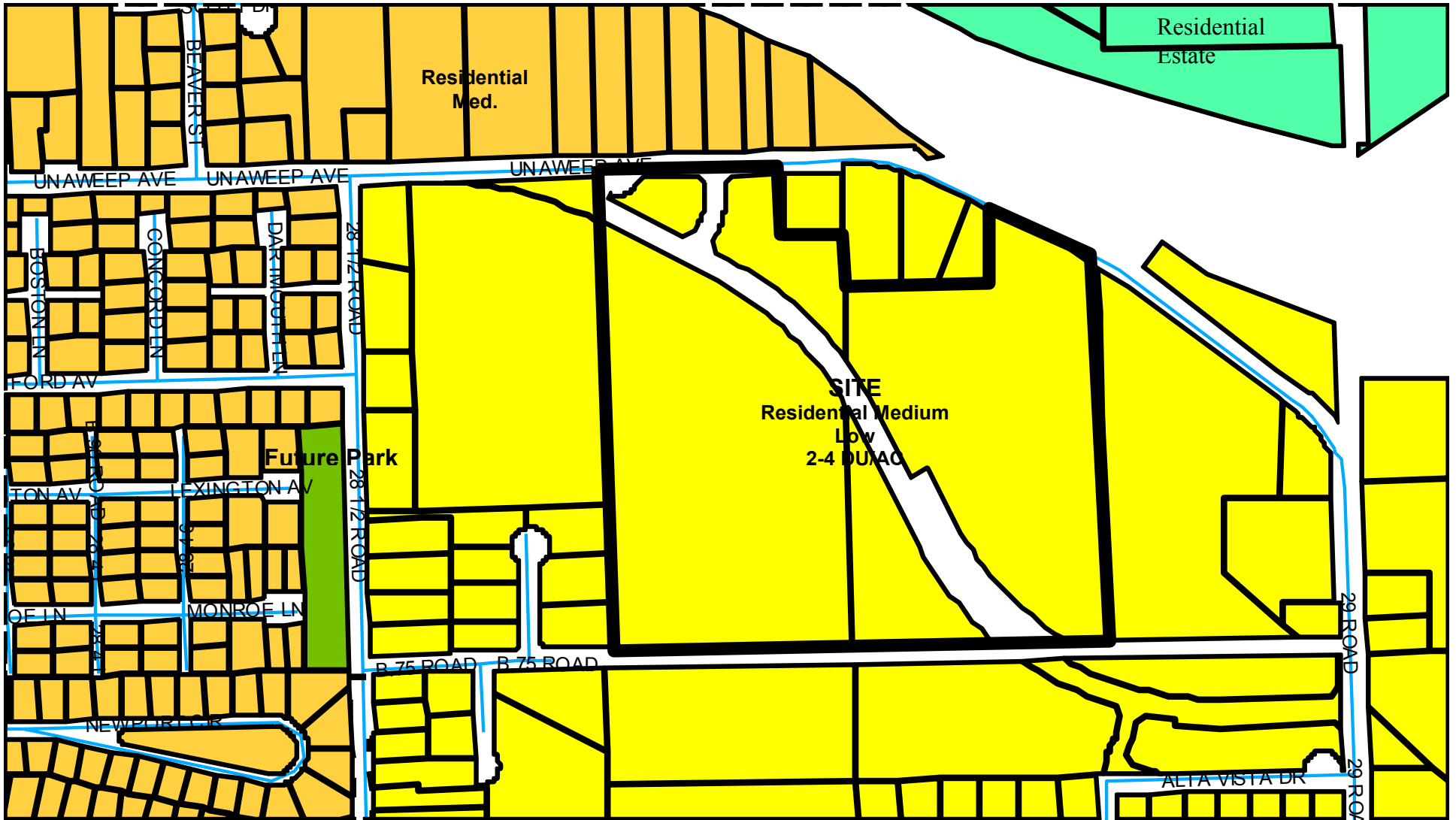
# **Aerial Photo Map**

## **Figure 2**



# Future Land Use Map

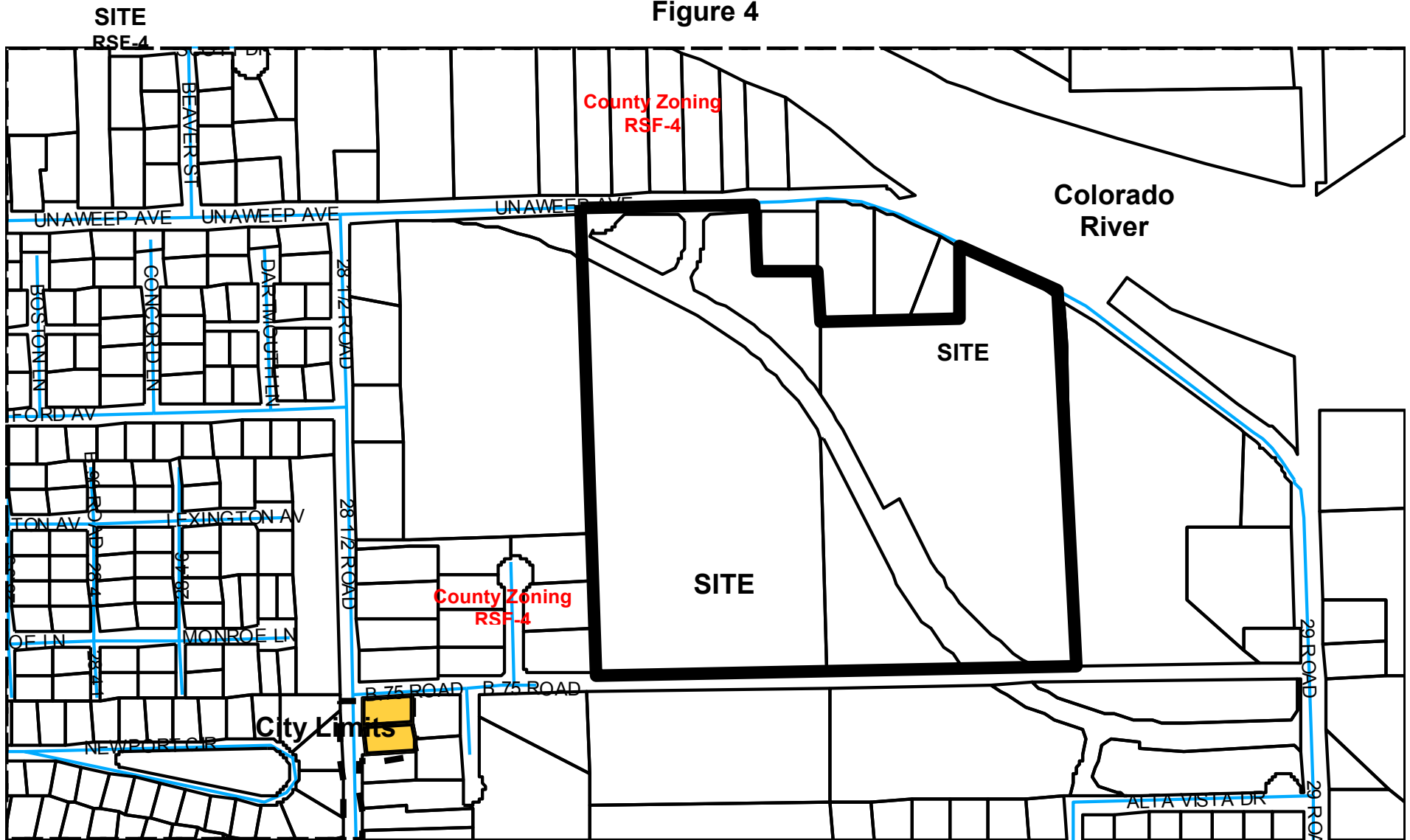
Figure 3





# Existing City and County Zoning

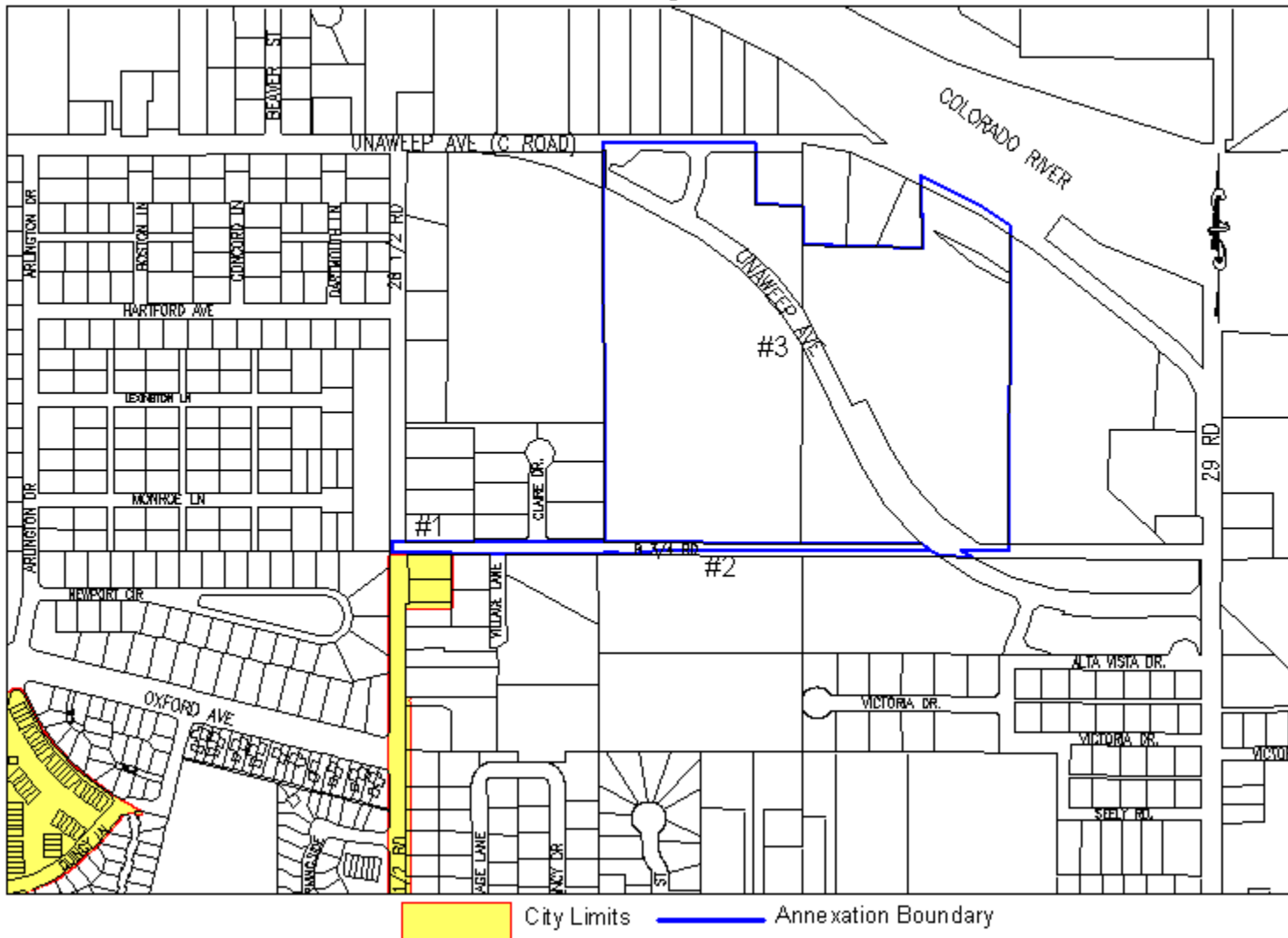
Figure 4



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."

