

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

WEDNESDAY, AUGUST 6, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Scott Hogue, First Baptist Church

APPOINTMENTS

APPOINTMENTS TO THE RIVERFRONT COMMISSION

RATIFICATION OF URBAN TRAILS APPOINTMENTS

SCHEDULED CITIZEN COMMENTS

* * * **CONSENT CALENDAR** * * * ®

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

Action: Approve the Summary of the July 14, 2003 Noon Workshop, the July 14, 2003 Workshop and the Minutes of the July 16, 2003 Regular Meeting

2. **Setting a Hearing on Rezoning the Fuoco Property from RSF-R to PD Located East of Dewey Place (East of 25 ½ Road and North of F Road)** [File #RZ-2003-028] [Attach 2](#)

Introduction of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

Proposed Ordinance Rezoning the Fuoco Property Located East of Dewey Place, Identified as Tax Parcel No. 2945-034-00-067, from Residential Single Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, Not to Exceed 8 Units per Acre (RMF-8) Underlying Zone District

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

*** Indicates New Item

® Requires Roll Call Vote

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

Staff presentation: Lisa E. Cox, Senior Planner

3. **Setting a Hearing on Zoning the Marchun Annexations No. 1 & No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093] [Attach 3](#)

Introduction of a proposed ordinance to zone the Marchun Annexation No. 1 and No. 2, Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district.

Proposed Ordinance Zoning the Marchun Annexation No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F ½ Road

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

Staff presentation: Lisa E. Cox, Senior Planner

4. **Setting a Hearing on the Antietam Annexation Located at 260 & 262 26 ¼ Road** [File #ANX-2003-122] [Attach 4](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.146 acre Antietam Annexation consists of two (2) parcels of unplatted land. The petitioner's intent is to annex and then subdivide the property into 25 residential lots for development purposes with a proposed zoning of RSF-4. The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 70-03 – 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, Antietam Annexation Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of Way

®Action: Adopt Resolution No. 70-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Antietam Annexation Approximately 9.146 Acres Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Scott D. Peterson, Associate Planner

5. Setting a Hearing on Disconnecting the Files Property Located on Monument Road [File #MSC-2003-154] [Attach 5](#)

Introduction of a proposed ordinance disconnecting the Files property, located along Monument Road. The 38.9 acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Proposed Ordinance Disconnecting Certain Lands, Referred to as the Files Property, Files De-Annexation, Approximately 38.9 Acres, Located on Monument Road, West of Mariposa Drive

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

Staff presentation: Bob Blanchard, Community Development Director

6. Setting a Hearing on Vacation of Excess Right-of-Way Along UnawEEP Avenue and Rocky Pitch Road [File #PP-2003-022] [Attach 6](#)

Introduction of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue, and Rocky Pitch Road, and set a Public Hearing for August 20th, 2003.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way Along the Northern Edge of UnawEEP Avenue

Proposed Ordinance Vacating a Portion of Right-of-Way Along a Portion of UnawEEP Avenue, Known as Rocky Pitch Road

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

Staff presentation: Lori V. Bowers, Senior Planner

7. **Setting a Hearing on Zoning the Carville Annexation Located at 2675 Hwy. 50**
[File #ANX-2003-116] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Carville Annexation, located at 2675 Hwy 50.

Proposed Ordinance Zoning the Carville Annexation to C-1 and RSF-4 Located at 2675 Hwy 50

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

Staff presentation: Senta Costello, Associate Planner

8. **Setting a Hearing on Zoning the Monument Presbyterian Church Annexation No. 1, 2, 3, and 4 Located at 2020 ½ S. Broadway** [File #ANX-2003-113] [Attach 8](#)

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

Proposed Ordinance Zoning the Monument Presbyterian Church Annexation to Residential Single Family with a Density Not to Exceed One Unit per Five Acres (RSF-R) Located at 2020 1/2 South Broadway

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

Staff presentation: Ronnie Edwards, Associate Planner

9. **Setting a Hearing on the Elliott Annexation located at 3082 D ½ Road** [File #ANX-2003-156] [Attach 9](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.1551 acre Elliott Annexation consists of 1 parcel of Land.

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

Resolution No. 71-03 – 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, Elliott Annexation Located at 3082 D ½ Road

®Action: Adopt Resolution No. 71-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elliott Annexation, Approximately 1.1551 Acres Located at 3082 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Senta Costello, Associate Planner

10. **Revocable Permit for Private Parking in the Elm Court and Kennedy Avenue Rights-of-Way** [File #RVP-2003-109] [Attach 10](#)

First Congregational Church located at 1425 N. 5th Street, is requesting approval of a Revocable Permit for private parking in the Elm Court and Kennedy Avenue rights-of-way.

Resolution No. 72-03 – A Resolution Issuing a Revocable Permit to First Congregational Church to Allow Church Parking in Public Right-of-Way

®Action: Adopt Resolution No. 72-03

Staff presentation: Senta Costello, Associate Planner

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

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

11. **Public Hearing – Create Sanitary Sewer Improvement District No. SS-45-03 and Award Construction Contract** [Attach 12](#)

a. Hearing and Resolution Creating District

A majority of the owners of real estate located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road, have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 73-03 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-45-03, Within the Corporate Limits of the City of Grand Junction, Colorado, and Authorizing the Installation of Sanitary Sewer Facilities and Adopting Plans and Specifications for the Same

b. Construction Contract

Bids were received and opened May 6, 2003. MA Concrete of Grand Junction submitted the low bid in the amount of \$91,353.

®Action: Adopt Resolution No. 73-03 and Authorize the City Manager to Enter into a Construction Contract with MA Concrete of Grand Junction in the Amount of \$91,353 for the Construction of Sewer Improvement District No. SS-45-03

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Public Hearing – Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID** [Attach 14](#)

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.

Ordinance No. 3551 – 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

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

Staff presentation: Ron Lappi, Administrative Services and Finance Director

13. **Public Hearing – Carville Annexation Located at 2675 Highway 50** [File #ANX-2003-116] [Attach 15](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Carville Annexation, located at 2675 Hwy 50. The 19.93 acre annexation consists of one parcel of land.

a. Accepting Petition

Resolution No. 74-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Carville Annexation Located at 2675 Hwy 50 is Eligible for Annexation

®Action: *Adopt Resolution No. 74-03*

b. Annexation Ordinance

Ordinance No. 3552 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carville Annexation, Approximately 19.93 Acres Located at 2675 Hwy 50

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3552*

Staff presentation: Senta Costello, Associate Planner

14. **Public Hearing – Westgate Free Will Baptist Church Annexation No. 1 & No. 2 Located at 2155 Broadway** [File #ANX-2003-114] [Attach 16](#)

Westgate Free Will Baptist Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request acceptance of the annexation petition and to hold a public hearing and consider final passage of the annexation ordinances.

a. Accepting Petition

Resolution No. 75-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Westgate Free Will Baptist Church Annexation, Located at 2155 Broadway is Eligible for Annexation

®Action: *Adopt Resolution No. 75-03*

b. Annexation Ordinances

Ordinance No. 3553 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Westgate Free Will Baptist Church Annexation No. 1, Approximately 0.7907 Acres Located at within a Portion of Broadway (Highway 340) Right-of-Way

Ordinance No. 3554 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 2 Approximately 3.7466 Acres Located at 2155 Broadway

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3553 and 3554*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Zoning the Westgate Free Will Baptist Church Annexation Located at 2155 Broadway to CSR** [File #ANX-2003-114] [Attach 17](#)

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.

Ordinance No. 3555 – An Ordinance Zoning the Westgate Free Will Baptist Church Annexation to CSR (Community Services and Recreation) Located at 2155 Broadway

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3555*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Energy and Mineral Impact Assistance Grant for the Grand Junction Fire Station in the Redlands** [Attach 11](#)

The City of Grand Junction has been approved for a grant from the Department of Local Affairs' Energy and Mineral Impact Assistance Program. The City is approved to receive up to \$300,000.00 for the designing, construction, equipping, and furnishing of the fire station in the Redlands.

Action: Authorize the Mayor to Sign the Contract Accepting the Grant from the State of Colorado Energy/Mineral Impact Assistance Program

Staff presentation: Jamie B. Kreiling, Staff Attorney
Rick Beaty, Fire Chief

17. **Public Hearing – Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093] [Attach 18](#)

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinances for the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road.

a. Accepting Petition

Resolution No. 76-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Marchun Annexations No. 1 and No. 2, Area is Eligible for Annexation Located at 2925 F ½ Road

®Action: Adopt Resolution No. 76-03

b. Annexation Ordinances

Ordinance No. 3556 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marchun Annexation No. 1, Approximately 15.1496 Acres Located at 2925 F ½ Road

Ordinance No. 3557 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marchun Annexation No. 2, Approximately 5.3088 Acres Located at 2925 F ½ Road and Including a Portion of the F ½ Road ROW

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3556 and 3557

Staff presentation: Lisa E. Cox, Senior Planner

18. **Public Hearing – Vacation of a 15’ North/South Alley Right-of-Way Located Northeast of the Intersection of N. 7th Street and Rood Avenue at 202 N. 7th Street** [File #VR-2003-098] [Attach 19](#)

The petitioners, 4SC Partnership, wish to vacate an existing 15’ north/south alley right-of-way located northeast of the intersection of N. 7th 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 8th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

Ordinance No. 3558 – An Ordinance Vacating a 15’ Wide Alley Right-of-Way Located Northeast of the Intersection of North 7th Street and Rood Avenue Known as: 202 N. 7th Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3558

Staff presentation: Pat Cecil, Development Services Supervisor

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

TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(b) AND FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS UNDER C.R.S. SECTION 24-6-402(4)(e), RELATIVE TO:

1. Memorandums of Understanding Regarding Watershed Protection with Mesa County, the United States Forest Service and the Bureau of Land Management; and

2. An Existing Contract with the Grand Junction Rural Fire Protection District.

22. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

July 14, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, July 14, 2003 at 11:30 a.m. in the City Hall lunchroom to discuss the Watershed Protection Ordinance. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar. Invited were Bureau of Land Management representatives including Catherine Robertson, Field Manager, Dave Lehman, Use Authorization Staff Supervisor, a BLM geologist and their Service Protection Supervisor. Also invited from the United States Forest Service were representatives Connie Clementson, District Ranger, and Linda Perkins, Realty Specialist. Walter Fees from Evertson Oil Company was also present.

Summaries of Discussion:

1. **Bureau of Land Management** - Dave Lehman, the Use Authorization Staff Supervisor for the BLM detailed their permitting process for activities on federal lands and listed those that review the applications. He outlined the various laws and regulations that guide their process including the Mineral Leasing Act, the Federal Land Policy and Management Act and the National Environmental Policy Act. Part of the review includes a resource inventory that identifies the surface ownership, the mineral ownership, the vegetation soils and wildlife on the property, including endangered or threatened species and surveys archaeology and the weeds present. BLM's Resource Management Plan identifies what land should be open for leasing. Leases go to the highest bidder and generally are given a ten year lease. Typical lease terms are \$2/acre and 12% royalty. Mr. Lehman then outlined the steps that are taken prior to any issuance of a permit including taking public input, looking at alternatives, determining how the activity will be monitored and balancing the activity with the issues raised, both critical and non-critical. The decision to issue the permit is made by the Field Manager Catherine Robertson. Any appeal of her decision goes to the State Director. The next level of appeal is the Interior Board of Land Appeals and then lastly the courts.

When an oil and gas exploration permit application is received, the application must include a drilling plan, a surface use plan, and all the

NEPA elements. Once a permit has been issued, the drilling begins and a BLM representative detailed that process and the methods used to protect the environment and how the well is plugged if it is dry. The Service Protection Supervisor described his inspections and how he ensures compliance. It was noted that Evertson Oil Company currently has drilled seven wells and three are dry holes. They are still evaluating the others except for 12-1-A which is ready for them to connect.

The Service Protection Supervisor advised that the dry (plugged) holes will be reclaimed this fall with recontouring and reseeding. Ms. Robertson advised that no well is released until rehabilitation has taken place.

The BLM played a couple of short videos that showed how the drilling, casing and “fracking” takes place.

The reclamation situation with the Transcolorado Pipeline was discussed. It was noted that the company has reseeded and re-treed twice but due to lack of precipitation, the process has been slow. When Ms. Robertson was asked if leases could be granted higher up, Ms. Robertson answered it is a possibility but there would be more stipulations further upslope. There is a lease on private property, just east of the City property but there has been no drilling yet. The BLM is not involved as there are no federal minerals involved but a drilling permit will still be required from the State.

Field Manager Robertson referred to the MOU developed with the Forest Service and how it works better than an ordinance as proposed. She felt the adoption of the ordinance would create a communication break down. Councilmember Palmer inquired about how a MOU handles a situation where there is a difference of opinion. Ms. Robertson felt the BLM went above and beyond to meet the City’s needs. Council President Spehar expressed that he would like the City to pursue a MOU regardless of what action is taken on the ordinance. He supports a joint review process. Ms. Robertson countered that a watershed protection ordinance will cause delays and affect private property owners. She questioned the reason the City wanted to consider such an ordinance.

2. US Forest Service – Next the Forest Service representatives were invited to make a presentation.

Connie Clementson, District Ranger for the US Forest Service, summarized the process and procedures from the Forest Service side. She asked the Council why they feel compelled at this time to adopt a watershed protection ordinance, is this reaction a reflection of Council's dissatisfaction with the Forest Services' management? Council President Spehar responded that it is not a reaction or indication that there is a need to address any real or imagined problem, it is a matter of the Council wanting to be proactive in watershed protection due to the increased level of activity in the area. Ms. Clementson countered that there are many tools in place that do that including all the federal laws. They have been protecting lands for over 100 years. Federal Law specifically addresses protection of watersheds. There is NEPA, NFMA, to name two. There is also the Forest Service Management Plan for the Grand Mesa Area. The Forest Service manages a host of possible activities in that area including well drilling, timber harvesting, grazing, water lines and reservoirs.

Environmental Assessments are conducted prior to such activities and many times review is done in conjunction with the BLM. The decision for any lease is made by the District Ranger, in this case Ms. Clementson. Any appeal of her decision would go to her supervisor and from there goes to the Regional Supervisor.

The Forest Service is in the process of updating the Forestry Management Plan. In 1983, the City of Fruita's watershed was designated in the Plan as a municipal watershed but Grand Junction watershed (Zone 1) is not designated in the plan. Since the plan is being updated now, it is a perfect time for Grand Junction to request that designation – which is called a 10E in the plan. That will not only protect the five mile radius from the intake but the entire watershed. Ms. Clementon said she recommends against the City adopting the watershed protection ordinance because the ordinance is taking land use authority.

City Attorney Dan Wilson disagreed with Ms. Clementson, noting that the recitals specifically state that the City is not trying to usurp the other government's land use control. He has tried to make contact with the Forest Service's attorney many times to discuss this difference of opinion but has not been successful.

Linda Perkins, the USFS realty specialist, then addressed the Council. She advised that if the City places this ordinance on the books, then their regulation 36R251.9 will require that they charge the City approximately \$3 million annually for a special use permit for the encumbrance it places on those lands.

When Councilmembers questioned why this is coming out now when other municipalities have watershed ordinances, Ms. Clementson explained that this provision has only just been brought to their attention and they have been directed to implement it.

Council President Spehar stated that it is the City's desire to work cooperatively with the USFS and urged Ms. Clementson to have her attorney return the City Attorney's calls so that the discussion on the ordinance can take place. He also noted that he has not heard the USFS reciprocate that they too want to work with the City.

The meeting concluded with Council President Spehar noting that the public hearing on the ordinance will be held on Wednesday at the City Council meeting.

The meeting adjourned at 2:55 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP
SUMMARY**

July 14, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, July 14, 2003 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **PATRIOT ACT DISCUSSION:** The City Council was presented with a request to consider a "Bill of Rights Defense Resolution". Some Councilmembers employed their decision-making model to determine the extent their involvement should be with this request. The majority of Council did not feel this issue should be considered. Councilmember Kirtland expressed that such symbolic-type of actions have no regulatory affect yet can create controversy. Councilmember Hill wanted more information. It was expressed that there are other forums where this would best be served.

Action summary: Based on the consensus of the City Council, it was decided that this request is out of their purview and they declined to consider the resolution as presented.

2. **GRAND MESA CENTER DEVELOPMENT REIMBURSEMENT REQUEST:** City Manager Kelly Arnold updated Council on this request. He referred the Council to the information in the packet materials. He reminded Council that there were many meetings and discussions between Staff and the developer. The developer has been waiting for the adoption of the infill-redevelopment policy which has occurred.

Jay Timon, AIG Baker, representing the developer of Grand Mesa Center, was present. He refamiliarized the Council with the company and the development. He then talked to the Council about the future of retail development in Grand Junction. He felt that the area around 25 Road will not ever be redeveloped because large retail developers are going to look toward purchasing vacant land west of 24 Road, where it is less expensive and easier to develop. Council President Spehar noted that the downtown continual redevelopment is financed through Tax Increment Financing (TIF). Mr. Timon asked the Council to consider sharing in the benefit created after

the fact. Councilmember Kirtland noted that manufacturing has been the type of development that has been pursued in the past, retail has not been something that the City has had to pursue. A change to that policy would be a new approach for this City. Councilmember Palmer asked Mr. Timon what things a developer such as AIG Baker looks at to build a center. Mr. Timon said Grand Junction was identified as a booming city in the west and the population was here. He referred to an analysis that he distributed at the meeting two years ago.

Next he directed the Council's attention to the specific case for Grand Mesa Center. Councilmember Enos-Martinez asked for the reason for the request. Mr. Timon said the senior management in AIG Baker will not allow a new project if no support is forthcoming for the previous project. He commended the City on its stepped up architectural requirements and landscaping that were put in place.

Mr. Timon identified an area that was required to be dedicated plus allowed access to adjacent properties. The new road alignment will cause Quikcrete access through the Center's parking lot. These additional requirements cost over \$1 million yet AIG Baker is only asking for \$211,000 in reimbursement.

City Manager Arnold addressed the issue of incentives and the uniqueness of Grand Junction. While it is true that many cities are, and Grand Junction is too, reliant on sales tax, Grand Junction does not have the competition of other surrounding metro areas. Incentives for retail outlets are very commonplace in the metro areas where suburbs are competing for those new centers. Community Development Director Bob Blanchard said he does not see much redevelopment in Grand Junction because ownership is of small parcels and assemblage of such parcels is complicated. Most of the development is on vacant land.

Councilmember Palmer asked if Grand Mesa Center was asked to do more improvements than would normally be required. Community Development Director Blanchard said no, it was all normal requirements. Anything over would have been accompanied by a request from staff to have the City participate. Councilmember Butler noted that it appears from the information provided that staff did work with the developer to reduce the expense of the improvements. City Manager Arnold noted that one such way was the treatment on the back side of the building.

Council President Spehar asked Community Development Director Blanchard what are the remaining steps in getting the infill/redevelopment policy put in

place. Mr. Blanchard answered 1) identifying parcels, 2) discussing incentives, and then 3) developing design standards.

Action summary: The Council decided not to consider the request from AIG Baker for reimbursement retroactively.

Recess was called at 9:10 p.m.

The meeting was back in session at 9:19 p.m.

3. **WEST SIDE DOWNTOWN AREA PLAN:** Planning Manager Kathy Portner presented options drafted for this area plan. She reviewed the history of the

study and listed the various meetings that have been held. Greyhound Bus dropped out early in the discussions of the multi-modal hub. One option shown, an interim design, refocused land use groupings and did not contemplate roadway changes. The preferred plan includes a consolidation of Ute and Pitkin, eliminating a “no man’s land” in-between the two and providing better automobile and pedestrian access to depot area. The next step in the plan development will be meetings with staff, DDA and other agencies to talk about the draft plan, look at the technical aspects, and then have another property owner meeting. The adoption process will go through the Planning Commission and then City Council. Ms. Portner clarified that there would be a transition from newly combined single roadway back to the split roadway at Fifth Street.

Council President Spehar asked when the cost gets discussed. Ms. Portner responded that only very broad costs are included in the plan, it will be looked at in more detail later. Council President Spehar questioned the value of creating an expectation when there are no funding sources identified.

Councilmember Hill saw it as a vision and as a Gateway Vision Committee member believes it will really be a great gateway. Councilmember Palmer inquired as to what can be done at low cost. Ms. Portner replied that the minimal changes plan (interim) could be the first step, or could be the plan for that matter, which will start establishing the land use pattern.

City Manager Arnold noted the key component is the new hotel location; many of the other areas overlap. Councilmember Kirtland suggested they establish the land use areas, particularly the mixed use housing and consider that the “Utekin” project will have to come after the bypass. Councilmember

Butler agreed with the mixed use housing concept.

Harold Stalf, DDA Director, expressed that this problem occurred 40 years ago, through compromises, and combining the two streets is the cornerstone of claiming value in downtown. He said it may be down the list in priority but if it is the right way to go, it should be on the drawing board.

Action summary: Council President Spehar suggested that the uses be coordinated between the two versions and start with the first. Councilmember Hill encouraged Council to envision Plan B and to work toward that through Plan A. City Manager Arnold said he will get the proposal finalized and bring it back in a month or so. Councilmember Kirtland asked that sources of funding be included in the final report.

The meeting adjourned at 9:53 p.m.

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

JULY 16, 2003

The City Council of the City of Grand Junction convened into regular session on the 16th day of July 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. 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 Jerry Boschen, First Assembly of God Church.

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

Councilmember Hill moved to ratify the reappointment of Norman Kinney for a three-year term to the Building Code Board of Appeals. Councilmember Enos-Martinez seconded the motion. Motion carried.

Councilmember Hill moved to appoint Al Robinson for a three-year term to the Building Code Board of Appeals. Councilmember Kirtland seconded the motion. Motion carried.

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

Councilmember Palmer moved to appoint Tom Tetting to the Ridges Architectural Control Committee for a four-year term. Councilmember McCurry seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY APPOINTED MEMBER OF THE WALKER FIELD AIRPORT AUTHORITY

Frank "Roger" Little was present and received his certificate of appointment.

TO NEWLY AND REAPPOINTED MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

Doug Simons, Karen Vogel, and Scott Howard were present and received their certificates of appointment.

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

Bernie Goss, Tom Fisher, and Reford Theobald were present and received their certificates of appointment.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Councilmember Palmer noted that he requested earlier in the day that Item #9 of the Consent Calendar on the agenda be removed from the Consent Calendar section and moved to Items for Individual Consideration, and that his request has been honored.

It was moved by Councilmember McCurry, seconded by Councilmember Palmer, and carried, to approve Consent Items #1 through 8.

1. Minutes of Previous Meetings

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

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

3. **2003 Persigo Wastewater Treatment Plant Upgrades Study**

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

4. **Authorizing the Use of Overhead to Underground Funds at Three Locations**

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 10th 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

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]

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

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

The petitioners, 4SC Partnership, wish to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7th 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 8th, 2003 meeting.

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

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

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

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

8. **Setting a Hearing on Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID**

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*

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

Defense Acknowledgement Resolution Relative to the Thorpe Claim

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.

City Attorney Dan Wilson reviewed this item and advised Council that it is the City's policy to defend their employees when acting in their duty and when they have not acted negligently and were acting according to the law. He said this is especially true in this case and the City therefore supports and will defend their employees.

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

Councilmember Palmer moved to adopt Resolution No. 67-03. Councilmember Kirtland seconded the motion. Motion carried by a unanimous roll call vote.

Consulting Services for 1601 Process for the Riverside Parkway

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 (5th Street) and the proposed Riverside Parkway. Interviews were conducted on July 11, 2003.

Tim Moore, Public Works Manager, reviewed this item. He explained the 1601 process is the next level of review for the proposed Riverside Parkway interchange. He said the City's expectations from that review are to then, a) come up with a more detailed design and b) be able to establish better cost estimates.

Councilmember Hill asked about the selected company's experience with the 1601 process. Mr. Moore replied that the firm has experience with this process and came with good recommendations.

Council President Spehar asked how long the review would take. Mr. Moore said the group would spend about 30 days reviewing the work the Design Action Committee (DAC) had accomplished. The firm then would make a list of what has been done and what still needs to be done. Mr. Moore estimated that the process would take about 12 to 18 months.

Councilmember Enos-Martinez asked that once the DAC work has been reviewed, is it possible the time frame may be less. Mr. Moore replied that is what the City hopes and he will know more after the 30-day review. He said he heard from others that in a best-case scenario it would still take 9 to 10 months.

Councilmember Kirtland asked if the time frame is because of the meetings. Councilmember Enos-Martinez said because of the NEPA (National Environmental Policy Act). Mr. Moore confirmed both statements.

Councilmember Kirtland moved to 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 Policy Directive 1601 Process. Councilmember Enos-Martinez seconded the motion. Motion carried.

Public Hearing – Vacating of Right-of-Way and Multi-purpose 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 new-recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

The public hearing was opened at 7:55 p.m.

Lori V. Bowers, Senior Planner, reviewed this item for Pat Cecil.

Tom Volkmann, the attorney representing the applicant was present but had nothing to add.

City Attorney Dan Wilson made one suggested change to the ordinance.

The public hearing was closed at 7:58 p.m.

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

Councilmember Enos-Martinez moved to adopt Ordinance No. 3541 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing – Sonrise Acres Annexation Located at 3068 F Road and Zoning the Sonrise Acres Annexations No. 1, 2, 3, & 4 [File #ANX-2003-090]

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.

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.

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

Lori V. Bowers, Senior Planner, reviewed this item and the zoning request in one presentation.

The applicant was not present.

There were no public comments.

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

Councilmember Kirtland asked if the subdivision to the west, north of Patterson, is connected to the sewer system, and if there were any reactions from that area regarding this annexation. Ms. Bowers said some neighbors did inquire and one neighbor wants to see the plan but that was the extent of the comments.

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

b. Annexation Ordinances

Ordinance No. 3542 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise 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, Sunrise 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, Sunrise 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

c. Zoning Ordinance

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

Councilmember Kirtland moved to adopt Resolution No. 68-03, and to approve Ordinances No. 3542, 3543, 3544, 3545, and 3546 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - UnawEEP Heights Annexation No. 1, 2, and 3 Located at 2857 UnawEEP Avenue and Zoning of the UnawEEP Heights Annexations [File # ANX-2003-022]

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.

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.

The public hearing was opened at 8:04 p.m.

Lori Bowers, Senior Planner, reviewed this item and the zoning request in one presentation.

Council inquired about the surrounding zoning. Ms. Bowers stated that the zoning request is compatible with the neighborhood and adjacent zoning.

The applicant was not present.

There were no public comments.

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

a. Accepting Petition

Resolution No. 69-03 – 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

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 $\frac{3}{4}$ 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

c. Zoning Ordinance

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

Councilmember Enos-Martinez moved to adopt Resolution No. 69-03, and to approve Ordinances No. 3547, 3548, 3549, and 3550 on Second Reading and ordered them published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing – Watershed and Water Supply Protection District Ordinance

Hold a 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.

Council President Spehar reviewed the history of the proposed ordinance, the reason for the consideration, and the outreach efforts that have been made soliciting input on this ordinance. He also noted that other municipalities have such ordinances and State Statutes grants municipalities authority to adopt ordinances like these.

Finally, Council President Spehar noted there are a number of courses of action Council could pursue at the end of the public hearing.

City Manager Kelly Arnold added that Staff has been involved in a very significant outreach effort to disseminate the information and in receiving comments. He said they made every effort to contact every landowner in the watershed areas. He said they also met with the Chamber of Commerce, the United States Forest Service, the Bureau of Land Management, and the County Commissioners.

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

City Attorney Dan Wilson reviewed the latest version of the proposed watershed ordinance, which was available at the back of the room to the attendees. He explained that the first version of the ordinance required notification to the City by the landowner and required the City's permission prior to any activity. He pointed out that the latest version reverses this process. He said the City would use the systems already in place and therefore eliminate additional time spent and burdens placed on the property owners.

Mr. Wilson said both federal agencies have expressed concerns that the City is trying to usurp their authority with this process. He explained that their attorney has not had a chance to review the latest version of the ordinance, but there might still be some wordsmithing to be done. He said the main concern is the supremacy of the United States Government. Their fear is that the ordinance would require the federal government to get a permit for their own activities. Mr. Wilson said this was not the case. He said a permit would only be required if a private party was conducting activities on the federal property.

Mr. Wilson referred to the bottom of Page 3, reading Alternative 1 and 2. He said the alternatives treat Zones 2 and 3 differently than Zone 1. Councilmember Palmer

questioned the reason for treating one watershed different than the others. Mr. Wilson said a judge would look at each zone separately. Although it states Zones 2 and 3 are not the primary water supply in the recitals, this new language clarifies that. He said Alternative 1 excludes Zones 2 and 3 from the ordinance, and would require an amendment to the ordinance to include; the Alternative 2 would allow the change of zones by resolution, which is a quicker action.

Councilmember Kirtland asked if these options have been discussed with the County's legal department. Mr. Wilson said no, they had received a copy but no discussion has taken place.

Mr. Wilson said the latest version identifies that all City authority would be through the City Manager, or his designee, and makes no mention of the Utility Manager.

He then clarified various sections and subsections including the changes and additions to the following:

Section 5 "Definitions":

Section 5(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 does 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.

Section 5(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.

Section 5 (i) & (k) "Excavating" and "Filling". Mr. Wilson informed Council of a typographical error in these Sections regarding the amount of material allowed to be excavated or filled. He said it should say 500 cubic yards not 50 cubic yards.

Section 5(n) "Impact" means: Any alteration or change *to the City's watersheds or waterworks* resulting directly or indirectly from an action.

Section 5(o) "Industrial". Mr. Wilson said Industrial was clarified to now read: *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.

Section 5(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 *1,000 square feet*; or any grasses covering an area of more than 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.

Section 5(bb) "Waterworks". Mr. Wilson said the word "waterworks" in the first sentence of this section needs to be deleted since it also is a typographical error.

Section 6 "Existing Uses Not Requiring Advance Notice"

Mr. Wilson said under

Section 6(d) it should say: To exercise the power to prohibit an otherwise pre-existing use, the City Manager shall communicate his findings to the person of that activity or use shall immediately cease. *If no communication by the City Manager, the activity or use can proceed without a Watershed permit issued by the City.*

Section 7 "Allowed Uses Requiring Advance Notice"

Mr. Wilson said under

Section 7(b) in the sentence: "Further, even if listed as an allowed use, if the City Manager or the City Council, "or" should be changed to "and", 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.

Section 7(5) "Drilling of water wells for domestic use". Mr. Wilson explained that the City ordinance allows domestic water well drilling but the City must receive a copy of the State Well Permit.

Section 8 “Regulated Activities. Notice And Permit Required”

Zone 1: Section 8(a)(5) Drilling, *except that drilling for domestic use is controlled by Section 7(b)(5).*

Zone 2: Mr. Wilson told Council alternatives still needed to be determined. He continued to outline and clarify changes and additions to:

Zone 3: Section 8(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.

Section 9 “Application for Permit”

Section 9(c)(1) A description of the overall goals of the proposed work, unless it is obvious from the *application*.

Section 9(d) Upon request of a rancher, farmer, resident of a single family dwelling, or other person subject to the requirements of this ordinance *may get a waiver from* the City Manager of 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.

Mr. Wilson clarified that the determination of the waiver is at the Staff level (i.e. the City Manager) and an appeal process is available.

Section 15 “Performance Guarantee for Permits”

Section 15(c) The following sentence was added at the end of the subsection: *Such annual letter shall be in lieu of the guarantee required by subsection (a) above.*

Section 16 “Purpose of Performance Guarantee”

Section 16(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.

Section 16(b) The permittee by acceptance of the permit, *or an entity providing an annual letter provided 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.

Section 17 “Inspection and Testing Fees and Procedures”

Section 17(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*.

Mr. Wilson explained in case Council selects one of the earlier alternatives this subsection 17(b) would be deleted.

Councilmember Palmer asked if the City has a provision for emergency ordinances. Mr. Wilson said Council can pass emergency ordinances, but an emergency ordinance requires a unanimous vote.

Section 20 “Insurance”

Section 20(b) No certificate of insurance shall be required with respect to a single-family residence, domestic use, existing ranching, farming operation, *or septic system for a single-family residence*. Mr. Wilson suggested including an exemption for the septic system for a single-family-residence.

Council President Spehar listed the technical changes and asked if Council was ready to accept those changes. Council concurred.

Council called for a seven-minute recess at 9:13 p.m.

The meeting was back in session at 9:22 p.m.

Council President Spehar informed the audience that Council would now hear public comments.

Don Lumbardy, 2500 Whitewater Creek Road, said he owns water rights in Zone 1, and anything that affects the City will affect his water. He said he also has some springs below the five-mile limit, and when he requested help from the State, the State wouldn't help him test the water for contamination. He said his question is: Who would have the

authority regarding this issue? He thought a watershed ordinance would be a good idea because he did not feel adequately represented by the other agencies.

Jim Baughman, Chair, Mesa County Commissioners, referred to a letter dated June 25th, 2003, expressing the County's opposition to the watershed ordinance. He also referred to a letter from the County Legal Department stating the belief that watersheds will best be protected working through the current Memorandums of Understanding; that the ordinances usurps Mesa County's land use authority, affect the landfill, and activities by its citizens. He said he has not had a chance to review the latest version of the ordinance. He then read a letter to Council. He said he prefers the first alternative removing Zones 2 and 3 from the ordinance. He said Mesa County agrees with the City about the protection of the watershed and its importance. He reiterated that Mesa County is willing to work with the City through the Memorandums of Understanding, but if the ordinance passes, the County requests the deletion of Zones 2 and 3.

Edward Gardner, 935 Lakeside Court, representing the interests of property owners in Kannah Creek, said he could not decide if he is for or against the ordinance, especially with the additional changes to it. He said there are always good intentions, but then they turn into rules and regulations. He told Council grandfathering doesn't last, it'll add arbitrary authority over private citizens to an already highly regulated industry. He said already there are fees; application fees, permit fees, annual fees, reporting fees and every regulatory agency does this and they promulgate rules that one has to abide by even before the public can appeal. He told Council that according to the maps drawn on paper that he is outside of Zone 2. However, he suggested for clarification purposes, the legal description of those zones, with contiguous inclusion be provided. He said the City owes the property owner a definite yes or a no, in or out. He asked who is paying for this. He said the citizens derive the benefit and water treatment plants should remove any contaminants they are concerned with. He noted that anyone contaminating the water won't be in to buy a permit. He questioned who would build ponds to retain storm water run-off or build wastewater ditches, and then test the water before releasing it. He said the new ordinance should be made available to the people for their review, and then have a new public hearing on the subject.

Council President Spehar asked Mr. Gardner who he thinks should make that decision and what time frame should be involved if the ordinance has to come back to Council. Council President Spehar asked Mr. Gardner what the pollutant is and said he can't envision normal farming being a problem. Mr. Gardner said it's hard to present his need to Staff, as well as a burden, since he has County's right to farm by their definitions.

Pat Kennedy, 2296 S. Arriba Circle, Colorado Plateau Mountain Bike Trail Association, said recreation is not mentioned in any of the proposed ordinances. He said his Association is active in Zone 2 performing trail construction and they plan to be active in

Zone 3. He said mountain bike trails require grading, filling, and/or surfacing. He wanted Council to know his Association opposes the ordinance and felt there is no need for another layer of bureaucracy.

Councilmember Palmer asked Mr. Kennedy about the process used by the Mountain Trail Association. Mr. Kennedy answered that the Bureau of Land Management issues their permits and gave an example of trails used and maintained by the Association.

Council President Spehar asked if there was any activity in Zone 1. Mr. Kennedy replied that currently there is no activity in Zone 1, but he doesn't know if there will be any in the future.

Councilmember Enos-Martinez asked what the name of the association is. Mr. Kennedy replied COPMOBA.

John Whiting said he lives on Kannah Creek, 100 Whiting Road in Whitewater, and he opposes the ordinance. He said everyone wants safe water, but he feels strongly that a Memorandum of Understanding will work better. He said it's costly to the stakeholders, land values deteriorate, and it's more difficult to develop the properties. He felt the EPA, the Federal Government, and Mesa County provide adequate protection. He said he hadn't identified the possible contaminants, and his water right goes back to 1911. He said he's been there for 40 years and never had a problem with water. He said the proposed ordinance places severe restrictions on the residents and he has his life's value invested there. He said grazing is an allowed use and he doesn't want to get a permit from the City since he's been a partner with the other entities for many years.

Rita Crumpton, Manager of the Orchard Mesa Irrigation District, said she previously worked for a domestic water provider. She said she has concerns in Zone 2 where the Irrigation District has 40-plus miles of canals and must remove vegetation to keep water flowing in the canal. She said they have to have a clean tail water channel and have to remove vegetation. She asked who defines "best management practices" as mentioned in Section 6(c). She said she's also concerned about subsection (b) on Page 12 since the Irrigation District has to perform weed control and spraying. She said on Page 25, under "Insurance Requirement", it would require additional insurance coverage. She said three levels of permitting are already in place and the City has the right to comment in that process. She said she doesn't know what the problems are, and she asked Council to reject the ordinance. She thought Memorandums of Understanding are the answer.

Richard Proctor, 1147 24 Road, Manager of the Grand Valley Water Users Association, said he didn't know what the problem is and he agrees with Ed Gardner. He asked how the City could expand and cover Zone 3 under the Clifton Water District. His concern was that the area includes part of the Government's Highline Canal. He pointed out the

maps were different than the ones he'd received before and said a legal description of the zones is needed. He said his Association also removes vegetation, does a lot of grading and dredging. He questioned adopting the ordinance with all the changes. He suggested preparing a new draft of the ordinance, then distributing it again. He asked Council to reject the ordinance and instead work with the United States Forest Service and the Bureau of Land Management to secure protection of the City's watershed. He asked if landowners in Zone 2 and 3 had been contacted.

Peter Kearl, 2263 Kingston Road, a hydrologist, said he is familiar with gas well development and he has experience with gas wells causing contamination. He said in critical hydrological areas, even with best practices, the chance for contamination exists. He said a more realistic control would be topographically not on a five-mile radius. He said some aspects of this ordinance are good and the ordinance should be passed.

Council President Spehar explained the topographical versus the five-mile radius that the City by statute can regulate up to a five-mile radius but has no authority outside that radius.

Mr. Kearl gave an example where, outside the five-mile radius, an area could still be affected.

Tom Matthews, 2112 Chipeta Avenue, said he owns land at 4100 Lands End Road, and that the ordinance holds his property captive. He said the ordinance limits what he will be able to do, that the concept has changed, and that anyone can do anything unless they get caught. He said he is concerned about someone looking over his shoulders all the time. He also questioned Section 6(b) and said it contradicts with another area in the ordinance. He questioned whether the City would get what it wants to accomplish. He said he's not sure it will work and he strongly urges Council not to adopt the ordinance until "all are on the same page". He suggested Council look at the ordinance again when all pieces are in place. He said there is no emergency and for the City to take time to do it right. He asked Council to take his comments under advisement.

Lois Davidson, 4668 Lands End Road, located in Zone 1, said she also represents the Davidson Family Trust and a ditch company. She said there are a lot of fees for a new house and felt the County does a good job regarding septic tanks. She felt the clearing of 100 square feet was not enough and that multiple permits were already required. She agreed with the Ditch Company Representative stating 50 cubic yards was not much if the ditch blows out. She said this ordinance was better than the first one, but still needed work, clarifying what kind of domestic uses are allowed, and to establish a clear buffer zone for fire protection.