### Unawep Heights Annexations #1, #2, & #3

Figure 5



**RESOLUTION NO. \_\_\_\_****A RESOLUTION ACCEPTING A****PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE****UNAWEEP HEIGHTS ANNEXATION****LOCATED AT 2857 UNAWEEP AVENUE****IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 4<sup>th</sup> day of June, 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:

**UNAWEEP HEIGHTS ANNEXATION****A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, Unawep Heights Annexation No. 2 and UnawEEP Heights Annexation No. 3****UNAWEEP HEIGHTS ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12, Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence

S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 Sq. Ft.) more or less, as described.

#### UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of UnawEEP Avenue, as same is recorded in Book 3132, Pages 568 through 574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 Sq. Ft.) more or less, as described.

#### UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of 47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 Sq. Ft.) more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16<sup>th</sup> day of July, 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.

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**

**UNAWEEP HEIGHTS ANNEXATION NO. 1**

**APPROXIMATELY 0.0358 ACRES**

**RIGHT-OF-WAY LOCATED ALONG B ¾ ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

**UNAWEEP HEIGHTS ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12,

Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**UNAWEEP HEIGHTS ANNEXATION NO. 2**

**APPROXIMATELY 1.3790 ACRES**

**LOCATED AT 2857 UNAWEEP AVENUE**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as

same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of Unaweep Avenue, as same is recorded in Book 3132, Pages 568 through 574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**UNAWEEP HEIGHTS ANNEXATION NO. 3**

**APPROXIMATELY 34.7049 ACRES**

**LOCATED AT 2857 UNAWEEP AVENUE**

**WHEREAS**, on the 4<sup>th</sup> day of June, 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 16<sup>th</sup> day of July, 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:

UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West

line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of 47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 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 2<sup>nd</sup> day of July, 2003 and ordered published.

**ADOPTED** this <> day of <>, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 15**

**Zoning the UnawEEP Heights Annexation**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue					
<b>Meeting Date</b>	July 16, 2003					
<b>Date Prepared</b>	July 10, 2003			File #ANX-2003-022		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Hold a Public Hearing and Consider Final Passage of the Zoning ordinance to zone the UnawEEP Heights annexation RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

**Budget:** N/A

**Action Requested/Recommendation:** Approve Final Passage of the zoning ordinance.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 45. Staff report/Background information
- 46. General Location Map
- 47. Aerial Photo
- 48. Growth Plan Map
- 49. Zoning Map
- 50. Annexation map
- 51. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		2857 UnawEEP Avenue (C Road)	
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative	
<b>Existing Land Use:</b>		Irrigated field	
<b>Proposed Land Use:</b>		Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential	
	<b>South</b>	Vacant land and residential	
	<b>East</b>	Farm	
	<b>West</b>	Residential	
<b>Existing Zoning:</b>		RSF-4 (Mesa County)	
<b>Proposed Zoning:</b>		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4 (Mesa County)	
	<b>South</b>	RSF-4 (Mesa County)	
	<b>East</b>	RSF-4 (Mesa County)	
	<b>West</b>	RSF-4 (Mesa County)	
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Rezoning:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium-low. 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. Therefore, this criteria is not applicable.

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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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;

Response: 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: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

### **STAFF RECOMMENDATION**

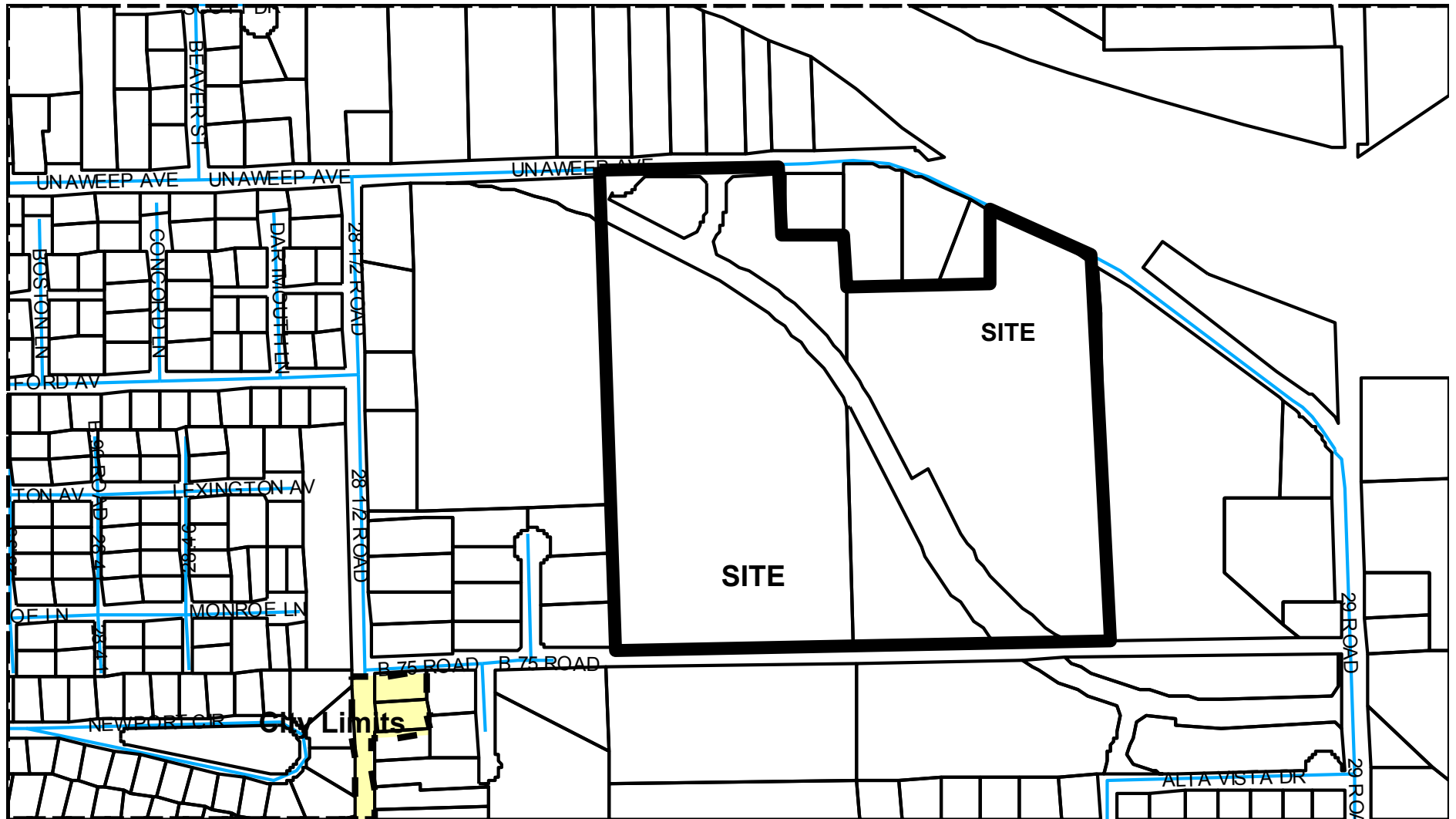
Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission, at their regularly scheduled meeting of June 10<sup>th</sup>, 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 2.6 and 2.14 of the Zoning and Development Code.



# Site Location Map

Figure 1



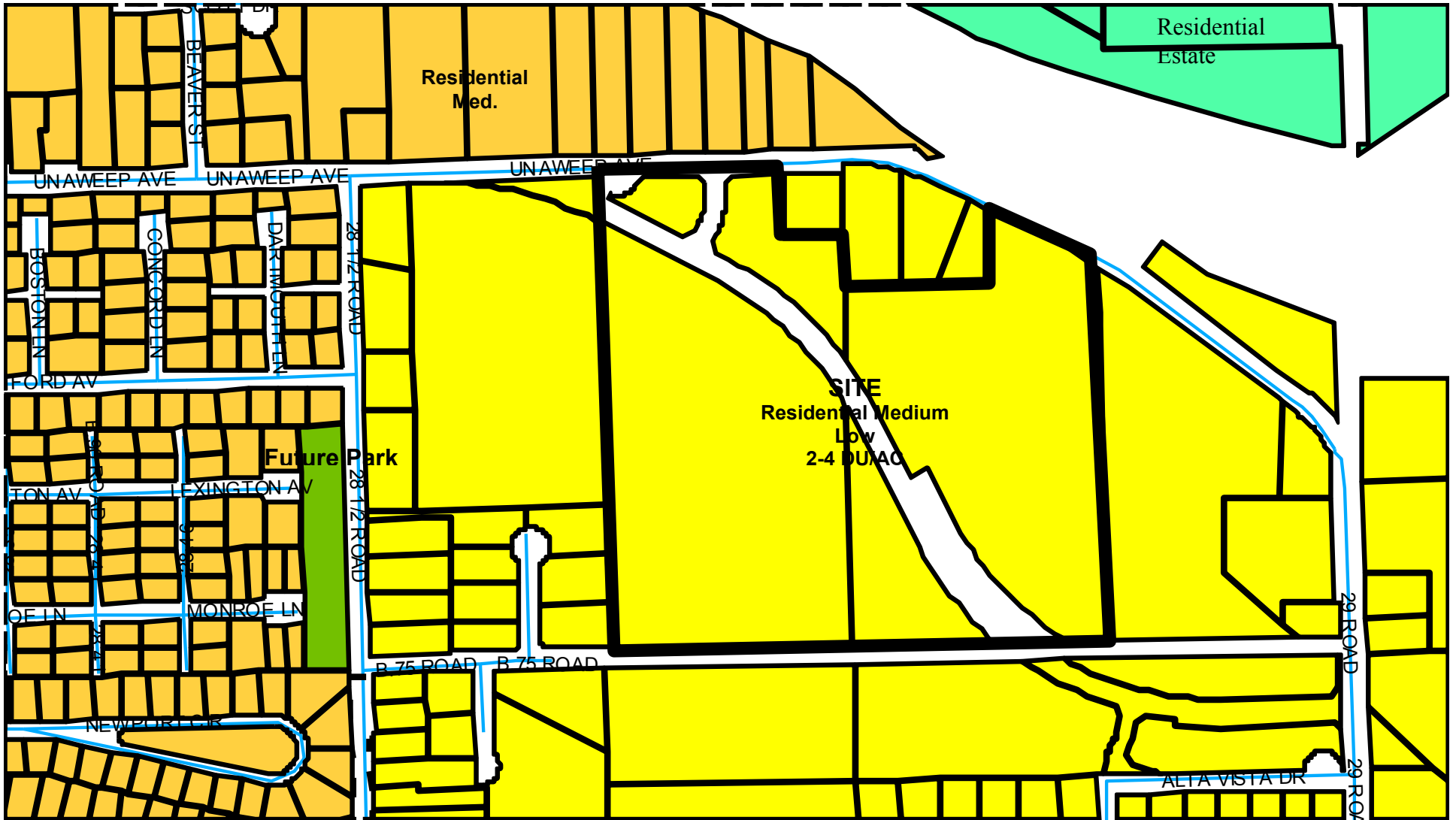
# Aerial Photo Map

Figure 2



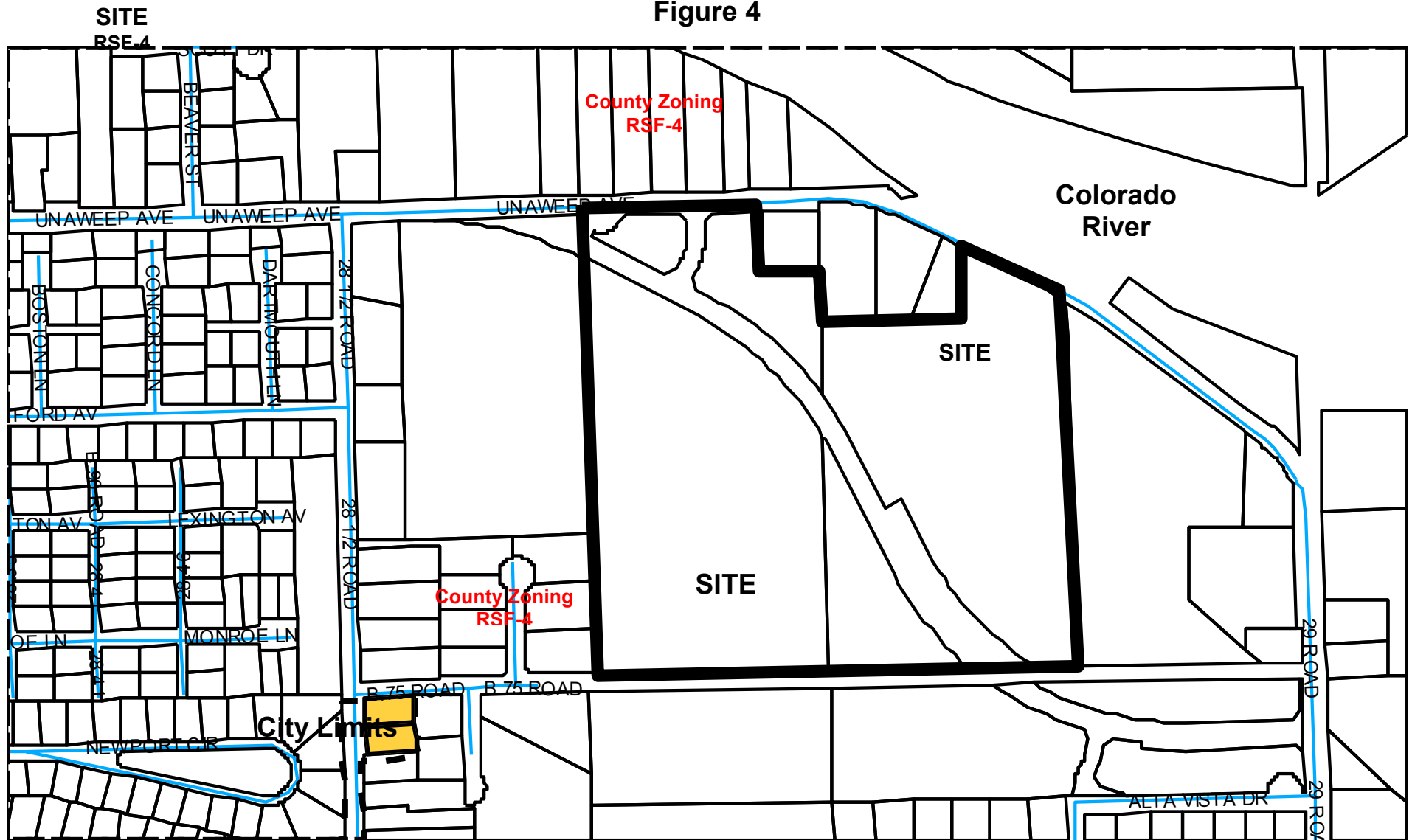
# Future Land Use Map

Figure 3



# Existing City and County Zoning

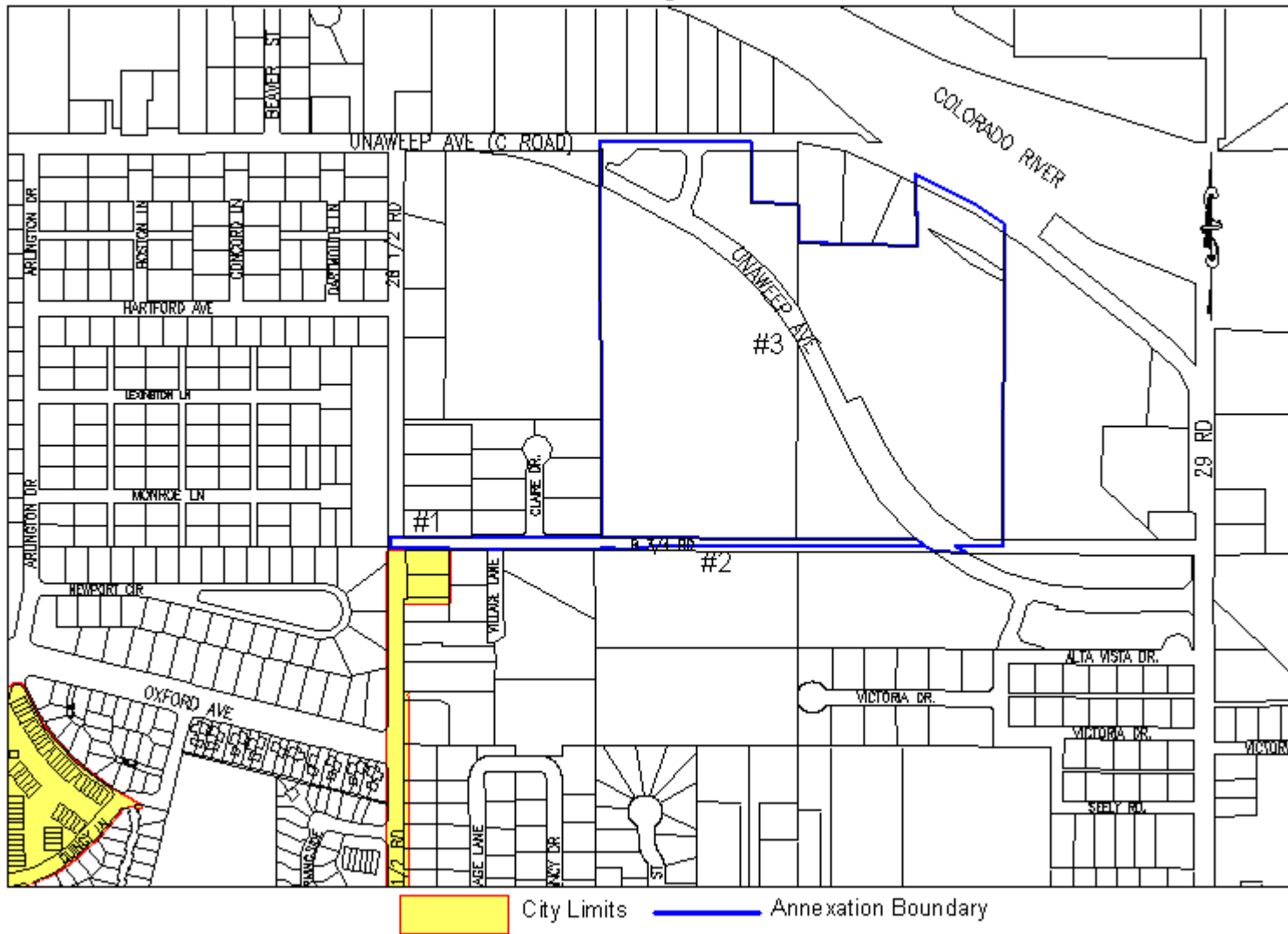
Figure 4



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."

### Unawep Heights Annexations #1, #2, & #3

Figure 5





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE UNAWEEP HEIGHTS ANNEXATION TO  
RSF-4**

**LOCATED AT 2857 UNAWEEP 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 rezoning the Unawep Heights Annexation to the RSF-4 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 land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The Planning Commission and City Council find that the RSF-4 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 RSF-4 with a density not to exceed 4 units per acre.

**UNAWEEP HEIGHTS ANNEXATION**

A Serial Annexation Comprising Unawep Heights Annexation No. 1, Unawep Heights Annexation No. 2 and Unawep Heights Annexation No. 3

UNAWEEP HEIGHTS ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12, Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 Sq. Ft.) more or less, as described.

#### UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of



94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of UnawEEP Avenue, as same is recorded in Book 3132, Pages 568 through 574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 Sq. Ft.) more or less, as described.

### UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a

distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of 47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 Sq. Ft.) more or less, as described.

Introduced on first reading this 2<sup>nd</sup> day of July, 2003 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 16  
Watershed and Water Supply Protection District Ordinance  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Public Hearing Watershed Protection Ordinance							
<b>Meeting Date</b>	July 16, 2003							
<b>Date Prepared</b>	July 7, 2003					<b>File #</b>		
<b>Author</b>	Dan Wilson/ Greg Trainor			City Attorney/Utility Manager				
<b>Presenter Name</b>	Dan Wilson/ Greg Trainor			City Attorney/ Utility Manager				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	Public Hearing		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:**

Public hearing on Watershed Protection Ordinance. The Ordinance is to protect the City of Grand Junction municipal drinking water supplies in the Kannah Creek area of Grand Mesa, and on the Gunnison and Colorado Rivers above the municipal water supply intakes.

**Budget:** NA

**Action Requested/Recommendation:**

Public hearing on Watershed Protection Ordinance and consideration of final passage and final publication in pamphlet form.

**Attachments:**

- List of Comments
- Watershed Ordinance Summary and Briefing Paper, July 7, 2003
- Frequently Asked Questions
- Watershed Protection Ordinance ("City Manager" version)
- Zone 1 Map
- Zone 2 Map
- Zone 3 Map

**Background Information:**

The City of Grand Junction provides drinking water to consumers both inside the City and to residents of the Kannah Creek area. These water supplies have been acquired by the City since 1911. Given the City's primary mission to provide high quality drinking water, the City Council has determined that a Watershed Protection Ordinance is necessary to protect the public water supply and to preserve the City's water resources.

The City does not attempt to exercise power over the United States' land use authority on public lands, but to enact procedures to insure that its supply is not contaminated from development.

**List of Comments Received Regarding Watershed Protection Ordinance –** Council should have received copies. if you would like to review the comment, the City Clerk will have them on hand at the hearing.

1. Connie Clementson, District Ranger, signed by Linda K. Perkins, US Forest Service, dated 4-29-03
2. Concerned Landowners, Kannah Creek Area, specifically John Whiting, Rodney Whiting, Donna Whiting, Rod Bonnell, Phyllis Bradbury, WD Bradbury and Richard, Victoria and John Mansur, dated 5-2-03
3. Connie Clementson, District Ranger, Forest Service, dated 5-5-03
4. Board of County Commissioners, dated 5-7-03
5. Lois Davidson, resident of Purdy Mesa, phone message dated 5-9-03
6. Cliff & Judy Davis, lessees of Somerville, Anderson and Click Ranches, dated 5-10-03
7. Steve Chapel, GMS committee member, dated 5-11-03
8. Dale Tooker, relayed by Terry Franklin via email, dated 5-13-03
9. Don Lumbardy, owner 2500 Whitewater Creek Road and GMS committee member, dated 5-13-03
10. David & Maureen Smuin, Purdy Mesa resident and member of Lands End Weed Management Area committee, dated 5-15-03
11. David & Maureen Smuin, 4221 Purdy Mesa Road, Purdy Mesa resident and member of Lands End Weed Management Area committee, dated 5-15-03
12. Kent Baughman, 2662 Cambridge Road, dated 5-16-03
13. Eric Rechel, dated 5-19-03
14. Pam Chiaro, 2690 Kimberly Dr, dated 5-19-03
15. Tom Acker, 2410 Sandridge Court, dated 5-20-03
16. Board of County Commissioners, dated 5-20-03
17. email from Greg Trainor related conversations with John and Rod Whiting and Kent Baughman, dated 5-21-03
18. Don Lumbardy, 2500 Whitewater Creek, Mesa County Conservation District board member, 6-3-03
19. David Cohn, property owner in the Land's End area and Texas resident, dated 6-10-03
20. Toby Cummins, representing Associated Builders and Contractors, dated 6-20-03
21. Patrica Brouse Shear, Colbran resident, dated 6-23-03
22. Board of County Commissioners, dated 6-25-03
23. Edward Gardner, Whitewater Building Materials, dated 6-25-03
24. John Mansur, 6800 Purdy Mesa, dated 6-26-03
25. Ed Chamberlin, Chamberlain Architects, dated 7-10-03
26. Loyd Carlson, 1155 Grand Ave, retired geologist, dated 7-7-03
27. Robert Anthony, 575 28 ½ Road, #48, dated 7-10-03
28. John Kiernan, 2185 Linda Ln, , email dated 7-11-03
29. Nancy Watkins, 1977 Cunningham Court, email dated 7-11-03
30. Bruce Evertson, letter dated 7-11-03
31. Dave Murphy, 2341 Promontory Ct, email dated 7-12-03