Chuck Shear, 52962 KE Road, Molina, thanked Council for the opportunity to speak. He said he couldn't understand what was laid out tonight and that the cost to implement the ordinance had not been stated. He said he heard \$3 million would be paid annually to the United States Forest Service. He said he agreed with most of the items, but opposes the ordinance. He said his industry has made an outstanding effort to work with the government agencies and felt Evertson has done so too. He didn't think this ordinance was enforceable and would be ignored. He suggested the use of Memorandums of Understanding and to handle the issue in a different manner.

Patti Shear, 52962 KE Road, Molina, said she is one of the owners of Brouse Ranch. She said long time owners have a tendency not to trust the Government. She said one Council might promise one thing and another Council will change the promises. She said the ranchers have shares in the same reservoirs, that it would affect their costs to maintain the reservoirs, and affect their property values. She said ranch work would not affect City water, but their ranch is right in the middle of Zone 1, just below the intake.

Councilmember Enos-Martinez asked Ms. Shear the name of the ranch. Ms. Shear replied Brouse.

Kathy Hall, 2305 Pheasant Run Circle, a resident for 22 years, said she loves the City of Grand Junction. She asked Council not to pass the ordinance, instead pursue Memorandums of Understanding with the United States Forest Service and the Bureau of Land Management. She felt that approach would be more beneficial and she had used that process during her term as County Commissioner.

Matt Sura, 405 25 Road, thanked Council for the opportunity to speak. He said he cared about the City and nothing is more important than clean water, except maybe clean air. He felt it was necessary to have drought protection and is glad previous Councils took care of that. He pointed out that 40 municipalities have watershed ordinances. He said just by looking upstream at Parachute Creek one can see Rifle's watershed from the air when flying to Denver. He pointed out that the watershed with all the drilling wells looks more like an industrial zone. He said a recent study by the Division of Wildlife declared Parachute Creek for all practical purposes "dead". The Town of Silt is having some of the same problems. He said Memorandums of Understanding only allow the City a participatory role, but everyone has that, and he felt the City needed more than that. He said the proposed ordinance would give the City a place at the bargaining table and keep the water pristine. He said not only will that benefit the citizens but it also would be cheaper to clean the water of any contaminants. He therefore encourages Council to adopt the ordinance.

Toby Cummings, 3009 Cloverdale Court, representing Association of Building Contractors, referred to a letter sent to Council. He said he heard great testimony, but is dismayed at all the information thrown out tonight and urges Council to take a step

back and review all the new comments and changes. He said as chairman of the Hazardous Waste Commission, he felt the State and Federal Governments are doing a good job.

Michael Warren, 1750 N. 3rd Street, urged adoption of the ordinance even if the ordinance is far from being perfect. He felt it is a good start and the need to start somewhere should not be delayed. He said the risk associated with approving the ordinance shows political leadership, not management by crisis, and demonstrates that Council is proactive.

Randy Walck, 833 24 ½ Road, said he agreed with what has been said. This water ordinance is seen as an effort to control unwanted oil and gas operations. He then read a list of what he felt was wrong with the ordinance. He felt Council received wrong and misinformation from Staff and other sources. He said he believes Council's real reason for the ordinance is not to protect the City's watershed but to eliminate liquid drilling operations. He said misinformation and half-truth were supplied to the public through the media to meet personal and political goals. When those goals were not met, federal and county employees were attacked in the media and relationships were eroded. He closed by asking Council to stop the "power-play" called an ordinance by rejecting it.

Phil Kriz, Apartment 504, 18th Street, Golden, Colorado, Senior Operations Engineer, said he is working for Evertson Company and is in charge of drilling operations above the ranch. He said he appreciates a process where everyone gets to talk, but wanted to ask: "What is the problem with the process now?" He said the City has been asked to come up to all of Evertson's site locations but Staff has eroded some of the existing relationships.

James Braden, 2420 North 1st Street, said he originally was in favor of the ordinance but now asks Council not to adopt it.

Ron Christ, 2677 Continental Drive, told Council "if it's not broken don't fix it", rather look at some other way to address the few issues.

Ken Krite, 2891 F ¼ Road, questioned who the City is trying to regulate and who should then regulate the City?

Catherine Christian, 961 White Avenue, urged Council to adopt the ordinance and said she felt the State doesn't know what the problem is. She said she comes from the recent incursions of the oil and gas business and has no trust in other governmental agencies and their ability to protect her water.

The public hearing was closed at 10:49 p.m.

Council discussion followed.

Councilmember Palmer said everyone wants clean water and there seems to be other reasons for the ordinance. He said he too wants decision-making, but wants water protection to be the only priority and he is in favor of such protection. He said during his campaign for Council he pledged to use common sense, and therefore has to ask if there ever has been a problem with the water. He's been asking himself if there is any urgency to the watershed issue and he must say no. He said the ordinance would be a strategic piece over governmental entities, but he is not convinced that this is the way to go about it. He felt designating the area as a 10e, a municipal watershed under the Forest Service designations, would be a better way to address the issue. He stated he could not support passage of the ordinance.

Council President Spehar again reviewed the options available to Council.

Councilmember Enos-Martinez said she agrees with Councilmember Palmer, besides septic systems are regulated by the Health Department and they have the experts. She said the City has been invited by the Bureau of Land Management and the United States Forest Service to be at the discussion table and the County is willing to continue working with Council. She said it is hard to try and fix something when she can't find that a problem even exists. She said she also believes in Memorandums of Understanding and wants the City to be a team player. She said those are some of the reasons she is not willing to support the ordinance.

Councilmember Kirtland stated that two councilmembers have said the ordinance was not necessary. He said he first had the same reaction, but as he looked at what others had done he felt the future must be kept in mind. He acknowledged that previous city fathers did a good job getting a good water supply and the long-term goal is the need to manage water quality. He disagreed that this ordinance is a reaction to increased drilling requests by the oil and gas industry. He said those would be managed by the Bureau of Land Management and the United States Forest Service, and he is more concerned about incremental degradation of the watershed as this community grows. He thought it is time to draw the line where the watershed is concerned and it is clear to him that there is nothing the City can do to stop the oil and gas leases. He said those are the reasons he supports this ordinance.

Councilmember Hill said he received an education of a lifetime when he was on an awesome field trip overlooking the watershed areas with Terry Franklin two months ago. He stated he absolutely wants to protect the watershed but thought the five-mile radius was not large enough. He said he first wanted clarification and confirmation from the United States Forest Service that the City's areas are not classified as a watershed and that they are in the process of amending that data and that it will cover the entire

watershed. He said the United States Forest Service and the Bureau of Land Management still support Memorandums of Understanding. He said a lot of time has passed since work started on the proposed ordinance but it seems that a lot of activity has been squeezed into the last few days. He noted Council's focus and intention is to protect the City's drinking water. He informed Council he'd checked with five other communities having ordinances in effect and that three of the five towns could not find their ordinances. He said he is asking and taking the risk by using Michael Warren's comment: "When given the power, should you use it?" He said he wants to see Council work with other governmental agencies since the various entities make it a community. He said he would not support an ordinance but suggests moving forward with Memorandums of Understanding.

Council President Spehar addressed the issue of Memorandums of Understanding and working together. He said a Memorandum of Understanding is a definitive factual document. He said the City already works with various agencies and the City currently has some Memorandums of Understanding. The GMS (Grand Mesa Slopes Committee) continues to work together with the City and the governmental agencies. He said he doesn't understand why it has to be either an ordinance or Memorandums of Understanding and felt there would be value in having both. He said the problem with Memorandums of Understanding is that the City has no power as was demonstrated at the last review process. He said the City's comments were taken, then rejected and specifically excluded, which left the City out in the cold. He said the only value of a Memorandum of Understanding is to allow participation, whereas the value of the ordinance is if the comments are rejected and deleted, the City has another venue to deal with the issues without impacting the relationships. He stated that the important distinction between a Memorandum of Understanding and an ordinance is being a participant or a decision-maker. He is hesitant to say what the problem was and does not want to pick on old wounds, but wanted to make it part of the record. He values the relationships and respects the other agencies and he does not want to alter the City's role. He said an ordinance is a tool available to Council that has not been used before and Council would be remiss not going to the utmost to protect the City's watershed. He acknowledges drilling as an allowed activity. He is fully aware there will be activities in the future but the City just wants to be informed about such activities and how they happen. Council President Spehar said the City was proactive in 1911 when there was plenty of water available and nobody then was waiting until the City was out of water. He said everyone involved with this issue has worked very hard to craft something unique to the City of Grand Junction. He hoped Council would go forward with the ordinance, either tonight, or take the time to incorporate the suggestions and amend the draft ordinance.

Councilmember Butler agreed that the ordinance still needs work. He said he'd worked for the Bureau of Reclamation, in hydrology, and sees the need to protect the City's watershed. He felt the City needs this ordinance to protect the City's water supply.

Councilmember McCurry said he wants to commend Staff for a job well done and appreciates all the comments received from citizens. He said he too is in favor of Memorandums of Understanding and feels the biggest threat to the water quality and supply are the elements. He therefore votes against the ordinance.

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

Councilmember McCurry moved **NOT** to accept the ordinance. Councilmember Hill seconded the motion.

Councilmember Butler asked for an amendment and to review the ordinance again, amending it so that it is an ordinance that protects the water quality, in a sense, to protect the watershed from future pollution.

Councilmember Butler moved that Council take the time to study the ordinance further. Councilmember Kirtland seconded the motion. Motion **FAILED** by a roll call vote 3 to 4 with Councilmembers McCurry, Palmer, Enos-Martinez, and Hill voting **NO**.

Councilmember Kirtland moved to make an amendment to the first motion at this time, and in lieu of the ordinance to enter into serious discussions regarding Memorandums of Understanding with the United States Forest Service, the Bureau of Land Management and the County. Councilmember Hill seconded the motion. Motion to amend carried unanimously by a roll call vote.

Council President Spehar called the question to adopt the first motion as amended. Motion passed by a roll call vote 5 to 2 with Councilmembers Butler and Spehar voting **NO**.

NON-SCHEDULED CITIZENS & VISITORS

James Braden, 2420 N. 1st Street, addressed Council to discuss the roundabout he believed was designed by City Engineers located at what used to be part of Sam's Club's parking lot. He felt there were a number of problems with the design like: a) lots of visitors from outside Grand Junction and locals with campers and trailers have to negotiate turns by driving up on the curb, b) that "things" fell over, c) the need for a new cut, and d) to remove the stone abutments.

City Manger Kelly Arnold said those are great suggestions, but Sam's Club had insisted on the existing design. He said the City had anticipated this would happen and has documentation to back it up. He said the City even called Sam's Club's headquarters in Bentonville, Arkansas but to no avail.

James Braden said he has a strong interest in this City and felt the design work is questionable. He asked City Council to review that issue in more detail.

He also wanted Council to review light posts along North Avenue. Mr. Arnold informed Mr. Braden and Council that Xcel has been called regarding the light posts for two years.

OTHER BUSINESS

There was none.

ADJOURNMENT

Councilmember McCurry moved to adjourn. Councilmember Hill seconded the motion and the motion carried. The meeting adjourned at 11:35 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Rezoning the Fuoco Property

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Rezoning the Fuoco property from RSF-R to PD, located east of Dewey Place					
Meeting Date	August 6, 2003					
Date Prepared	July 31, 2003				File # RZ-2003-028	
Author	Lisa E. Cox			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

Budget: N/A

Action Requested/Recommendation: Approval of first reading of the rezoning ordinance.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Preliminary Plan for PD zone district (Figure 5)
7. Rezoning Ordinance

BACKGROUND INFORMATION					
Location:		East of Dewey Place			
Applicants:		Fuoco Grandchildren's Trust, Owner Grand Valley Dev., Developer			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential/Park/Regional Detention Facility			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential/Cell Tower			
Existing Zoning:		RSF-R			
Proposed Zoning:		Planned Development (PD) with RMF-8 default			
Surrounding Zoning:	North	PD 2.9			
	South	RMF-8			
	East	RSF-1 and RSF-2			
	West	RMF-24 and CSR			
Growth Plan Designation:		Residential Medium High, 8-12 du/ac			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The developer has requested a for a rezone of 13.574 acres from RSF-R (Residential Single Family, 5 acres per lot) to Planned Development District (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) default zone district; and a Preliminary Plan for a 58 lot subdivision.

ANALYSIS:

1. Background

The subject property was annexed into the City on August 6, 2000 as part of the G Road South Enclave annexation. At the time of annexation, parcels annexed into the City were annexed with their existing County designation with the understanding that a rezone would be necessary at the time of development. The Fuoco property was zoned RSF-R in the County and retained that zoning designation when annexed into the City in August, 2000.

The Fuoco property is classified as Residential Medium High with a density range of 8-12 dwelling units per acre (du/ac). The property is situated between an existing high density apartment complex (zoned RMF-24) and a low density single family residential subdivision (zoned RSF-1 and RSF-2).

Seeking to create a transition between the two existing developments, the developer has requested to rezone the Fuoco property from RSF-R, Residential Single Family-5 acres per lot, to Planned Development (PD) with the RMF-8 default zone district. Given the relatively high density expectations of the Growth Plan for this property, and the City's recent interest in acquiring the Fuoco property for use as a regional stormwater detention facility, the developer approached the City with an offer to dedicate a portion of the property for use as a park/detention facility, if there would be a willingness to consider a reduction in the required density to create the residential transition area that was envisioned.

Chapter 3, Section 3.6.B.7, Application of Density/Intensity Definitions, of the Zoning and Development Code, allows for development of one-half of the required minimum density required by the Growth Plan for parcels that are 10 acres or less in size. In the case of the Fuoco property, this would mean developing at 4 units per acre as opposed to 8 dwelling units per acre if the dedication of the 3.5 acre park site could be excluded from the density calculation upon dedication to the public.

In dedicating 3.5 acres to the public for public benefit, the developer wished to develop the Fuoco property at a lesser density than shown on the current Growth Plan. In discussions with the developer, City staff was not anxious to give up the opportunity for development at a higher density because there is very little land designated in the City designated for high density development. In recognition of this concern, the developer committed to developing at a density level of at least 5.5 dwelling units per acre for the proposed project.

The developer is proposing a 58 lot subdivision to be known as Fuoco Estates, with a dedication of an Open Space park/regional stormwater detention facility for use by the public, and has committed to construction of park improvements which include the

following: approximately 25 trees, turf installed and established to City standards, benches with concrete pads, signage, a pedestrian path linking the residential areas of the development to the park with bollards, fencing along the pedestrian path and on the rear lot lines of 11 lots that back up to the park and an irrigation system. Access for the proposed development would be provided through existing stub streets, Saffron Way and Dewey Place, located on the northern property line from the Fall Valley Subdivision and on the western property line from 25 ½ Road. The development would be constructed in two phases beginning in Fall 2003. The second phase would commence approximately 12 to 18 month after the completion of the first phase.

The dedication, along with the park improvements and the City's ability to utilize the property for regional stormwater detention purposes, represents a considerable benefit and cost savings to the City and larger community. In addition, should an interest be expressed by the Fall Valley neighborhood located to the north, it is possible that the new park and detention facility could be combined with an existing (private) park/detention facility. (Although the City has been contact in the past with an offer of dedication of the private facility located in Fall Valley, there is currently no interest at this time by the residents of the Fall Valley neighborhood to dedicate their private facility to the City.)

In reviewing the developer's proposal for dedication and park improvements, staff noted that the developer was proposing to construct only a 6' wide trail around the park, a trail very similar to that currently found in Sherwood Park. The 6' wide trail would not meet minimum City design standards.

At the June 24, 2003 Planning Commission meeting where the applicant's request to rezone to a PD zone district was being considered, the applicant agreed to construct an 8' trail as specified by the City Parks and Recreation Department. Final design of the trail will not occur until the Final Plat/Plan Approval stage. The developer agreed to work with the Parks Department in the final design and placement of the trail.

2. Consistency with the Growth Plan

The Fuoco property is classified as Residential Medium High with a density range of 8-12 dwelling units per acre (du/ac). The property is situated between an existing high density apartment complex (zoned RMF-24) and a low density single family residential subdivision (zoned RSF-1 and RSF-2).

Seeking to create a transition between the two existing developments, the developer has requested to rezone the Fuoco property from RSF-R, Residential Single Family-5 acres per lot, to Planned Development (PD) with the RMF-8 default zone district. Chapter 3, Section 3.6.B.7, Application of Density/Intensity Definitions, of the Zoning and Development Code, allows for development of one-half of the required minimum

density required by the Growth Plan for parcels that are 10 acres or less in size. In the case of the Fuoco property, this would mean developing at 4 units per acre as opposed to 8 dwelling units per acre. As noted earlier in this report, the developer has committed to developing the Fuoco property at a density of no less than 5.5 dwelling units per acre.

The proposed community benefit through the dedication of the 3.5 acre park/detention facility satisfies the requirements of Chapter 5 for a PD zone district and would support the goals and policies of the Growth Plan.

3. Consistency with Chapter 5

Rezone requests for a Planned Development District must meet the purpose of Chapter 5 by demonstrating how the following seven benefits have been provided:

1. More effective infrastructure;
The ability to utilize the park site as both a community recreational amenity and regional stormwater detention facility satisfies this criterion.
 2. Reduced traffic demands;
The proximity of the park site will reduce the need for residents to travel to other existing facilities and satisfies this criterion.
 3. A greater quality and quantity of public and/or private open space;
Provision of the park site with improvements satisfies this criterion
 4. Other recreational amenities:
The park improvements being constructed by the developer such as park benches, the trail system around the park and landscaping satisfies this criterion.
 5. Needed housing types and/or mixes;
Not applicable to the proposed development.
 6. Innovative designs;
The ability to utilize the park site for recreational purposes as well as regional stormwater detention satisfies this criterion.
 7. Protection and/or preservation of natural resources, habitat areas and natural features.
Not applicable to this development.
4. Section 2.6.A of the Zoning and Development Code

Rezone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption. *The property was annexed as a part of a large enclave and retained the County zoning upon annexation into the City, therefore there has not been an error in zoning. Parcels annexed into the City with the same County zoning would be subject to rezoning at the time of development.*
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 transition, etc. *Property in the area has been developing in a residential manner consistent with the Growth Plan and Future Land Use Map. Public facilities, infrastructure and utilities have been installed as a part of the development process.*
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. *The proposed rezone to Planned Development (PD) with the RMF-8 as default zone is within the allowable density range recommended by the Growth Plan and Zoning Code. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.*
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines. *The proposed zone district is consistent with the goals and policies of the Growth Plan and Future Land Use Map and the Zoning and Development Code.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. *Adequate public facilities are currently available and address the impacts of development consistent with the proposed zone district.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *The developer has proposed a development that is a transition between*

existing high density development and existing lower density development in an effort to mitigate the impacts of a high density development located adjacent to lower density developments.

7. *The community or neighborhood will benefit from the proposed zone. The proposed development is consistent with the goals and policies of the Growth Plan and Future Land Use Map and will afford benefit to the community when the property is developed in accordance with those goals and policies. The developer will dedicate and construct with improvements a park/stormwater detention facility that will have neighborhood and community benefit.*

5. Section 2.8.B.2 of the Zoning and Development Code

When rezoning to a Planned Development zone district, City Council must approve the Preliminary Plan which is the basis of the PD. A preliminary plan can only be approved when it is in compliance with all of the following:

- a. The Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans. *Criterion satisfied.*
- b. The purposes of this Section 2.8.B. *Criterion satisfied.*
- c. The Subdivision standards of Section 6.7. *Criterion satisfied*
- d. The Zoning standards contained in Chapter 3. *Criterion satisfied*
- e. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations. *Criterion satisfied*
- f. Adequate public facilities and services will be available concurrent with the subdivision. *Criterion satisfied*
- g. The project will have little or no adverse or negative impacts upon the natural or social environment. *No known adverse or negative impacts would occur. Criterion satisfied*
- h. Compatibility with existing and proposed development on adjacent properties. *The provision of a park site is compatible with the Fall Valley neighborhood to the north. The proposed density provides a transition between the higher density development on 25 ½ Road, and the lower density development located to the north and east of this property.*

- i. Adjacent agricultural property and land uses will not be harmed. *Not applicable.*
- j. Is neither piecemeal development nor premature development of agricultural land or other unique areas. *Criterion satisfied*
- k. There is adequate land to dedicate for provision of public services. *Criterion satisfied*
- l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities. *Criterion satisfied*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Fuoco Estates application, RZ-2003-028, requesting a recommendation to approve a rezone request from RSF-R to PD with RMF-8 default zone district, staff makes the following findings of fact and conclusions:

1. The requested rezone is consistent with the goals and policies of the Growth Plan and Future Land Use Map
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.
3. The review criteria of Chapter 5 have been met.

After reviewing the Fuoco Estates application, RZ-2003-028, request for Preliminary Plan Approval, staff makes the following findings of fact and conclusions:

4. The request is consistent with the goals and policies of the Growth Plan and Future Land Use Map
5. The review criteria in Section 2.8 of the Zoning and Development Code have been met.
6. The project meets all minimum design standards.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted unanimously to recommend approval of RZ-2003-028, Request to rezone from RSF-R to Planned Development (PD) with a RMF-8 default zone district, with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

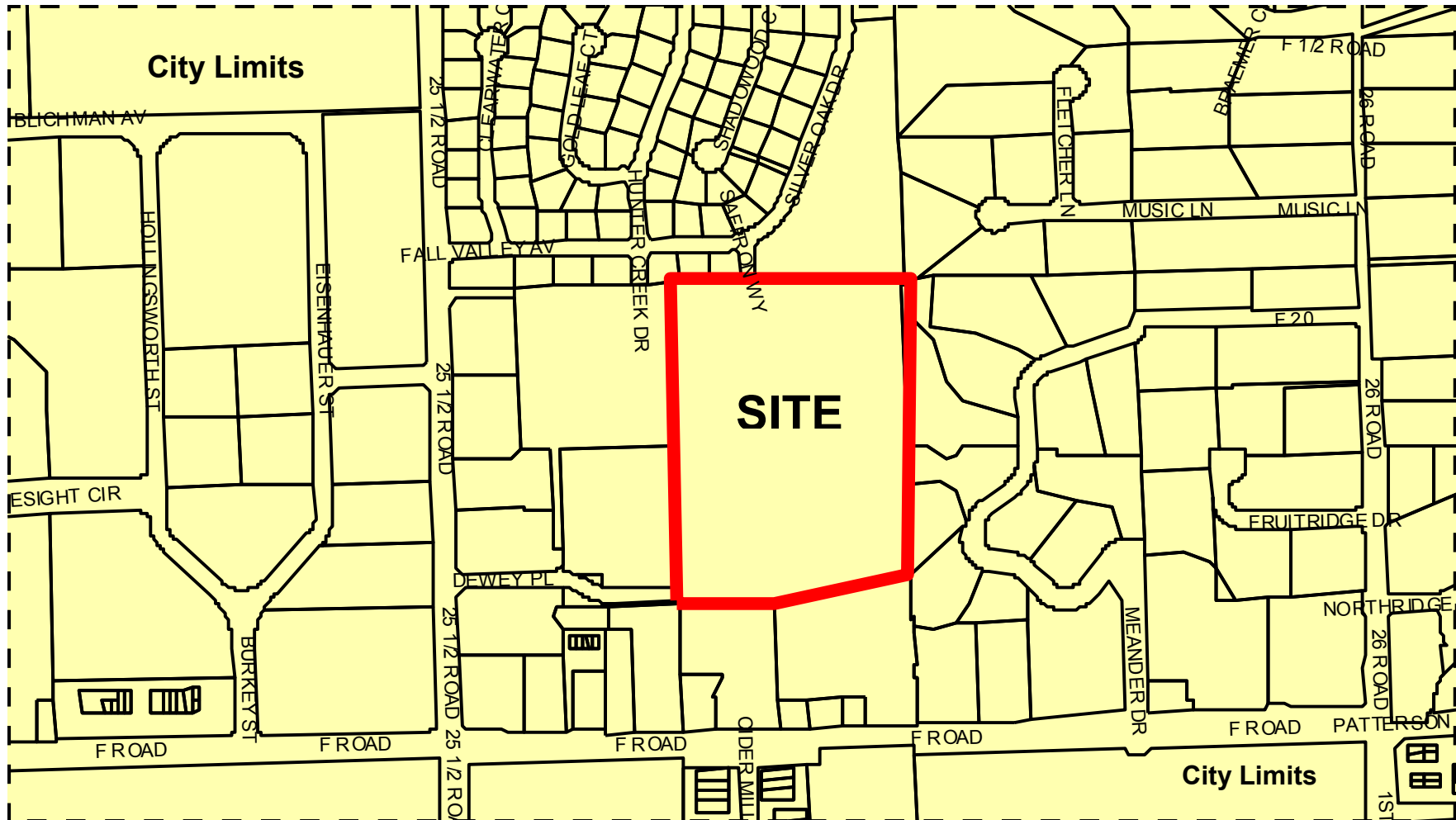
The Planning Commission voted unanimously to recommend approval of RZ-2003-028, Request for Preliminary Plan Approval for Fuoco Estates, with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning (Figure 4)
5. Preliminary Plan for PD zone district
6. Rezoning Ordinance

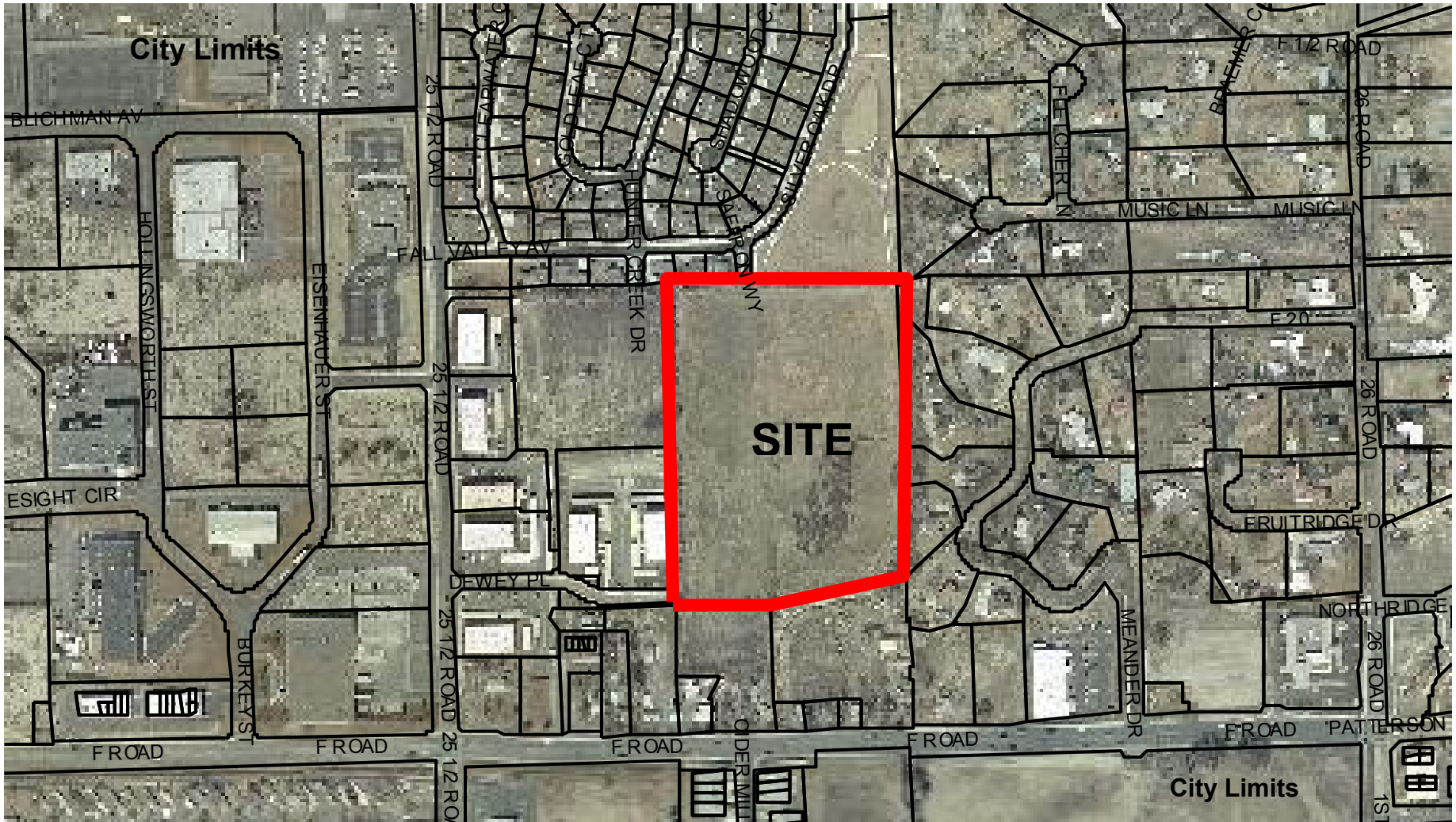
Site Location Map

Figure 1



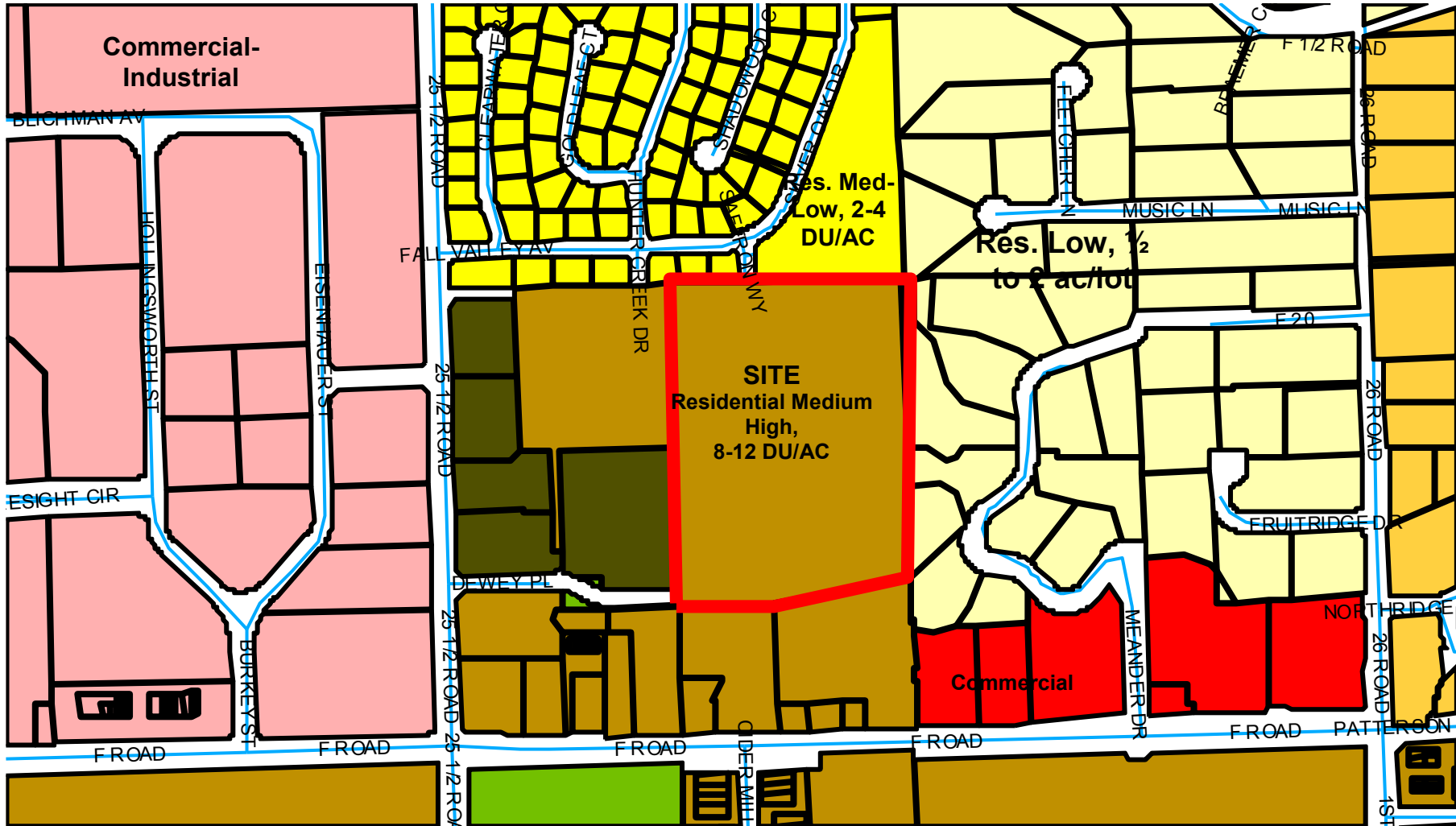
Aerial Photo Map

Figure 2



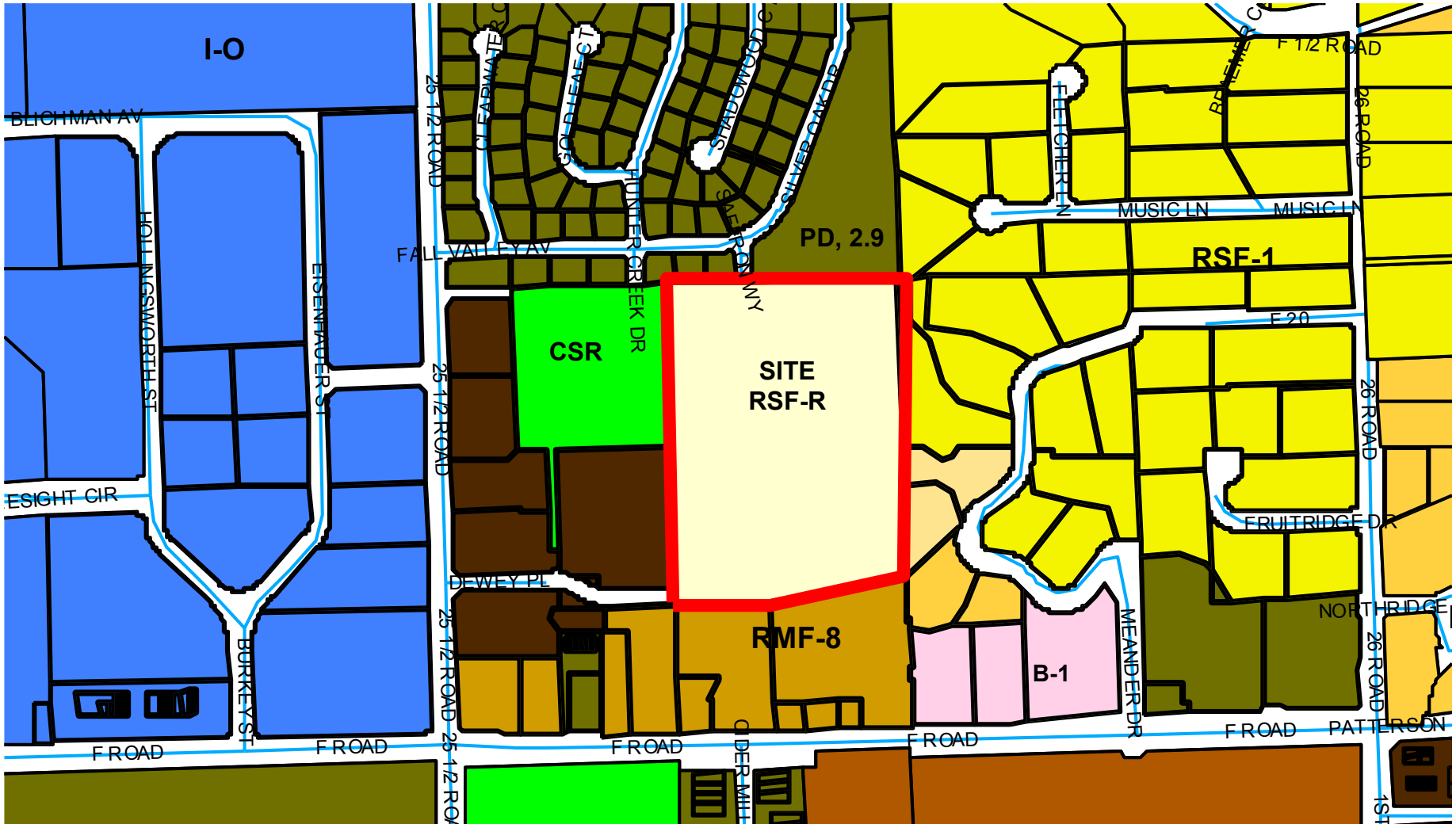
Future Land Use Map

Figure 3

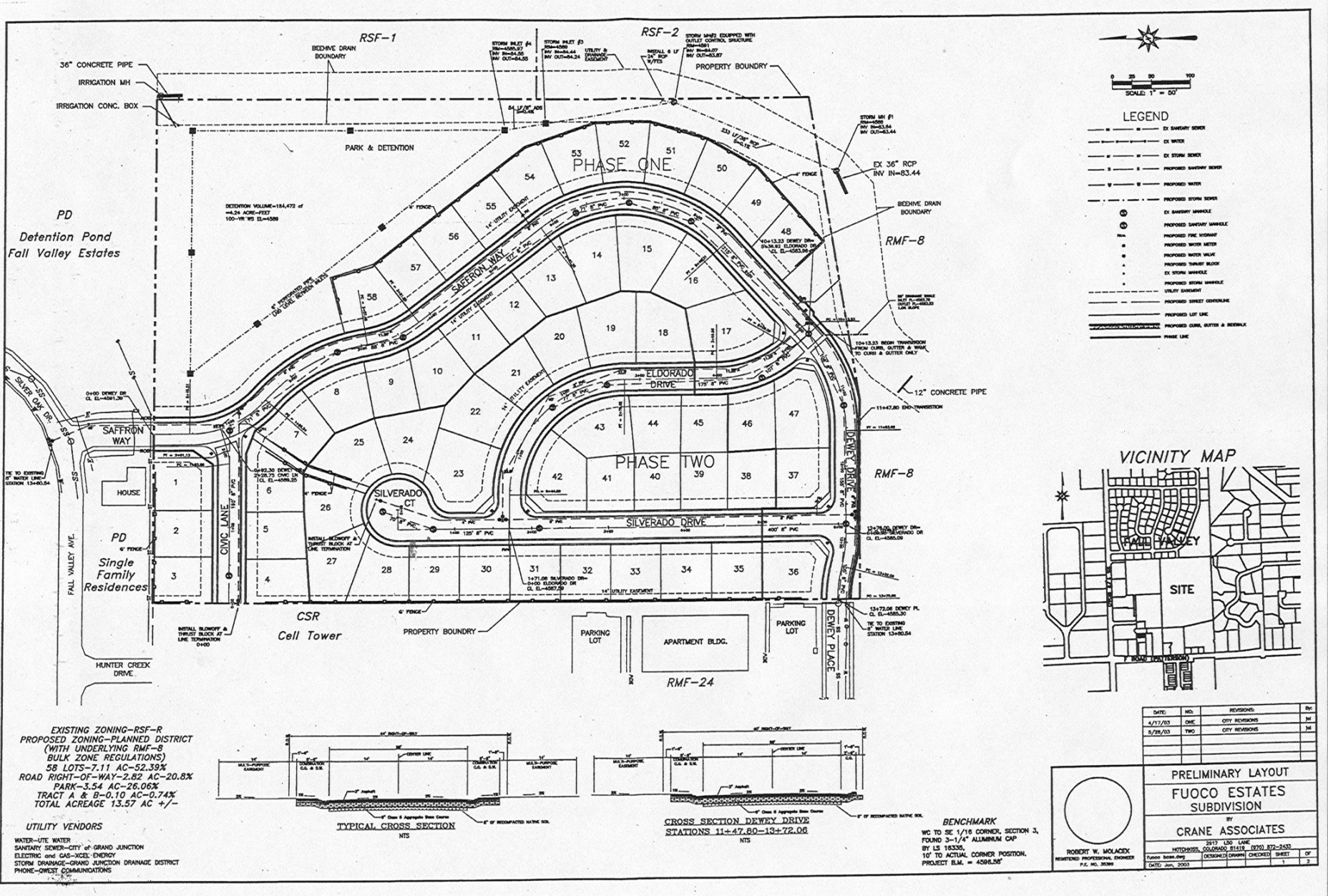


Existing City and County Zoning

Figure 4

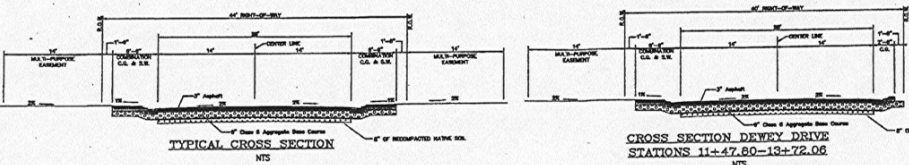


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



EXISTING ZONING-RSF-R
 PROPOSED ZONING-PLANNED DISTRICT
 (WITH UNDERLYING RMF-8
 BULK ZONE REGULATIONS)
 58 LOTS-7.11 AC-52.33%
 ROAD RIGHT-OF-WAY-2.82 AC-20.8%
 PARK-3.54 AC-26.06%
 TRACT A & B-0.10 AC-0.74%
 TOTAL ACREAGE 13.57 AC +/-

UTILITY VENDORS
 WATER-UTE WATER
 SANITARY SEWER-CITY OF GRAND JUNCTION
 ELECTRIC and GAS-XCEL ENERGY
 STORM DRAINAGE-GRAND JUNCTION DRAINAGE DISTRICT
 PHONE-CWEST COMMUNICATIONS



BENCHMARK
 WC TO SE 1/4 CORNER, SECTION 3,
 FOUND 3-1/4" ALUMINUM CAP
 BY LS 11/23/00
 10' TO ACTUAL CORNER POSITION.
 PROJECT E.L.M. = 4596.56'

DATE	NO.	REVISIONS	BY
4/17/03	ONE	CITY REVISIONS	HL
6/28/03	TWO	CITY REVISIONS	HL

PRELIMINARY LAYOUT
 FUOCO ESTATES
 SUBDIVISION
 BY
 CRANE ASSOCIATES
 2917 130 LANE
 HITCHCOCK, COLORADO 81148 (970) 872-2433
 fuoco_bom.dwg DESIGNED DRAWN CHECKED SHEET OF
 DATE Jun 2003 1 3

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Rezoning the Fuoco Property
Located east of Dewey Place
Identified as Tax Parcel No. 2945-034-00-067**

**from Residential Single Family Rural (RSF-R)
to Planned Development District (PD)
with the Residential Multi-Family-8, not to exceed 8 units per acre
(RMF-8) underlying zone district**

Recitals.