32. Lynn Vransy, 365 29 Road, email dated 7-13-03
33. Judy, William and Margaret Prakken, phone call via email, dated 7-14-03
34. Barry Weitzel, president of Homebuilders Association of NW CO, dated 7-14-03
35. Ed Bass, feedlot owner, phone call via email dated 7-14-03
36. Stephen Boelter & Karen Combs, 3369 C Road, Palisade, dated 7-14-03
37. NAPCO, oil and gas firm, email 7-15-03
38. Gloria Forbes, 51 Eagle Trail, email dated 7-15-03
39. Kathy Stanko, 6778 Kannah Creek Road, email dated 7-15-03
40. Skip Mottram, Mesa Co Democrats, press release rec'd 7-15-03
41. Jim Armstrong, 844 Grand Ave, email dated 7-15-03
42. Catherine Roberston, BLM Field Manager, dated 7-16-03

July 7, 2003

## **Proposed Watershed Protection Ordinance**

City of Grand Junction

### **Summary and Briefing Paper**

(Attached to this summary is the full document of the Proposed Watershed Protection Ordinance and maps depicting the areas affected by the proposed Ordinance. Please read the entire proposed ordinance for a full description.)

### **Historical Background**

The Grand Junction community, from 1884 to 1904, struggled with its water supply. First the town developers and then private interests tried to provide drinking water and fire protection from a number of locations on the Gunnison and Colorado Rivers. These efforts failed because of muddy water in the spring and little water in the summers. Flooding also caused problems maintaining water for fire protection. Finally the City residents voted to establish a municipal water supply system, appointed committees to go to the mountains to find a reliable and clean supply, and to obtain clean water “at any cost.”

In 1911, the City acquired ownership of the most senior water rights in the Kannah Creek basin. During the following 92 years, the City continued to acquire water rights on Grand Mesa, the Gunnison and the Colorado rivers.

The City Charter, adopted in 1909, further directed that the City’s waterworks would be managed “under the most comprehensive oversight and control, in every particular, in order that nothing should ever be done which would in any way interfere with the successful operation of the waterworks system”.

The City provides drinking water to consumers both inside the City and to residents of the Kannah Creek area, outside of the corporate limits of the City.

### **The City’s Obligation and Authority to Protect Its Water Supply System**

The City’s authority to protect its water supply is granted in §31-15-707 (1) (b), C.R.S., Article XX of the Constitution of the State of Colorado, other state and federal laws including the Safe Drinking Water Act, and local laws and ordinances, including, as mentioned above, the City’s Home Rule Charter.

The City is not attempting to exercise power over the United States' land use authority on BLM lands and Forest lands within the City's Water-sheds. Those agencies will continue to make the final determinations as to what is or is not allowed, with City input when issues of water quality or quantity are concerned. The City will have the authority to require additional conditions or safeguards to insure protections of its water supply, should the federal agencies fail to do so.

The City is working with the Federal agencies to develop agreements that will achieve the objectives outlined in the ordinance.

### **Why Is The City Taking This Action?**

Although the City hopes to implement the Ordinance through detailed agreements with the Federal agencies, the Ordinance will allow the City to be in a "decision-making role" with its Federal partners when conditions are placed on activities that have the potential of harming the drinking water supplies of the City.

There are some activities that could harm the quality of the City's drinking water. The City has, at its primary role, the responsibility to protect this supply. The Federal agencies also have a responsibility to protect and the City hopes that they will. However, the Federal role to protect is not its primary mission. In the case of the BLM, for example, their mission is to facilitate development and multiple use. The City does not object to the Federal mission. But there are certain areas, critical to the safety of Grand Junction citizens, which require special protections. The City feels it would be irresponsible to not step forward and take a critical interest in these watershed areas, particularly because of the significant water rights owned by the City and that these areas are primary drinking water sources.

### **What Activities are Regulated by the Proposed Ordinance?**

#### **Existing Uses May Continue**

The lawful use of any building, structures or land existing as of the effective date of the Proposed Ordinance may continue; except to the extent that any such use or activity constitutes a substantial risk of pollution or injury to the City's watershed or waterworks.



Ordinary repairs and maintenance of any existing canal, ditch, domestic use, building, structure or land shall be allowed without notice to the City, however, the same shall not be allowed to expand and/or the use thereof change without a watershed permit pursuant to the ordinance.

**Some Uses Are Not Regulated Except Under Certain Conditions**

1. Stock grazing. Notice to the City may be given by delivering to the City a copy of the federal permit for stock grazing on federal lands.
2. Road maintenance and construction by governmental entities.
3. Burning of the prior years' vegetative growth on canals, ditches and fields.
4. Domestic uses. "Domestic Use" means construction of a single family residence of less than 10,000 sq. ft. in total interior sq. ft., construction of driveways, landscaping and accessory barns and sheds in connection therewith.
5. Drilling of water wells for domestic use.
6. Weed control and spraying if done in accordance with the best management practices approved by LEWMA.
7. Outfitting. Notice may be provided to the City of proposed outfitting in the Watershed by delivery of a copy of the State's outfitter's license and a copy of any federal permit or license authorizing the outfitter to do business on federal lands.

**Certain activities pose a serious threat of pollution to the City's waterworks supply, except as outlined above.**

1. Construction of a sewage disposal system, including a County permitted individual sewage disposal system (ISDS) and a facility or system serving more than one user;

2. Excavating, grading, filling or surfacing;
3. Removing vegetation;
4. Timber harvesting;
5. Drilling operations;
6. Grading;
7. Surface or subsurface mining operations, including the extraction of gas and/or oil.
8. Spraying or using fertilizers, herbicides, pesticides or rodenticides;
9. Using, handling, storing, or transmitting amounts of hazardous materials or radioactive substances
10. Using, handling, storing or transmitting flammable or explosive materials, except for domestic uses; except that above ground fuel tanks containing 350 or fewer gallons and within vehicular storage tanks that are an integral part of the vehicle, are allowed for each farm or ranch.

### **What Areas Are Covered by the Proposed Ordinance**

The Kannah Creek, North Fork of Kannah Creek and Whitewater Creek Watersheds are considered “Zone 1” under the Proposed Ordinance and extend over all the territory occupied by the City of Grand Junction’s primary waterworks and includes all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the water system and over all creeks, streams, lakes, reservoirs and the City's waterworks and all water sources tributary thereto for five (5) miles up gradient (i.e. upstream) each point from which any water is diverted for use by the City of Grand Junction.

The Gunnison River Watershed is considered “Zone 2” and extends from the City’s pumps on the Gunnison River five (5) miles up stream and up-gradient of these diversion structures and such pumps. Because of existing regulatory protections, until and unless the City declares otherwise, notice of land uses and activities in Zone 2 to be given to the City except as follows: feed lots, mining, drilling and/or industrial activities or uses; because such activities and uses can create a substantial risk of pollution or injury to the City’s waterworks and watersheds.

The Colorado River Watershed is considered “Zone 3” and extends from the Clifton Water District Treatment Plant five (5) miles upstream and up-gradient of the Clifton intakes and diversions to such plant. Unless declared otherwise by the City, in Zone 3 the City will rely on the Clifton Water District as a City water supplier and a Title 32 special district, to review, comment on, and act to avoid substantial risk of pollution or injury to the City’s watersheds or waterworks located in Zone 3.

### **Minor or No Impact**

The City may classify a proposed activity as a minor impact or as no impact.

**For further information, please call 970-244-1554 or e-mail to [citypage@gjcity.org](mailto:citypage@gjcity.org)**

**You may also write to City of Grand Junction, Public Works, 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado 81501**

**Most Frequently Asked Questions about the proposed watershed ordinance**

Question: Is the proposed ordinance in its final form?

Answer: The ordinance is still a draft and will be changed as often as necessary up to and including the time of the public hearing on July 16.

Question: Is the City talking to everyone that is affected?

Answer: The City has met with all affected private property owners in the Kannah Creek area that are affected and discussed the ordinance with them. The City is also discussing the ordinance and how the ordinance will be implemented with MOU’s with the Forest Service, the BLM, as well as Mesa County.

Question: Wouldn't memorandums of understanding (MOUs) work as well as the ordinance?

Answer: This is a good question. Because of the serious nature of protection of drinking water supplies, the City desires a "decision-making role" with its Federal partners when looking at issues that may contaminate the drinking water supply. Although the City has had agreements in the past with its federal partners, the City's role has only been "participatory" and the federal agencies could take the City's comments or leave them. The proposed ordinance will allow the City more decision-making authority.

The City continues to meet with Federal land managers and their attorneys to discuss how protections may be written into agreements so that the ordinance will be effective and acceptable.

Question: Does the City have authority over Federal and private lands?

Answer: The City will not dictate what is or is not approved on federal or private lands. That is the job of the BLM, Forest Service or Mesa County. But the City may, in special cases, when the threats of contamination are serious, add additional conditions or safeguards.

Question: The Forest Service says that the City will be required to pay additional fees and lost revenues to the Federal government if certain uses are not allowed. Is this true?

Answer: The City will not dictate what the federal government will or will not allow on the public land. The City will only add, in certain special situations, additional stipulations. It is hope that in all cases that the federal approvals will have sufficient safeguards.

Question: Isn't the Federal government required to meet Clean Water Act standards?

Answer: Yes. But the Federal mission is not primary to insuring safe drinking water. The City's responsibility to its citizens is primary. Also the federal land management agencies interpret and implement the National Environmental Policy Act (NEPA) differently. In some cases the work of the federal agency is thorough and detailed. In other cases the work is cursory.

Question: Isn't Whitewater Creek only irrigation water? What is the big deal?

Answer: Whitewater Creek water rights were purchased in 1990 after another severe drought in the summer and fall of 1990. The City has plans to put this water into its treatment plant in 2006 and used for drinking water.



**ORDINANCE NO.**

**An Ordinance Establishing Watershed and Water Supply Protection Zones; Establishing Procedures and Standards for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed Permit for most Activities; and Providing Penalties and Remedies for Violation of this Ordinance.**

**[THE BOLD LANGUAGE ARE TWO ALTERNATIVES TO BE CONSIDERED BY THE COUNCIL AT THE JULY 16, 2003 HEARING.**

**THE HIGHLIGHTED LANGUAGE ARE THE MOST SIGNIFICANT CHANGES SINCE FIRST READING]**

Recitals.

- A. The City intends to exercise all available powers and authority including but not limited to Article XX of the Constitution of the state of Colorado, the City's Charter and state statutes, including §31-15-707, C.R.S.
- B. The City owns and operates municipal water treatment and delivery systems and provides water service to consumers both inside and outside of the corporate limits of the City.
- C. Since 1911, the City has continued to make a tremendous investment in its combined water resources including significant water rights, land, transmission lines, and related infrastructure.
- D. As the steward of the City's water resources, the City Council is the only body with the primary duty to ensure a safe high-quality water system for the citizens of Grand Junction. Others, including the federal government which owns and manages much of the land underlying the City's watershed, have responsibilities regarding municipal watersheds. However the mission and duties of such other entities is not singularly to protect the City's water supply but requires such agencies to balance protection of the City's water supply against other values such as resource development.

- E. The legislature of Colorado has authorized cities and towns to exercise extraterritorial jurisdiction to protect municipal watersheds. See § 31-15-707, C.R.S.
- F. Because only the City has the singular focus to protect the its water supply, this watershed ordinance is necessary to ensure that reasonable mitigation and best management practices are followed by non-federal persons and entities operating or acting within the City's watersheds.
- G. It is the Council's hope that adoption of this watershed ordinance will instigate updated and/or new intergovernmental agreements which can supplement the protections provided by this ordinance.
- H. Additional values and issues that the City Council endorses in adopting this watershed ordinance:
  - a. The City acknowledges and will continue to reinforce that the ordinance is not an effort to usurp land use control by other governments.
  - b. The City will continue to forge working relationships with local municipal, district and county governments so that the City can rely on their existing regulations and practices to ensure that the City's Gunnison and Colorado River water and water rights are protected by this ordinance.
  - c. The City will work toward a coordinated permitting process with other governments and agencies whereby duplicative applications and information can be minimized. For example, the City can benefit from federal mandates that already require storm water management plans for projects which will disturb more than one acre of land within the City's watersheds.
  - d. The City should work toward a system that allows the City and other governments to jointly rely on a single performance guarantee so that the costs of complying with a watershed ordinance can be kept as low as possible while providing adequate protection against injury or pollution to the City's waters and waterworks.
- I. The City Council finds that this ordinance is necessary to help protect the public water supply and resources. The City Council finds that the City's waterworks, diversions, storage and other municipal water rights

are critical to the short and long-term welfare of the community. To help protect such waters, waterworks and water rights, the City intends to require that activities and uses in the City's primary watersheds shall be evaluated under this ordinance, except that the City acknowledges that the federal government is not subject to the provisions of this ordinance for activities of the United States on lands of the United States.

- J. The District Ranger for the Grand Valley Ranger District, Grand Mesa National Forest, and the Manager for the local BLM area have asked that the City consider the case of *California Coastal Commission v. Granite Rock Company*, 480 U.S. 572 (1987). That case distinguishes between land use regulation by a state (or local) government and environmental regulation. According to the Supreme Court in that case, the question is whether or not state law (and local laws authorized by the state) make it impossible for a federal permittee to comply with both federal law and state (or local) regulations.
- K. The City does not attempt to exercise power over the activities of the United States or the land use authority of the United States on federal lands that underlie the City's watersheds. *Granite Rock* explicitly acknowledged that state and local environmental rules—as opposed to land use regulations—can coexist with federal land use authority. *Granite Rock* clearly states that environmental rules of a state (and local) government are allowed. The City Council intends to adopt such environmental regulations via this ordinance.
- L. It is noted that Mesa County asserts land use control over federal permittees in the City's watershed on BLM lands, without objection from the BLM. It is noted that it is not the intent of this ordinance to usurp whatever land use control Mesa County has over federal lands and federal permittees on federal lands.
- M. In light of such values, realities and goals, the City Council determines that the public health, welfare and safety is promoted by the exercise by the City of all available rights, powers and authorities to, with a single



focus, provide its citizens with plentiful water supply of the highest quality.

- N. The City Council finds that the City's waters and water supply are matters of purely local concern and that this ordinance is necessary to adequately protect such waters and watersheds.
- O. **[Alternative 1: At the request of the Board of Commissioners of Mesa County and premised on the effective enforcement by other governments of existing state, federal and local regulations, such as Clifton Water District, that serve to protect the City's Gunnison and Colorado River watersheds, waterworks and waters, this ordinance will not apply to what is described below as Zones 2 or 3 until the City Council amends this ordinance. The City Manager is directed to study the risks of such a decision and to immediately make the Council aware of any risks and detriments associated with not applying the terms of this ordinance to Zones 2 and 3 at this time.]**

**[Alternative 2: At the request of the Board of Commissioners of Mesa County and premised on the effective enforcement by other governments of existing state, federal and local regulations, such as Clifton Water District, that serve to protect the City's Gunnison and Colorado River watersheds, waterworks and waters, this ordinance will not apply to what is described below as Zones 2 or 3 until the City Council declares by resolution that either or both Zone 2 and 3 shall be subject to the provisions of this ordinance.]**

- O. The City Council hereby finds, declares and determines that the maintenance and protection of an adequate water supply of the highest quality is essential to the public health, safety and welfare of the citizens of the City. This ordinance is adopted to protect the City's water and waterworks from the threat of or actual pollution or injury.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION that the following watershed and water supply protection ordinance is hereby passed and adopted.

1. CITATION. This ordinance shall be known as the "Watershed Protection Ordinance" of the City.

## 2. PURPOSE.

- (a) The Watershed Protection Ordinance is established as the fullest exercise of the powers, authorities, privileges and immunities of the City of Grand Junction in maintaining and protecting the City's water supply and waterworks from injury and water supply from pollution or from activities that may create a hazard to health or water quality or a danger of pollution to the water supply of the City.
- (b) The City's authority is granted in §31-15-707 (1) (b), C.R.S., Article XX of the Constitution of the State of Colorado, other state and federal laws including the Clean Water Act, the Safe Drinking Water Act, federal and state pollution control laws and local laws, ordinances, rules and regulations, including the City's home rule charter.
- (c) This ordinance and the implementing regulations are created for the purpose of protecting the City's water and waterworks only and not intended to regulate the activities of the United States on federal lands, nor land uses *per se*.
- (d) The direct regulation of land use activities within the watersheds shall remain the responsibility of other governments. The City's authority within the watersheds shall be concurrent with other governments having or claiming jurisdiction.
- (e) This ordinance is adopted so that the City will be able to require changes in the way activities and/or uses in the City watersheds are performed and to require appropriate mitigation determined reasonable by the City, except as preempted by law.

## 3. DESIGNATED WATERSHEDS.

- (a) The Kannah Creek, North Fork of Kannah Creek, Whitewater Creek, Gunnison River and Colorado watersheds are hereby declared to extend over all the territory occupied by the City of Grand Junction's waterworks in those drainages and shall include but not be limited to all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over all creeks, streams, lakes,

reservoirs and the City's waterworks and all water sources tributary thereto for five (5) miles up gradient (*i.e.*, obtained or used upstream) of each point from which any water is diverted for use by the City of Grand Junction. The Kannah Creek, North Fork of Kannah Creek, and Whitewater Creek watersheds are termed "Zone 1."

- (b) The Gunnison River watershed is declared to extend from, and include, the City's pumps on the Gunnison River extending and including land that is within five (5) miles upstream and up-gradient of said City pumps and diversion structures, commonly referred to as the "Redlands Diversion." For this ordinance this watershed shall be termed "Zone 2."
  - (c) The Colorado River watershed is hereby declared to extend from, and include, the Clifton Water District plant extending and including lands that are within five (5) miles upstream and up-gradient of the intake(s) and diversions of such plant. For this ordinance, this watershed shall be termed "Zone 3."
  - (d) A map of each of the three watersheds is attached. The watershed maps for Zones 1, 2 and 3 are integral parts of this ordinance and are incorporated herein by this reference as part of this ordinance as if fully set forth.
  - (e) The watershed area maps may be amended from time to time by resolution of the City Council. **[Alternative 2: When declared by the City Council by the adoption of a resolution, activities and uses within Zone 2 and/or Zone 3 watersheds shall be treated as though situated within Zone 1, and shall be fully subject to the regulations of this ordinance as fully as if in Zone 1 as provided for herein. Unless the City Council makes such a declaration, activities and land uses in Zones 2 and 3 are not subject to the provisions of this ordinance.]**
4. RULE OF CONSTRUCTION. This ordinance shall be liberally construed to: Implement the policy of the City that human activity, direct and indirect, including the construction or use of any building, utility, structure or land within the watersheds be operated, maintained,

constructed and used to limit pollution in the watersheds; and, protect the people of the City and all the persons using or relying upon the municipal water supply and water services of the City.

5. DEFINITIONS. For the purposes of this ordinance, the following words shall have the following meanings.

- (a) "Best Management Practice" means: The most effective means of preventing or reducing harmful effects or impacts of certain activities so that City standards are met to the end that no pollution or injury to the City's watersheds or waterworks occurs.
- (b) "City" means: The City of Grand Junction, Colorado.
- (c) "City Manager" means: The City Manager of the City or his designee(s) such as the Public Works Director or the Utility Manager.
- (d) "Communicate" or "Communication" means the City communicates to a person by any of the following methods: Personal service, conspicuous posting at or on a parcel or property or location of an activity or use, or mailing of a writing to the last known address of a person. Such communication shall be effective as of the mailing, sending, service or posting, whichever occurs first.
- (e) "Declared" or "Declaration" means the City Council's resolution, **[Alternative 2: or in an emergency determined in writing by the City Manager but only until the next regular meeting of the City Council,]** that the regulations and requirements of this ordinance shall apply to either Zone 2 or Zone 3, or both Zone 2 and 3, until declared otherwise by the City Council. **[Alternative 2: Any declaration of emergency by the City Manager shall be forthwith posted at the City Clerk's office at City Hall.]**
- (f) "Diverted" has the meaning determined by the statutory and common law of Colorado, as it changes from time-to-time.

- (g) "Domestic Use" means: Construction of a single family residence of less than 10,000 square feet in total interior square feet, or the expansion of an existing single family residence so long as the total interior square feet do not exceed 10,000 square feet; construction and maintenance of driveways, landscaping, gardens, irrigation systems and accessory barns and sheds in connection with a single family residence; the maintenance, cutting and clearing of necessary trees and vegetation to accomplish the same; and treatment of noxious weeds and fire fuels management on the single family residential property.
- (h) "Drilling" or "Drilling Operations" means: Drilling for water for domestic uses or other purposes, oil, gas or other natural resources, and includes grading, construction, and traffic activities associated with the drilling.
- (i) "Excavating" means: The intentional movement of earth material in excess of fifty (50) cubic yards.
- (j) "Facility" means: Any component or portion of the City water supply system or waterworks.
- (k) "Filling" means: The intentional movement of earth in excess of fifty (50) cubic yards.
- (l) "Foreseeable Risk" means: The reasonable anticipation that harm or injury may result from acts or omissions, even if indirect.
- (m) "Grading" means: The intentional movement of over five (5) cubic yards of material; movement of any earth or material that changes the natural flow of surface water, or affects or creates a drainage channel; pioneering of a road, cutting or clearing of trees and shrubbery that results in creating a roadway or driveway in excess of twenty-five feet (25') in length.
- (n) "Impact" means: Any alteration or change to the City's watersheds or waterworks resulting directly or indirectly from an action.
- (o) "Industrial" means uses and activities that are not residential, business or commercial as defined by the City's Zoning and

Development Code. Some examples of industrial activities and uses are industrial services, manufacturing and production uses, basic utilities, utility corridors and waste-related uses. See section 9 of the Zoning and Development Code. Also see the uses and activities allowed in the I-O, I-1 and I-2 zones of the City.