In an effort to ensure public benefits above what is usually afforded through a straight zone development, the City has encouraged the property owner to request a Planned Development District (PD) zone district for the Fuoco property.

The Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) zone district is the underlying default zone district for the Planned Development (PD). All uses allowed in the RMF-8 zone district are allowed, all standards of the RMF-8 zone district shall apply.

The developer shall dedicate 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility. The developer shall construct specific improvements in the Open Space park.

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 Fuoco property to the Planned Development District (PD) with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8), default zone district, for the following reasons:

- The zone district meets the goals and policies of the Growth Plan and Future Land Use Map.
- The zone district meets the criteria of Chapter 5 of the Zoning and Development Code.
- The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Planned Development District with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) default zone district, be established.

The Planning Commission and City Council find that the PD zoning is in conformance with the stated criteria of Chapter 5 and Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to Planned Development District (PD) with the Residential Multi-Family 8, not to exceed 8 units per acre (RMF-8) default zone district:

Covering the Land in the State of Colorado, County of Mesa described as: Beginning at the NE COR of the SW1/4 SE1/4 of SEC 3, T1S, R1W of the UM, thence West 662 ft., thence South 0°16'E914.8 ft., thence East 261.4 ft., thence North 79°58'E405.4 ft., thence North 0°11'W843.5 ft. to the POB.

The property owner shall provide the following public benefit in conjunction with the PD zone district:

1. Dedication of approximately 3.54 acres to the public for use as an Open Space park and regional stormwater detention facility.
2. Public improvements of the park area shall include the following:
 - a. An 8' trail, constructed to City standards/specifications, around the park.
 - b. Approximately 25 trees to be planted in the park with plant selections and planting plan to be approved by the City prior to planting.
 - c. Turf, established according to the Parks and Recreation department's seeding and establishment specifications.
 - d. Benches with concrete pads as approved by the City.
 - e. Developer to escrow approximately \$900 for park signage.
 - f. Fencing along the rear lot lines of 11 residential lots that back up to the park site.
 - g. An underground, pressurized irrigation system designed to City specifications.
3. Fencing of the pedestrian path (Tract A) from the residential areas to the Open Space park.
4. Conveyance of irrigation water rights to the City of Grand Junction.

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

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

President of the Council

ATTEST:

City Clerk

**Attach 3
Setting a Hearing on Zoning Marchun Annexations**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road					
Meeting Date	August 6, 2003					
Date Prepared	July 31, 2003				File # ANX-2003-093	
Author	Lisa E. Cox			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to zone the Marchun Annexation No. 1 and No. 2, Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and setting a public hearing for August 20, 2003.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation No. 1 and No. 2 Map (Figure 5)
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2925 F 1/2 Road		
Applicants:		Estate of John Marchun by Carl Marchun, Executor of the Estate Carl D. and Zetta H. Marchun Joseph W. Marchun Herman E. Marchun		
Existing Land Use:		Single Family Residence/Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential/Agricultural		
	South	Residential		
	East	Agricultural		
	West	Residential		
Existing Zoning:		RSF-4 (Mesa County)		
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)		
Surrounding Zoning:	North	RSF-R and PD approx. 4 du/ac (Mesa County)		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
Growth Plan Designation:		Residential Medium, 4-8 units/acre		
Zoning within density range?		X	Yes	No

Staff Analysis:

ZONING OF ANNEXATION:

The proposed zoning for the Marchun Annexation No. 1 and No. 2 is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

- 1. The existing zoning was in error at the time of adoption.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** The requested rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.
- 4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.** Adequate public facilities and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.
- 7. The community or neighborhood will benefit from the proposed zone.** The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

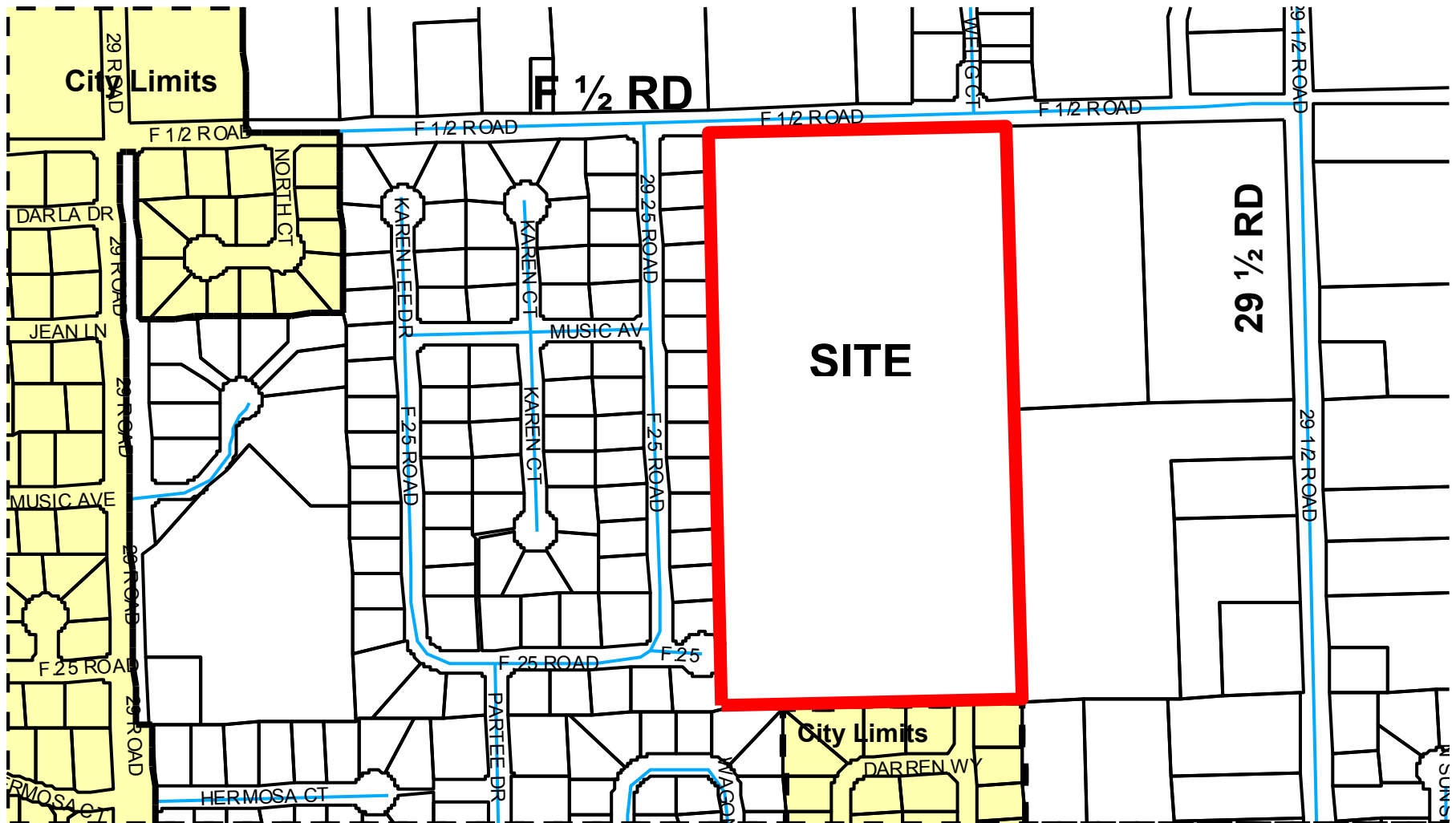
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation No. 1 and No. 2 Map (Figure 5)
6. Zoning Ordinance

H:Projects2003/ANX-2003-093/MarchunCityZord1-1

Site Location Map

Figure 1



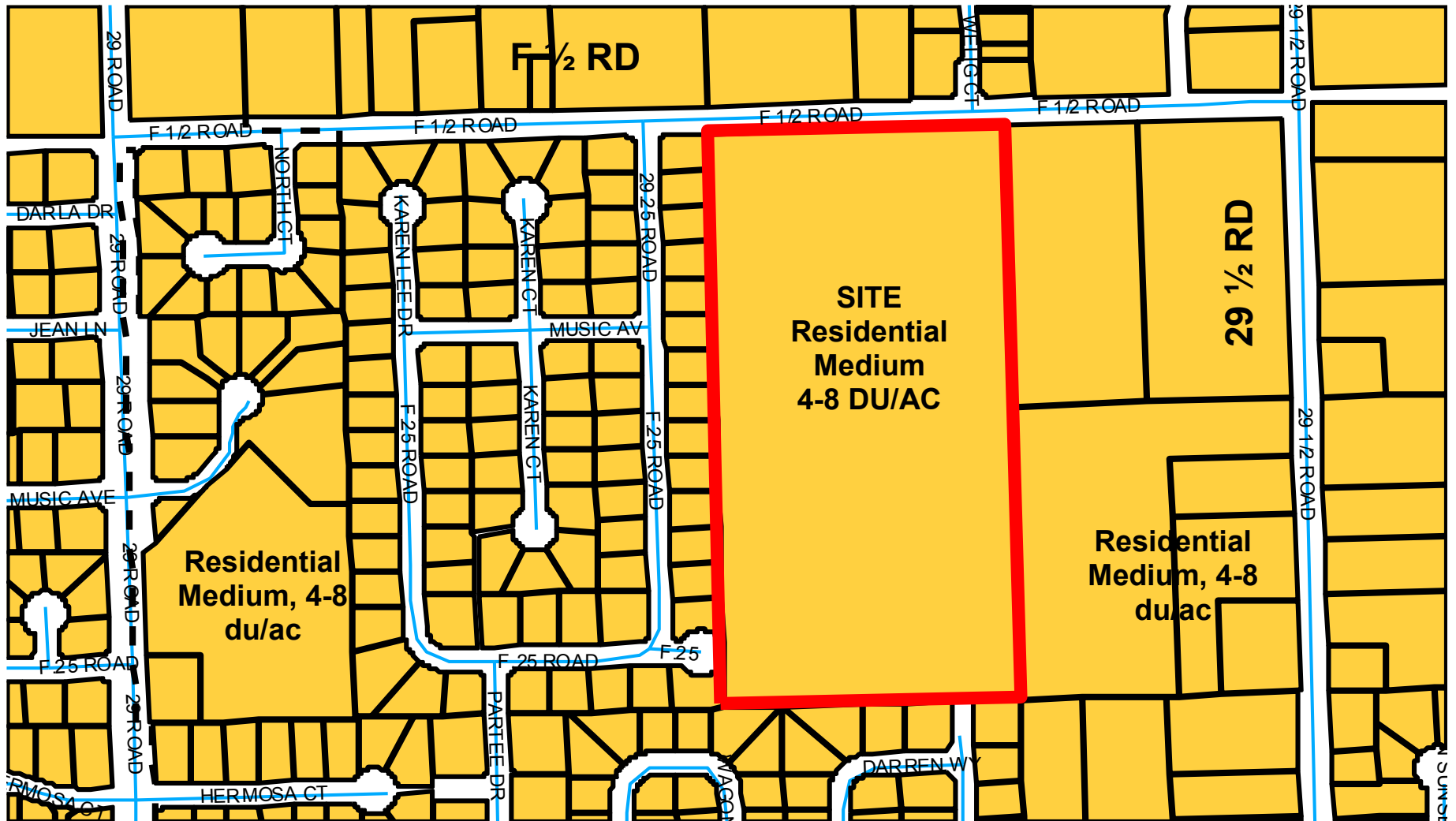
Aerial Photo Map

Figure 2



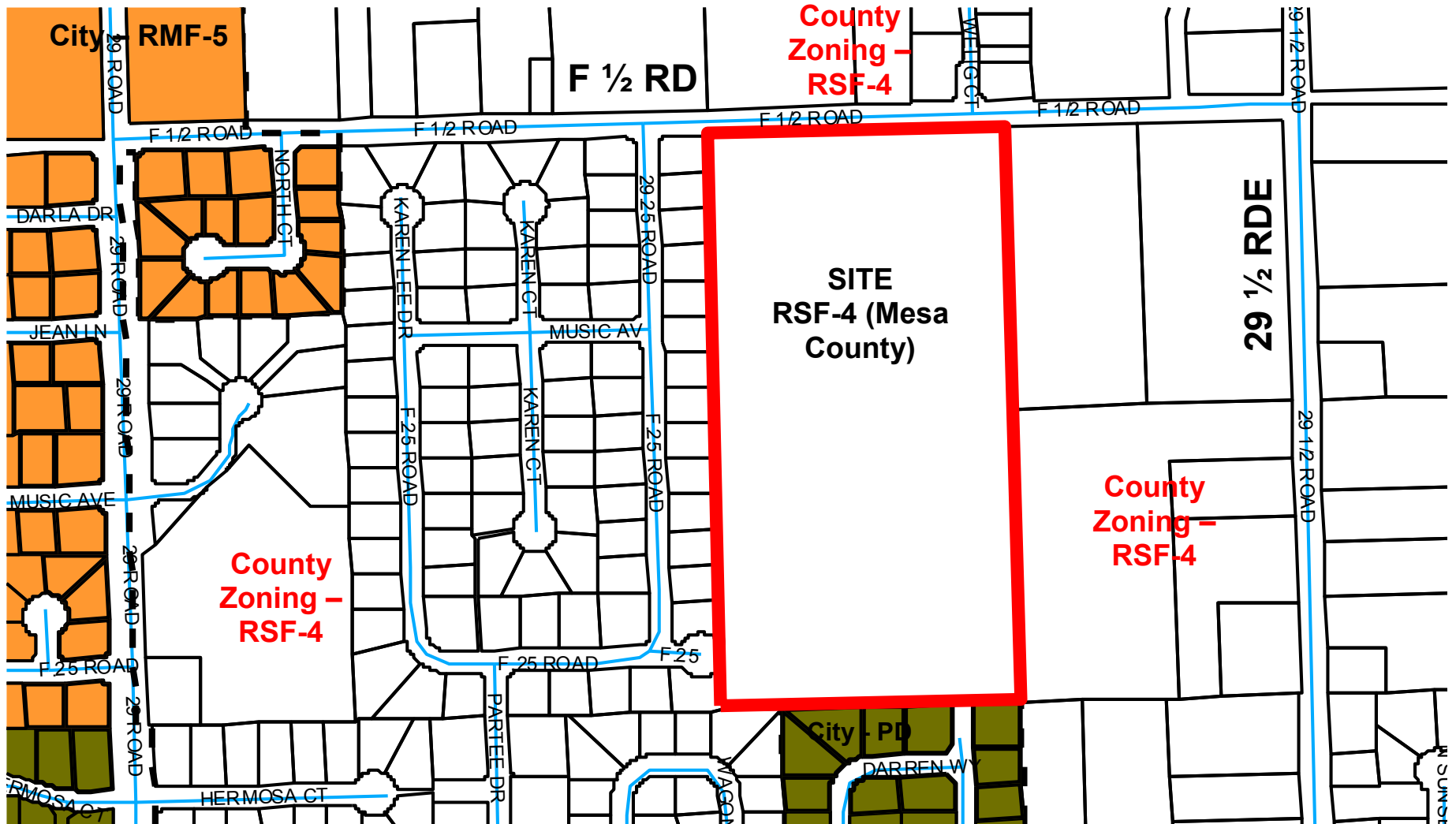
Future Land Use Map

Figure 3



Existing City and County Zoning

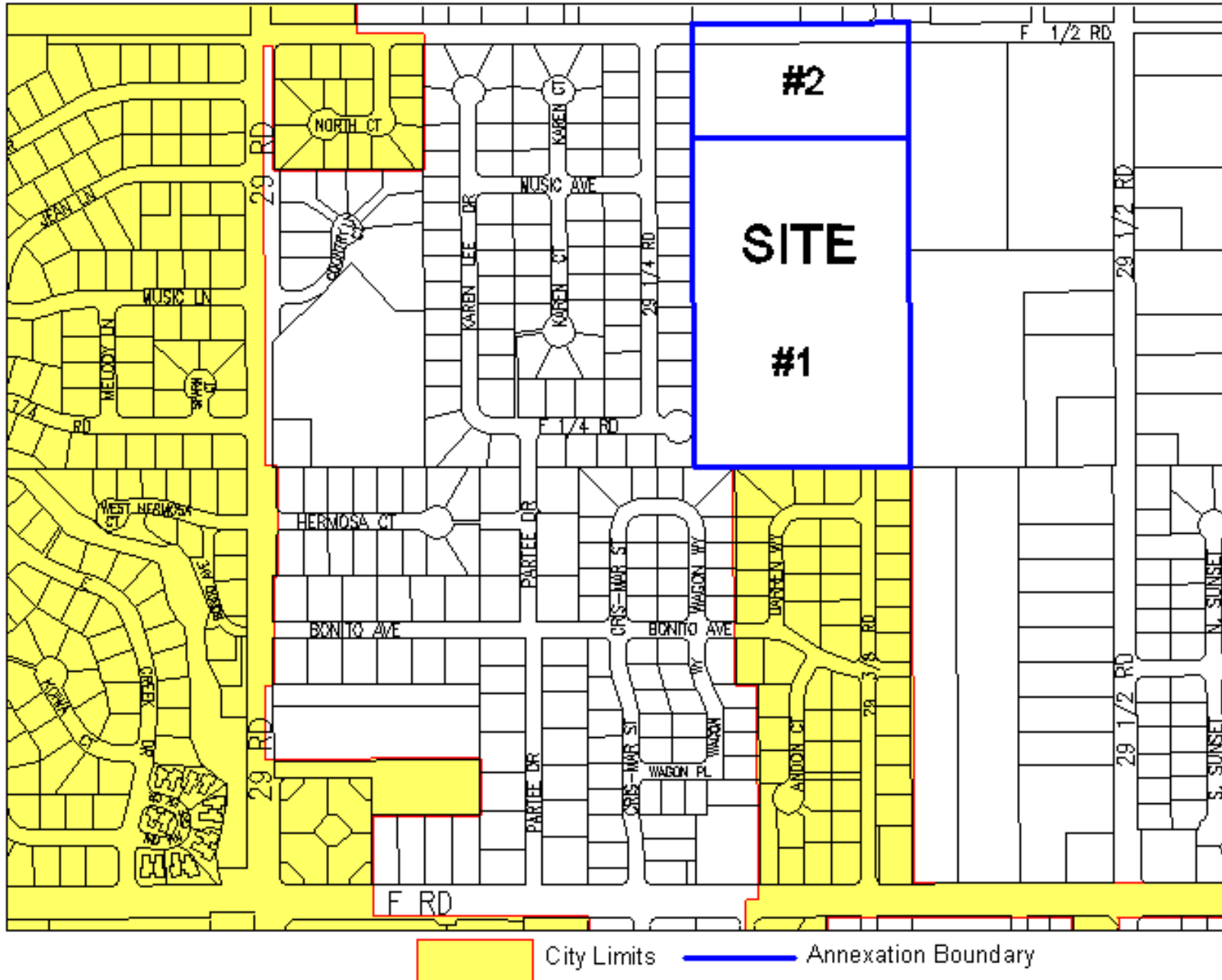
Figure 4



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."

Marchun Annexations #1 and #2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Zoning the Marchun Annexation No. 1 and No. 2 to
Residential Multi-Family-5 (RMF-5),
Located at 2925 F 1/2 Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Marchun Annexation No. 1 and No. 2 to the RMF-5 zone district for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

W1/2NE1/4SW1/4of Section 5, Township 1 South, Range 1 East of the Ute Meridian, EXCEPTING THEREFROM that portion thereof conveyed to the County of Mesa, State of Colorado by instrument recorded May 16, 1961 in Book 803 at Page 262, Mesa County, Colorado.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

Introduced on first reading this 6th day of August, 2003

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

Mayor

ATTEST:

City Clerk

Attach 4
Setting a Hearing on the Antietam Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Antietam Annexation located at 260 & 262 26 ¼ Road					
Meeting Date	August 6, 2003					
Date Prepared	July 30, 2003				File #ANX-2003-122	
Author	Scott D. Peterson		Associate Planner			
Presenter Name	Scott D. Peterson		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.146 acre Antietam Annexation consists of two (2) parcels of unplatted land. The petitioner's intent is to annex and then subdivide the property into 25 residential lots for development purposes with a proposed zoning of RSF-4. The proposed annexation lies within the Persigo 201 sewer district.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Antietam Annexation petition and introduce the proposed Antietam Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for September 17, 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				
Location:		260 & 262 26 ¼ Road		
Applicant:		Dale G. Cole, Owner		
Existing Land Use:		Two (2) single family homes		
Proposed Land Use:		25 lot residential subdivision		
Surrounding Land Use:	North	Calvary Cemetery		
	South	Residential		
	East	Residential		
	West	Cemetery & Residential		
Existing Zoning:		RSF-4 (County)		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	CSR		
	South	CSR and RSF-4 (County)		
	East	RSF-4		
	West	CSR, RSF-4 and RSF-4 (County)		
Growth Plan Designation:		Residential Medium Low (2–4 DU/Ac.)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 9.146 acres of land and is comprised of two (2) parcels of land. The property owner has requested annexation into the City in anticipation of developing the area as a 25 lot residential subdivision. Under the 1998 Persigo Agreement all new 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 Antietam Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

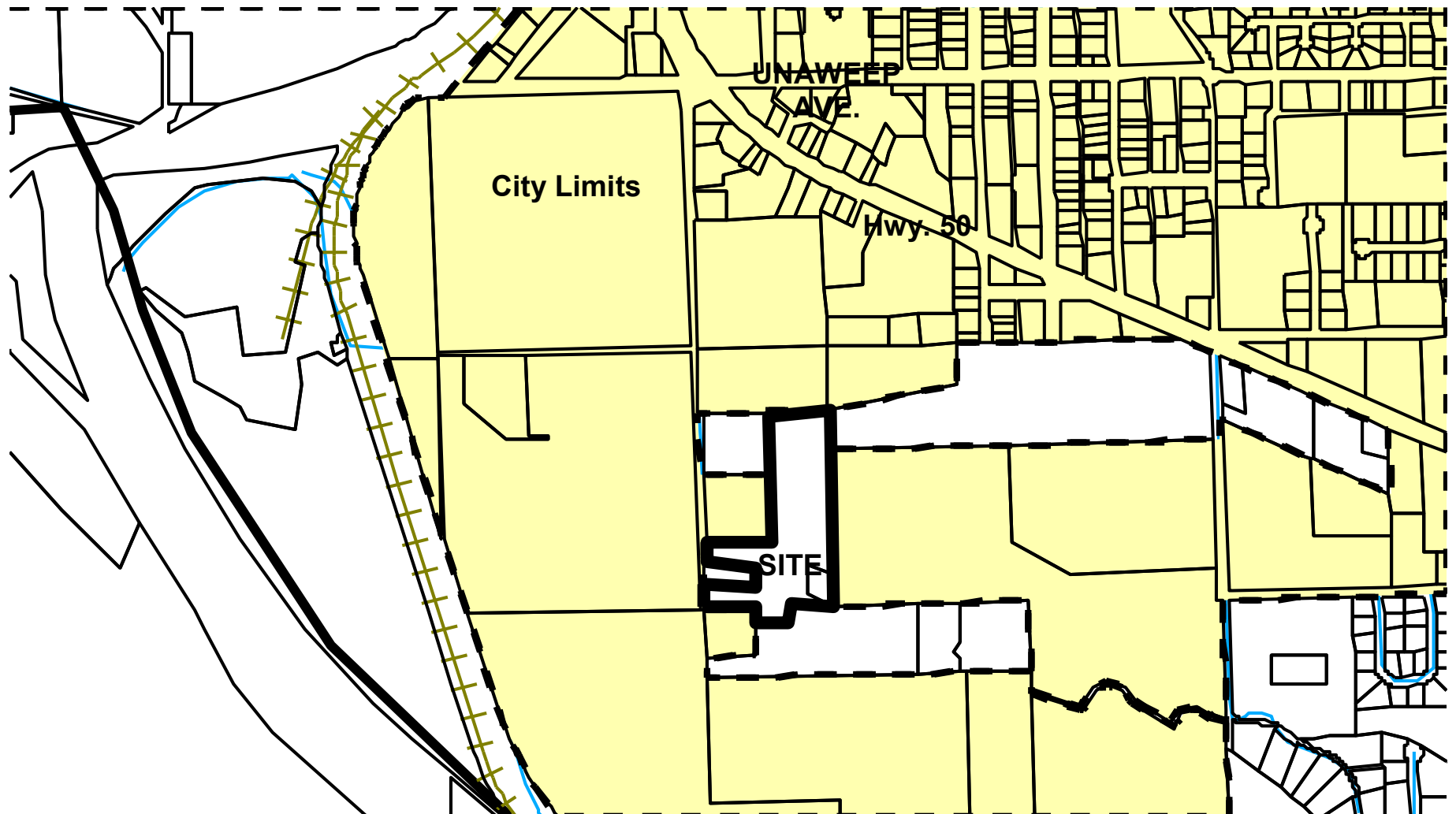
The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
August 6, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
August 26, 2003	Planning Commission considers Zone of Annexation
September 3, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council
September 17, 2003	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 19, 2003	Effective date of Annexation and Zoning

ANTIETAM ANNEXATION SUMMARY		
File Number:		ANX-2003-122
Location:		260 & 262 26 ¼ Road
Tax ID Numbers:		2945-262-00-038 & 039
Parcels:		2
Estimated Population:		5
# of Parcels (owner occupied):		0
# of Dwelling Units:		2
Acres land annexed:		9.146
Developable Acres Remaining:		9.146
Right-of-way in Annexation:		83' of half ROW of 26 ¼ Road
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-4
Current Land Use:		Two (2) single family homes
Future Land Use:		25 lot residential subdivision
Values:	Assessed:	\$ 16,340
	Actual:	\$169,060
Census Tract:		13
Address Ranges:		260 – 262 (Even only)
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	City
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Orchard Mesa Irrigation District
	School:	School District 51
	Pest:	N/A

Site Location Map – Antietam Annexation

Figure 1



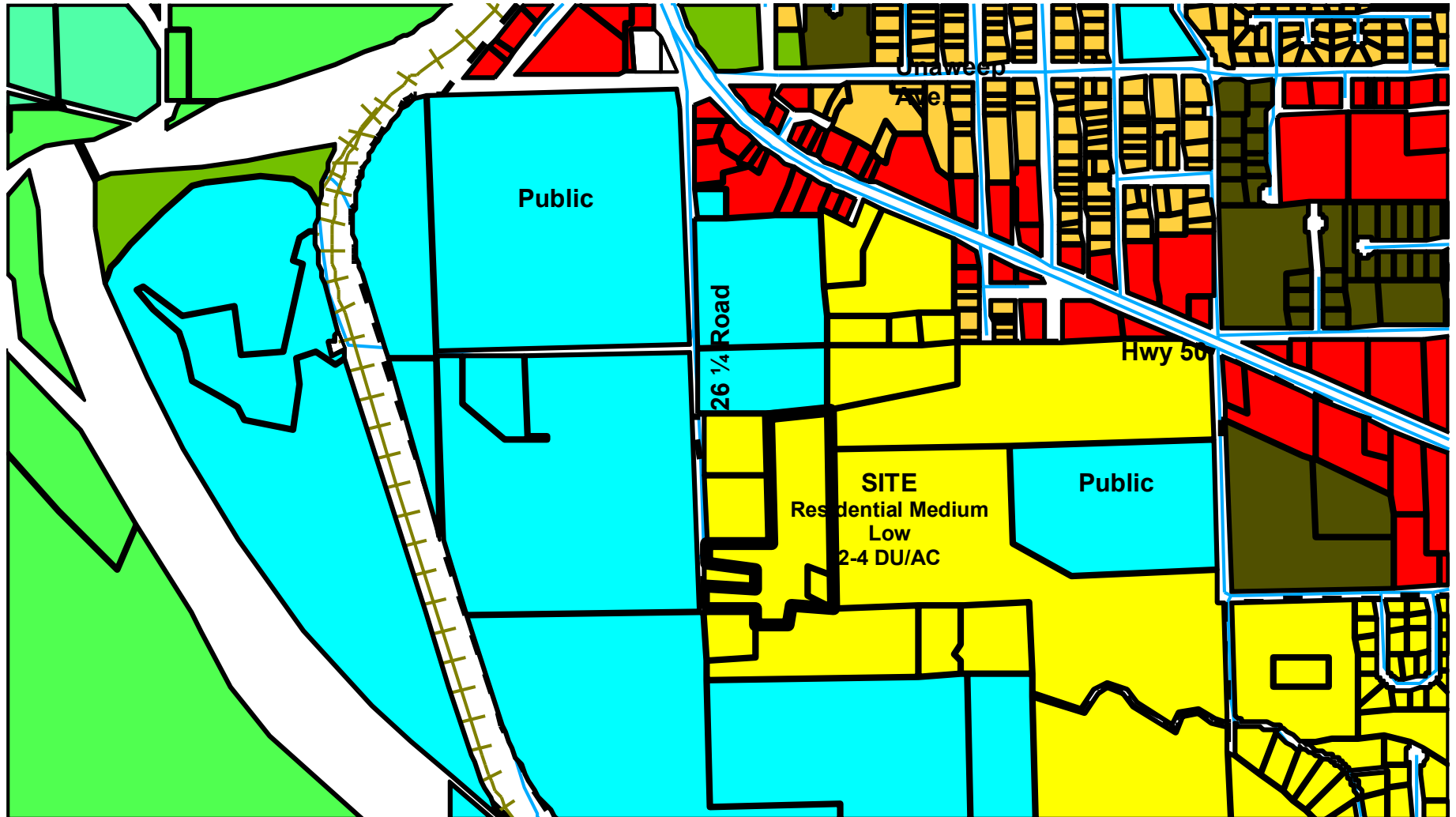
Aerial Photo Map – Antietam Annexation

Figure 2



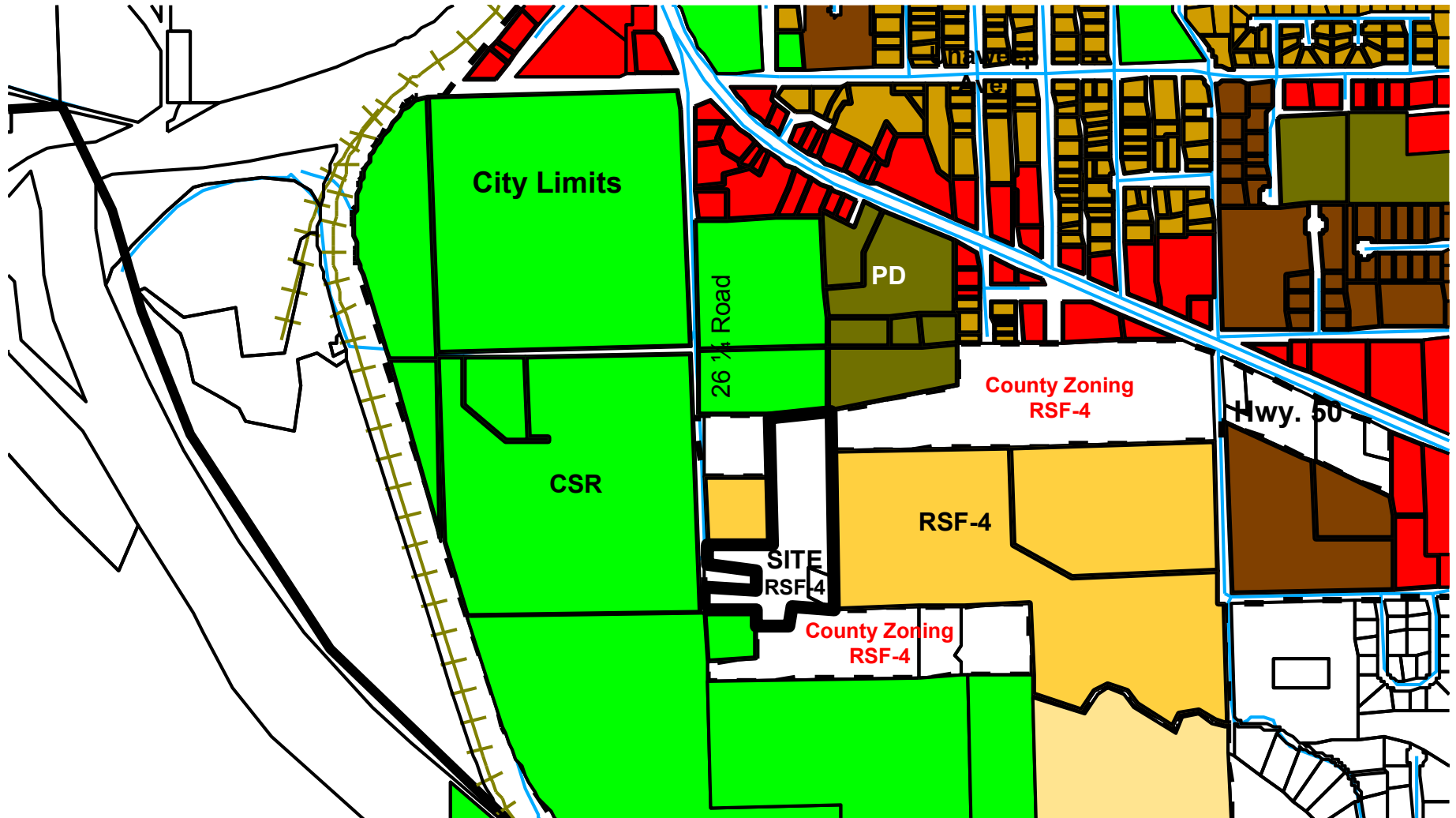
Future Land Use Map – Antietam Annexation

Figure 3



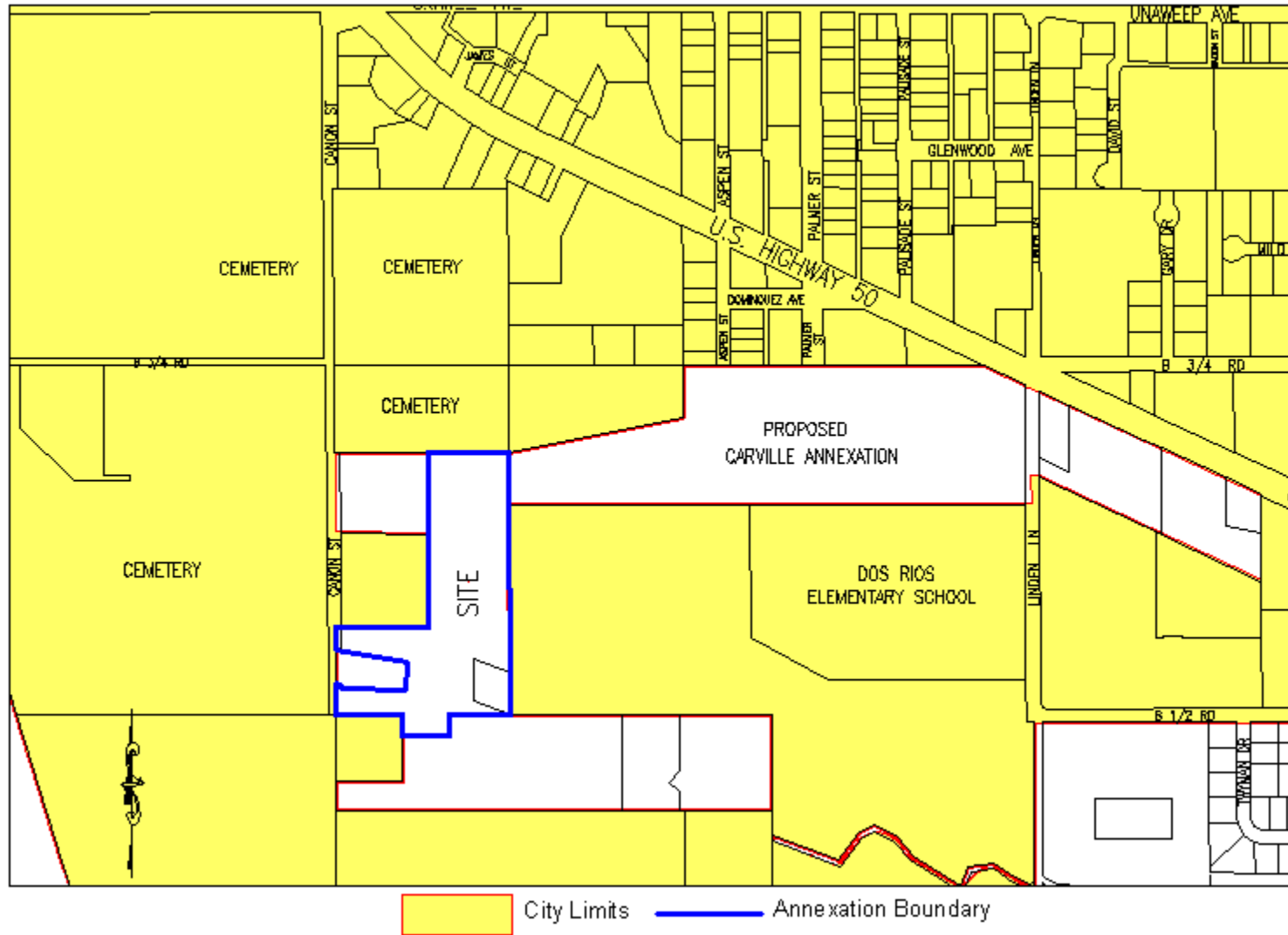
Existing City and County Zoning – Antietam Annexation

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."

Anteitam Annexation 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 6th day of August, 2003, the following Resolution was adopted:

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**

ANTIETAM ANNEXATION

**LOCATED at 260 & 262 26 ¼ Road and including a portion
of the 26 ¼ Road Right-of Way**

WHEREAS, on the 6th day of August, 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:

ANTIETAM ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southwest corner of the SE 1/4 NW 1/4 of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and assuming the West line of the SE 1/4 NW 1/4 of said Section 26 bears N 00°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'00" E along the West line of the SE 1/4 NW 1/4 of said Section 26, being the East line of the Western Cemetery Annexation, Ordinance Number 1371, City of Grand Junction, Colorado, a distance of 127.35 feet; thence S 56°32'14" E, along the South line of that certain parcel of land described in a Quit Claim Deed recorded in Book 2403, Page 937, Public Records of Mesa County, Colorado, a distance of 36.53 feet; thence continuing along said South line, S 87°55'00" E a distance of 234.00 feet; thence N 02°50'00" E a distance of 103.50 feet; thence N 81°00'00" W along the North line of that said parcel of land, a distance of 272.80 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 26; thence N 00°00'00" E along the West line of the SE 1/4 NW 1/4 of said Section 26, a distance of 82.97 feet; thence S 89°41'17" E, along the

South line of the Floral Annexation, Ordinance Number 2948, City of Grand Junction, Colorado, a distance of 357.93 feet; thence N 00°04'48" W, along the East line, and the Northerly projection thereof of said Floral Annexation, a distance of 659.76 feet to a point on the South line of the Easter Cemetery Annexation, Ordinance Number 1373, City of Grand Junction, Colorado; thence S 89°53'20" E along said South line, a distance of 302.00 feet to a point on the East line of the West Half (W 1/2) of the SE 1/4 NW 1/4 of said Section 26; thence S 00°04'48" E along the East line of the W 1/2 of the SE 1/4 NW 1/4 of said Section 26, also being the West line of Lot 2, Miles Craig Minor Subdivision, as same is recorded in Plat Book 16, Page 38, Public Records of Mesa County, Colorado, a distance of 989.48 feet to a point being the Southwest corner of said Lot 2; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4, a distance of 236.42 feet; thence S 00°00'00" E a distance of 80.00 feet; thence N 89°36'24" W a distance of 174.34 feet to a point on the East line of the Reservoir Hill Annexation, Ordinance Number 1445, City of Grand Junction, Colorado; thence N 00°00'00" E a distance of 80.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 26; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4 of said Section 26, a distance of 249.64 feet, more or less, to the Point of Beginning.

CONTAINING 9.146 Acres (398,419.80 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 17th day of September, 2003, in the City Hall auditorium, located at 250 North 5th 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 6th day of August, 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>
August 8, 2003
August 15, 2003
August 22, 2003
August 29, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANTIETAM ANNEXATION

APPROXIMATELY 9.146 ACRES

**LOCATED AT 260 & 262 26 ¼ Road and including a
portion of the 26 ¼ Road Right-of-Way**

WHEREAS, on the 6th day of August, 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 17th day of September, 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:

ANTIETAM ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southwest corner of the SE 1/4 NW 1/4 of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and assuming the West line of the SE 1/4 NW 1/4 of said Section 26 bears N 00°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'00" E along

the West line of the SE 1/4 NW 1/4 of said Section 26, being the East line of the Western Cemetery Annexation, Ordinance Number 1371, City of Grand Junction, Colorado, a distance of 127.35 feet; thence S 56°32'14" E, along the South line of that certain parcel of land described in a Quit Claim Deed recorded in Book 2403, Page 937, Public Records of Mesa County, Colorado, a distance of 36.53 feet; thence continuing along said South line, S 87°55'00" E a distance of 234.00 feet; thence N 02°50'00" E a distance of 103.50 feet; thence N 81°00'00" W along the North line of that said parcel of land, a distance of 272.80 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 26; thence N 00°00'00" E along the West line of the SE 1/4 NW 1/4 of said Section 26, a distance of 82.97 feet; thence S 89°41'17" E, along the South line of the Floral Annexation, Ordinance Number 2948, City of Grand Junction, Colorado, a distance of 357.93 feet; thence N 00°04'48" W, along the East line, and the Northerly projection thereof of said Floral Annexation, a distance of 659.76 feet to a point on the South line of the Easter Cemetery Annexation, Ordinance Number 1373, City of Grand Junction, Colorado; thence S 89°53'20" E along said South line, a distance of 302.00 feet to a point on the East line of the West Half (W 1/2) of the SE 1/4 NW 1/4 of said Section 26; thence S 00°04'48" E along the East line of the W 1/2 of the SE 1/4 NW 1/4 of said Section 26, also being the West line of Lot 2, Miles Craig Minor Subdivision, as same is recorded in Plat Book 16, Page 38, Public Records of Mesa County, Colorado, a distance of 989.48 feet to a point being the Southwest corner of said Lot 2; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4, a distance of 236.42 feet; thence S 00°00'00" E a distance of 80.00 feet; thence N 89°36'24" W a distance of 174.34 feet to a point on the East line of the Reservoir Hill Annexation, Ordinance Number 1445, City of Grand Junction, Colorado; thence N 00°00'00" E a distance of 80.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 26; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4 of said Section 26, a distance of 249.64 feet, more or less, to the Point of Beginning.

CONTAINING 9.146 Acres (398,419.80 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 6th day of August, 2003 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 5
Setting a Hearing on Disconnecting the Files Property
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject	Setting a hearing for disconnecting the Files property located on Monument Road						
Meeting Date	August 6, 2003						
Date Prepared	July 23, 2003					File #MSC-2003-154	
Author	Kathy Portner			Planning Manager			
Presenter Name	Bob Blanchard			Community Development Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: Introduction of a proposed ordinance disconnecting the Files property, located along Monument Road. The 38.9 acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Ordinance to disconnect the Files property and set a hearing for August 20, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

- 9. Staff report/Background information
- 10. General Location Map
- 11. Aerial Photo
- 12. Growth Plan Map
- 13. Zoning Map
- 14. Letter from Doyle Files
- 15. Excerpt from Minutes of the April 24, 2003 City/County Persigo Meeting
- 16. Ordinance to Disconnect

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		<i>Monument Road, west of Mariposa</i>		
Applicants:		Doyle and Sandra Files		
Existing Land Use:		<i>Undeveloped</i>		
Proposed Land Use:		<i>Residential Subdivision</i>		
Surrounding Land Use:	North	<i>Residential (2-4 u/a)/Open Space</i>		
	South	BLM Open Space		
	East	BLM and City Open Space		
	West	Undeveloped large lots		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		RSF-R (Rural)		
Surrounding Zoning:	North	<i>PD (Planned Development)</i>		
	South	County-?		
	East	County-?		
	West	<i>County-RSF-4</i>		
Growth Plan Designation:		Residential Rural (5 acres per unit)		
Zoning within density range?		x	Yes	No

Staff Analysis:

ANNEXATION:

This area proposed for de-annexation consists of 38.9 acres of land and is comprised of 1 parcel bisected by Monument Road. The property owners have requested de-annexation of their property so it can be combined with the adjacent 8 acres to the west, which is currently outside the city limits, to create 5 building sites.

The 38.9 acres were annexed to the City as a part of the Ridges annexation. The property was a part of the original Ridges development property, but did not have a defined plan approved for it. It is currently zoned PD (Planned Development) and has an approved plan for one single family home within a defined building envelop on the hill. That approval would allow the home to be served by septic and a well, and to be accessed by a driveway across No-Thoroughfare Wash. At the joint City Council/County Commissioners meeting on April 24, 2003, it was agreed that the portion of the Files' property south of Monument Road would remain outside the Persigo 201 boundary, and that the remainder of the parcel on the north side of Monument Road would be

removed from the Persigo 201 boundary. It was anticipated at that time that the Files would request de-annexation of the entire parcel.

Staff has had numerous discussions with the property owner regarding his development proposal and whether it would be best to annex the adjoining 8 acres into the City limits or de-annex the 38.9 acres. The City's development regulations would be difficult, if not impossible, to meet for the type of rural development the owner is proposing, so he is proceeding with the de-annexation request.

If the property is de-annexed, Mesa County will have to apply zoning to the property. To develop the property in conjunction with the 8 acres to the west, both properties must be zoned the same. Currently, the 8 acres is zoned RSF-4, which is contrary to the Future Land Use Map designation of Residential Rural. The applicant has indicated that he is willing to request RSF-R zoning for both properties and develop it accordingly. The owner is also negotiating with the City for an access easement across the City-owned property to the east for access to the proposed lots. He has proposed trading the .5 acres of the 38.9 acre parcel, which is north of Monument Road, for the access easement. The .5 acres adjoins the City open space that was dedicated with the Redlands Mesa development, and is the access point for the popular climbing rock known as bullet rock. Consideration for the easement will be discussed with Council as a separate item with the second reading of the ordinance for de-annexation.

In 1996, Ordinance 2910 amended the Code of Ordinances, adding section 2-27 regarding de-annexation. The ordinance provides, in part, the following:

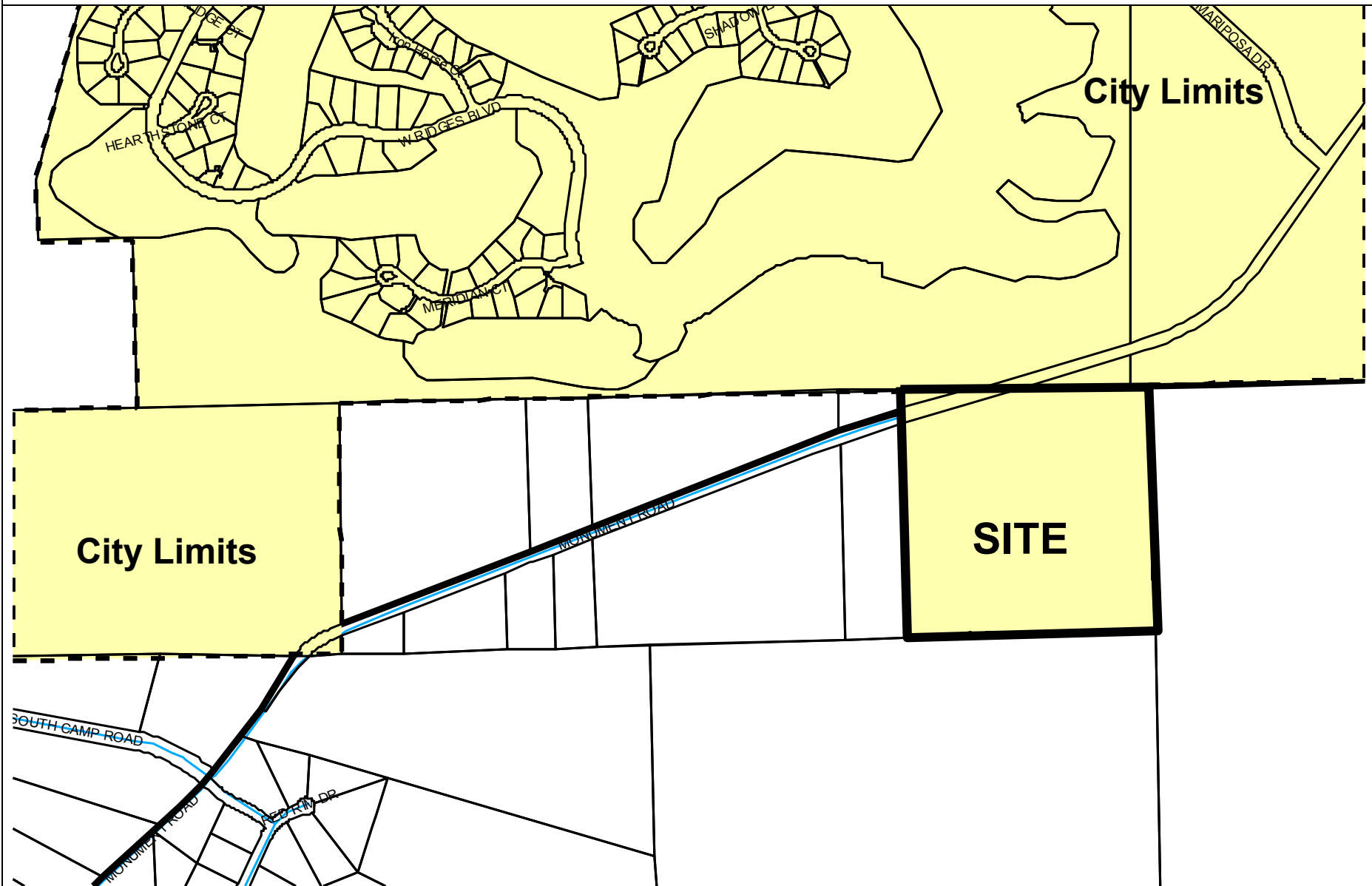
When the City Council desires to, or determines that it is necessary to, disconnect and/or de-annex a tract, lot or other area from the City, the Council shall direct the City Attorney to prepare an ordinance to disconnect such tract, lot, or area. Said ordinance may provide for exemption, imposition or relief from taxation as determined by the City Council to be in the best interest of the City. The Council may direct that the City Manager take such steps as are necessary to simplify the process of disconnection and/or de-annexation for affected persons. The City Council may provide in any disconnection and/or de-annexation ordinance that a tract, lot or area shall be required to pay taxes lawfully assessed or the City Council may provide that such tract, lot or area be exempt from the payment of ad valorem taxes, except that no property shall be exempted from the payment of such taxes, if during the time the property was annexed to the city, any indebtedness was lawfully subject to the taxes required to pay such indebtedness.

Recommendation:

Staff recommends approval of the ordinance for de-annexation.

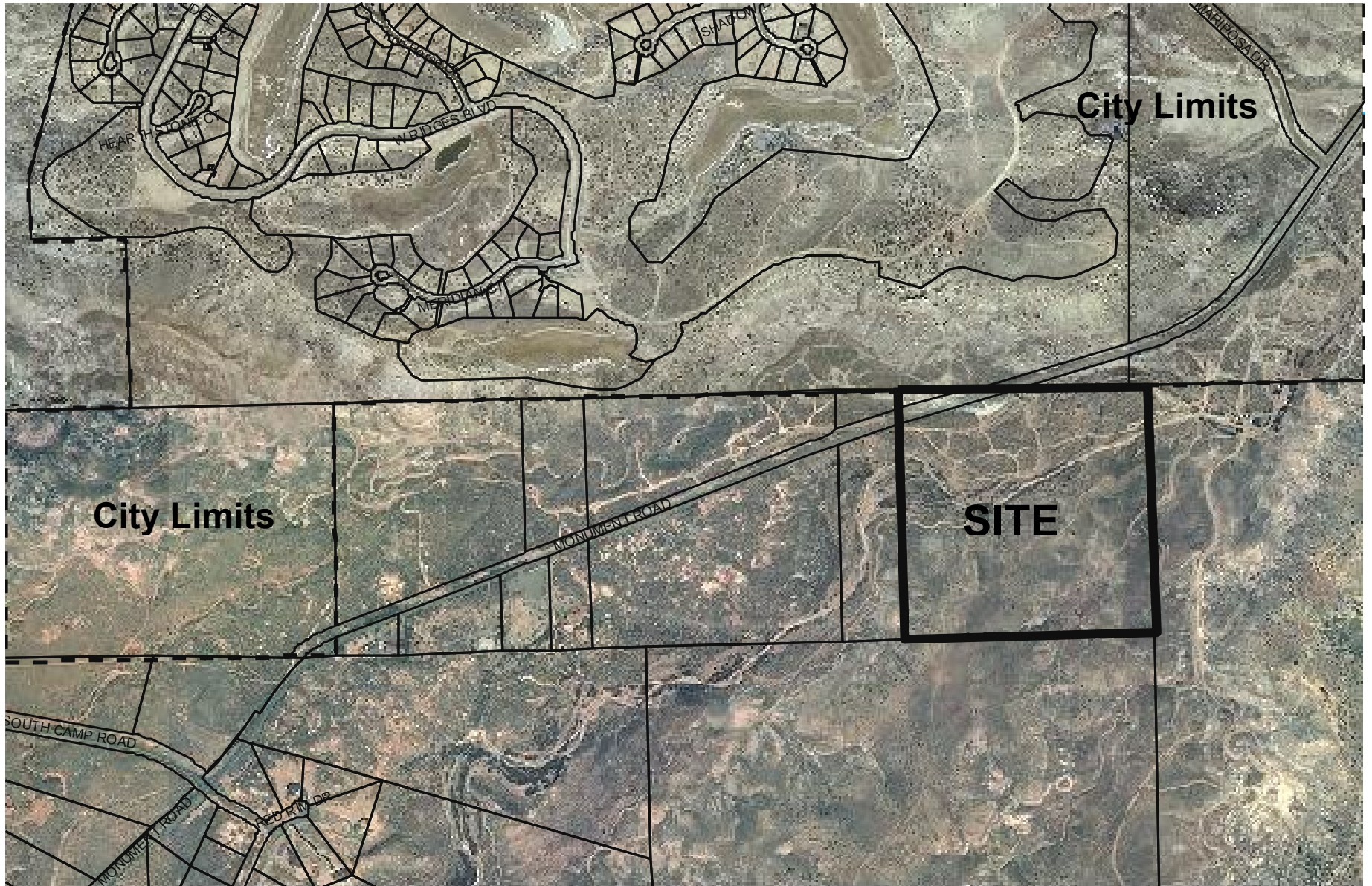
Site Location Map

Figure 1



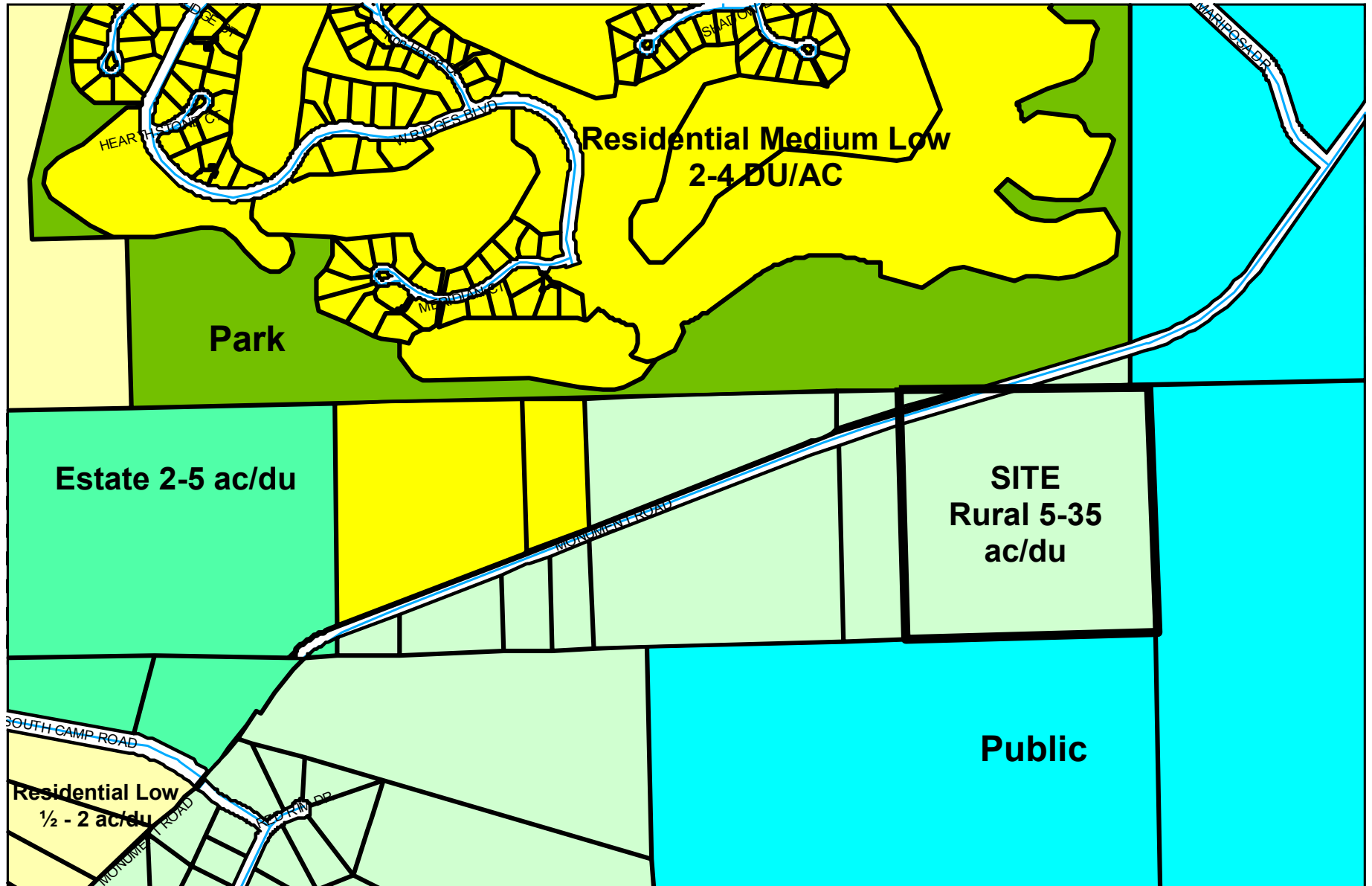
Aerial Photo Map

Figure 2



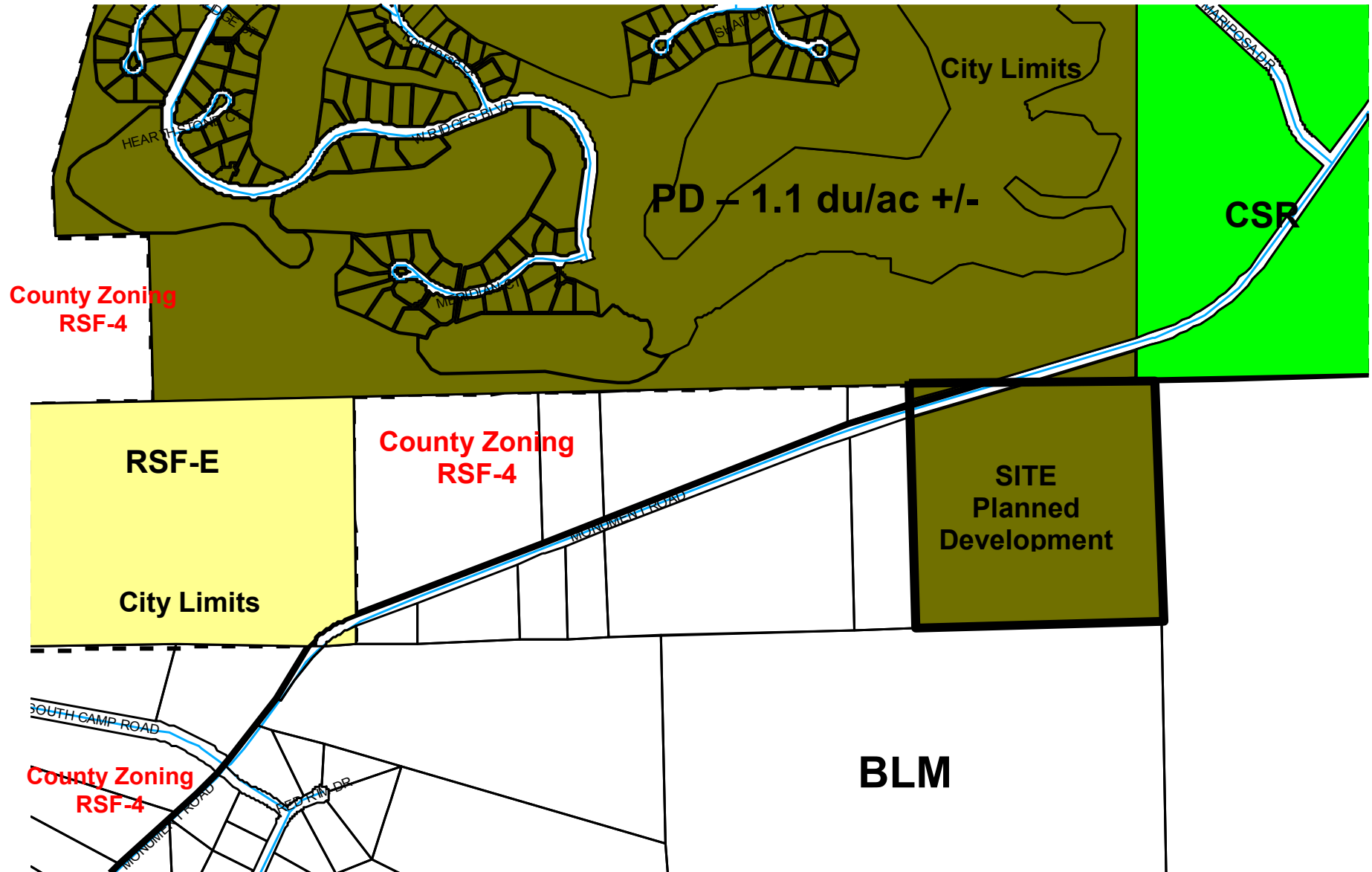
Future Land Use Map

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."

September 9, 2002

Cindy Enos-Martinez, Mayor
City of Grand Junction
250 N. 5th St.
Grand Junction, CO 81501

Mayor Enos-Martinez,

Subject: Request for disconnect (deannex) of property from the City of Grand Junction

We are requesting that the property known as parcel number 2945-291-00-066 (vacant land), located on Monument Road be disconnected (deannexed) from the city of Grand Junction. We are asking for this so boundary lines can be changed between this parcel and two adjacent family owned parcels to the west which are in the county. The two family owned parcels are poor building sites as they currently exist. The larger 8 acre parcel is mostly "No Thoroughfare Canyon" drainage and the smaller 2 acre parcel is located right next to Dave Cooper's "barn" on Monument Road which blocks all views. We understand that all parcels involved in the boundary line adjustment must be either in the city or the county. After reviewing the situation, we believe it is better to have all parcels in the county since we can split the 40 acre parcel by an administrative review process and end up with 2 building sites rather than 1.

This parcel, which is part of Ridges Metropolitan District 2, is located south of Monument Road and is bounded by BLM (Tabeguache trail) on the east and south, Ridges open space on the north, and county property (our two family owned lots) on the west. The parcel was brought into the city when the Ridges was annexed. It was excess property in the original Ridges development that was never plotted for a sub-division and according to our information, Ridges considered it to be undevelopable. The terrain is very hilly and the drainage of "No Thoroughfare Canyon" runs through it. There are no utilities (except telephone) available along this portion of Monument Road. The closest water is from Mariposa Road, ¼ mile from the eastern property line, and the closest electricity is from Dave Cooper's property, approximately 1/8 mile from the western property line. The property is outside the 201 Sewer district boundary and there are no current plans for the city to run a sewer line along this portion of Monument Road. It should be noted that the property was located within the city limits when the Persigo agreement was enacted and was specifically excluded from the agreement. The terrain and poor utility availability makes it impractical to try and develop this property to comply with city's residential lot size guidelines of 2 acres or less (for urban density). The property does fit the long range city/county Master Plan of 5 acre minimum lot size and should be moved into the county so it would then be consistent with the rest of the nearby property located on the south side of Monument Road.

There do not appear to be any advantages to leaving the 40 acres in the city and then annexing the 2 county parcels into the city to do the property line adjustments. The disadvantages include the following:

- Moving the 2 county parcels into the city will be difficult. These parcels are located outside the 201 Sewer district boundary and cannot be moved into the city until the 10 year moratorium is concluded (in 2008) per the Persigo agreement without the consent of the Board of County Commissioners.
- Because of its exclusion from the 201 Sewer district boundary, there are no provisions or plans for sewer hookup for any of this property along Monument road so a septic will have to be used. Variances must be obtained for all building sites for septic systems.
- The high cost of bringing Ute water to the property means that a well will probably be used as the water supply. A variance must be obtained for all building sites for wells.
- The current long range development plan for this area calls for 5 acre minimum lot sizes. These building sites do not meet the city's lot size guidelines of less than 2 acres per residence (for urban density) and it would be impractical to develop this property to the higher density due to its varied terrain.

There do not appear to be any disadvantages to moving the 40 acres from the city to the county to do the property line adjustments. The advantages include the following:

- The parcel can be moved from the city to the county (deannexed) simply by a vote of the City Council.
- Because of its exclusion from the 201 Sewer district boundary, there are no provisions or plans for sewer hookup for any of this property along Monument road so a septic system will have to be used. Septic systems are routinely used in the county and no variances are required.
- The high cost of bringing Ute water to the property means that a well will probably be used as the water supply. Wells are routinely used in the county and no variances are required.
- The 40 acre parcel can be split into two 20 acre parcels through an administrative review process if the property is in the county. This provides an additional building site.
- The current long range development plan for this area calls for 5 acre minimum lot sizes which is consistent with county requirements rather than city requirements.
- This property is the only property located on the south side of Monument Road and west of the Tabeguache trail that is part of the city. All of the other land is either located in the county or is BLM land. Moving the property into the county would make it consistent with the rest of the property in the area.

Thank you in advance for pursuing our request to disconnect (deannex) the property from the City of Grand Junction. Please contact us if you need additional information or if we can be of further assistance.

Respectfully,

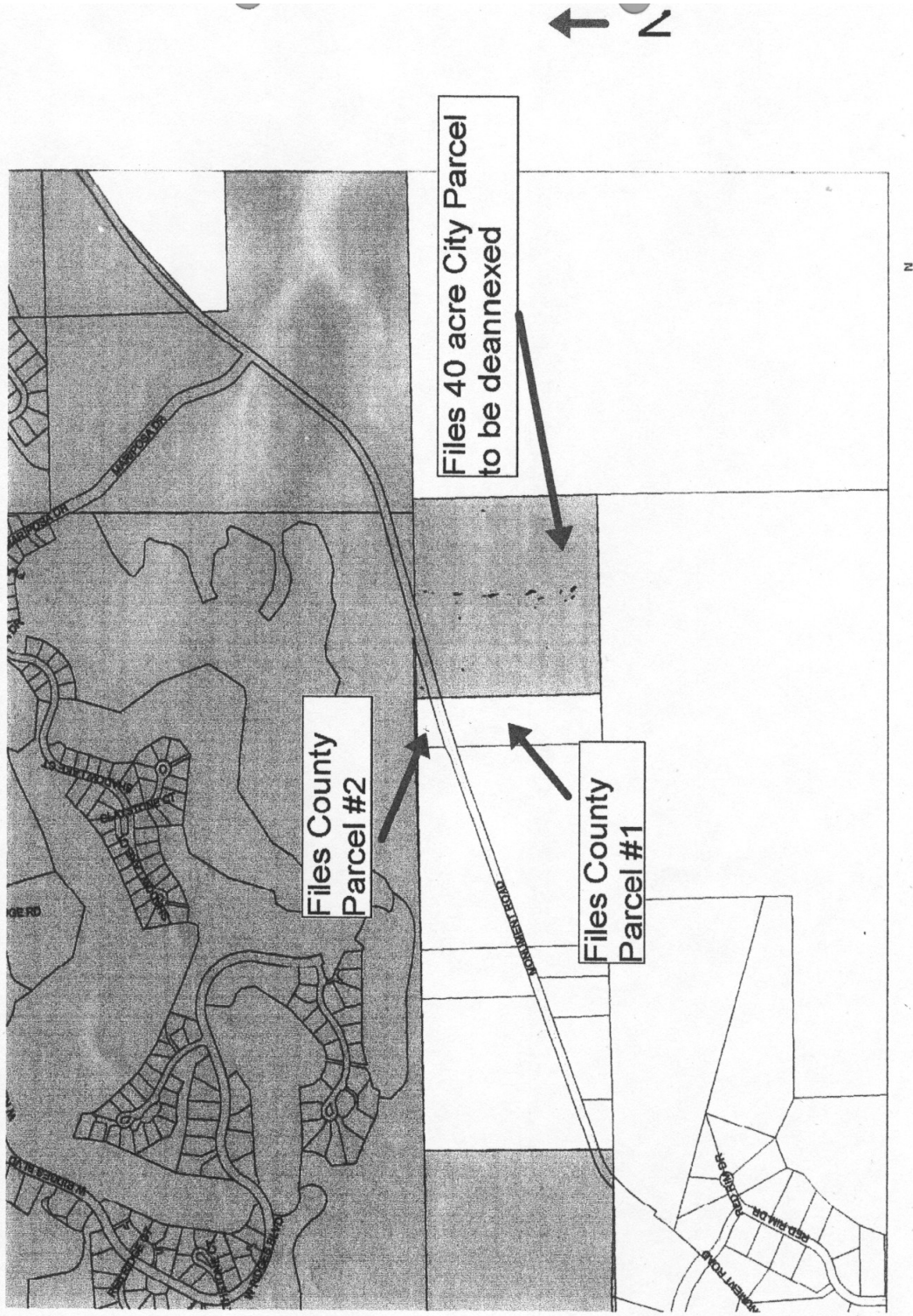
Doyle Files
Sandra Files
150 S. Hwy 160 Ste. C-8 PMB420
Pahrump, NV 89048

858-945-3965

CC:

Jim Baughman
Kathryn Hall
Doralyn Genova
Katherine Portner
Linda Dannenberger

City of Grand Junction GIS City Map



4-24-03

3. REQUEST FOR DE-ANNEXATION AND 201 BOUNDARY CHANGE

Doyle Files has requested exclusion from the 201 District.

Utilities Manager Greg Trainor explained the request and the history of the request. The Files want to de-annex the portion of their property north of Monument Road and then they can develop through the County process. The question is whether or not it would ever be served by sewer. Because of adjacent public lands, topography, zoning and distance to existing sewer lines, the chances are pretty slim. Existing sewer is about two miles away in each direction, so it would not be economically feasible. It is Staff's opinion to leave the 201 boundary as is and have the Files petition to de-annex.

Commissioner Chair Baughman asked if one option is to leave the piece north of Monument Road within the 201. Mr. Trainor answered affirmatively and it could be

served with sewer, but more likely it would need a variance if the owners want to build on it.

Chairman Baughman thought there were other properties north of Monument Road that should also be taken out of the 201.

Mr. Trainor advised that Mr. Files has also mentioned trading an access agreement for that triangular piece of his property north of Monument Road.

Mr. Trainor clarified the options. 39.8 acres are not in the 201 boundary but are in the City. It is suggested that the 201 boundary stay the same and then the City must decide whether to de-annex. Another option is to take the ½ acre triangle north of Monument Road out of the 201 boundary and the City can decide on de-annexation.

Commissioner Doralyn Genova moved to de-annex the Files property from the 201 boundary. Commissioner Tilman Bishop seconded. Motion carried.

Councilmember Spehar moved same motion, Councilmember Kirtland seconded. Motion carried.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE DISCONNECTING CERTAIN LANDS, REFERRED TO AS THE FILES
PROPERTY**

FILES DE-ANNEXATION

APPROXIMATELY 38.9 ACRES

LOCATED ON MONUMENT ROAD, WEST OF MARIPOSA DRIVE

RECITALS: The Files have requested that their 38.9 acres located on Monument Road, West of Mariposa Drive, be de-annexed from the City of Grand Junction. The property is not within the Persigo 201 boundary, and will, therefore, not be served by sewer. The portion of the property south of Monument Road has a land use designation of Residential Rural, 5 to 35 acres per unit and should not develop at urban densities.

**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:

Files De-annexation

A certain parcel of land lying in Section 29, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

ALL of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 29, Township 1 South, Range 1 West of the Ute Principal Meridian, EXCEPT that certain 60.00 foot right of way for Monument Road, as same was conveyed to the County of Mesa by instrument recorded October 1, 1971 in Book 964, Page 653, Public Records of Mesa County, Colorado.

CONTAINS 38.93 Acres, (1,695,668.8 Sq. Ft.)more or less, as described.

CONTAINING 38.9 Acres, more or less, as described

Be and is hereby de-annexed and disconnected from the City of Grand Junction, in accordance with and pursuant to Grand Junction Code of Ordinances section 2-27.

INTRODUCED on first reading on the 6th day of August, 2003 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 6
Setting a Hearing on Vacation Along UnawEEP Avenue
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Vacation of excess right-of-way along UnawEEP Avenue and Rocky Pitch Road					
Meeting Date		August 6, 2003					
Date Prepared		July 24, 2003			File #PP-2003-022		
Author		Lori V. Bowers		Senior Planner			
Presenter Name		Lori V. Bowers		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue, and Rocky Pitch Road, and set a Public Hearing for August 20th, 2003.

Budget: N/A

Action Requested/Recommendation: Introduce two proposed vacation of ROW ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

- 17. Staff report/Background information
- 18. General Location Map
- 19. Aerial Photo
- 20. Growth Plan Map
- 21. Zoning Map
- 22. Right-of-way exhibit
- 23. Vacation Ordinances

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2857 UnawEEP Avenue (C Road)		
Applicants:		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative		
Existing Land Use:		Irrigated field		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant land and residential		
	East	Farm		
	West	Residential		
Existing Zoning:		RSF-4		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	RSF-4 (Mesa County)		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre		
Zoning within density range?		X	Yes	No

Staff Analysis:

UnawEEP Avenue has recently been realigned and improved. The County oversaw the new design and construction of this road. During the process of designing the new road, excess land was obtained along the eastern most section of the road, and Rocky Pitch Road in the northwest corner of the UnawEEP Heights Subdivision, exists but does not correspond with the legal description. By vacating the excess right-of-way, the new plat will reflect the correct alignment of Rocky Pitch Road and allow for the back yard property lines to extend to the edge of the HOA landscape tract along the eastern most section of UnawEEP Avenue. Vacation of this excess right-of-way does not vacate the multi-purpose easements for utilities in these areas.

4. 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.

The major street plan, also known as the Grand Valley Circulation Plan, is now in the process of being amended by the County and the City of Grand Junction. The plan is being amended due to the re-alignment of UnawEEP and the vacation of part of B $\frac{3}{4}$ Road. The Public Works Department is handling the amendment of this plan.

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

No parcels will be landlocked due to the vacation of the additional right-of-way.

- 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 and the adjacent properties as shown on the preliminary plan are compliant with the Code.

- 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.

Vacation of the excess right-of-way and vacating Rocky Pitch Road are in compliance with Section 2.11 of the Zoning and Development Code.