- (p) "LEWMA" means: The Land's End Weed Management Area, a voluntary association of local governments and property owners who set standards and procedures for weed control in the Land's End area.
- (q) "Mitigation" means: Methods to avoid an impact by redesigning an activity; minimizing an impact by substantially limiting the scope of an activity; rectifying impact(s) by repairing, rehabilitating or restoring an affected area, resource or facility; and/or compensating for an impact by replacing or providing substitute facilities, resources or techniques.
- (r) "Notification" or "Notice" means: To inform the City Manager by mail, facsimile or email of the following: the name, mailing and physical address of the person(s) proposing to undertake the activity; a description of the proposed activity, its location and proposed duration; a description of the type, extent and duration of any foreseeable risk of pollution or risk of injury to the watershed or waterworks; a description of the best management practices that are proposed; and, such other information as the City Manager may require in order to perform the duties pursuant to this ordinance.
- (s) "Person" means: Any natural person, individual, corporation, business, company, public or quasi-public utility, trust, estate, trust, partnership, governments, political subdivision, association or any other legal entity.
- (t) "Pollution" means: Any man-made, man-induced, or natural alteration of the physical, chemical, biological and/or radiological integrity or condition of water(s). "Pollution" includes introducing hazardous materials or any substance in amounts or concentrations regulated by the State of Colorado's drinking water

regulations and/or any of the following: the Resource Conservation Recovery Act (RCRA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or other state law. "Pollution" includes any element, compound or addition that reduces the quality of water, or adds any chemicals or molecule that is regulated by the environmental laws of the United States or Colorado to the extent that such element, compound or addition is of sufficient density, volume or concentration to be limited or regulated by the laws and regulations described in the preceding sentence.

- (u) "Removing Vegetation" means: The intentional cutting, burning, grubbing, dragging, chemical killing or any other manner of removing any flora or tree; any shrubs and/or trees, or combination, covering an area of more than one thousand (1000) square feet; or any grasses covering an area of more than one thousand (1,000) square feet. Notwithstanding the preceding sentence, "removing vegetation" does not include: removal of clearly diseased or dead trees for a domestic use; clearing of trees in order to construct or enlarge a single family residence; cutting of Christmas trees for non-commercial purposes; yard or garden work incidental to a domestic use; treatment of noxious weeds if done in accordance with the recommendations of LEWMA; fire fuel reduction on a single family residential property; or, removing vegetation incidental to an existing lawful use described in section 6 of this ordinance.
- (v) "Sewage Disposal System" or "ISDS" means: A septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage for one domestic use.
- (w) "Substantial" means: Material, considerable in importance, value, degree, amount or extent, rather than to a trifling degree.
- (x) "Surfacing" means: Any action resulting in the hardening or covering of the pre-existing ground in an area greater than one thousand (1,000) square feet such that precipitation striking the area will accumulate or run off the surface to a greater extent than

prior to the hardening or covering of said pre-existing ground. "Surfacing" includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, asphalt, concrete or like substances on the surface of the earth, and the placement of structures upon the ground and construction of buildings.

- (y) "Timber Harvesting" means: The cutting or removal of trees for commercial or resale purposes.
- (z) "Utility" means: Any one or more of the following: Waterworks, diverter box((s), weir(s), gauge(s), sewer system(s), pipeline(s), gas line(s), electrical line(s), telephone or telegraph line(s), cable television and/or fiber optics systems, radio tower(s) and repeater(s), transportation system(s); and any person providing the same for public or private use.
- (aa) "Watershed" or "Watersheds" means: The territory occupied by the City's water facilities, waterworks, pumps, emergency water sources and the streams or other sources from which the water is diverted or controlled, and includes the City's waters and water rights both conditional and absolute. "Watershed" includes all up-gradient lands, irrespective of property boundaries, that are within five miles above the points from which water is taken or diverted. "Watershed" includes the area within a circle the radius of which is 500 feet of any weir, intake structure, pump, diversion settling basin, reservoir or other lake, pool or pond that is a part of the City's water system or from which the City obtains water.
- (bb) "Waterworks" means: Any waterworks, water courses, water collection and storage facilities connected physically or hydrologically to the City's water system(s) or from which the City obtains water; all transmission, diversion structures, emergency or stand-by pumps, storage and filtration works; and such reservoirs, ponds, lakes, ditches, canals, flow lines, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the City's water system that are within five miles and up-gradient of any City diversion or intake.



6. EXISTING USES NOT REQUIRING ADVANCE NOTICE.

- (a) The lawful use of any building, structure or land existing as of the effective date of this Ordinance may continue even though the use does not conform to the requirements of this Ordinance; except to the extent that any such use or activity constitutes a substantial risk of pollution or injury to the City's watershed or waterworks.
- (b) Ordinary repairs and maintenance of any existing canal, ditch, domestic use, building, structure or land shall be allowed without notice to the City, but the same shall not be allowed to expand and/or the use thereof change without a watershed permit pursuant to this ordinance. Any substantial change, expansion, alteration or enlargement of such existing lawful use shall be subject to all requirements of this ordinance.
- (c) Notwithstanding any provision of this ordinance to the contrary, including the preceding subsection, the City Council or the City Manager shall prohibit any activity that would have otherwise been allowed under this ordinance if a better best management practice than that proposed is reasonably available or if the otherwise lawful pre-existing use creates a substantial risk of pollution or injury to the City's waters or waterworks.
- (d) To exercise the power to prohibit an otherwise pre-existing use, the City Manager shall communicate his findings to the person that the activity or use shall immediately cease unless and until a Watershed permit has been issued by the City.

7. ALLOWED USES. ADVANCE NOTICE REQUIRED.

- (a) The activities listed below that are within a Zone 1 watershed are allowed unless done in a location or manner that creates a substantial or foreseeable risk of pollution or injury to the City's waterworks or watersheds.
- (b) The following activities require notice to the City Manager prior to a person undertaking such activity. Further, even if listed as an allowed use, if the City Manager or the City Council determines that a substantial risk of pollution or injury to the City's watershed or waterworks exists, the City Manager shall communicate this

finding and the person shall immediately cease any further activity described in the communication unless and until a Watershed Permit has been issued.

1. Stock grazing. Notice to the City may be given by delivering to the City Manager a copy of a federal permit or application for stock grazing on federal lands.
  2. Road maintenance and construction by governmental entities.
  3. Burning of the prior years' vegetative growth on canals, ditches and fields.
  4. Domestic uses.
  5. Drilling of water wells for domestic use. Notice to the City may be given by delivering to the City Manager a copy of the application filed with the State Engineer for a well permit.
  6. Weed control and spraying if done in accordance with the best management practices approved by LEWMA. If the City Manager determines that LEWMA's recommendations or approved best management practices nevertheless create a substantial risk of pollution to the Watershed, the City Manager may require that the applicant cease the use of pesticides and herbicides unless and until a City permit is issued.
  7. Outfitting. Notice may be provided to the City of proposed outfitting in the Watershed by delivery of a copy of the State's outfitter's license and a copy of any federal permit or license authorizing the outfitter to do business on federal lands.
8. **REGULATED ACTIVITIES. NOTICE and PERMIT REQUIRED**
- (a) **Zone 1.** Certain activities in a Zone 1 Watershed pose a substantial risk of pollution or injury to the City's waterworks or watersheds. Therefore, it shall be unlawful for any person to

engage in any of the following activities within a Zone 1 Watershed unless and until such person has first obtained a Watershed Permit issued by the City:

1. Construction of a sewage disposal system, including a County permitted individual sewage disposal system (ISDS). The applicant may provide notice to the City of a proposed ISDS by delivering a copy to the City Manager of the applicant's County Health Department application.
2. Excavating, grading, filling or surfacing;
3. Removing vegetation;
4. Timber harvesting. A person who must obtain a federal permit to harvest timber on federal lands may provide notice to the City of proposed timber harvesting by delivering a copy of the federal application to the City Manager;
5. Drilling, except that drilling for domestic use is controlled by section 7(b)(5);
6. Surface or subsurface mining operations, including the extraction of gas and/or oil, and the preparation of sites in anticipating of drilling, mining or quarrying;
7. Spraying or using fertilizers, herbicides, pesticides or rodenticides unless allowed by sections 6 or 7, above; or allowed pursuant to an intergovernmental agreement or equivalent written plan signed by the City;
8. Using, handling, storing, or transmitting amounts of hazardous materials or radioactive substances in amounts or in ways that are within that are at or above federal or state regulatory limits,
9. Using, handling, storing or transmitting flammable or explosive materials; except for domestic uses and except that above-ground fuel tanks containing 350 or fewer gallons, and storage tanks that are an integral part of a vehicle, are allowed for each farm or ranch.

- (b) **Zone 2.**
- (i) Mesa County and other governments, including the state of Colorado and federal agencies, regulate land use and/or are subject to various other regulatory requirements regarding land uses and activities that might otherwise create a substantial risk of pollution or injury to the City's waters and facilities in Zone 2.
- (ii) Because of these existing regulatory protections, until and unless the City Council **[delete: or the City Manager]** **[Alternative 1: amends this ordinance to so provide]** declares otherwise, notice of land uses and activities in Zone 2 is not required to be given to the City, nor is a permit required unless the City Manager communicates otherwise, except as follows: feed lots, mining, drilling and/or industrial activities or uses; because such activities and uses can create a substantial risk of pollution or injury to the City's waterworks and watersheds.
- (iii) At such time as the City Council **[or the City Manager]**, declares that Zone 1 regulations shall apply in Zone 2, no person(s) shall conduct any feed lot, mining, drilling (except for domestic use) and/or industrial activities or uses within the watershed until such person(s) has given Notice to the City Manager and ten (10) City business days have elapsed. If within said ten day period the City Manager has communicated to such person(s) that a complete application and watershed permit is required, said person shall cease any such activity unless and until the City issues a watershed permit.
- (c) **Zone 3.** Unless and until declared otherwise by the City Council or the City Manager, in Zone 3 the City will rely on the Clifton Water District, a title 32 special district, to review, comment on, and act to avoid substantial risk of pollution or injury to the City's watersheds or waterworks located in Zone 3.

- (d) All Zones. In the event that any activity in a City watershed is being conducted in such a manner that the City Council or the City Manager finds that a foreseeable **and** substantial risk of pollution or injury exists to any City watershed or waterworks, the City Manager shall communicate to the person responsible for such activity of such finding. Upon the giving of the communication, such person shall immediately cease any such activity unless and until the City issues a watershed permit.

9. APPLICATION FOR PERMIT.

- (a) A separate written application for any activity or use required by any provision of the ordinance shall be submitted to the City Manager on a form available from City Hall or on the City's web site. The application shall be submitted no later than forty-five (45) calendar days prior to the date for which the proposed activity is planned to commence; except that in cases where the applicant shows that substantial injury or loss to the applicant will likely occur if the application is not quickly reviewed and the City Manager determines that there is not a substantial risk of pollution or injury in the City's watersheds or to City waterworks, the City Manager may issue a permit sooner. If the applicant is not the record owner of the subject property, the owner shall also sign such application or otherwise indicate consent in writing. An application will not be deemed to be complete until all information required pursuant to this ordinance has been submitted to the City Manager.
- (b) Every application shall include a detailed description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant, either alone or in conjunction with others, with respect to the subject property for which a permit may be required hereunder.
- (c) The application shall include the following information which the City Manager will use to evaluate risks to the City's waterworks and watersheds:

1. A description of the overall goals of the proposed work, unless it is obvious from the description.
2. A description of the number of trips and type of vehicle(s) to be used.
3. A vicinity sketch indicating the site location and the location of any waterworks on or adjacent to the subject property, including the County Assessor's parcel number and showing the boundary lines of the property.
4. Location of buildings and structures.
5. For permits proposing grading, filling or excavating, two feet (2') interval contours establishing the pre-developed topography of the vicinity.
6. Elevations, dimensions, location, extent and the slopes of all proposed excavating, grading, filling and surfacing shown by contours and/or other means.
7. (a) Engineered drawings of all drainage devices/structures used or to be developed/constructed in connection with the proposed activity.
8. Nature and location of existing vegetation and how the proposed activity will affect such vegetation.
9. Delineation of any wetlands, in accordance with current Army Corps of Engineering standards.
10. For permits for other than domestic uses, barns, other accessory structures or other agricultural structures including driveways on a parcel of 35 acres or more: A hydrological analysis by a Colorado registered professional engineer of surface water relationships and groundwater supplies.