FINDINGS OF FACT/CONCLUSIONS:

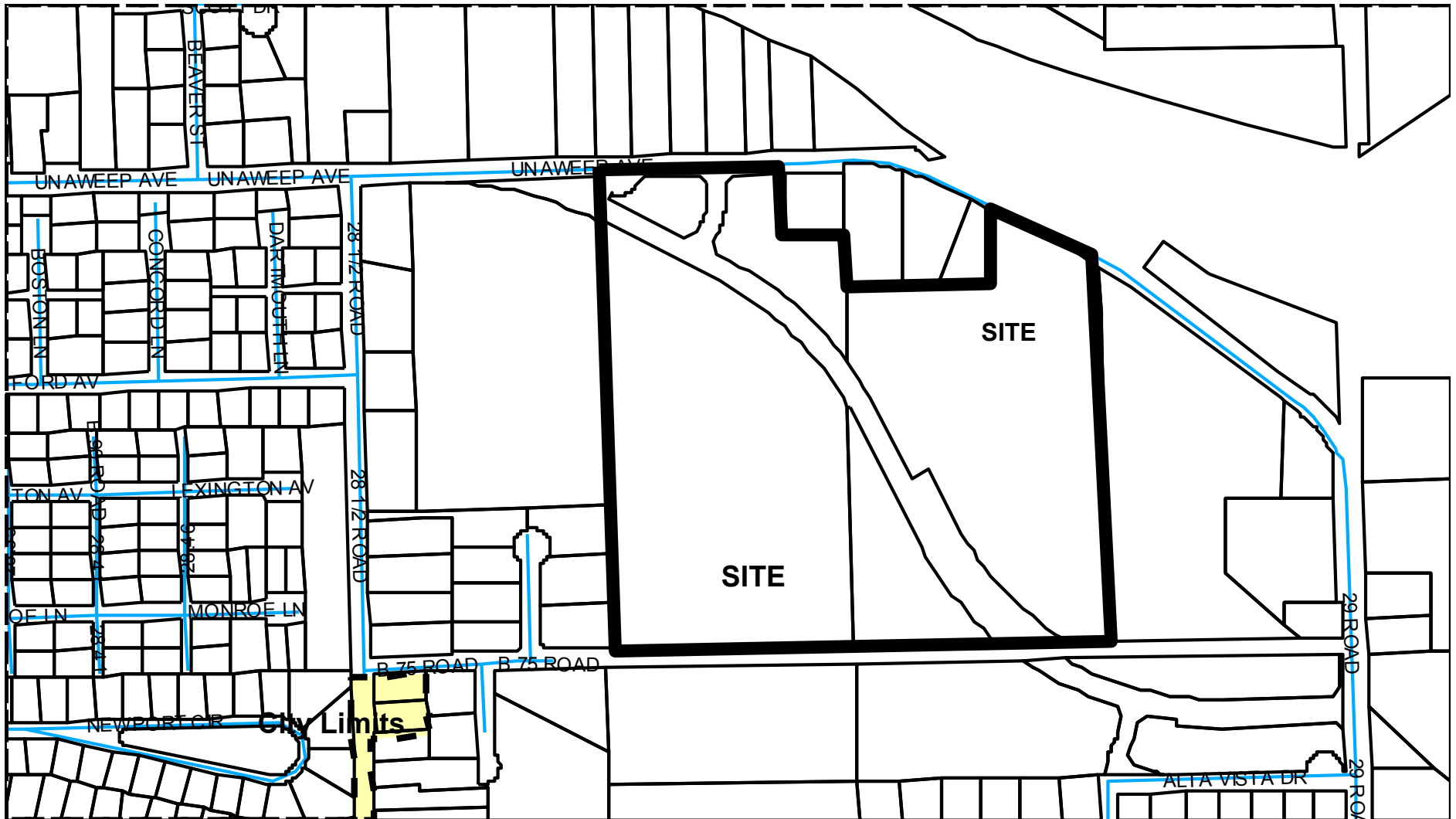
After reviewing the UnawEEP Heights Subdivision application, File number PP-2003-022, for preliminary plat approval & vacation of excess right-of-way, staff makes the following findings of fact and conclusions:

3. The proposed preliminary plat is consistent with the Growth Plan.
4. The review criteria in Section 2.8.B.2 of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission at its regularly scheduled meeting of July 22nd, 2003, recommended to the City Council approval of the request to vacate the excess right-of-way along Unawep Avenue and the realignment of Rocky Pitch Road, finding the request to be consistent with Section 2.11 of the Zoning and Development Code.

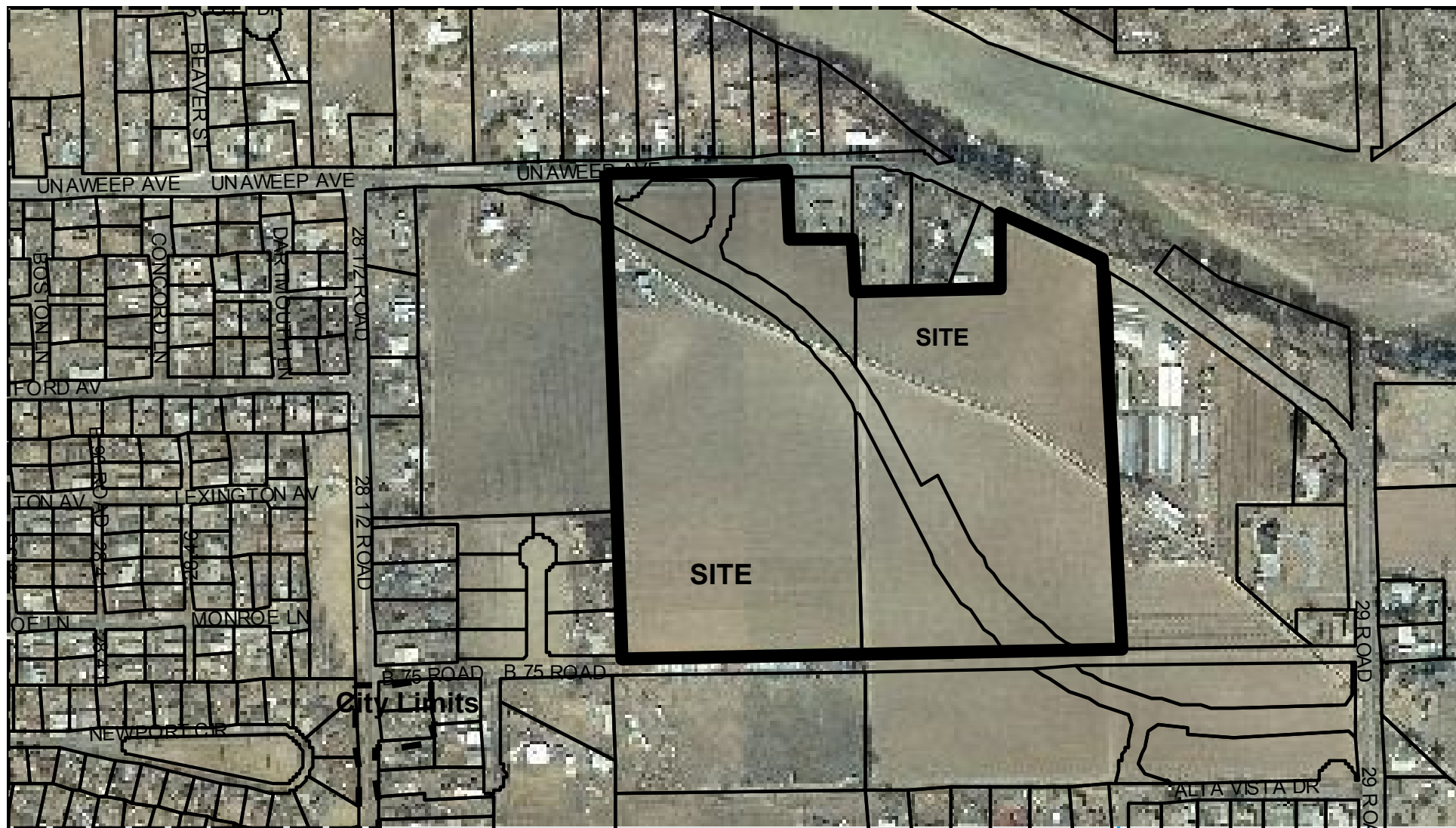
Site Location Map

Figure 1



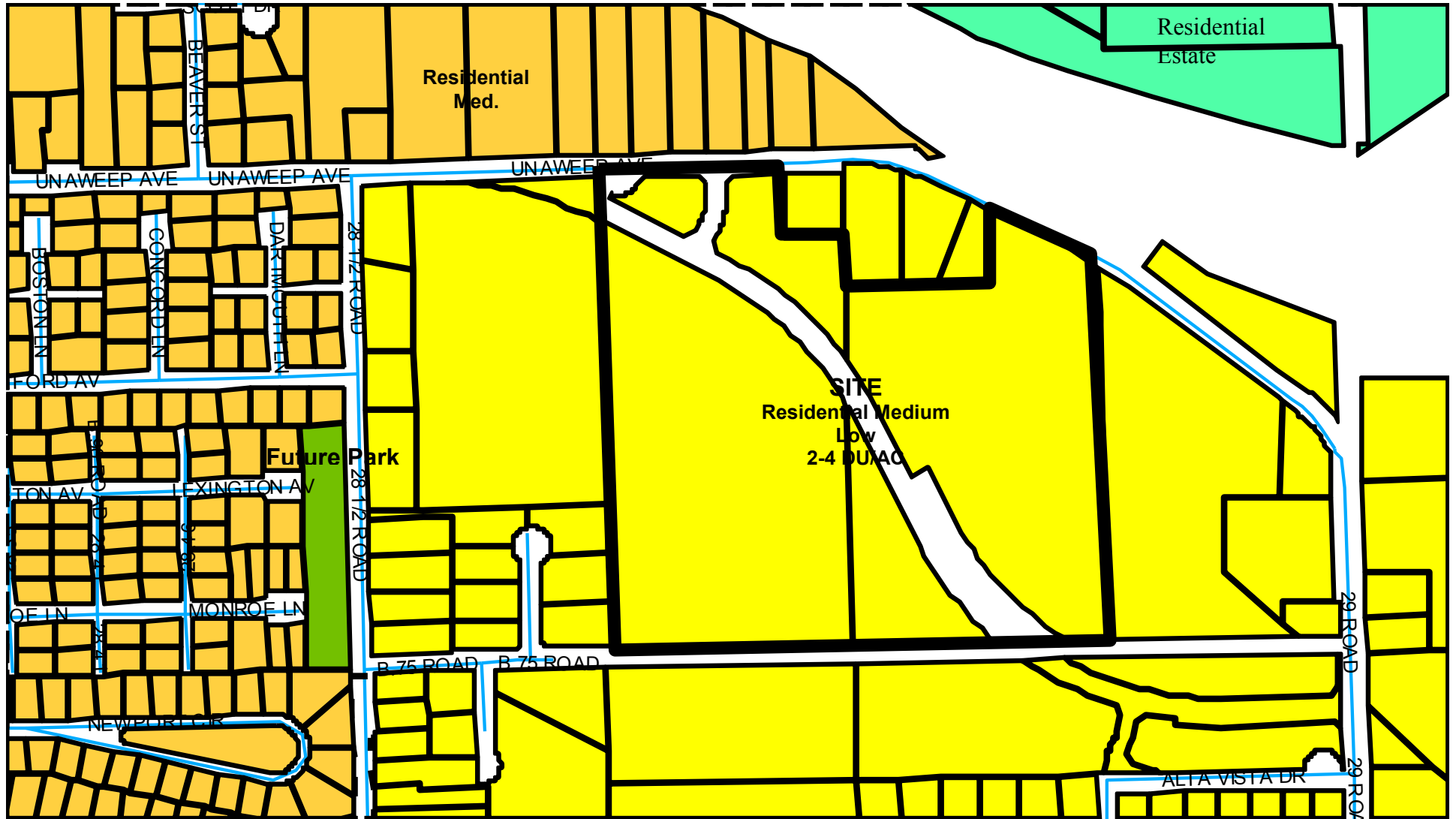
Aerial Photo Map

Figure 2



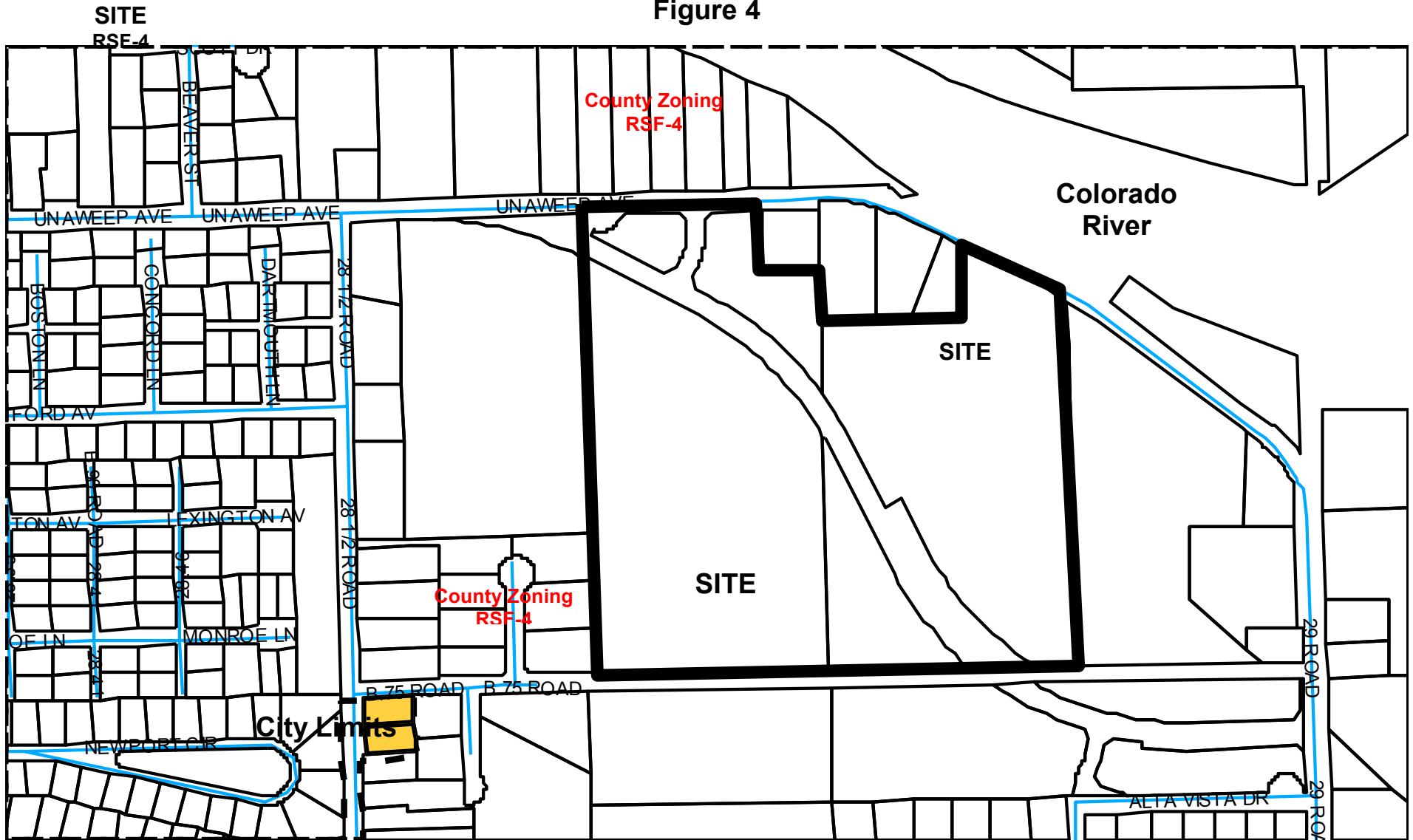
Future Land Use Map

Figure 3

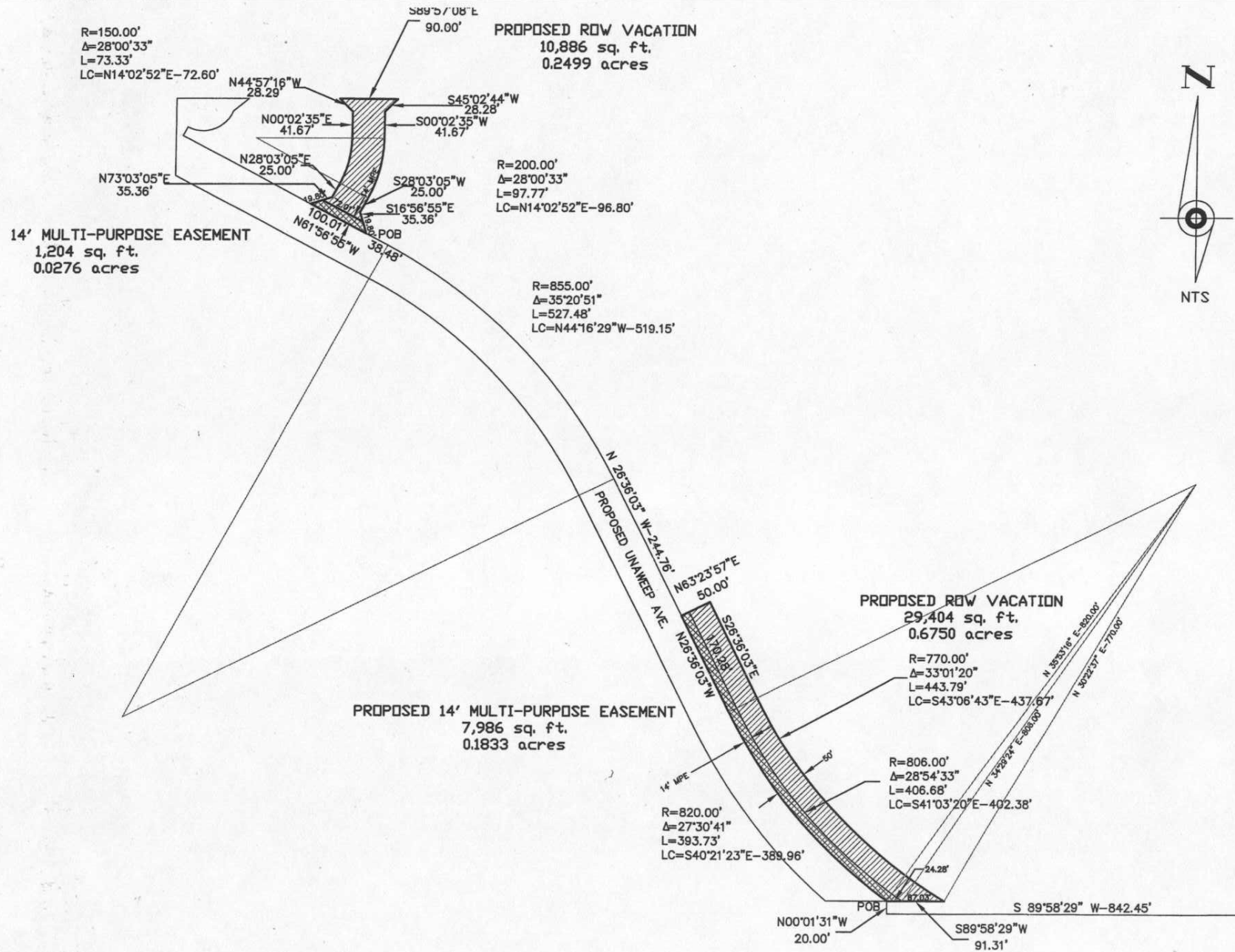


Existing City and County Zoning

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."



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY
ALONG THE NORTHERN EDGE OF UNAWEEP AVENUE**

Recitals.

A vacation of a portion of the undeveloped right-of-way for UnawEEP Avenue has been requested by the adjoining property owners. The vacation request is a result of the re-alignment and new construction of UnawEEP Avenue, along the southern portion of the road. This ordinance retains the 14 foot multi-purpose easement in this area.

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.

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

The following described dedicated right-of-way for UnawEEP Avenue is 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 and shall be effective concurrent with the recordation of the Final Plat for the UnawEEP Heights Subdivision.

The following right-of-way as shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE

463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S $89^{\circ}58'29''$ W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N $00^{\circ}01'31''$ W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N $35^{\circ}53'16''$ E A DISTANCE OF 820.00 FEET AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N $40^{\circ}21'23''$ W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N $26^{\circ}36'03''$ W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N $63^{\circ}23'57''$ E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 50.00 FEET; THENCE S $26^{\circ}36'03''$ E CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 170.28 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 770.00 FEET, A LONG CHORD WHICH BEARS S $43^{\circ}06'43''$ E A DISTANCE OF 437.67 FEET, AN ARC DISTANCE OF 443.79 FEET, THE RADIUS POINT BEARS N $30^{\circ}22'37''$ E A DISTANCE OF 770.00 FEET TO A POINT OF NON-TANGENCY AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD; THENCE S $89^{\circ}58'29''$ W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD A DISTANCE OF 91.31 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 29,404 SQ. FT. OR 0.68 ACRES MORE OR LESS.

UNAWEEP AVENUE – SOUTH RESERVED MULTI-PURPOSE EASEMENT
A PARCEL OF LAND FOR A 14 FOOT WIDE MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S

89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 63°23'57" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 14.00 FEET; THENCE S 26°36'03" E A DISTANCE OF 170.28 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 806.00 FEET, A LONG CHORD WHICH BEARS S 41°03'20" E A DISTANCE OF 402.38 FEET, AN ARC DISTANCE OF 406.68 FEET, THE RADIUS POINT BEARS N 34°29'24" E A DISTANCE OF 806.00 FEET TO A POINT OF NON-TANGENCY AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD; THENCE S 89°58'29" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD A DISTANCE OF 24.28 FEET TO THE POINT OF BEGINNING.

SAID 14 FOOT WIDE MULTI-PURPOSE EASEMENT CONTAINS 7,986 SQ. FT. OR 0.18 ACRES MORE OR LESS.

Introduced on first reading this 6th day of August, 2003 and ordered published.

Adopted on second reading this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY
ALONG A PORTION OF UNAWEEP AVENUE, KNOWN AS ROCKY PITCH ROAD**

Recitals.

A vacation of a portion of the undeveloped right-of-way for Rocky Pitch Road, adjacent to UnawEEP Avenue, has been requested by the adjoining property owners. The vacation request is a result of the re-alignment and new construction of UnawEEP Avenue, along the northern portion of the road. This ordinance retains the 14 foot multi-purpose easement in this area.

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.

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

The following described dedicated right-of-way for UnawEEP Avenue is 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 and shall be effective concurrent with the recordation of the Final Plat for the UnawEEP Heights Subdivision.

The following right-of-way as shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE

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THENCE S 28°03'05" W A DISTANCE OF 25.00 FEET; THENCE S 16°56'55" E A DISTANCE OF 35.36 FEET TO THE POINT OF BEGINNING.
SAID PARCEL OF LAND CONTAINS 10,886 SQ. FT. OR 0.25 ACRES MORE OR LESS.

UNAWEEP AVENUE – NORTH RESERVED MULTI-PURPOSE EASEMENT
A PARCEL OF LAND FOR A 14 FOOT WIDE MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 26°36'03" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 244.76 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.00 FEET, A LONG CHORD WHICH BEARS N 44°16'29" W A DISTANCE OF 519.15 FEET, AN ARC DISTANCE OF 527.48 FEET; THENCE N 61°56'55" W CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 38.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 61°56'55" W A DISTANCE OF 100.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 73°03'05" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 19.80 FEET; THENCE S 61°56'55" E A DISTANCE OF 72.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE S 16°56'55" E A DISTANCE OF 19.80 FEET TO THE POINT OF BEGINNING.
SAID 14 FOOT WIDE MULTI-PURPOSE EASEMENT CONTAINS 1,204 SQ. FT. OR 0.03 ACRES MORE OR LESS.

UNAWEEP AVENUE – NORTH MULTI-PURPOSE EASEMENT VACATION

A PORTION OF A 14 FOOT MULTI-PURPOSE EASEMENT SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE MULTI-PURPOSE EASEMENT DESCRIBED IN BOOK 3134, PAGE 466 THRU 469 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO AND IS PARALLEL AND ADJACENT TO THE PROPOSED UNAWEEP AVENUE – NORTH RIGHT-OF-WAY VACATION DESCRIBED BELOW: A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE P.M. ALSO BEING PART OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE S 89°58'29" W ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 842.45 FEET; THENCE N 00°01'31" W A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF B3/4 ROAD ALSO BEING A POINT ON A NON-TANGENT CURVE IN WHICH THE RADIUS POINT BEARS N 35°53'16" E A DISTANCE OF 820.00 FEET; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 820.00 FEET, A LONG CHORD WHICH BEARS N 40°21'23" W A DISTANCE OF 389.96 FEET, AN ARC DISTANCE OF 393.73 FEET; THENCE N 26°36'03" W A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE N 26°36'03" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 244.76 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.00 FEET, A LONG CHORD WHICH BEARS N 44°16'29" W A DISTANCE OF 519.15 FEET, AN ARC DISTANCE OF 527.48 FEET; THENCE N 61°56'55" W CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 38.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 61°56'55" W A DISTANCE OF 100.01 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE RIGHT-OF-WAY DESCRIBED IN BOOK 3134, PAGE 463 THRU 465 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY, COLORADO; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING ELEVEN (11) COURSES: N 73°03'05" E A DISTANCE OF 35.36 FEET; THENCE N 28°03'05" E A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE; THENCE ALONG

THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, A LONG CHORD WHICH BEARS N 14°02'50" E A DISTANCE OF 72.60 FEET, AN ARC DISTANCE OF 73.33 FEET; THENCE N 00°02'35" E A DISTANCE OF 41.67 FEET; THENCE N 44°57'16" W A DISTANCE OF 28.29 FEET; THENCE S 89°57'08" E A DISTANCE OF 90.00 FEET; THENCE S 45°02'44" W A DISTANCE OF 28.28 FEET; THENCE S 00°02'35" W A DISTANCE OF 41.67 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A LONG CHORD WHICH BEARS S 14°02'50" W A DISTANCE OF 96.80 FEET, AN ARC DISTANCE OF 97.77 FEET; THENCE S 28°03'05" W A DISTANCE OF 25.00 FEET; THENCE S 16°56'55" E A DISTANCE OF 35.36 FEET TO THE POINT OF BEGINNING.

Introduced on first reading this 6th day of August, 2003 and ordered published.

Adopted on second reading this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

Attach 7
Setting a Hearing on Zoning the Carville Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Public hearing for acceptance of petition and annexation ordinance for the Carville Annexation, located at 2675 Hwy 50.								
Meeting Date		August 6, 2003								
Date Prepared		July 28, 2003					File # ANX-2003-116			
Author		Senta Costello			Associate Planner					
Presenter Name		Senta Costello			Associate Planner					
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When				
Citizen Presentation			Yes		No	Name				
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda				Consent	<input checked="" type="checkbox"/>	Individual Consideration	

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Carville Annexation, located at 2675 Hwy 50. The 19.93 acre annexation consists of one parcel of land.

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 second reading of the annexation ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

<i>STAFF REPORT/BACKGROUND INFORMATION</i>				
Location:		2675 Hwy 50		
Applicants:		Royce J. Carville		
Existing Land Use:		<i>Agricultural</i>		
Proposed Land Use:		<i>Commercial/Residential</i>		
Surrounding Land Use:	North	<i>Single Family Residential – 5.54 units/acre/Mobile Home Park/Commercial/Agricultural</i>		
	South	School/Cimarron Mesa Sub – 3.47 units/acre		
	East	Commercial		
	West	Agricultural		
Existing Zoning:		County C-1/RSF-4		
Proposed Zoning:		City C-1/RSF-4		
Surrounding Zoning:	North	<i>RMF-8/C-1/PD</i>		
	South	RSF-4		
	East	County B-1		
	West	County RSF-4/City PD		
Growth Plan Designation:		Commercial/Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:**ANNEXATION:**

This annexation area consists of 19.93 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of wishing to subdivide the property. 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 Carville Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

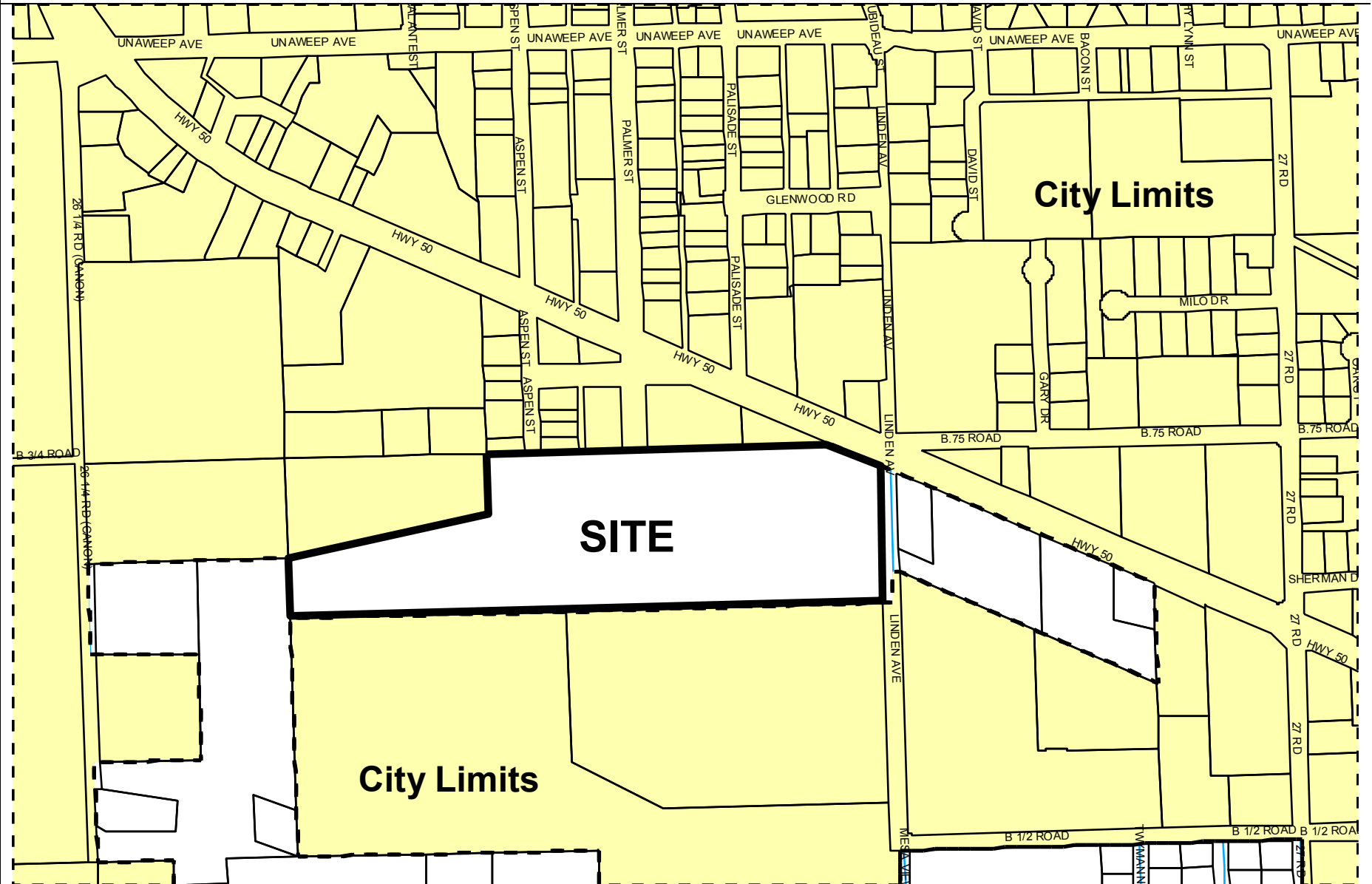
The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
Jun 16, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Jul 22, 2003	Planning Commission considers Zone of Annexation
Aug 6, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
Aug 20, 2003	Zoning by City Council
Sept 7, 2003	Effective date of Annexation and Zoning

CARVILLE ANNEXATION SUMMARY		
File Number:		ANX-2003-116
Location:		2675 Hwy 50
Tax ID Number:		2945-261-00-042
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		19.93 acres
Developable Acres Remaining:		19.93 acres
Right-of-way in Annexation:		0.00
Previous County Zoning:		County C-1/RSF-4
Proposed City Zoning:		City C-1/RSF-4
Current Land Use:		<i>Agricultural</i>
Future Land Use:		<i>Commercial/Residential</i>
Values:	Assessed:	= \$2,430
	Actual:	= \$8,390
Address Ranges:		2675 Hwy 50
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation District
	Fire:	City Fire
	Irrigation/ Drainage:	Orchard Mesa Irrigation District
	School:	District 51

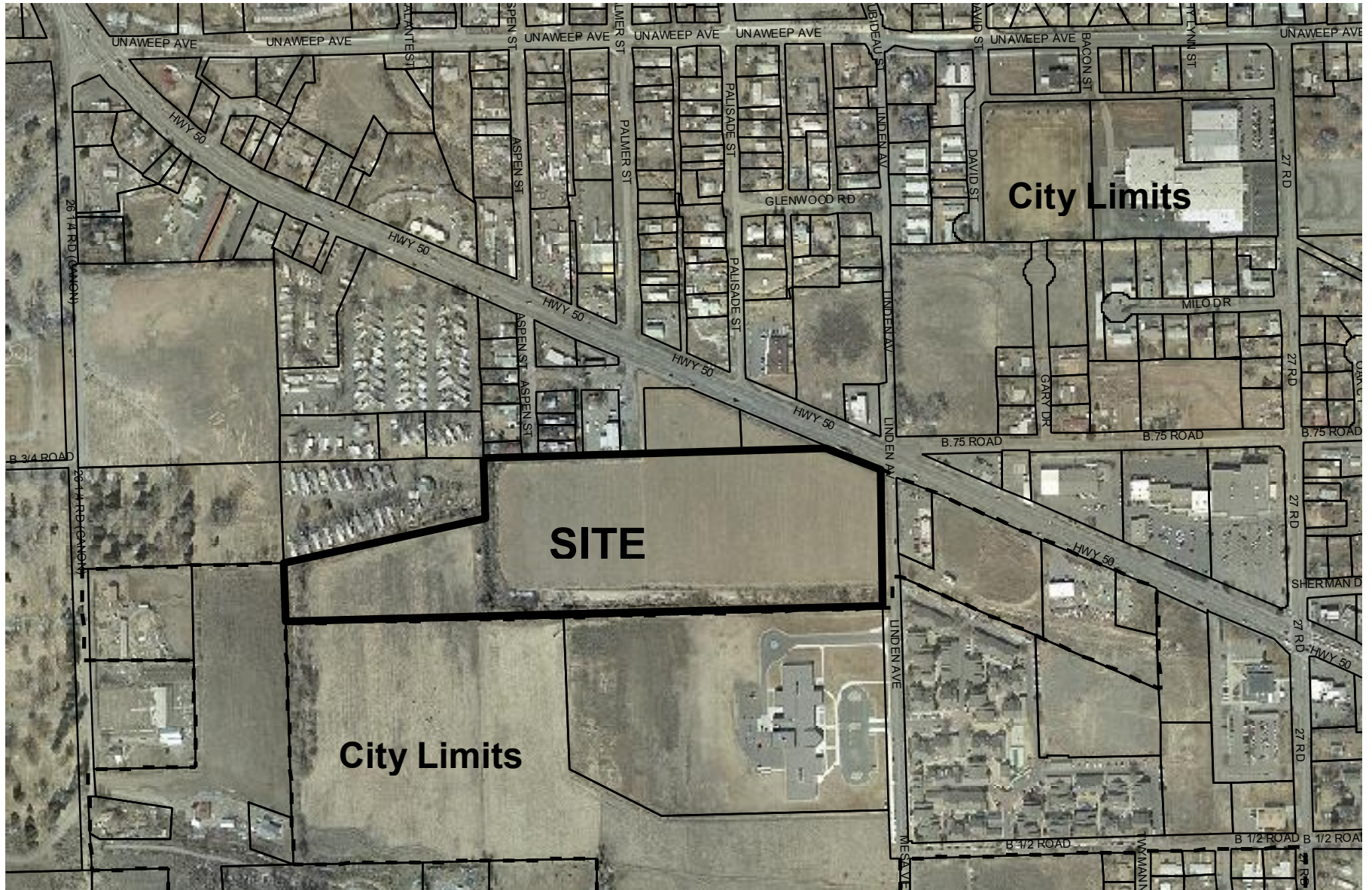
Site Location Map

Figure 1



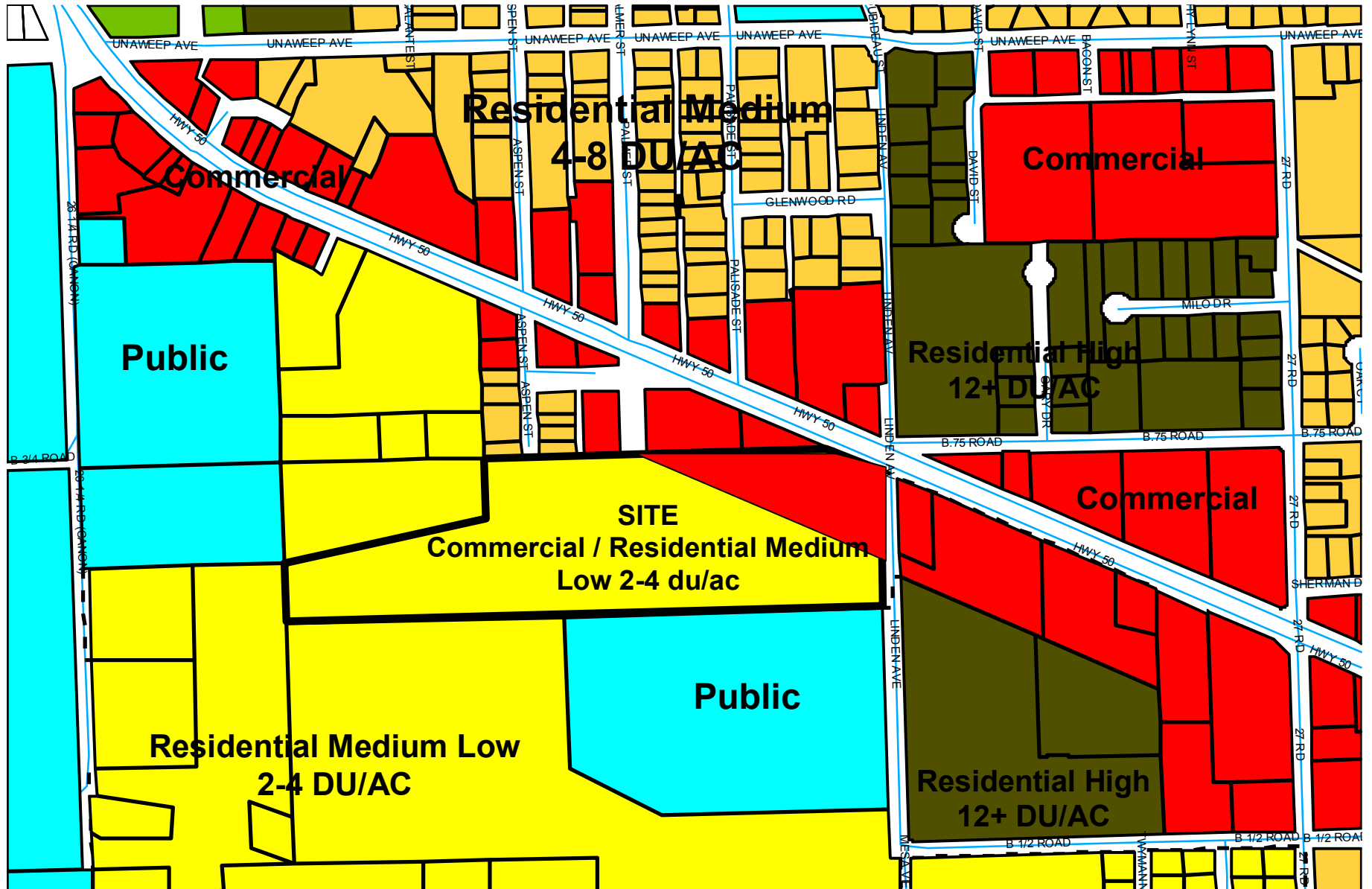
Aerial Photo Map

Figure 2



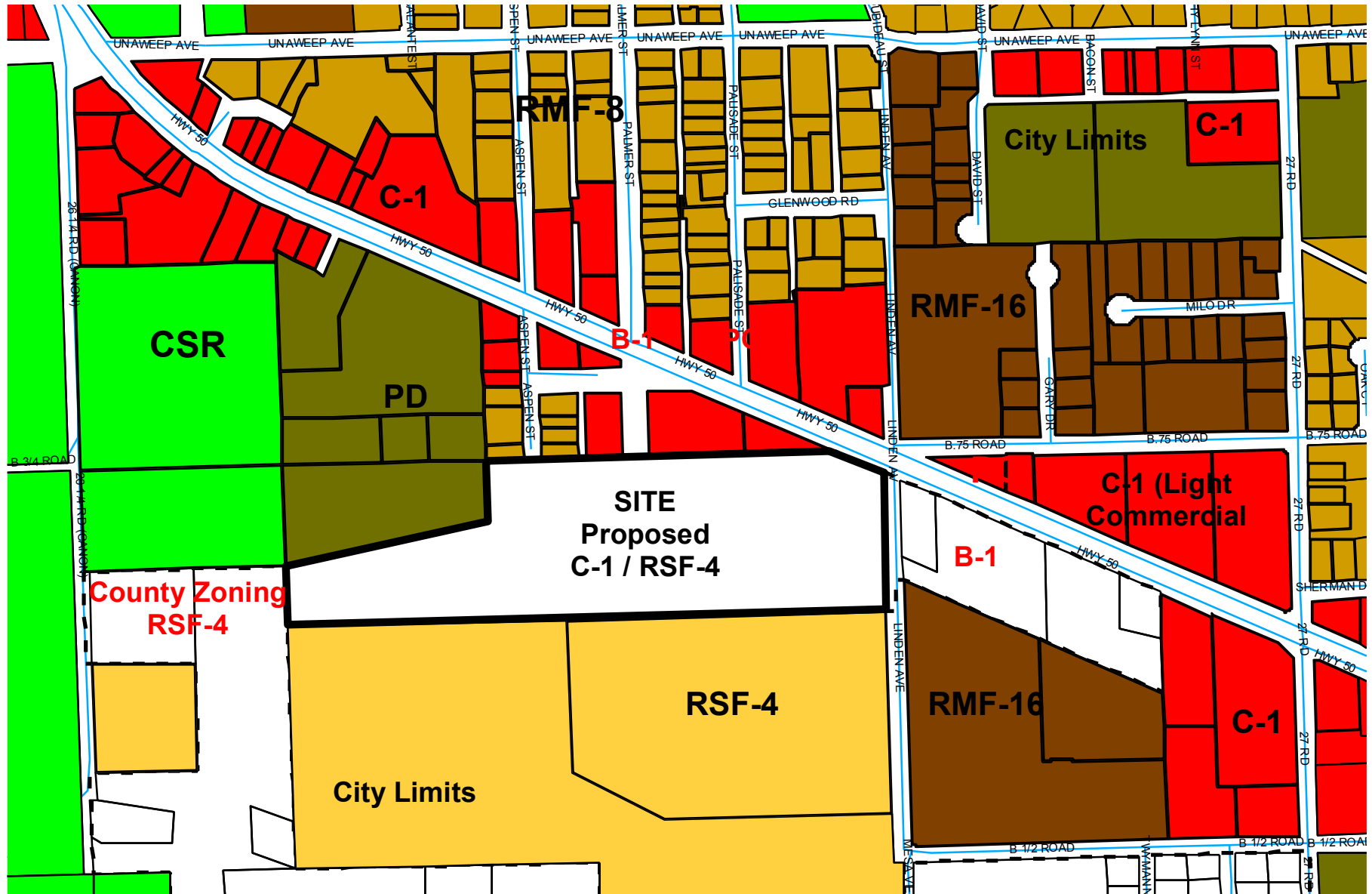
Future Land Use Map

Figure 3



Existing City and County Zoning

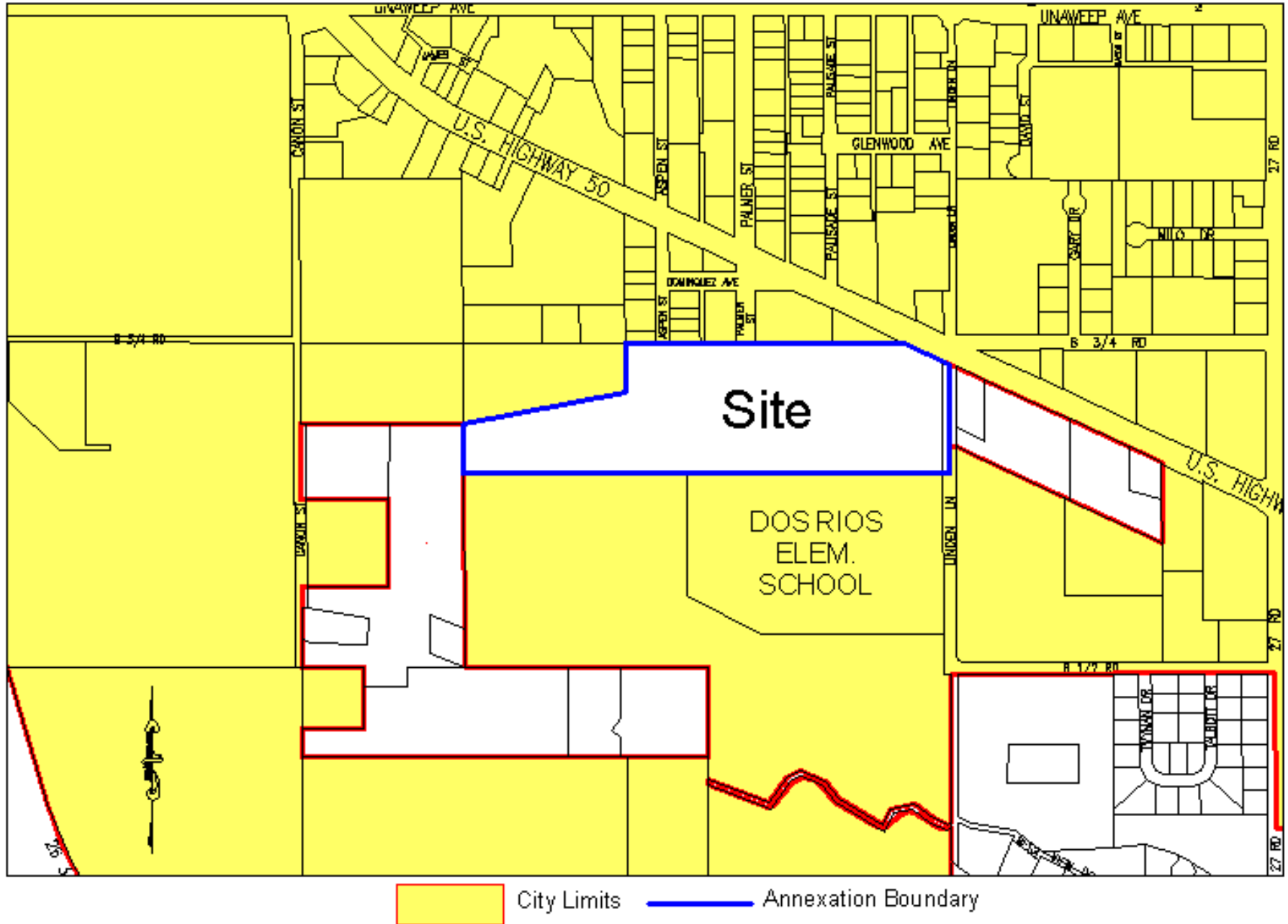
Figure 4



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."

Carville Annexation

Figure 5



RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

PETITION FOR ANNEXATION, MAKING CERTAIN

FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE

CARVILLE ANNEXATION

LOCATED at 2675 HWY 50

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th 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:

CARVILLE ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E 1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein are relative thereto; thence N00°11'27"E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of August, 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 6th day of August, 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**

CARVILLE ANNEXATION

APPROXIMATELY 19.93 ACRES

LOCATED AT 2675 HWY 50

WHEREAS, on the 16th 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 6th 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:

Carville Annexation

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E 1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein are relative thereto; thence N00°11'27"E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, 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 August, 2003 and ordered published.

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 8
Setting a Hearing on Zoning the Monument Presbyterian Church Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road					
Meeting Date	August 6, 2003					
Date Prepared	July 31, 2003				File # ANX-2003-093	
Author	Lisa E. Cox			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to zone the Marchun Annexation No. 1 and No. 2, Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and setting a public hearing for August 20, 2003.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation No. 1 and No. 2 Map (Figure 5)
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2925 F 1/2 Road		
Applicants:		Estate of John Marchun by Carl Marchun, Executor of the Estate Carl D. and Zetta H. Marchun Joseph W. Marchun Herman E. Marchun		
Existing Land Use:		Single Family Residence/Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential/Agricultural		
	South	Residential		
	East	Agricultural		
	West	Residential		
Existing Zoning:		RSF-4 (Mesa County)		
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)		
Surrounding Zoning:	North	RSF-R and PD approx. 4 du/ac (Mesa County)		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
Growth Plan Designation:		Residential Medium, 4-8 units/acre		
Zoning within density range?		X	Yes	No

Staff Analysis:**ZONING OF ANNEXATION:**

The proposed zoning for the Marchun Annexation No. 1 and No. 2 is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

- 1. The existing zoning was in error at the time of adoption.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** The requested rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.
- 4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.** Adequate public facilities and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.
- 7. The community or neighborhood will benefit from the proposed zone.** The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

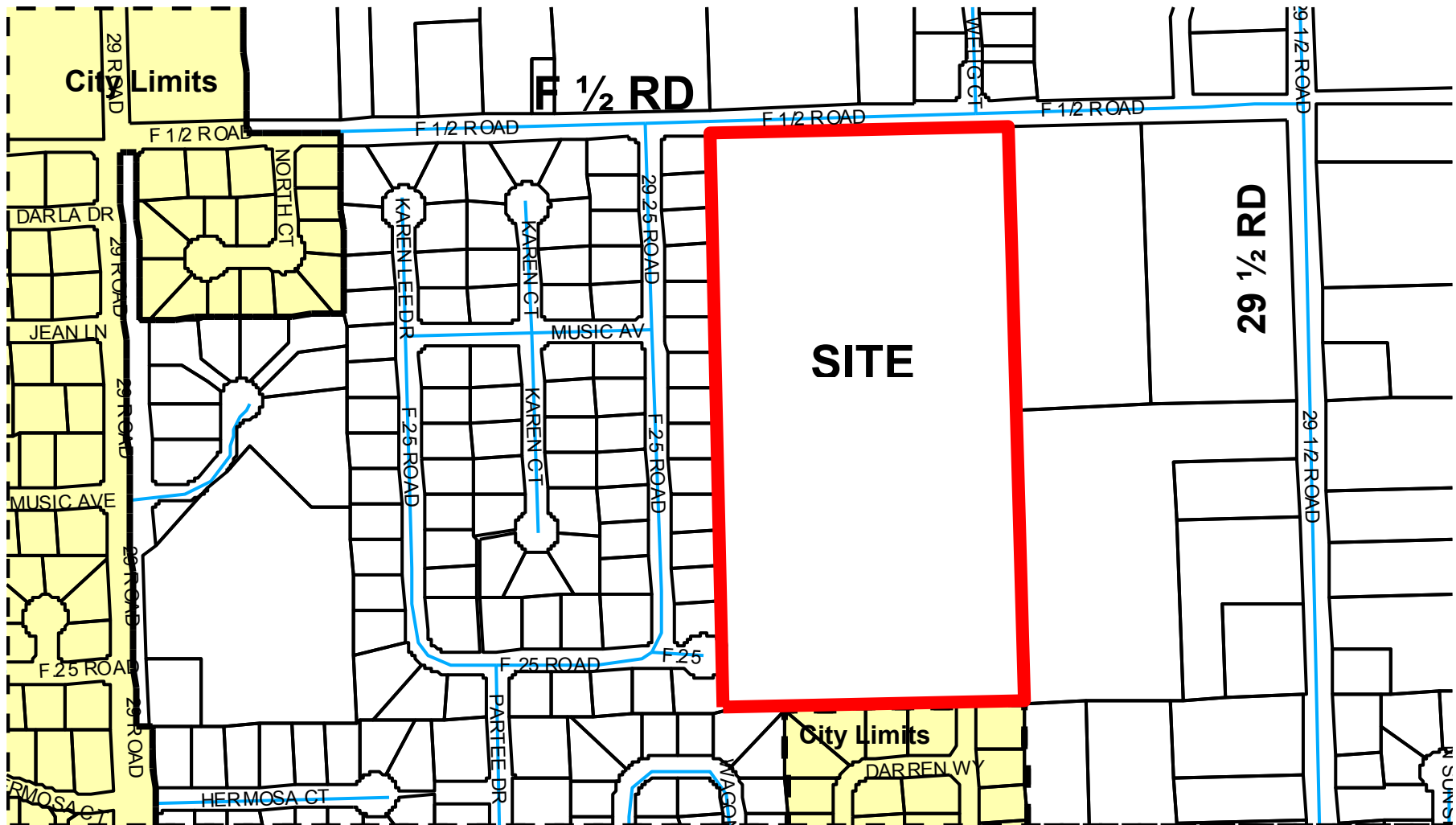
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation No. 1 and No. 2 Map (Figure 5)
6. Zoning Ordinance

H:Projects2003/ANX-2003-093/MarchunCityZord1-1

Site Location Map

Figure 1



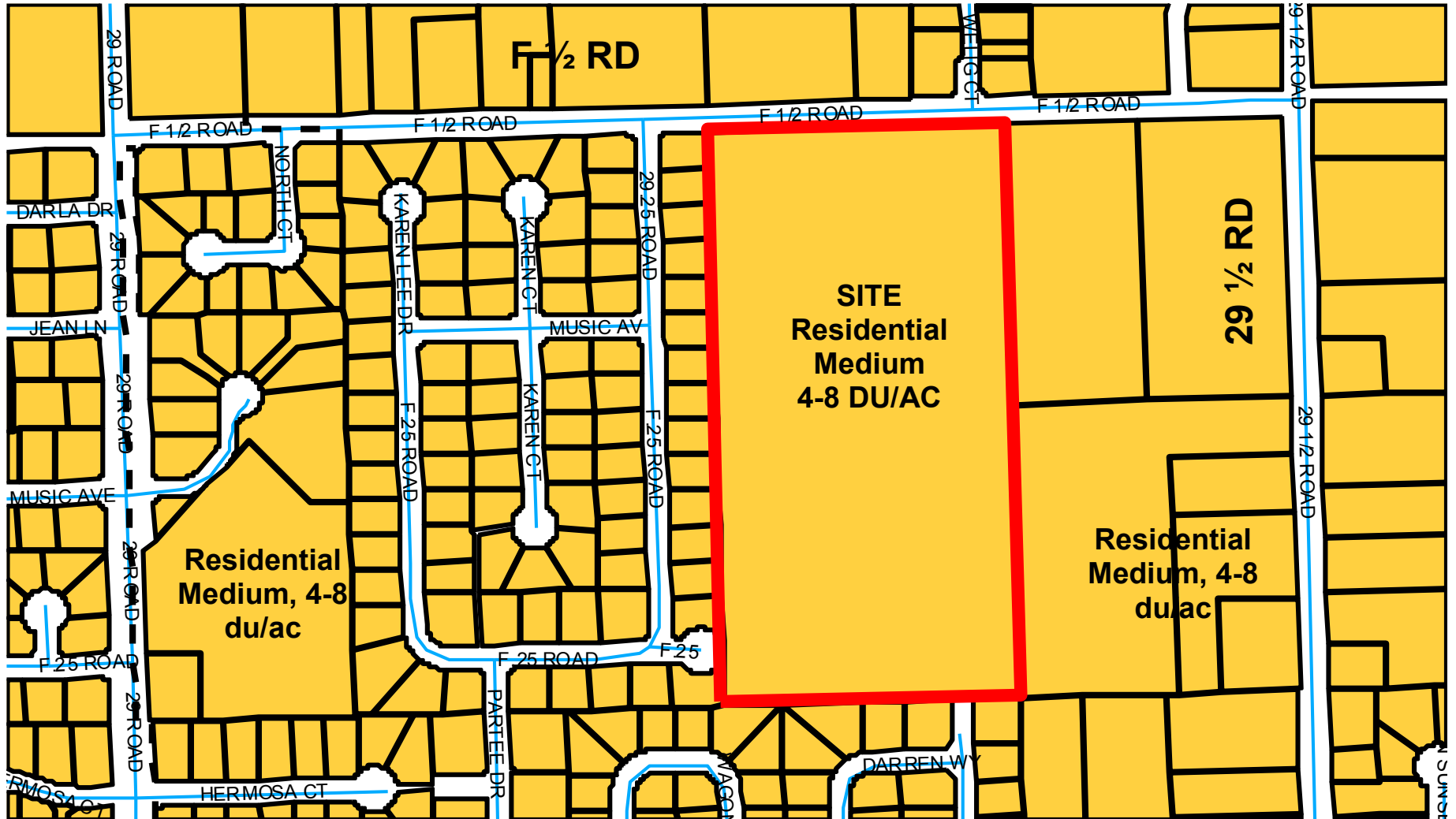
Aerial Photo Map

Figure 2



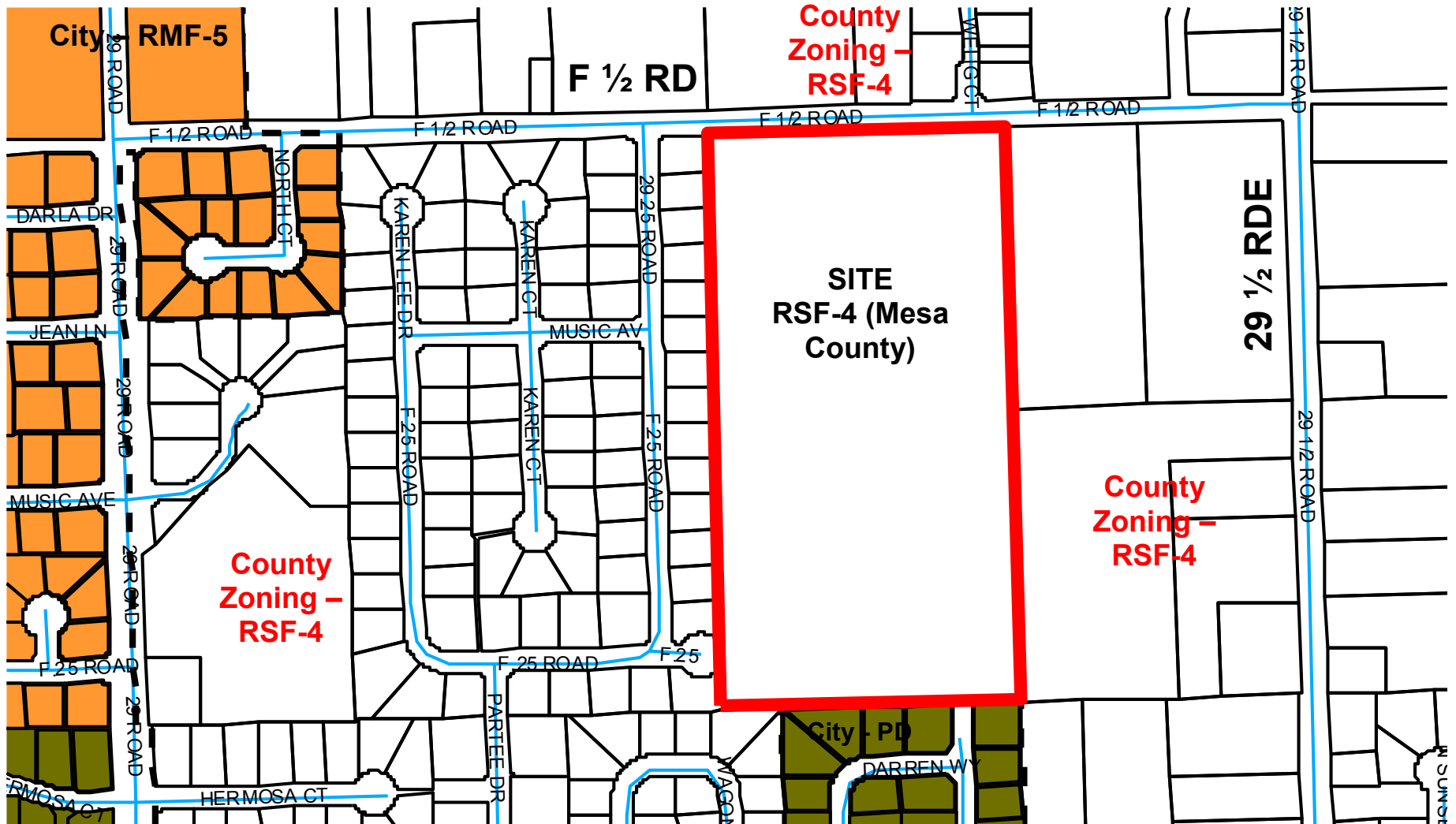
Future Land Use Map

Figure 3



Existing City and County Zoning

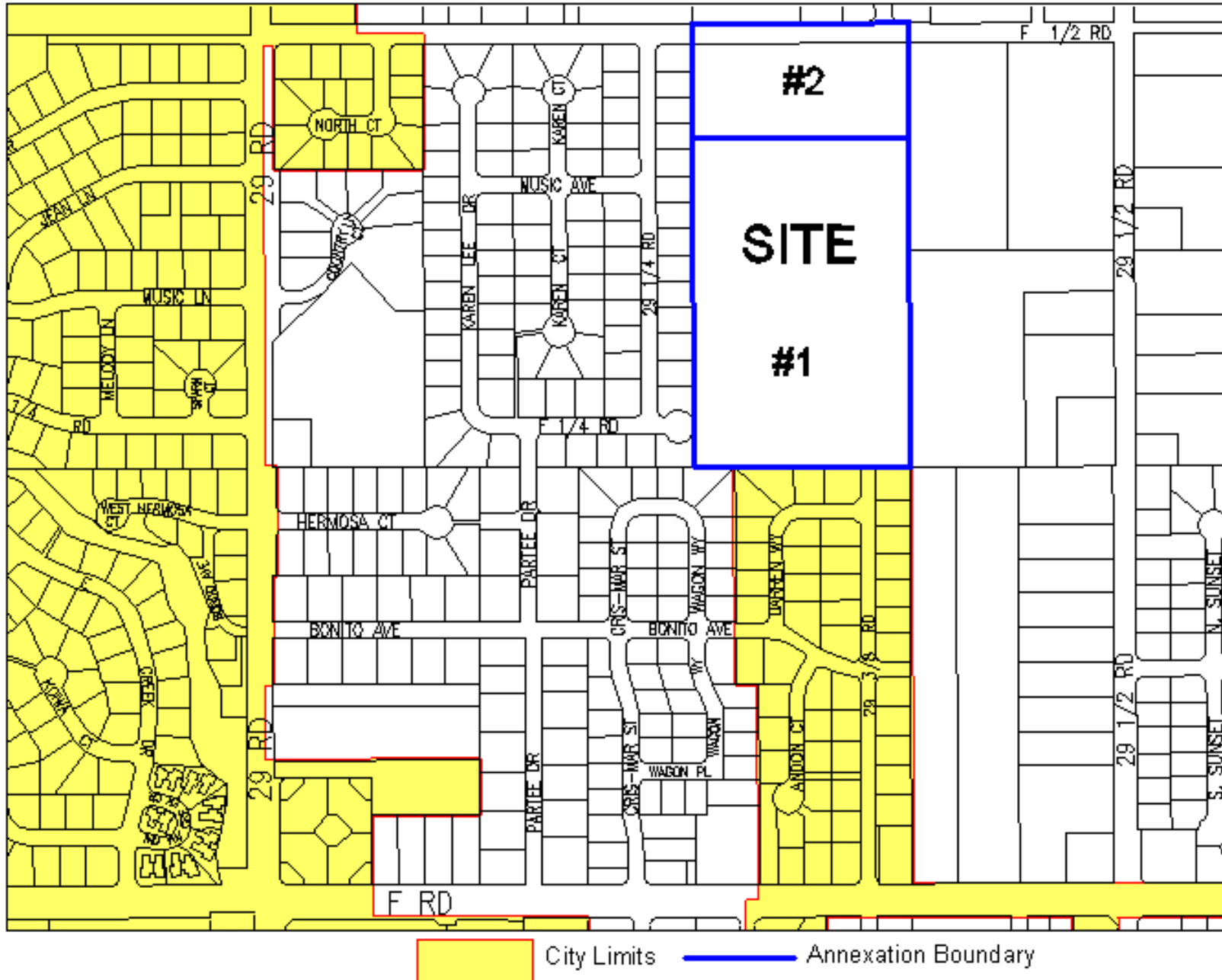
Figure 4



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."

Marchun Annexations #1 and #2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

An Ordinance Zoning the Marchun Annexation No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F 1/2 Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Marchun Annexation No. 1 and No. 2 to the RMF-5 zone district for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

W1/2NE1/4SW1/4of Section 5, Township 1 South, Range 1 East of the Ute Meridian, EXCEPTING THEREFROM that portion thereof conveyed to the County of Mesa, State of Colorado by instrument recorded May 16, 1961 in Book 803 at Page 262, Mesa County, Colorado.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

Introduced on first reading this 6th day of August, 2003

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

Mayor
32

ATTEST:

City Clerk

Attach 9

Setting a Hearing on the Elliott Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Elliott annexation located at 3082 D ½ Road					
Meeting Date	August 6, 2003					
Date Prepared	July 28, 2003			File #ANX-2003-156		
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.1551 acre Elliott Annexation consists of 1 parcel of Land.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Elliott Annexation petition and introduce the proposed Elliott Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for September 17, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

- 32. Staff report/Background information
- 33. General Location Map
- 34. Aerial Photo
- 35. Growth Plan Map
- 36. Zoning Map
- 37. Annexation map
- 38. Resolution Referring Petition
- 39. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3082 D ½ Road		
Applicants:		Owners: Walter Lee Elliott, Analee C. Elliott, John Albert Iles, Katherine Lee Iles; Representative: Dan Holycross		
Existing Land Use:		Residence		
Proposed Land Use:		Residence		
Surrounding Land Use:	North	Proposed Single Family subdivision for 23 lots in a RMF-5 zone district		
	South	Residence & Agricultural		
	East	Residence		
	West	Proposed Single Family subdivision for 23 lots in a RMF-5 zone district		
Existing Zoning:		RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Proposed Zoning:		RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Surrounding Zoning:	North	RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
	South	PUD (5.8 du/ac) & RSF-R		
	East	RSF-4		
	West	RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?	X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.1551 acres of land and is comprised of 1 parcel. <The property owners have requested annexation into 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 Elliott Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

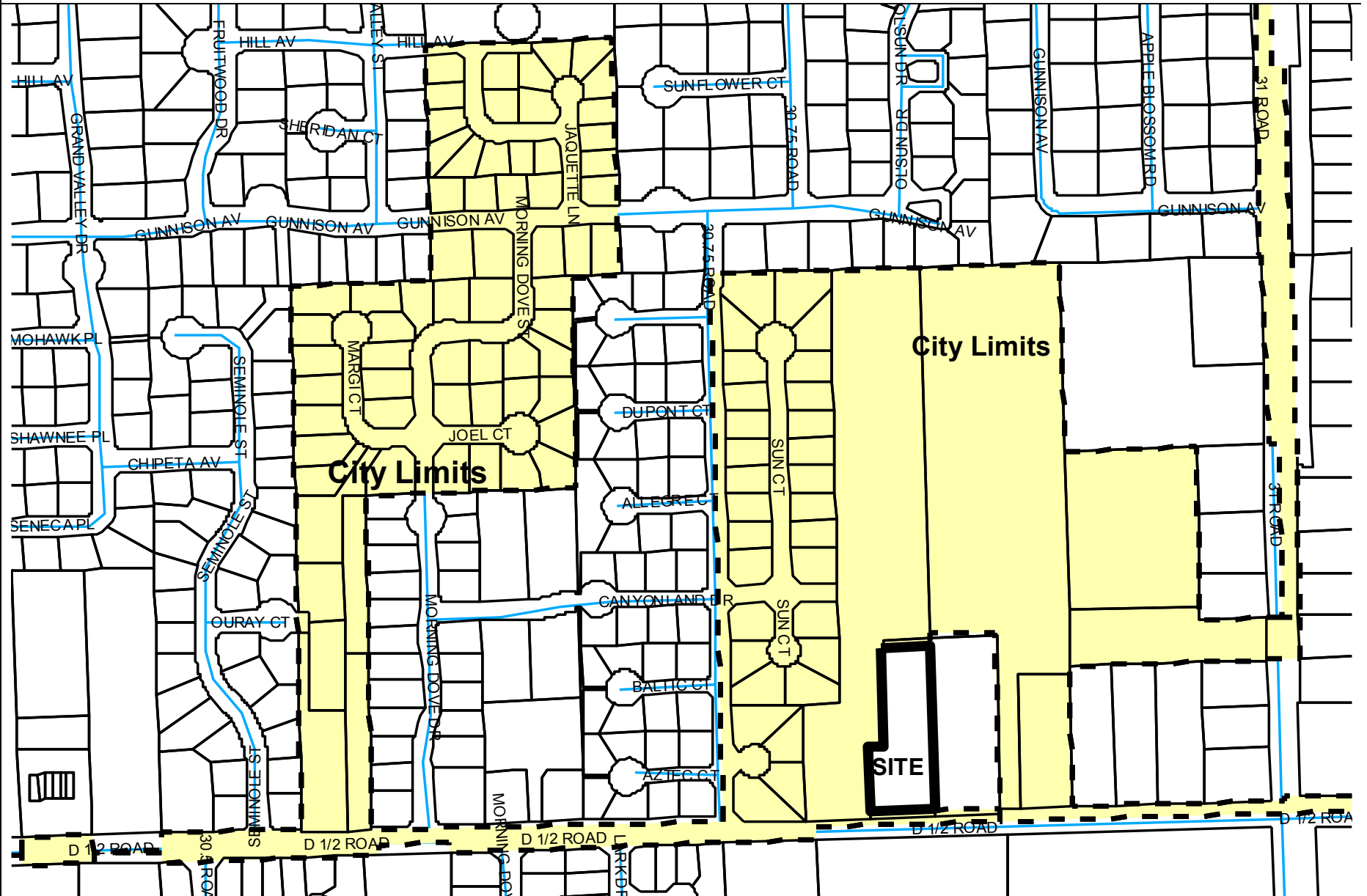
The following annexation and zoning schedule is being proposed.

<i><u>ANNEXATION SCHEDULE</u></i>	
Aug 6, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Aug 26, 2003	Planning Commission considers Zone of Annexation
Sept 3, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council
Sept 17, 2003	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
Oct 19, 2003	Effective date of Annexation and Zoning

ELLIOTT ANNEXATION SUMMARY		
File Number:	ANX-2003-156	
Location:	3082 D ½ Road	
Tax ID Number:	2943-161-00-216	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	1.1551 acres	
Developable Acres Remaining:	.33 ac	
Right-of-way in Annexation:	0.00	
Previous County Zoning:	RMF-5	
Proposed City Zoning:	RMF-5	
Current Land Use:	Single Family Home	
Future Land Use:	Residential Medium 4.8 du/ac	
Values:	Assessed:	\$13,960
	Actual:	\$175,350
Address Ranges:	3082 D ½ Road	
Special Districts:	Water:	Clifton Water District
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage Dist.
	School:	Mesa County School District #51