11. Identification of any activity that presents or creates a foreseeable risk of pollution within a watershed along with a specific written description of the measures, including best management practices, that will be employed by the applicant to reduce the risks of pollution and the impacts on the watershed and waterworks.
12. A map showing historic and developed drainage pattern(s) and estimated runoff that will result from the proposed activity.
13. Revegetation and reclamation plans and specifications, including frequency of inspections and additional re-vegetation and reclamation work as necessary.
14. A soils analysis, including the nature, distribution and strength of existing soils and recommendations for earth moving procedures and other design criteria.
15. A geologic analysis of the site and adjacent areas and how the geology and the proposed activity may result in risk or injury to the watershed or waterworks.
16. An operational and maintenance analysis of the proposed activity.
17. Water use and rights analysis, including legal basis, source, quality, amount of consumptive use, impact on ground water and discharge characteristics.
18. If applicable, a plan of development for future proposed activities that are either likely to occur, or might occur if the correct circumstances arise, in the watershed. The purpose of this provision is to allow the City Manager to understand potential cumulative impacts of the activities of one or more persons or proposals, taken in the aggregate, over time, within a watershed.

- (d) Upon request of a rancher, farmer, resident of a single family dwelling or other person subject to the requirements of this ordinance, the City Manager may waive one or more of the above requirements if the City Manager determines that such information is not required in the particular circumstances to adequately evaluate risks of pollution or injury to the watershed or waterworks.
10. PERMIT, INSPECTION AND TESTING FEES.
- (a) Each Applicant shall submit to the City a non-refundable Watershed Permit application fee at the time of filing an application. Fees shall be determined by resolution of the City Council. The Council shall establish fees in an amount sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit(s).
- (b) Inspection and Testing Fees: Until changed by resolution of the City Council, the applicant shall pay a fee of forty-five dollars (\$45.00) per hour (to the nearest quarter hour) for inspection and testing.
11. CITY REVIEW and ANALYSIS.
- (a) Within thirty (30) City business days after the applicant has provided a complete application to the City Manager containing all relevant data and information, the City Manager shall review the same and prepare an analysis of the proposed activity, including a written report which identifies any action, use, activity, method or factor(s) that may present or create a foreseeable or substantial risk of pollution to the waterworks or watersheds. The City Manager's report shall analyze whether the applicant has proposed best management practices. The City Manager may issue a permit or may refer the application to the City Council for hearing at the next City Council meeting.
- (b) **No Impact.** The City Manager may classify a proposed activity as "no impact" if the proposed activity, in light of other permits, other governmental reviews, and/or plans of future activity, is not foreseeably likely to have any adverse impact on the City's



waterworks or watersheds. The City Manager shall issue a Watershed Permit for a no impact activity or use within ten (10) City business days of such classification.

- (c) **Minor Impact.** The City Manager may classify a proposed activity as a “minor impact” based upon the analysis set forth above if the proposed activity, in light of other permits, other governmental reviews and/or plans of future activity, identifies some foreseeable risk of pollution or injury to the watershed or waterworks of the City, but with mitigation or best management practices such risks can be minimized or likely reduced to non-substantial levels. Within thirty (30) City business days after any such minor impact classification, the City Manager shall either: Issue a permit; or write or email within said thirty days to the City Clerk to schedule the matter for the next regular meeting of the City Council. The failure of the City Manager to either issue a permit or ask the City Clerk to schedule the matter for the next regular City Council meeting within said thirty days shall be deemed to be approval of the action or activity that is specifically described in the completed application.
- (d) **Major Impact.** If the City Manager classifies a proposed activity as a major impact because a substantial risk to the City’s watershed or waterworks is foreseeable, or because the applicant has not clearly established that the proposed activity is properly classified as a “no impact” or “minor impact” activity, the City Manager shall refer the application to the City Council, along with his recommendations, if any, on how to avoid injury or pollution to the City’s watershed or waterworks, including his evaluation of any proposed mitigation measures or similar efforts to reduce any risks to the City’s watersheds or waterworks.
- (e) The analysis of any proposed activity shall, among other things, consider the following:
1. Nature and extent of the proposed activity.
  2. Proximity to existing water courses.

3. Drainage patterns and control measures.
  4. Soil characteristics.
  5. Slope steepness and stability.
  6. Effects of vegetation removal, grading, filling, surfacing and/or excavating.
  7. Geologic hazards, including, but not limited to, avalanche paths, landslide areas, flood plains, high water tables, fault zones and similar factors.
  8. Point source effluent and emissions into the air or water.
  9. Ambient and non-point source emissions into air or water.
  10. Vehicular and motorized activity.
  11. Fire hazard.
- (f) The City Manager shall keep a record of all "no impact" permits for the purpose of assessing the cumulative impact of "no impact" activities.
12. HEARING.
- (a) The City Council shall conduct a public hearing to review any application referred or appealed to it within thirty (30) City business days of such referral or appeal, unless the activity requires approval of a permit from any agency of the county, state or federal government and which approval or permit procedure exceeds the time limits provided by requirements of this ordinance. In that event, the City Council shall have an additional sixty (60) days following the final decision of such county, state or federal government permit procedure to conduct the public hearing required hereunder and render a decision regarding the issuance or denial of a Watershed Permit. The City Council may require additional information from any applicant needed to fully evaluate potential impacts on the City's waterworks or watersheds, in which

event the public hearing and decision may be delayed or continued, in which case the deadlines shall apply as though a newly completed application has been submitted.

- (b) Notice of any public hearing hereunder shall be given at least ten (10) days in advance of the public hearing.
- (c) The City Manager or the City Council may review or issue any permit pursuant to a joint review process with any other government entity or agency with jurisdiction over the same activity or activities.

13. STANDARDS FOR ISSUANCE OF PERMIT.

A Watershed Permit shall be issued when the City Manager or the City Council finds that the applicant has sustained its burden of proof that the proposed activity, including mitigation and best management practices if any are proposed or required, does not present or create a foreseeable and substantial risk of pollution or injury to the watershed or waterworks. A Watershed Permit shall be denied when the City Manager or the City Council, as applicable, finds that the applicant has not sustained such burden of proof.

14. PERMIT CONDITIONS.

In issuing any Watershed Permit, the City Manager or the City Council may prescribe any conditions deemed necessary to affect the intent of this ordinance and to protect the watershed and waterworks.

15. PERFORMANCE GUARANTEE FOR PERMITS.

- (a) Before a Zone 1 major or minor impact permit is issued to any permittee, each permittee shall provide the City, at the permittee's expense, a performance guarantee in the form of cash or a letter of credit. The amount of the guarantee shall be equal to one hundred twenty percent (120%)<sup>1</sup> of the City Manager's estimate of the cost to ensure compliance with the Watershed Permit, including, but not limited to, the cost of maintenance, operation, revegetation, reclamation and other requirements of or arising out of or under

---

<sup>1</sup> The City's Zoning Code requires that 120% of the costs of public infrastructure be posted, to ensure completion.

the proposed activities. The performance guarantee shall be in effect for at least one year beyond the anticipated completion of the activity identified in the permit. Such guarantees shall be extended for the period of any and all permit renewals. The City Manager may release to the applicant, in whole or in part, a portion of any cash or letter of credit from time to time when the City Manager determines that the guarantee is no longer necessary to ensure compliance with the Watershed Permit.

- (b) The City Council may waive all or a part of other guarantees upon written application of any person and upon finding that alternative methods are in place to pay for damage to the City's watersheds or waterworks.
- (c) Any public utility regulated by the Colorado Public Utilities Commission, any governmental agency, any mutual water company, any conservancy district or any equivalent public or quasi-public water delivery entity may provide the City with an annual letter signed by an appropriate officer of the same that guarantees: complete performance of the conditions prescribed in the permit; and the correction of any defect in the work which the City discovers and for which the City gives written notice to the permittee within one year after the date when the City initially accepts the completed work. Such annual letter shall be in lieu of the guarantee required by subsection (a), above.
- (d) If the City Manager determines that the permittee has failed to perform promptly under the conditions of the preceding subsection and the then existing performance guarantee is reasonably deemed inadequate, the permittee shall be required to post additional performance guarantee(s) meeting the requirements of this section. If the City Manager determines that the permittee then satisfactorily complies with this ordinance for a one-year period while operating under the provisions of the preceding section, the permittee shall again be eligible to operate with the annual guarantee letter provided by governmental or public utilities, as provided in the preceding subsection.

## 16. PURPOSE OF PERFORMANCE GUARANTEE.

- (a) Any guarantee made hereunder, or annual letter provided pursuant to section 15 (c), shall serve as security for the performance of conditions prescribed under the permit if the permittee fails to obviate risks or to complete the work as prescribed under the permit.
- (b) The permittee by acceptance of the permit or an entity providing an annual letter pursuant to section 15 (c), expressly guarantees: complete performance of the work acceptable to the City; all work done by such person for a period of one year after the date of acceptance by the City; and, upon demand, to maintain and to make all necessary repairs during a one-year period following City acceptance of the whole or a part thereof. This guarantee shall include, but not be limited to, all repairs and actions needed as a result of:
1. Defects in workmanship.
  2. Settling of fills or excavations.
  3. Failure to meet the best management practices, if any, as prescribed in the permit.
  4. Any unauthorized deviations from the approved plans and specifications.
  5. Failure to clean up during and after performance of work.
  6. Vegetation reclamation did not occur as required or planned.
  7. Any other violation of this ordinance.
- (c) The one-year guarantee period shall run from the date of the Utility Director's written acceptance of the work, or one year from any repairs or replacements, whichever is longer.

17. INSPECTION AND TESTING FEES AND PROCEDURES.

At the time of permit application and at such activity or construction intervals as may be established by the City Manager, all permittees shall

pay for the costs of inspection and testing. Costs of inspection and testing shall be in accordance with this ordinance and the schedule of charges adopted by City Council resolution. Inspections shall occur as follows:

- (a) Zone 1 major and minor impact permits. A minimum of two inspections shall take place. First, the permittee shall notify the City immediately after completion of work operations and acceptance so that the City may determine if all work meets the conditions prescribed under the permit. Second, approximately thirty days prior to the expiration of the guarantee, the permittee shall request that the City inspect the completed work. If the City Manager does not accept the work, in whole or in part, the performance guarantee for individual permit holders shall be returned less 110% of any amounts estimated to be needed to complete unaccepted work. At any time prior to completion of the warranty period or one year after any repairs or replacement, whichever is longer, the City Manager may notify the permittee in writing of any needed repairs or replacements. Such repairs shall be completed within twenty-four hours if the City Manager determines that any defects are an imminent danger to the public health, safety or welfare. Non-emergency repairs shall be completed within thirty days after notice.
- (b) In Zones 2 and 3, the City Manager will ordinarily inspect activities and uses for which notice to the City has been given approximately once each year for so long as the uses or activities described in the notice continue.
- (c) Testing may be accomplished by the City as required by the specifications and/or permit.

18. ENFORCEMENT.

- (a) Right of Entry. Whenever necessary to make an inspection, or to enforce any provision of this ordinance, an authorized representative of the City may go upon any land described in a permit at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that the representative shall identify himself and if such land be unoccupied, shall make a

reasonable effort to locate the applicant or other persons having control of such land to give notice of such entry.