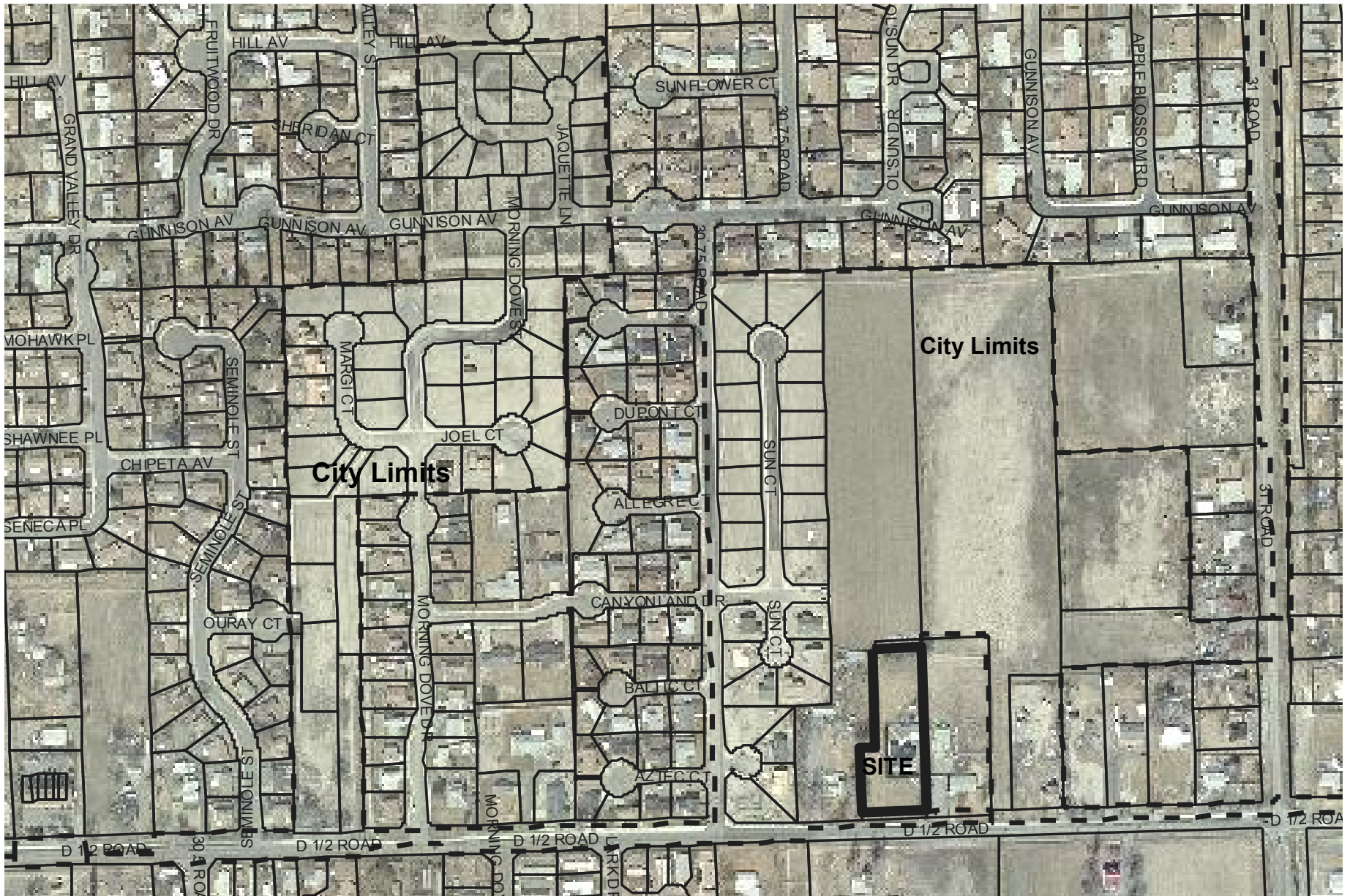
Site Location Map

Figure 1



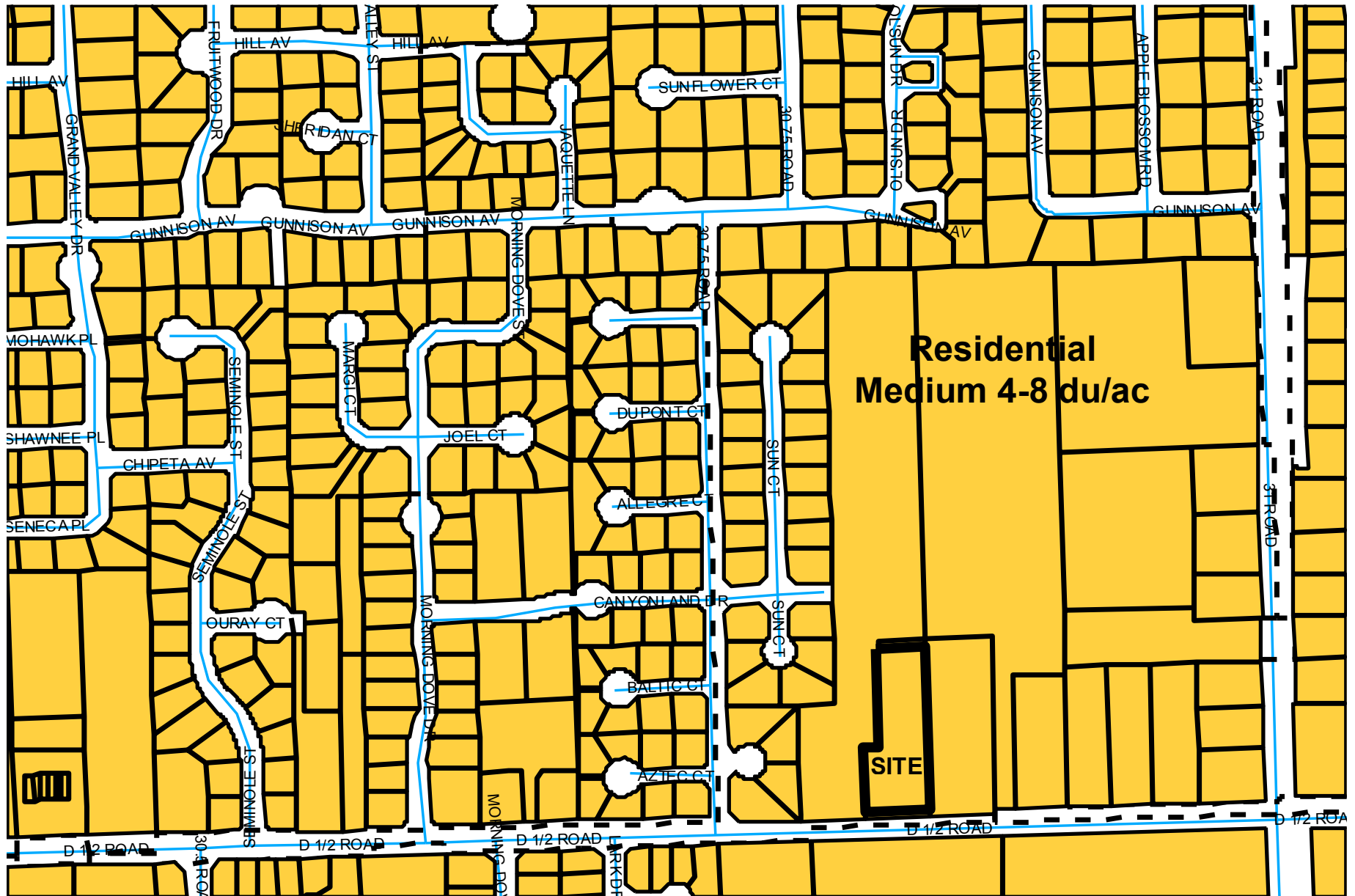
Aerial Photo Map

Figure 2



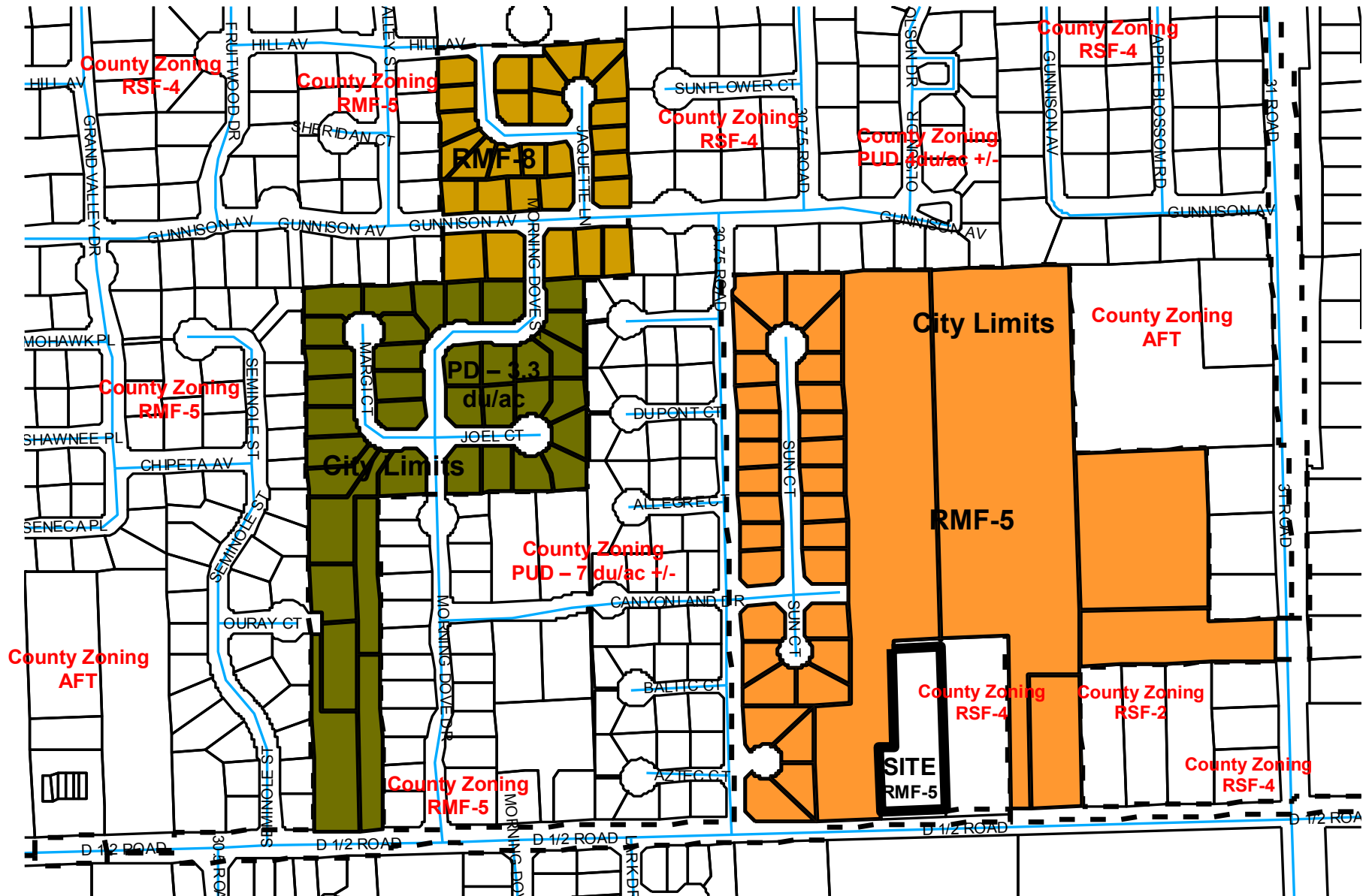
Future Land Use Map

Figure 3



Existing City and County Zoning

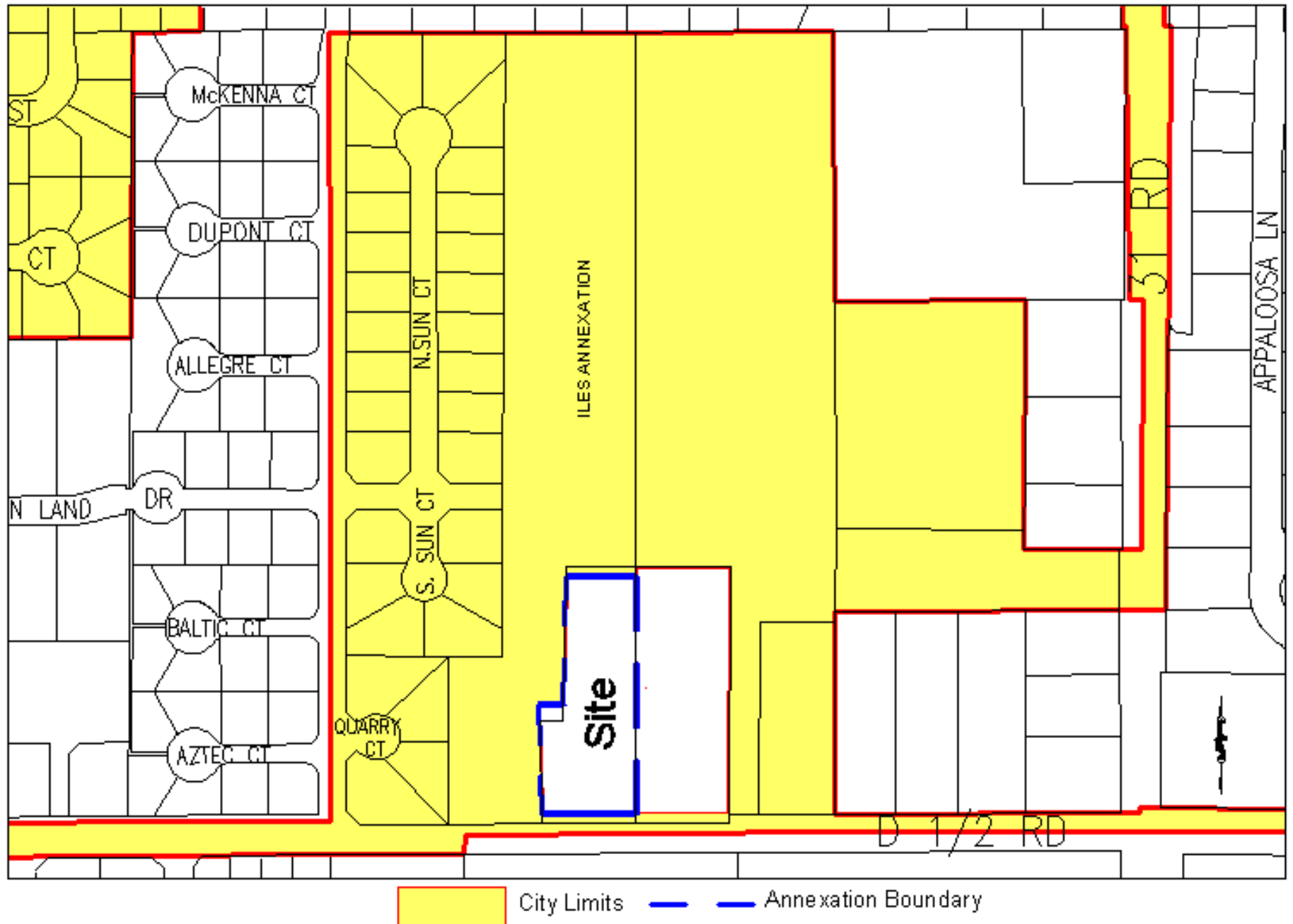
Figure 4



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."

Elliott Annexation

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 6th of August, 2003, the following Resolution was adopted:

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****ELLIOTT ANNEXATION****LOCATED at 3082 D ½ ROAD**

WHEREAS, on the 6th day of August, 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:

ELLIOTT ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the South line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear N 89°51'59" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'59" E along the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 190.00 feet; thence N 00°22'49" E a distance of 30.00 feet to a point being the Southeast Corner of Fruitvale Meadows Amended, as same is recorded in Plat Book 18, Page 132, Public Records of Mesa County, Colorado; thence N 89°51'59" E along the North right of way for D 1/2 Road, being a line 30.00 feet North of and parallel to, the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 155.89 feet to a point being the Southeast corner of the Iles Annexation, City of Grand Junction Ordinance No. 3461 and the POINT OF BEGINNING; thence from said Point of Beginning, N 00°10'50" E along the East line of said Iles Annexation, a distance of 178.00 feet; thence N 89°51'59" E along a Southerly line of said Iles Annexation, a distance of 37.00 feet; thence N 00°10'50" E along the Easterly line of said Iles Annexation, a distance of 209.00 feet; thence N 89°51'59" E along the Southerly line of said Iles Annexation, a distance of 113.00 feet; thence S 00°10'50" W a distance of 387.00 feet; thence S 89°51'59" W, along the North line of said D 1/2 Road, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.1551 Acres (50,317.0

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:

3. That a hearing will be held on the 17th day of September, 2003, in the City Hall auditorium, located at 250 North 5th 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.
4. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 6th day of August, 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>
August 8, 2003
August 15, 2003
August 22, 2003
August 29, 2003

CITY OF GRAND JUNCTION, COLORADO**ORDINANCE NO.****AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO****ELLIOTT ANNEXATION****APPROXIMATELY 1.1551 ACRES****LOCATED AT 3082 D 1/2 ROAD**

WHEREAS, on the 17th of September, 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 17th day of September, 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:

ELLIOTT ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the South line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear N 89°51'59" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'59" E along the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 190.00 feet; thence N 00°22'49" E a distance of 30.00 feet to a point being the Southeast Corner of Fruitvale Meadows Amended, as same is recorded in Plat Book 18, Page 132, Public Records of Mesa County, Colorado; thence N 89°51'59" E along the North right of way for D 1/2 Road, being a line 30.00 feet North

of and parallel to, the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 155.89 feet to a point being the Southeast corner of the Iles Annexation, City of Grand Junction Ordinance No. 3461 and the POINT OF BEGINNING; thence from said Point of Beginning, N 00°10'50" E along the East line of said Iles Annexation, a distance of 178.00 feet; thence N 89°51'59" E along a Southerly line of said Iles Annexation, a distance of 37.00 feet; thence N 00°10'50" E along the Easterly line of said Iles Annexation, a distance of 209.00 feet; thence N 89°51'59" E along the Southerly line of said Iles Annexation, a distance of 113.00 feet; thence S 00°10'50" W a distance of 387.00 feet; thence S 89°51'59" W, along the North line of said D 1/2 Road, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.1551 Acres (50,317.0 square feet)

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

INTRODUCED on first reading on the 6th day of August, 2003 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 10
Revocable Permit in the Elm Court and Kennedy Avenue Rights-of-Way
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Revocable Permit for private parking in the Elm Court and Kennedy Avenue rights-of-way.					
Meeting Date		August 6, 2003					
Date Prepared		July 28, 2003			File # RVP-2003-109		
Author		Senta Costello		Associate Planner			
Presenter Name		Senta Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: First Congregational Church located at 1425 N. 5th Street, is requesting approval of a Revocable Permit for private parking in the Elm Court and Kennedy Avenue rights-of-way.

Budget: N/A

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

Background Information: Please see attached Staff report

Attachments:

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

BACKGROUND INFORMATION					
Location:		1425 N 5 th Street			
Applicant:		First Congregational Church			
Existing Land Use:		Church			
Proposed Land Use:		Church			
Surrounding Land Use:	North	Residential			
	South	Office / Various other church facilities			
	East	Grand Junction High School			
	West	Residential			
Existing Zoning:		RMF-5			
Proposed Zoning:		RMF-5			
Surrounding Zoning:	North	RMF-5			
	South	B-1			
	East	CSR			
	West	RMF-5			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Project Analysis:

1. Background : The petitioner acquired a Site Plan Review and Planning Clearance approval for a 2,166 sq. ft. addition to the existing church on July 15, 2003. The areas being requested as private parking for the church have existed in the current configuration since the church was built in approximately 1955.

2. Section 2.17.C of the Zoning and Development Code

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

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

The existing parking within the rights-of-way will now be restricted to internal traffic circulation with the installation of bumper blocks at the outside edge of the parking stalls. This will further limit the potential for problems with traffic from church parking and traffic on the public streets.

- b. There is a community need for the private development use proposed for the City property.

The use on the property will not change from the churches uses that have been occurring on the property since it was established at this location.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The church has been at its present location for almost 50 years with the parking in the current configuration. The parking located as it is has not proved to be a problem to the neighboring land uses.

- d. The proposed use shall be compatible with the adjacent land uses.

The church has been at its present location for almost 50 years with the parking in the current configuration. The parking located as it is has not proved to be a problem to the neighboring land uses.

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

The church has been at its present location for almost 50 years with the parking in the current configuration. The parking located as it is has not proved to be a problem to the neighboring land uses.

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

The application is in conformance with all applicable Codes, Plans, and Polices.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

The application complies with the requirements of the City Charter, Chapter 2 of the Zoning and Development Code and the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the First Congregational Church application, RVP-2003-109 for the issuance of a revocable permit for private parking within the Elm Court and Kennedy Avenue rights-of-way, staff makes the following findings of fact and conclusions:

5. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

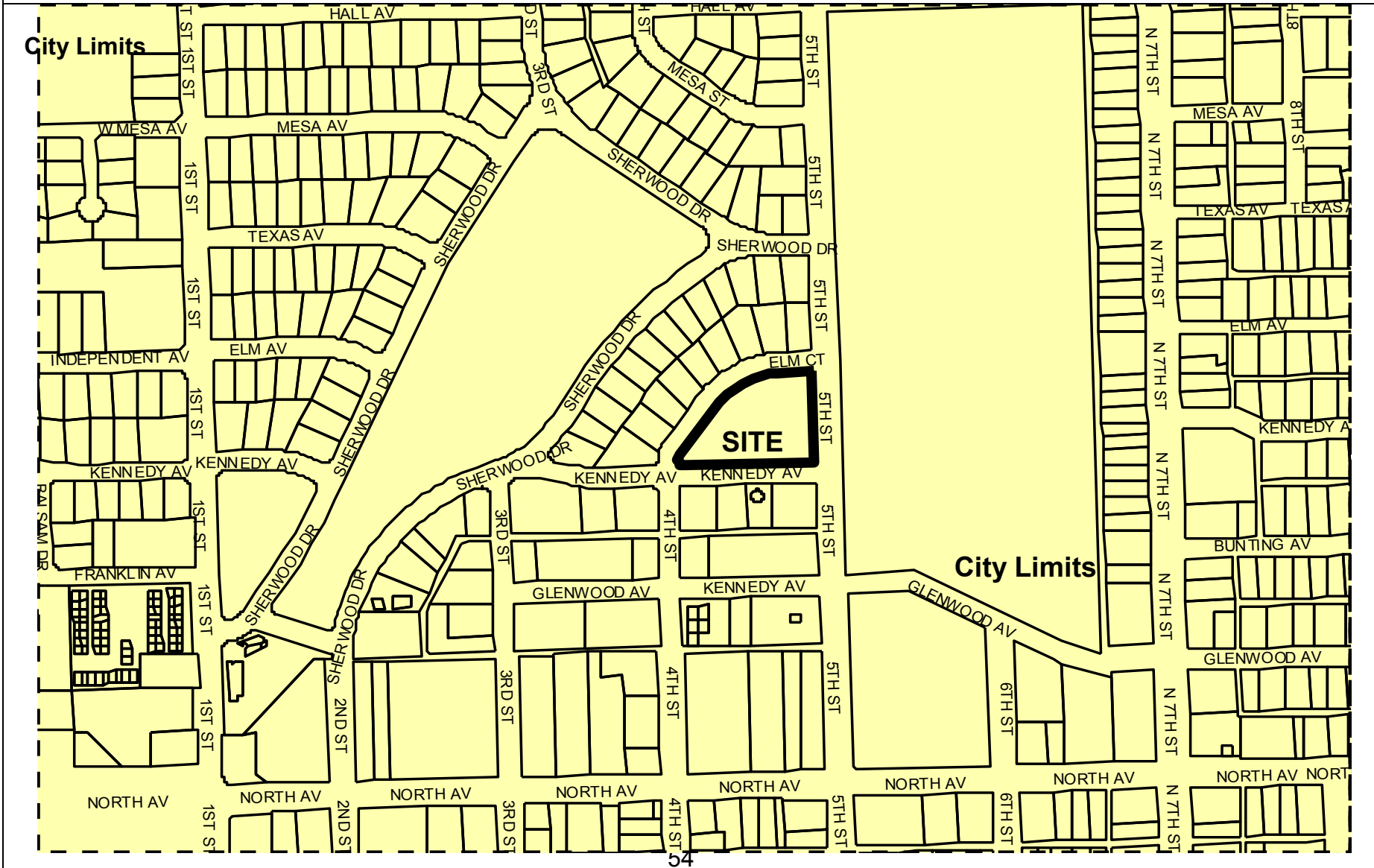
Staff recommends that the City Council approve the requested revocable permit for the First Congregational Church private parking, RVP-2003-109.

Attachments:

Site Location Map
Aerial Map
Future Land Use Map
Existing Zoning Map
Resolution
Revocable Permit

Site Location Map

Figure 1



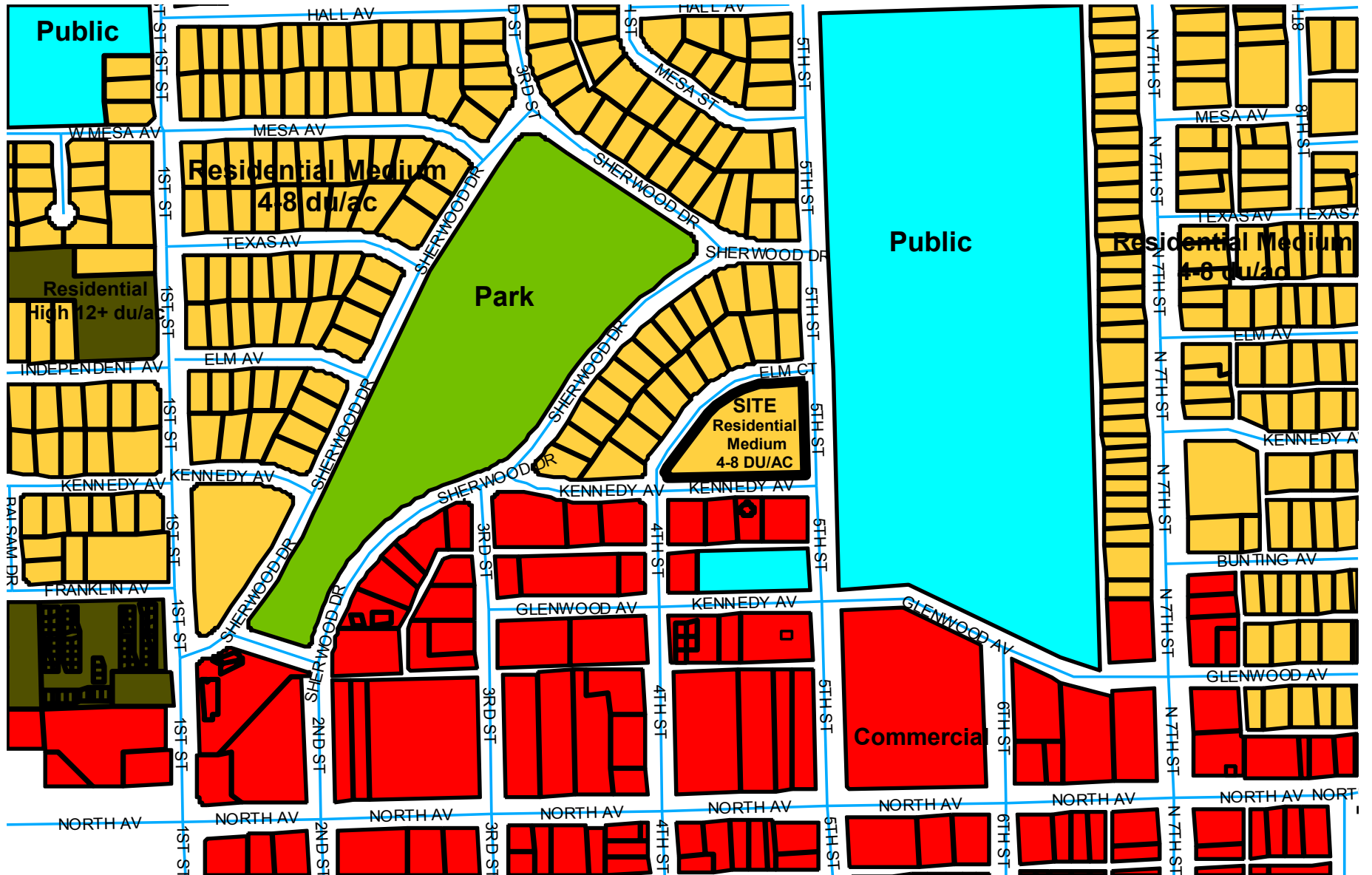
Aerial Photo Map

Figure 2



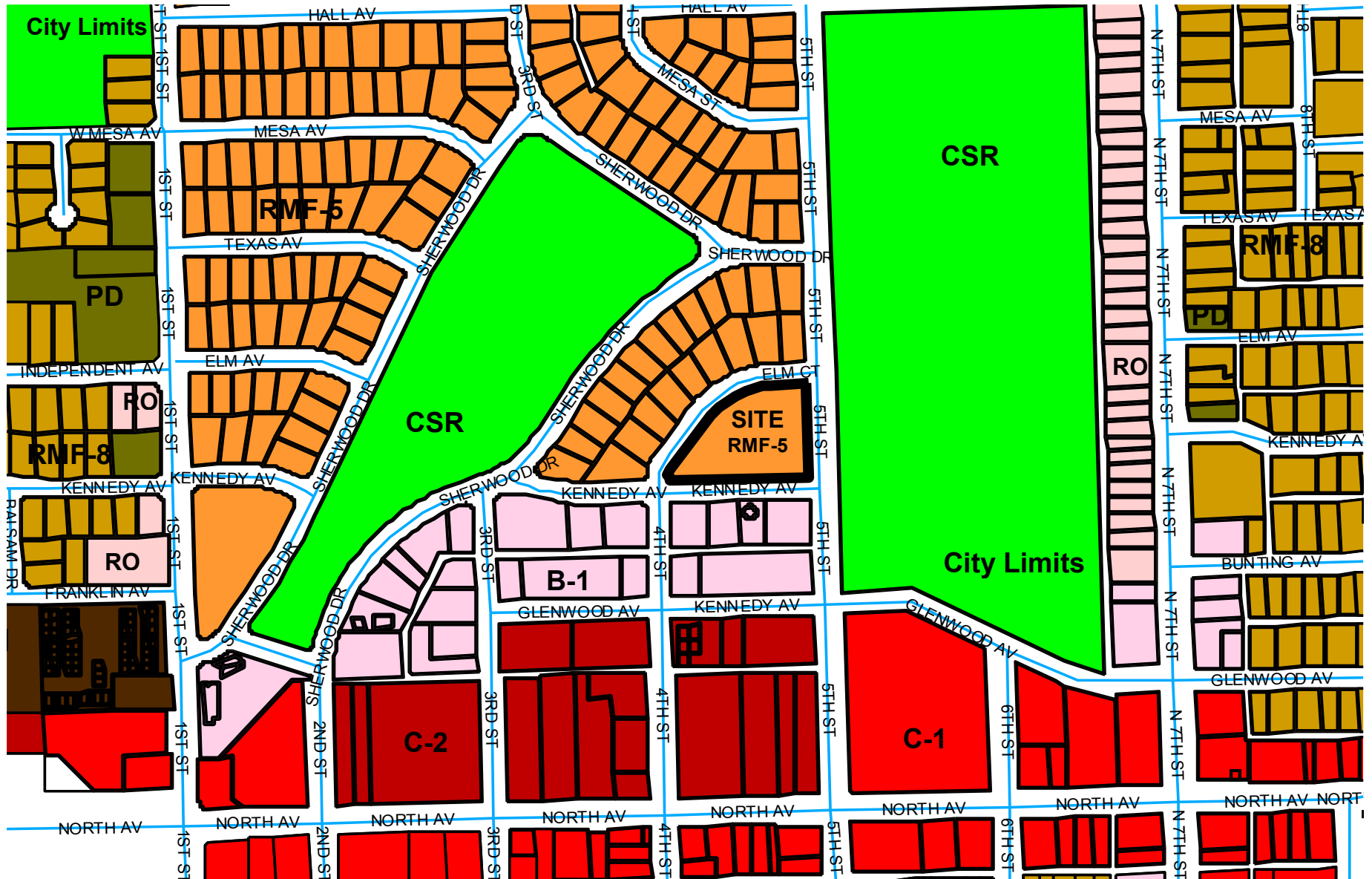
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



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

RESOLUTION NO.**A RESOLUTION ISSUING A REVOCABLE PERMIT TO
FIRST CONGREGATIONAL CHURCH
TO ALLOW CHURCH PARKING
IN PUBLIC RIGHT-OF-WAY****Recitals.**

A. First Congregational Church, hereinafter referred to as the Petitioner or Church, represents that it is a Colorado nonprofit corporation and the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

All of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, as recorded in Plat Book 7 at Page 93 in the office of the Mesa County Clerk and Recorder, also known as 1425 North 5th Street and identified by Mesa County Tax Schedule Number 2945-113-14-951.

B. Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to use the below described public rights of way for the non-exclusive use of the Church:

(a) Kennedy Avenue Right-of-Way: Commencing at the Southeast corner of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7, Page 93, Reception Number 584521 in the office of the Mesa County Clerk and Recorder, and considering the line between the City Survey Monument set at the intersection of North Fifth Street and Kennedy Avenue and the City Survey Monument set at the intersection of North Fourth Street and Kennedy Avenue to bear N 89°42'00" W a distance of 448.73 feet, with all bearings contained herein being relative thereto;
thence N 89°42'00" W along the South boundary line of said Block 10 a distance of 156.82 feet to the True Point of Beginning;
thence N 89°42'00" W along the South boundary line of said Block 10 a distance of 196.00 feet;
thence leaving the South boundary line of said Block 10, S 00°18'00" W a distance of 15.00 feet;
thence S 89°42'00" E a distance of 196.00 feet;
thence N 00°18'00" E a distance of 15.00 feet to the Point of Beginning.

(b) Elm Court Right-of-Way: Commencing at the Northeast corner of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as

recorded in Plat Book 7, Page 93, Reception Number 584521 in the office of the Mesa County Clerk and Recorder, and considering the line between the City Survey Monument set at the intersection of North Fifth Street and Kennedy Avenue and the City Survey Monument set at the intersection of North Fourth Street and Kennedy Avenue to bear N 89°42'00" W a distance of 448.73 feet, with all bearings contained herein being relative thereto; thence N 89°45'36" W along the North boundary line of said Block 10 a distance of 58.00 feet to the True Point of Beginning; thence along the Northerly and Westerly boundary line of said Block 10 the following three (3) courses:

1. N 89°45'36" W a distance of 25.11 feet to a point of curvature;
2. 239.39 feet along the arc of a curve concave to the Southeast, having a radius of 262.64 feet, a central angle of 52°13'25", and a long chord bearing S 64°07'41" W a distance of 231.19 feet;
3. S 38°00'59" W a distance of 121.35 feet;

thence leaving the Westerly boundary line of said Block 10, N 51°59'01" W a distance of 15.00 feet;

thence N 38°00'59" E a distance of 121.35 feet;

thence 253.06 feet along the arc of a curve concave to the Southeast, having a radius of 277.64 feet, a central angle of 52°13'25", and a long chord bearing N 64°07'41" E a distance of 244.39 feet;

thence S 89°45'36" E a distance of 25.11 feet;

thence S 00°14'24" W a distance of 15.00 feet to the Point of Beginning.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2003-109 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

PASSED and ADOPTED this 6th day of August, 2003

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT**Recitals.**

A. First Congregational Church, hereinafter referred to as the Petitioner or Church, represents that it is a Colorado nonprofit corporation and that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

All of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, as recorded in Plat Book 7 at Page 93 in the office of the Mesa County Clerk and Recorder, also known as 1425 North 5th Street and identified by Mesa County Tax Schedule Number 2945-113-14-951.

B. Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to have the non-exclusive use for Church parking within the limits of the public rights-of-way described in subparagraphs (a) and (b), below, to wit:

(a) Kennedy Avenue Right-of-Way: Commencing at the Southeast corner of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7, Page 93, Reception Number 584521 in the office of the Mesa County Clerk and Recorder, and considering the line between the City Survey Monument set at the intersection of North Fifth Street and Kennedy Avenue and the City Survey Monument set at the intersection of North Fourth Street and Kennedy Avenue to bear N 89°42'00" W a distance of 448.73 feet, with all bearings contained herein being relative thereto;
thence N 89°42'00" W along the South boundary line of said Block 10 a distance of 156.82 feet to the True Point of Beginning;
thence N 89°42'00" W along the South boundary line of said Block 10 a distance of 196.00 feet;
thence leaving the South boundary line of said Block 10, S 00°18'00" W a distance of 15.00 feet;
thence S 89°42'00" E a distance of 196.00 feet;
thence N 00°18'00" E a distance of 15.00 feet to the Point of Beginning.

(b) Elm Court Right-of-Way: Commencing at the Northeast corner of Block 10, Sherwood Addition Revised Plat of Blocks 6 to 14 and the Subdivision of Blocks 6 and 7 into Lots, situate in the Southwest $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7, Page 93, Reception Number 584521 in the office of the Mesa County Clerk and Recorder, and considering the line between the City Survey Monument set at the intersection of North Fifth Street and Kennedy Avenue and the City Survey Monument set at the intersection of North Fourth Street and Kennedy Avenue to bear N 89°42'00" W a distance of 448.73 feet, with all bearings contained

herein being relative thereto; thence N 89°45'36" W along the North boundary line of said Block 10 a distance of 58.00 feet to the True Point of Beginning;
thence along the Northerly and Westerly boundary line of said Block 10 the following three (3) courses:

4. N 89°45'36" W a distance of 25.11 feet to a point of curvature;
5. 239.39 feet along the arc of a curve concave to the Southeast, having a radius of 262.64 feet, a central angle of 52°13'25", and a long chord bearing S 64°07'41" W a distance of 231.19 feet;
6. S 38°00'59" W a distance of 121.35 feet;

thence leaving the Westerly boundary line of said Block 10, N 51°59'01" W a distance of 15.00 feet;

thence N 38°00'59" E a distance of 121.35 feet;

thence 253.06 feet along the arc of a curve concave to the Southeast, having a radius of 277.64 feet, a central angle of 52°13'25", and a long chord bearing N 64°07'41" E a distance of 244.39 feet;

thence S 89°45'36" E a distance of 25.11 feet;

thence S 00°14'24" W a distance of 15.00 feet to the Point of Beginning.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2003-109 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

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

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

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of

the Petitioner's, or the guests', invitees' and/or members' of Petitioner, occupancy, possession or use of said public rights-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

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

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

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

Dated this _____ day of _____, 2003.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner,
First Congregational Church,
a Colorado nonprofit corporation:

By _____
Chairman of the Board of Trustees

AGREEMENT

First Congregational Church, Petitioner, representing itself to be a Colorado nonprofit corporation, for itself and for its successors, members, guests, invitees and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents and with respect to all claims and causes of action, as provided for in the approving resolution and Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public rights-of-way to the City of Grand Junction;
- (d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public rights-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2003.

First Congregational Church,
a Colorado nonprofit corporation:

By _____
Chairman of the Board of Trustees

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2003, by _____ as Chairman of the Board of Trustees of First Congregational Church, a Colorado nonprofit corporation.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

Attach 11
Energy and Mineral Impact Assistance Grant
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Energy and Mineral Impact Assistance Grant for the Grand Junction Fire Station in the Redlands					
Meeting Date	August 6, 2003					
Date Prepared	July 25, 2003				File #	
Author	Jamie B. Kreiling			Staff Attorney		
Presenter Name	Jamie B. Kreiling and Rick Beaty			Staff Attorney and Fire Chief		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
						<input checked="" type="checkbox"/> Individual Consideration

Summary: The City of Grand Junction has been approved for a grant from the Department of Local Affairs' Energy and Mineral Impact Assistance Program. The City is approved to receive up to \$300,000.00 for the designing, construction, equipping, and furnishing of the fire station in the Redlands.

Budget: Receipt of the grant was already considered in the approved budget.

Action Requested/Recommendation: Authorize the Mayor to Sign the Contract Accepting the Grant from the State of Colorado Energy/Mineral Impact Assistance Program

Attachments: Contract

Background Information: Under the terms of the Grant agreement, the City is to build a full service fire station of approximately 8,500 square feet in the Redlands for services for the Redlands and the Grand Junction Rural Fire Protection District. These funds will assist the City in building the fire station.

EIAF #4445 – Grand Junction Fire Station

Contract Routing #
Vendor #
CFDA # N/A

<p>GRANT CONTRACT ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM</p>

THIS CONTRACT, made by and between the State of Colorado for the use and benefit of the Department of Local Affairs, 1313 Sherman Street, Denver, Colorado 80203 hereinafter referred to as the State, and City of Grand Junction, 250 North 5th Street, Grand Junction, Colorado 81501, hereinafter referred to as the Contractor.

WHEREAS, authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment in Fund Number 153, Appropriation Code Number 128, Org. Unit FA00, GBL _____, Contract Encumbrance Number F04MLG4445; and

WHEREAS, required approval, clearance and coordination have been accomplished from and with appropriate agencies; and

WHEREAS, the State desires to assist political subdivisions of the state and state agencies that are experiencing social and economic impacts resulting from the development, processing, or energy conversion of minerals or mineral fuels; and

WHEREAS, pursuant to sections 34-63-102, C.R.S., the Local Government Mineral Impact Fund has been created, which fund is administered by the Department of Local Affairs, herein referred to as the "Department" through the Energy and Mineral Impact Assistance program; and

WHEREAS, pursuant to section 34-63-102(5)(a)(I), C.R.S., the Executive Director of the Department is authorized to make grants from the Local Government Mineral Impact Fund to political subdivisions, including public schools, for the planning, construction and maintenance of public facilities and for public services; and

WHEREAS, the Contractor, a political subdivision or state agency eligible to receive Energy and Mineral Impact Assistance funding, has applied to the Department for assistance; and

WHEREAS, the Executive Director of the Department desires to distribute said funds pursuant to law; and

WHEREAS, the Executive Director wishes to provide assistance in the form of a grant from the Local Government Mineral Impact Fund to the Contractor for the Project upon mutually agreeable terms and conditions as hereinafter set forth;

NOW THEREFORE, it is hereby agreed that:

- 1. Scope of Services.** In consideration for the monies to be received from the State, the Contractor shall do, perform, and carry out, in a satisfactory and proper manner, as determined by the State, all work elements as indicated in the "Scope of Services," set forth in the attached Exhibit A, herein referred to as the "Project." Costs incurred prior to the date of execution of this Contract by the State Controller or designee shall not be reimbursed by the State unless specifically allowed in the "Project Description, Objectives and Requirements" section of Exhibit A.
- 2. Responsible Administrator.** The performance of the services required hereunder shall be under the direct supervision of Kelly Arnold an employee or agent of the Contractor, who is hereby designated as the responsible administrator of the Project. At any time the Contractor wishes to change the responsible administrator, the Contractor shall propose and seek the State's approval of such replacement responsible administrator. The State's approval shall be evidenced through a Unilateral Contract Amendment to this contract initiated by the State as set forth in paragraph 8.b) of this Contract. Until such time as the State concurs in the replacement responsible administrator, the State may direct that Project work be suspended.
- 3. Time of Performance.** This Contract shall become effective upon the date of proper execution of this Contract by the State Controller or designee. The Project contemplated herein shall commence as soon as practicable after the execution of this Contract and shall be undertaken and performed as set forth in the "Time of Performance" section of Exhibit A. Expenses incurred by the Contractor in association with the Project prior to execution of this Contract by the State Controller or designee shall not be considered eligible expenditures for reimbursement by the State unless specifically allowed in the "Project Description, Objectives and Requirements" section of Exhibit A. The Contractor agrees that time is of the essence in the performance of its obligations under this Contract and that completion of the Project shall occur no later than the completion date set forth in the "Time of Performance" section of Exhibit A.
- 4. Authority to Enter into Contract and Proceed with Project.** The Contractor assures and warrants that it possesses the legal authority to enter into this Contract. The person signing and executing this Contract on behalf of the Contractor does hereby warrant and guarantee that he/she has full authorization to execute this Contract. In addition, the Contractor represents and warrants that it currently has the legal authority to proceed with the Project. Furthermore, if the nature or structure of the Project is such that a decision by the electorate is

required, the Contractor represents and warrants that it has held such an election and secured the voter approval necessary to allow the Project to proceed

5. Compensation and Method of Payment: Grant. In consideration for the work and services to be performed hereunder, the State agrees to provide to the Contractor a grant from the Local Government Mineral Impact Fund in an amount not to exceed THREE HUNDRED THOUSAND AND NO/100 ----- Dollars (\$300,000.00). The method and time of payment of such grant funds shall be made in accordance with the "Payment Schedule" set forth in Exhibit A.

6. Reversion of Excess Funds to the State.

a) Any State funds paid to the Contractor and not expended in connection with the Project shall be remitted to the State upon completion of the Project or a determination by the State that the Project will not be completed. Any State funds not required for completion of the Project will be deobligated by the State.

b) It is expressly understood that if the Contractor receives funds from this Contract in excess of its fiscal year spending limit, all such excess funds from this Contract shall revert to the State. Under no circumstances shall excess funds from this Contract be refunded to other parties.

7. Financial Management and Budget. At all times from the effective date of this Contract until completion of the Project, the Contractor shall maintain properly segregated accounts of State funds, matching funds, and other funds associated with the Project. All receipts and expenditures associated with the Project shall be documented in a detailed and specific manner, and shall be in accordance with the "Budget" section set forth in Exhibit A. Contractor may adjust individual budgeted expenditure amounts without approval of the State provided that no budget transfers to or between administration budget categories are proposed and provided that cumulative budgetary line item changes do not exceed Twenty Thousand Dollars (\$20,000.00), unless otherwise specified in the "Budget" section of Exhibit A. Any budgetary modifications that exceed these limitations must be approved by the State through a Bilateral Contract Amendment as set forth in Paragraph 8.c).