- (b) Stop Work Order. Whenever any work or activity is being done contrary to the provisions of this Ordinance, or in violation of the terms of any Watershed Permit issued hereunder, the City Manager may order the work stopped by communicating the violation or improper activity to the applicant or other person in charge of the applicant's work. Any such person receiving notice shall cease such activity until authorized by the City to proceed. The City reserves the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith. Any permit may be revoked or suspended by the City Manager, after communicating to the permittee.
- (c) Cause for suspension or revocation includes but is not limited to:
  - 1. Violation of any condition of the permit or of any provision of this ordinance.
  - 2. Violation of any provision of any Watershed Permit or any other governmental law relating to the work.
  - 3. Existence of any condition or the doing of any act, which constitutes or causes a condition that the City Manager determines creates a substantial risk to the watershed or waterworks of the City.
- (d) A summary suspension or revocation of a permit necessary to avoid substantial injury to the City's watershed or waterworks shall be immediately effective upon communication thereof to the person performing the work or the holder of the permit, or upon posting at a conspicuous location within or on the permitted area.
- (e) A suspension or revocation order may be appealed by the permittee to the municipal court by filing a written appeal within ten (10) calendar days of the suspension or revocation. The municipal court shall hear the matter as a priority matter.

- (f) The municipal court of the City shall have jurisdiction over matters and orders under this Ordinance, except as otherwise required by the Colorado Rules of Civil Procedure 106(a)(4) or for appeals to the City Council as provided herein.
19. TIME OF COMPLETION.  
All permitted work shall be completed by the date stated on the permit application, or if no date is stated within one hundred eighty (180) days of the issuance date. Permits shall be void if work has not commenced by 180 days after issuance.
20. INSURANCE.
- (a) As a precondition to the issuance of a major or minor Watershed Permit in Zone 1, the applicant shall submit to the City Manager a certificate of insurance in the amount of one million dollars for a comprehensive general liability policy. By administrative regulation or resolution of the City Council the amounts and coverage may be modified from time-to-time. The certificate of insurance shall list the City and its officers, employees and agents as additional named insureds. City departments, any public utility regulated by the Colorado Public Utilities Commission, governments, mutual water companies, and conservancy districts shall be relieved of the obligation of submitting a certificate of insurance if the applicant carries insurance or is self-insured up to one million dollars per incident, or as otherwise set by City Council resolution, and if such applicant submits a letter certifying such coverage or self-insurance.
- (b) No certificate of insurance shall be required with respect to a single family residence or domestic use or existing ranching or farming operation.
21. EMERGENCY WORK. Any person having facilities in place as of the effective date of this ordinance may repair those facilities without a permit under emergency circumstances. Emergency work means any work necessary to prevent injury to the public or a situation where a substantial and foreseeable danger to public or private health, safety or welfare exists. The person doing the work shall apply to the City



- Manager for a permit on the first City business day after such work has commenced.
22. REGULATIONS. The City Council or the City Manager may issue regulations to interpret, clarify, construe and otherwise carry out the purposes of this ordinance.
23. APPEALS PROCEDURE.
- (a) Any decision rendered pursuant to this Ordinance by the City Manager may be appealed to the City Council by filing a written notice thereof with the City Clerk within ten (10) calendar days of the decision and specifying therein the grounds and specifics being appealed.
- (b) Any person desiring to appeal any final decision or determination by the City Council hereunder must do so in accordance with Colorado Rule of Civil Procedure 106(a)(4).
24. PENALTY. If any person violates, causes the violation of, or aid or abets a violation of any of the provision of this ordinance, he/she/it shall be guilty of a separate offense for each and every day, or portion thereof, during which a violation is committed, continues or is permitted. Upon conviction a violator shall be punished by a fine of not more than \$1000.00 and/or by imprisonment for up to one year, or by both such fine and imprisonment, for each day or portion thereof, of each violation.
25. ACTIONS FOR VIOLATION. If any person violates any order of the City Manager or the City Council, or otherwise fails to comply with any provision of this ordinance or the orders, rules, regulations and permits issued hereunder, the City Attorney may commence an action in the City's municipal court or district court for Mesa County for appropriate civil, injunctive and equitable relief. The City may recover from the defendant its attorney fees, court costs, deposition and discovery costs, expert witness fees and other expenses of investigation, enforcement action, and litigation, if the City settles or otherwise prevails in the action with a ruling adverse to the defendant being entered.
26. REMEDIES. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

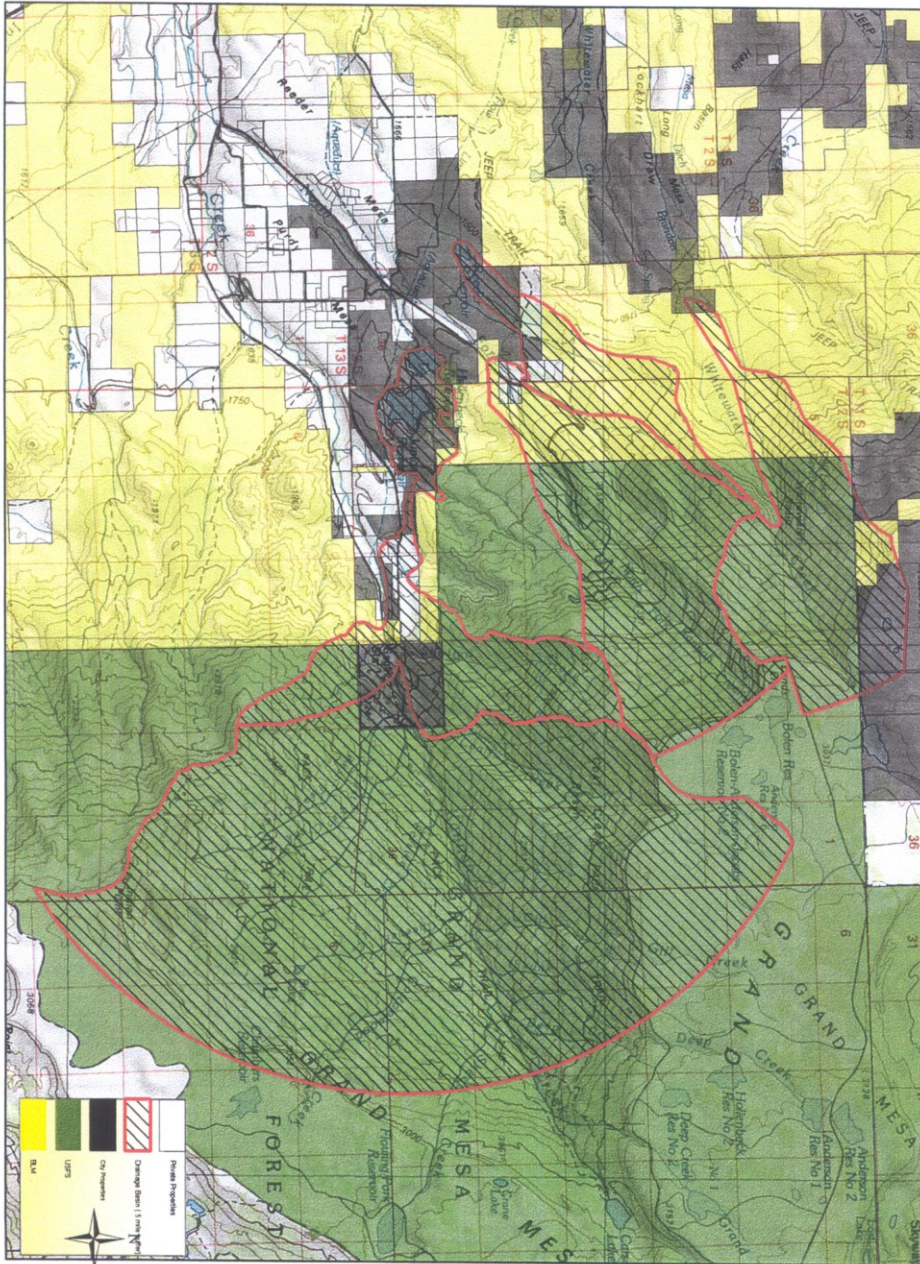
INTRODUCED for FIRST READING and PUBLISHED in PAMPHLET FORM this 4<sup>th</sup> day of June, 2003.

ADOPTED on SECOND READING and PUBLISHED in PAMPHLET FORM this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

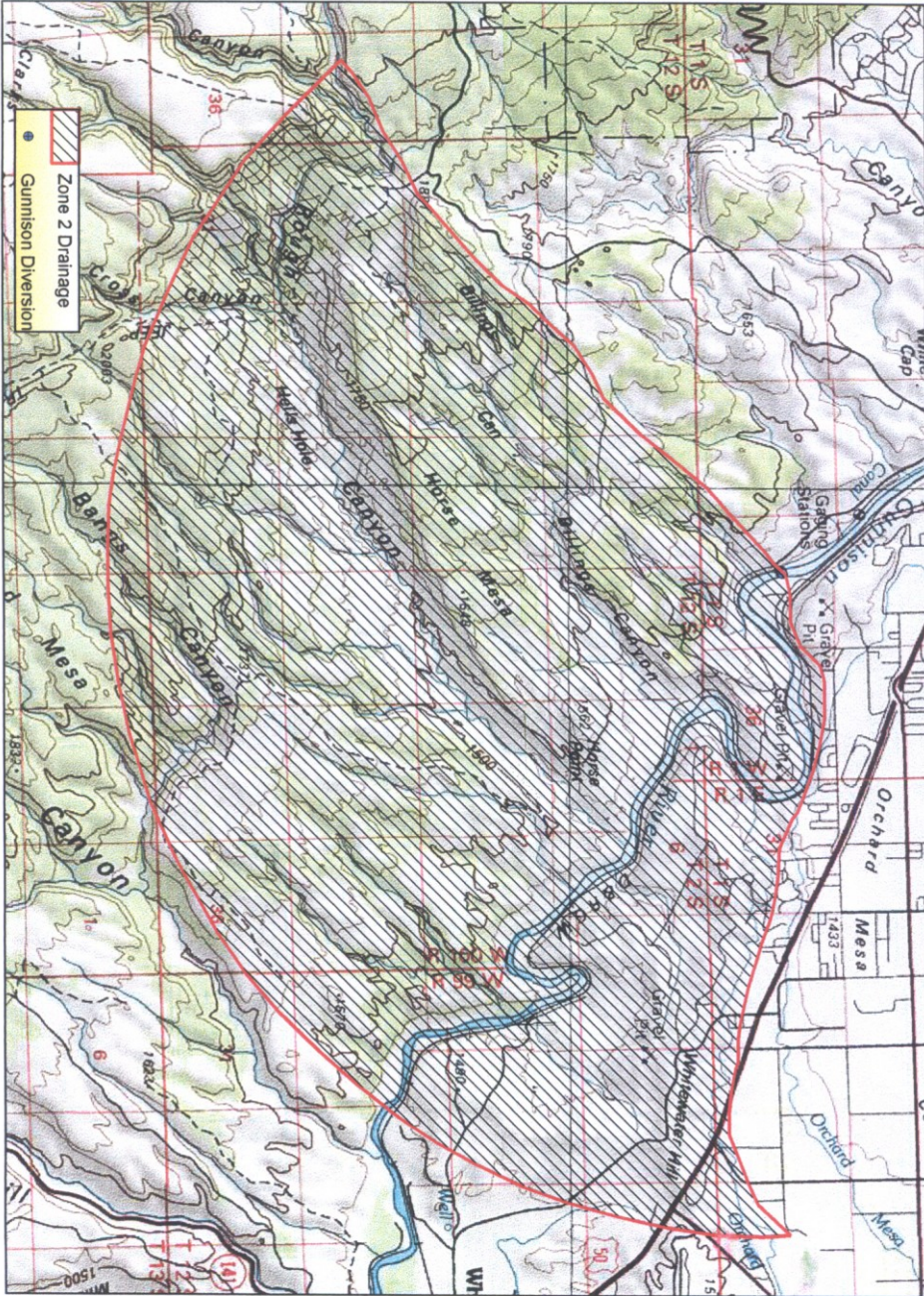
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council



City of Grand Junction Surface Water Drainage Basins (5 mile up-gradient buffer zone) Zone 1

City of Grand Junction Surface Water Drainages Zone 2



City of Grand Junction Surface Water Drainages Zones3