8. Modification and Amendment.

a) **Modification by Operation of Law.** This Contract is subject to such modifications as may be necessitated by changes in federal or state law or requirements. Any such required modifications shall be incorporated into and be part of this Contract as if fully set forth herein.

b) **Unilateral Amendment.** The State may unilaterally modify the following portions of this Contract when such modifications are requested by the Contractor or determined by the State to be necessary and appropriate. In such cases, the Amendment is binding upon proper execution of the Amendment by the State Controller's designee and without the signature of the Contractor.

- i) Paragraph 2 of this Contract, "Responsible Administrator";
- ii) Paragraph 3 of Exhibit A, Scope of Services "Time of Performance";
- iii) Paragraph 5 of Exhibit A, Scope of Services "Remit Address";
- iv) Paragraph 6 of Exhibit A, Scope of Services "Payment Schedule";
- v) Paragraph 22 of this Contract if applicable, Repayment of Loan, and Exhibit B, Loan Repayment Schedule

Contractor must submit a written request to the Department if modifications are required. Amendments to this Contract for the provisions outlined in this Paragraph 8 b. i) through v): Responsible Administrator, Time of Performance, Remit Address, Payment Schedule, or Repayment of Loan and Loan Repayment Schedule can be executed by the State (Exhibit C1).

c) **Bilateral Amendment.** In the following circumstances, modifications shall be made by an Amendment signed by the Contractor, the Executive Director of the Department and the State Controller's designee. Such Amendments must be executed by the Contractor then the State and are binding upon proper execution by the State Controller's designee.

- i) unless otherwise specified in the "Budget" section of Exhibit A, when cumulative budgetary line item changes exceed Twenty Thousand Dollars (\$20,000.00);
- ii) unless otherwise specified in the "Budget" section of Exhibit A, when any budget transfers to or between administration budgetary categories are proposed;
- iii) when any other material modifications, as determined by the State, are proposed to Exhibit A or any other Exhibits;
- iv) when additional or less funding is needed and approved and modifications are required to Paragraph 5 of this Contract, "Compensation and Method of Payment" as well as to Exhibit A "Budget" and "Payment Schedule";
- v) when there are additional federal or state statutory or regulatory compliance changes in accordance with Paragraph 20 of this Contract.

Such Bilateral Amendment may also incorporate any modifications allowed to be made by Unilateral Amendment as set forth in subparagraph 8.b) of this paragraph.

Upon proper execution and approval, such Amendment (Exhibit C2) shall become an amendment to the Contract, effective on the date specified in the amendment. No such amendment shall be valid until approved by the State Controller or such assistant as he may designate. All other modifications to this Contract must be accomplished through amendment to the contract pursuant to fiscal rules and in accordance with subparagraph 8 d).

d) **Other Modifications.** If either the State or the Contractor desired to modify the terms of this Contract other than as set forth in subparagraphs b) and c) above, written notice of the proposed modification shall be given to the other party. No such modification shall take effect unless agreed to in writing by both parties in an amendment to this Contract properly executed and approved in accordance with applicable law. Any amendment required per this subparagraph will require the approval of other state agencies as appropriate, e.g. Attorney General, State Controller, etc.

Such Amendment may also incorporate any modifications allowed to be made by Unilateral and Bilateral Amendment as set forth in subparagraphs 8.b) or 8.c) of this paragraph.

9. Audit.

a) **Discretionary Audit.** The State, through the Executive Director of the Department, the State Auditor, or any of their duly authorized representatives and the federal government or any of its duly authorized representatives shall have the right to inspect, examine and audit the Contractor's and any subcontractor's records, books, accounts and other relevant documents. For the purposes of discretionary audit, the State specifically reserves the right to hire an independent Certified Public Accountant of the State's choosing. A discretionary audit may be requested at any time and for any reason from the effective date of this Contract until five (5) years after the date of final payment for this Project is received by the Contractor, provided that the audit is performed during normal business hours.

b) **Mandatory Audit.** Whether or not the State or the federal government calls for a discretionary audit as provided above, the Contractor shall include the Project in its annual audit report as required by the Colorado Local Government Audit Law, 29-1-601, et seq., C.R.S., and State implementing rules and regulations. Such audit reports shall be simultaneously submitted to the Department and the State Auditor. Thereafter, the Contractor shall supply the Department with copies of all correspondence from the State Auditor related to the relevant audit report. If the audit reveals evidence of non-compliance with applicable requirements, the Department reserves the right to institute compliance or other appropriate proceedings notwithstanding any other judicial or administrative actions filed pursuant to 29-1-607 or 29-1-608, C.R.S.

10. **Conflict of Interest.** The Contractor shall comply with the provisions of 18-8-308 and 24-18-101 through 24-18-109, C.R.S.

11. **Contract Suspension.** If the Contractor fails to comply with any contractual provision, the State may, after notice to the Contractor, suspend the Contract and withhold further payments or prohibit the Contractor from incurring additional obligations of contractual funds, pending corrective action by the Contractor or a decision to

terminate in accordance with provisions herein. The State may determine to allow such necessary and proper costs which the Contractor could not reasonably avoid during the period of suspension provided such costs were necessary and reasonable for the conduct of the Project.

12. Contract Termination. This Contract may be terminated as follows:

a) **Termination Due to Loss of Funding.** The parties hereto expressly recognize that the Contractor is to be paid, reimbursed, or otherwise compensated with funds provided to the State for the purpose of contracting for the services provided for herein, and therefore, the Contractor expressly understands and agrees that all its rights, demands and claims to compensation arising under this Contract are contingent upon receipt of such funds by the State. In the event that such funds or any part thereof are not received by the State, the State may immediately terminate or amend this Contract.

b) **Termination for Cause.** If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligations under this Contract, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, the State shall thereupon have the right to terminate this Contract for cause by giving written notice to the Contractor of such termination and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the Contractor under this Contract shall, at the option of the State, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Notwithstanding the above, the Contractor shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the Contract by the Contractor, and the State may withhold any payments to the Contractor for the purpose of offset until such time as the exact amount of damages due the State from the Contractor is determined.

c) **Termination for Convenience.** The State may terminate this Contract at any time the State desires. The State shall effect such termination by giving written notice of termination to the Contractor and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. All finished or unfinished documents and other materials as described in subparagraph 12.b) above shall, at the option of the State, become its property. If the Contract is terminated by the State as provided herein, the Contractor will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Contractor covered by this Contract, less payments of compensation previously made; provided, however, that if less than sixty percent (60%) of the services covered by this Contract have been performed upon the effective date of such termination, the Contractor shall be reimbursed (in addition to the above payment) for that portion of the actual out-of-pocket expenses (not otherwise reimbursed under this Contract) incurred by the Contractor during the Contract period which are directly attributable to the uncompleted portion of the services covered by this Contract.

13. Integration. This Contract, as written, with attachments and references, is intended as the complete integration of all understandings between the parties at this time and no prior or contemporaneous addition, deletion or modification hereto shall have any force or effect whatsoever, unless embodied in a written authorization or contract amendment incorporating such changes, executed and approved pursuant to paragraph 8 of this Contract and applicable law.

14. Severability. To the extent that this Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the Contract, the terms of this Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as waiver of any other term nor as waiver of a subsequent breach of the same term.

15. Binding on Successors. Except as herein otherwise provided, this agreement shall inure to the benefit of and be binding upon the parties, or any subcontractors hereto, and their respective successors and assigns.

16. Assignment. Neither party, nor any subcontractors hereto, may assign its rights or duties under this Contract without the prior written consent of the other party. No subcontract or transfer of Contract shall in any case release the Contractor of responsibilities under this Contract.

17. Survival of Certain Contract Terms. Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this Contract and the exhibits and attachments hereto which may require continued performance or compliance beyond the termination date of the Contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Contractor or its subcontractors.

18. Successor in Interest. In the event the Contractor is an entity formed under intergovernmental agreement and the project is for the acquisition, construction or reconstruction of real or personal property to be used as a public facility or to provide a public service, the Contractor warrants that it has established protections that ensure that, in the event the Contractor entity ceases to exist, ownership of the property acquired or improved shall pass to a constituent local government or other eligible governmental successor in interest, or other successor if specifically authorized in Exhibit A, so that the property can continue to be used as a public facility or to provide a public service.

19. Non-Discrimination. The Contractor agrees to comply with the letter and the spirit of all applicable state and federal laws and requirements with respect to discrimination and unfair employment practices.

20. Compliance with Applicable Laws. At all times during the performance of this Contract, the Contractor shall strictly adhere to all applicable Federal and State laws that have been or may hereafter be established.

21. Order of Precedence. In the event of conflicts or inconsistencies between this contract and its exhibits or attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

- A. Colorado Special Provisions
- B. Contract
- C. The Scope of Services, Exhibit A

(For Use Only with Inter-Governmental Contracts)

1. CONTROLLER'S APPROVAL. CRS 24-30-202 (1)

This contract shall not be deemed valid until it has been approved by the Controller of the State of Colorado or such assistant as he may designate.

2. FUND AVAILABILITY. CRS 24-30-202 (5.5)

Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

3. INDEMNIFICATION.

To the extent authorized by law, the Contractor shall indemnify, save, and hold harmless the State against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.

No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, CRS 24-10-101 *et seq.* or the Federal Tort Claims Act, 28 U.S.C. 2671 *et seq.* as applicable, as now or hereafter amended.

4. INDEPENDENT CONTRACTOR. 4 CCR 801-2

THE CONTRACTOR SHALL PERFORM ITS DUTIES HEREUNDER AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE. NEITHER THE CONTRACTOR NOR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR SHALL BE OR SHALL BE DEEMED TO BE AN AGENT OR EMPLOYEE OF THE STATE. CONTRACTOR SHALL PAY WHEN DUE ALL REQUIRED EMPLOYMENT TAXES AND INCOME TAX AND LOCAL HEAD TAX ON ANY MONIES PAID BY THE STATE PURSUANT TO THIS CONTRACT. CONTRACTOR ACKNOWLEDGES THAT THE CONTRACTOR AND ITS EMPLOYEES ARE NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE CONTRACTOR OR THIRD PARTY PROVIDES SUCH COVERAGE AND THAT THE STATE DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. CONTRACTOR SHALL HAVE NO AUTHORIZATION, EXPRESS OR IMPLIED, TO BIND THE STATE TO ANY AGREEMENTS, LIABILITY, OR UNDERSTANDING EXCEPT AS EXPRESSLY SET FORTH HEREIN. CONTRACTOR SHALL PROVIDE AND KEEP IN FORCE WORKERS' COMPENSATION (AND PROVIDE PROOF OF SUCH INSURANCE WHEN REQUESTED BY THE STATE) AND UNEMPLOYMENT COMPENSATION INSURANCE IN THE AMOUNTS REQUIRED BY LAW, AND SHALL BE SOLELY RESPONSIBLE FOR THE ACTS OF THE CONTRACTOR, ITS EMPLOYEES AND AGENTS.

5. NON-DISCRIMINATION.

The Contractor agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

6. CHOICE OF LAW.

The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

At all times during the performance of this contract, the Contractor shall strictly adhere to all applicable federal and state laws, rules, and regulations that have been or may hereafter be established.

7. SOFTWARE PIRACY PROHIBITION. Governor's Executive Order D 002 00

No State or other public funds payable under this Contract shall be used for the acquisition, operation or maintenance of computer software in violation of United States copyright laws or applicable licensing restrictions. The Contractor hereby certifies that, for the term of this contract and any extensions, the Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that the Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this contract, including, without limitation, immediate termination of the contract and any remedy consistent with United States copyright laws or applicable licensing restrictions.

8. EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 & CRS 24-50-507

The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

Effective Date: July 1, 2003

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

CITY OF GRAND JUNCTION, COLORADO
Legal Name of Contracting Entity

846000592 C
Social Security Number or FEIN

Signature of Authorized Officer

MAYOR
Print Name & Title of Authorized Officer

STATE OF COLORADO:
BILL OWENS, GOVERNOR

By _____
Michael L. Beasley, Executive Director

Department of Local Affairs

PRE-APPROVED FORM CONTRACT REVIEWER:

CORPORATIONS:

(A corporate seal or attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

STATE CONTROLLER:
Arthur L. Barnhart

By _____
Rose Marie Auten, Controller
Department of Local Affairs

Date _____

Effective Date: July 1, 2003

EXHIBIT A
SCOPE OF SERVICES

EIAF #4445 – Grand Junction Fire**EXHIBIT A
SCOPE OF SERVICES****1. PROJECT DESCRIPTION, OBJECTIVES AND REQUIREMENTS**

The Project consists of constructing a new, full service fire station of approximately 8,500 square feet in the City of Grand Junction (Contractor). The station will be owned and operated by Grand Junction and provide service to the Redlands area of the city and to areas of the Grand Junction Rural Fire Protection District.

Eligible expenses include the costs of designing, constructing, equipping, and furnishing the fire station.

Energy and Mineral Impact Assistance funds in the amount of THREE HUNDRED THOUSAND AND XX/100 Dollars (\$ 300,000.00) are provided under this Contract to finance Project costs. The Contractor is expected to provide ONE MILLION TWO HUNDRED SEVEN THOUSAND FIVE HUNDRED TWENTY-TWO AND XX/100 Dollars (\$1,207,522.00) in Project financing, and, in any event, is responsible for all Project cost in excess of THREE HUNDRED THOUSAND AND XX/100 Dollars (\$ 300,000.00).

It is understood that the Energy and Mineral Impact Assistance funds provided under this Contract are Local Government Mineral Impact Funds, which are federal royalties received under provisions of the federal Mineral Lands Leasing Act.

Construction plans and specifications shall be drawn up by a Colorado licensed engineer and/or architect hired by the Contractor.

A construction contract shall be awarded to a qualified construction firm in accordance with Contractor's procurement process.

Copies of any and all contracts entered into by the Contractor in order to accomplish this Project shall be available to the Department of Local Affairs upon request. Any and all contracts entered into by the Contractor or any of its subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the City of Grand Junction, Colorado.

Contractor agrees to acknowledge the state Department of Local Affairs in any and all materials or events designed to promote or educate the public about the project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

2. ENERGY AND MINERAL IMPACT

Mesa County has a long history of economic boom and bust associated with mining and energy extraction. The oil shale boom of the late 1970s and early 1980s was significant and brought development to an area west of Grand Junction called the Redlands. The need for more urban

levels of service (including fire protection) to this area, is largely attributable to past and continuing energy and mineral development activity.

3. TIME OF PERFORMANCE

The Project shall commence upon the full and proper execution of this Contract and shall be completed on or before August 31, 2004. However, in accordance with paragraph 8.b. or 8.c. contained within the main body of this Contract, the Project time of performance may be extended by a Contract Amendment. To initiate this process, a written request shall be submitted to the State by the Contractor at least thirty (30) days prior to August 31, 2004 and shall include a full justification for the time extension.

EIAF #4445 – Grand Junction Fire

4. BUDGET

Revenues

Expenditures

Energy/Mineral Impact - GRANT	\$300,000	Design	\$130,000
Contractor Funds	<u>1,207,522</u>	Construction/Renovation	1,177,522
		Equipment/Furnishings	<u>200,000</u>
	Total \$1,507,522		Total \$1,507,522

5. REMIT ADDRESS:

250 N. 5th Street
G.J., CO 81501

6. PAYMENT SCHEDULE

Grant Payments

- \$30,000 Initial payment to be made within thirty (30) days of the date of execution of this Contract.
- 255,000 In interim payments reimbursing the Contractor for actual expenditures made in the performance of this Contract. Payments shall be based upon properly documented financial and narrative status reports detailing expenditures made to date.

15,000

Final payment to be made upon the completion of the Project and submission of final financial and narrative status reports documenting

the expenditure of all Energy/Mineral Impact Assistance funds for which payment has been requested.

\$300,000

Total

7. **CONTRACT MONITORING**

The State shall monitor this Contract on an as-needed basis.

8. **REPORTING SCHEDULE**

At the time Contractor initiates payment requests, the Contractor shall submit financial and narrative status reports detailing Project progress and properly documenting all to-date expenditures of Energy and Mineral Impact Assistance funds.

**Attach 12
Public Hearing – Create Sanitary Sewer Improvement District
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	(A) Public Hearing and Proposed Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-45-03. (B) Award construction contract.					
Meeting Date	August 6, 2003					
Date Prepared	July 25, 2003				File #	
Author	Rick Marcus		Real Estate Technician			
Presenter Name	Mark Relph		Director of Public Works & Utilities			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
Workshop	X		Formal Agenda		Consent	X Individual Consideration

Summary: A majority of the owners of real estate located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road, have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Budget: Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$107,365.83. Sufficient funds have been transferred from Fund 902, the sewer system “general fund”, to pay for these costs. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 9 benefiting properties, as follows:

Estimated Project Costs	\$105,366	\$11,707 / lot
-30% Septic System Elimination Contribution by City	(\$31,610)	(\$3,579) / lot
Total Estimated Assessments	\$73,756	\$8,195 / lot

The following bids were received for both components:

MA Concrete Construction	\$91,353
Skyline Contracting	\$93,763
Sorter Construction	\$97,456
Parker Excavating	\$214,938
Engineer’s Estimate	\$107,236

In 1997, Trunk Line Extension Funds were used to extend sewer close to this sewer improvement district. Therefore, the Trunk Line Extension fund will be reimbursed by a Trunk Line Extension Fee to be paid when each property connects to the sewer system. The Trunk Line Extension Fee varies depending on the size of each property, as follows:

- \$1,000 for properties smaller than 1/3 acre
- \$1,500 for properties less than 1 acre but equal to or more than 1/3 acre
- \$1,750 for properties containing one or more acres

Action Requested/Recommendation: Pass and adopt proposed resolution declaring the intention of the City Council to create Sanitary Sewer Improvement District No. SS-45-03 AND Authorize the City Manager to enter into a construction contract with MA Concrete of Grand Junction in the amount of \$91,353.

Attachments: Vicinity map, ownership summary, and proposed resolution.

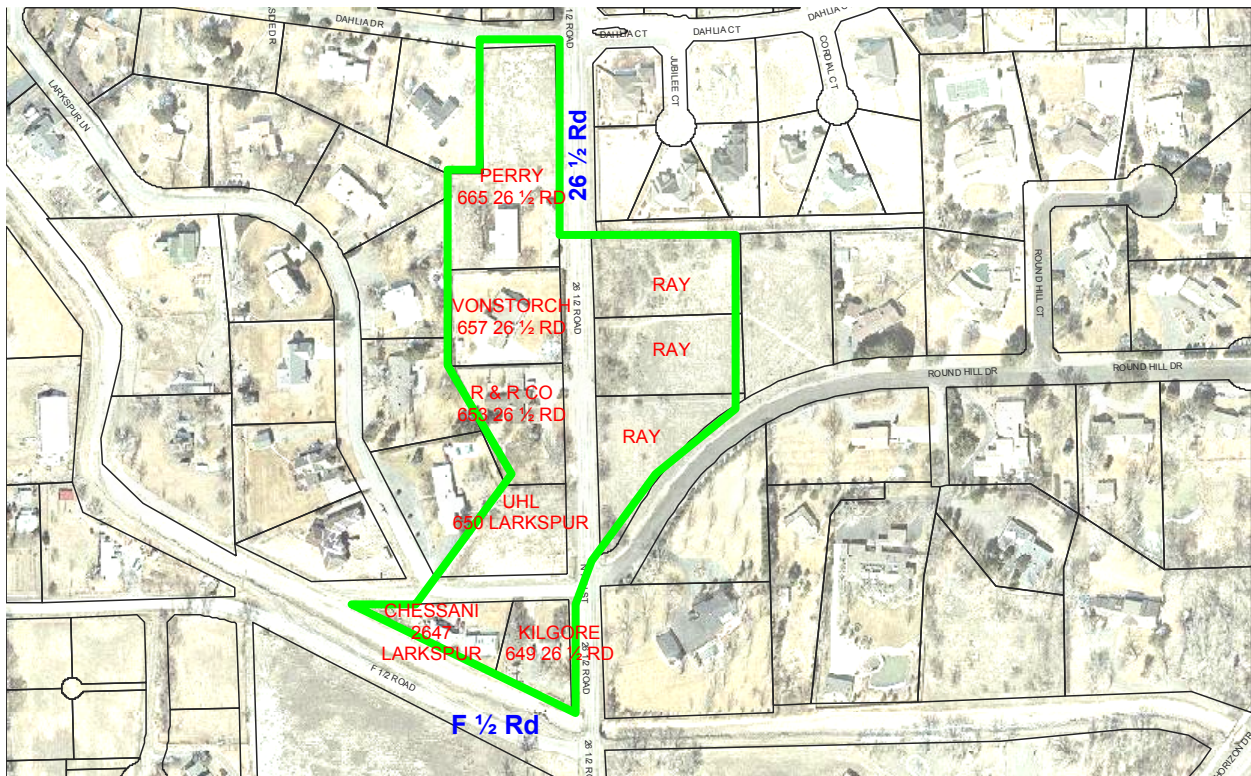
Background Information: This project will be constructed under the Septic System Elimination Program that was adopted by City Council and Mesa County Commissioners in May of 2003. This program encourages neighborhoods to form sewer improvement districts such as this one by providing financing for the project as well as underwriting 30% of the costs to extend sewer service to their property lines. By the end of 2003, the Septic System Elimination Program will have extended sewer to 804 properties over the last three years (not including this district).

The proposed improvement district consists of nine single-family properties of which five are connected to septic systems. Sixty-seven percent of the property owners have signed a petition requesting that this improvement district be created. People's Ordinance No. 33 authorizes the City Council to create improvement districts when requested by a majority of the owners of real estate to be assessed.

Creation of this proposed improvement district will require 7 temporary construction easements across properties included in this district. On August 6, 2003, the City Council will conduct a public hearing and consider a resolution to create this proposed improvement district.

BOUNDARY OF THE PROPOSED 26 1/2 ROAD SANITARY SEWER IMPROVEMENT DISTRICT

NORTH



OWNERSHIP SUMMARY

**PROPOSED 26 ½ ROAD
SANITARY SEWER IMPROVEMENT DISTRICT
No. SS-45-03**

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQ.?
2945-022-00-050	L. Lucille Perry, Trustee	665 26 ½ Road	Temporary
2945-022-00-030	• Virginia von Storch, Trustee	657 26 ½ Road	Temporary
2945-022-10-011	• The R & R Company	653 26 ½ Road	Temporary
2945-022-10-013	• Robert W. & Nancy L. Uhl	650 Larkspur Lane	Temporary
2945-021-06-010	• Cecily Ray	Vacant	Temporary
2945-021-06-011	• Cecily Ray	Vacant	Temporary
2945-021-06-012	• Cecily Ray	Vacant	Temporary
2945-023-12-002	Ben & Cheryl Kilgore	649 26 ½ Road	No
2945-023-12-001	Christopher Chessani	2647 Larkspur Lane	No

- Indicates Property Owners Signing Petition = 6 of 9 owners or 67%

RESOLUTION NO. _____**CREATING AND ESTABLISHING
SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-45-03,
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AND AUTHORIZING THE INSTALLATION OF SANITARY SEWER
FACILITIES AND ADOPTING PLANS AND SPECIFICATIONS FOR THE SAME.**

WHEREAS, on the 2nd day of July, 2003, the City Council passed Resolution No. 59-03 declaring its intention to create Sanitary Sewer Improvement District No. SS-45-03, authorizing the City Engineer to prepare full details, plans and specifications for the installation of sanitary sewer improvements together with a map of the district lands to be assessed, and authorizing a Notice of Intention to Create said district; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given and has filed such specifications and map, all in accordance with said Resolution No. 59-03 and the requirements of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33; and

WHEREAS, the Notice of Intention to Create Sanitary Sewer Improvement District No. SS-45-03 was duly published as authorized by said Resolution No. 59-03.

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

1. That the details, plans and specifications and the map of the district lands prepared by the City Engineer are hereby approved and adopted.
2. That said Sanitary Sewer Improvement District No. SS-45-03 be, and the same is hereby, created and established; that the installation of certain sanitary sewer improvements therein be, and the same are hereby, authorized and directed in accordance with Chapter 28 of the Code of Ordinances, as amended, City Ordinance No. 178, as amended, and People's Ordinance No. 33.
3. That the installation of improvements for Sanitary Sewer Improvement District No. SS-45-03 shall be made by contract let to the lowest reliable and responsible bidder after public advertisement; except, that if it is determined by the City Council that the bids are too high, and that the authorized improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary materials, supplies and equipment.
4. That the improvements in said Sanitary Sewer Improvement District No. SS-45-03 were duly ordered, after notice duly given, and that all conditions precedent and all

requirements of the laws of the State of Colorado, the Charter of said City, Ordinance No. 178, as amended, and People's Ordinance No. 33, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

5. That the description of the improvements to be constructed, the boundaries of said Sanitary Sewer Improvement District No. SS-45-03, the amounts estimated to be assessed, the number of installments and assessments, the time in which the costs shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such costs, shall be as prescribed in Resolution No. 59-03 adopted for said District on the 2nd day of July, 2003, and in accordance with the published Notice of Intention to Create said District.

Dated at Grand Junction, Colorado, this 6th day of August, 2003

**BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO**

By: _____
City Clerk

PASSED and ADOPTED this 6th day of August, 2003

President of the Council

Attest:

City Clerk

Attach 14**Public Hearing – Amending Sp. Assess. & Levying Ordinances
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Rimrock Amendment to Ordinance 3532 & 3533					
Meeting Date	August 6, 2003					
Date Prepared	July 31, 2003				File #	
Author	Ron Lappi		Admin Services & Finance Director			
Presenter Name	Ron Lappi		Admin Services & Finance Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: 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.

Budget: No impact.

Action Requested/Recommendation: 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.

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: Consideration of final passage.

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 15
Public Hearing – Carville Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Public hearing for acceptance of petition and annexation ordinance for the Carville Annexation, located at 2675 Hwy 50.					
Meeting Date		August 6, 2003					
Date Prepared		July 28, 2003			File # ANX-2003-116		
Author		Senta Costello		Associate Planner			
Presenter Name		Senta Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Carville Annexation, located at 2675 Hwy 50. The 19.93 acre annexation consists of one parcel of land.

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 second reading of the annexation ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

<i>STAFF REPORT/BACKGROUND INFORMATION</i>					
Location:		2675 Hwy 50			
Applicants:		Royce J. Carville			
Existing Land Use:		<i>Agricultural</i>			
Proposed Land Use:		<i>Commercial/Residential</i>			
Surrounding Land Use:	North	<i>Single Family Residential – 5.54 units/acre/Mobile Home Park/Commercial/Agricultural</i>			
	South	School/Cimarron Mesa Sub – 3.47 units/acre			
	East	Commercial			
	West	Agricultural			
Existing Zoning:		County C-1/RSF-4			
Proposed Zoning:		City C-1/RSF-4			
Surrounding Zoning:	North	<i>RMF-8/C-1/PD</i>			
	South	RSF-4			
	East	County B-1			
	West	County RSF-4/City PD			
Growth Plan Designation:		Commercial/Residential Medium Low 2-4 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:**ANNEXATION:**

This annexation area consists of 19.93 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of wishing to subdivide the property. 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 Carville Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

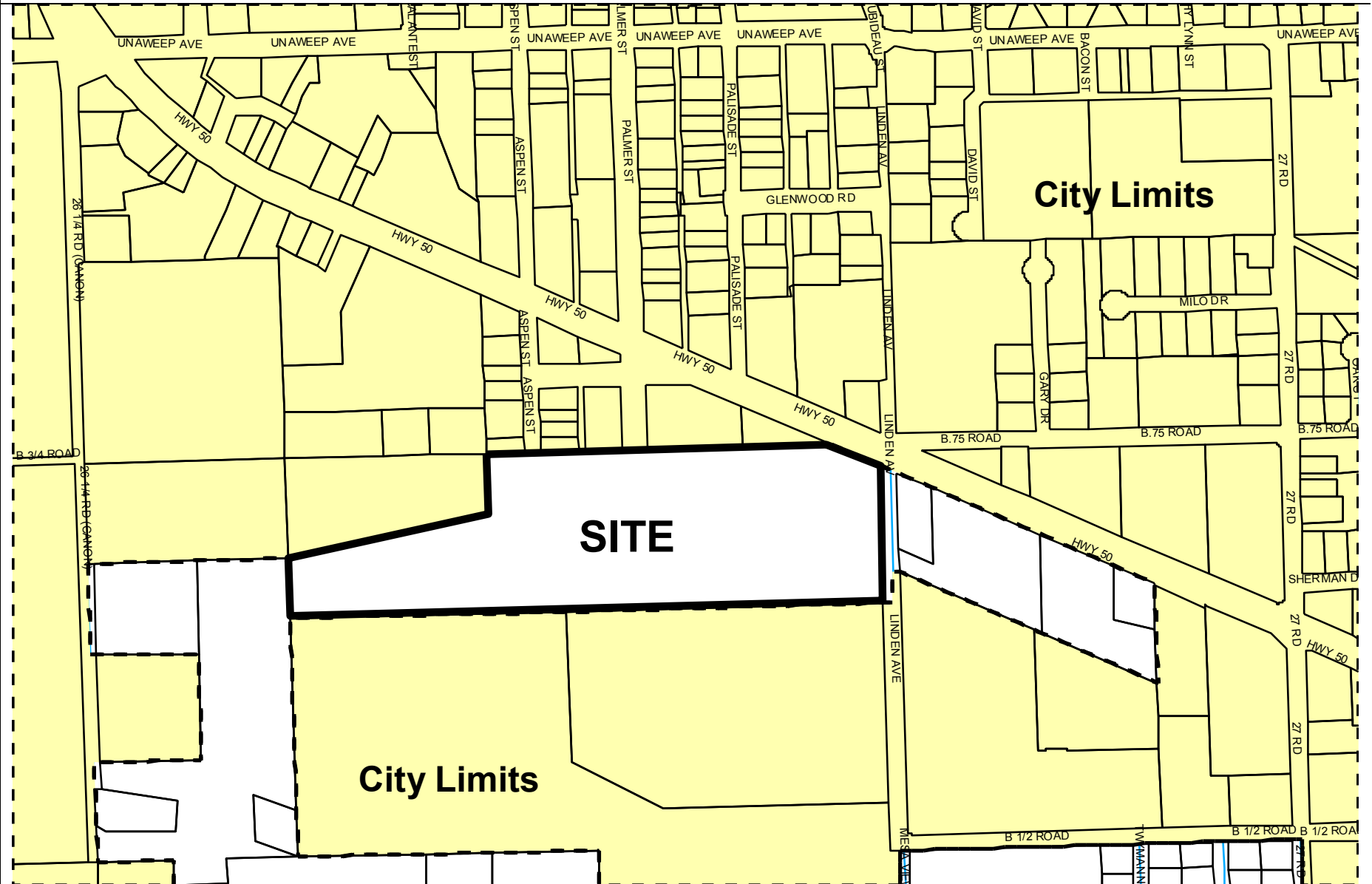
The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
Jun 16, 2003	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Jul 22, 2003	Planning Commission considers Zone of Annexation
Aug 6, 2003	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
Aug 20, 2003	Zoning by City Council
Sept 7, 2003	Effective date of Annexation and Zoning

CARVILLE ANNEXATION SUMMARY	
File Number:	ANX-2003-116
Location:	2675 Hwy 50
Tax ID Number:	2945-261-00-042
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	19.93 acres
Developable Acres Remaining:	19.93 acres
Right-of-way in Annexation:	0.00
Previous County Zoning:	County C-1/RSF-4
Proposed City Zoning:	City C-1/RSF-4
Current Land Use:	<i>Agricultural</i>
Future Land Use:	<i>Commercial/Residential</i>
Values:	Assessed: = \$2,430
	Actual: = \$8,390
Address Ranges:	2675 Hwy 50
Special Districts:	Water: Ute Water
	Sewer: Orchard Mesa Sanitation District
	Fire: City Fire
	Irrigation/ Drainage: Orchard Mesa Irrigation District
	School: District 51

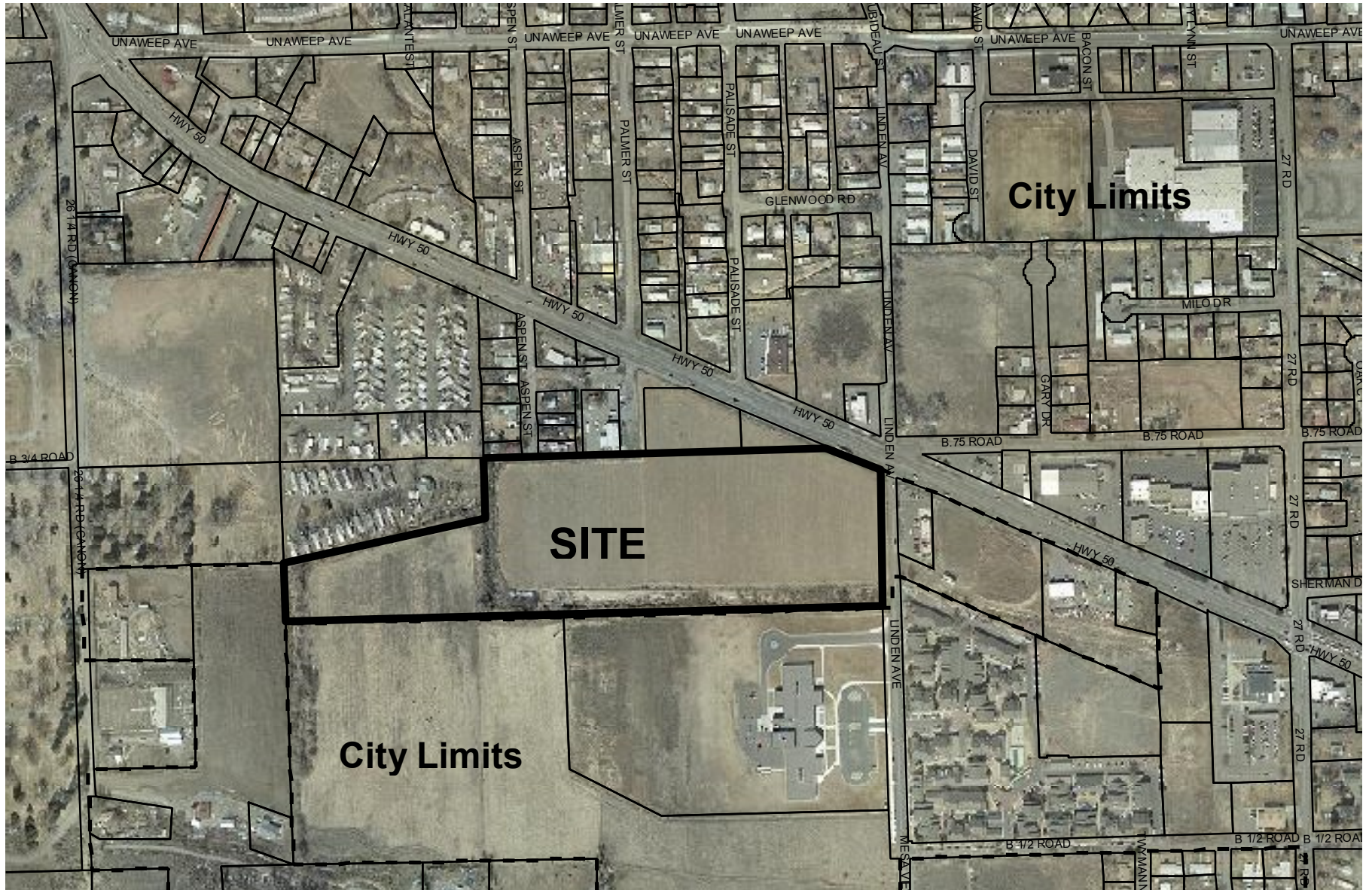
Site Location Map

Figure 1



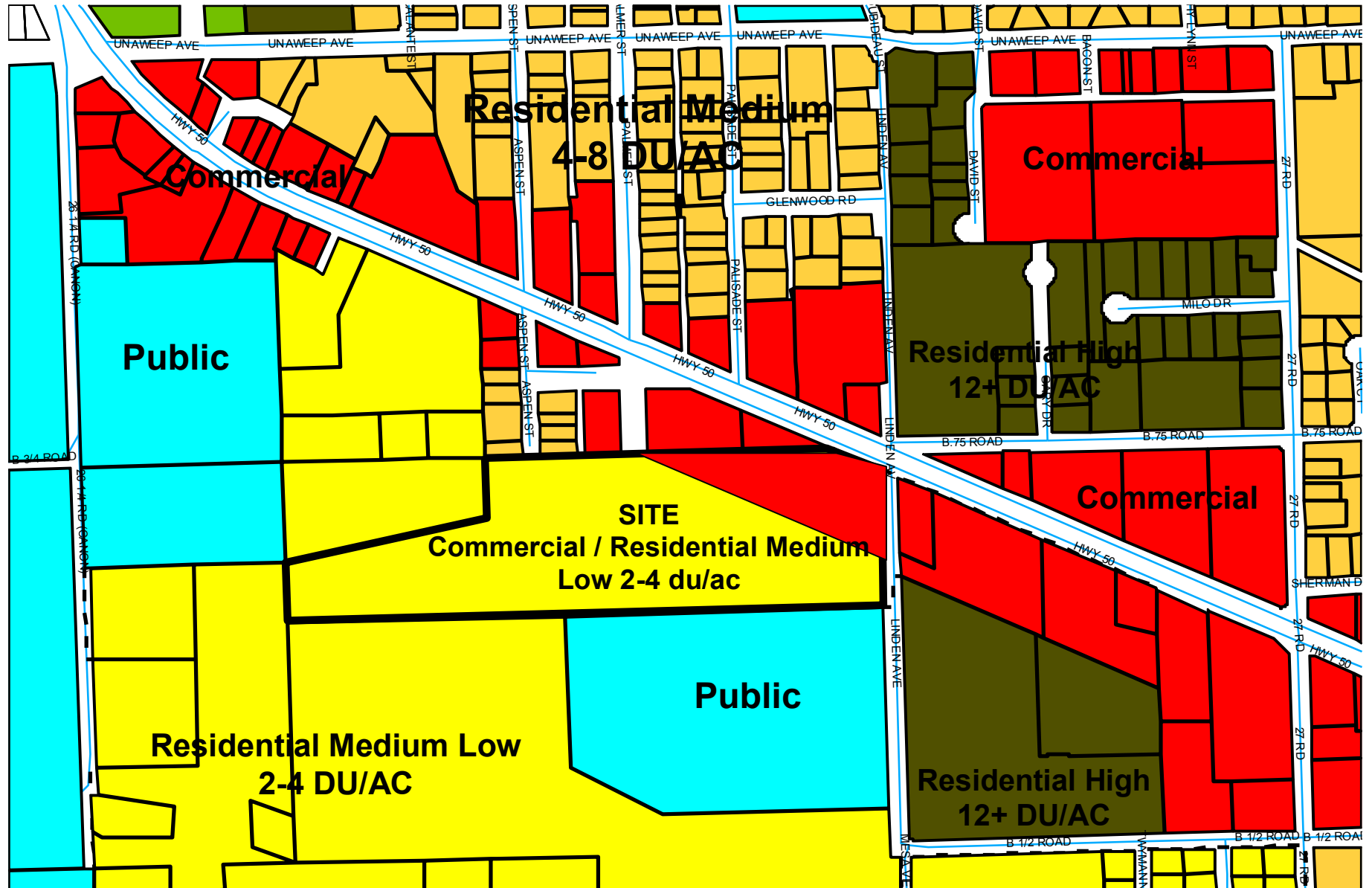
Aerial Photo Map

Figure 2



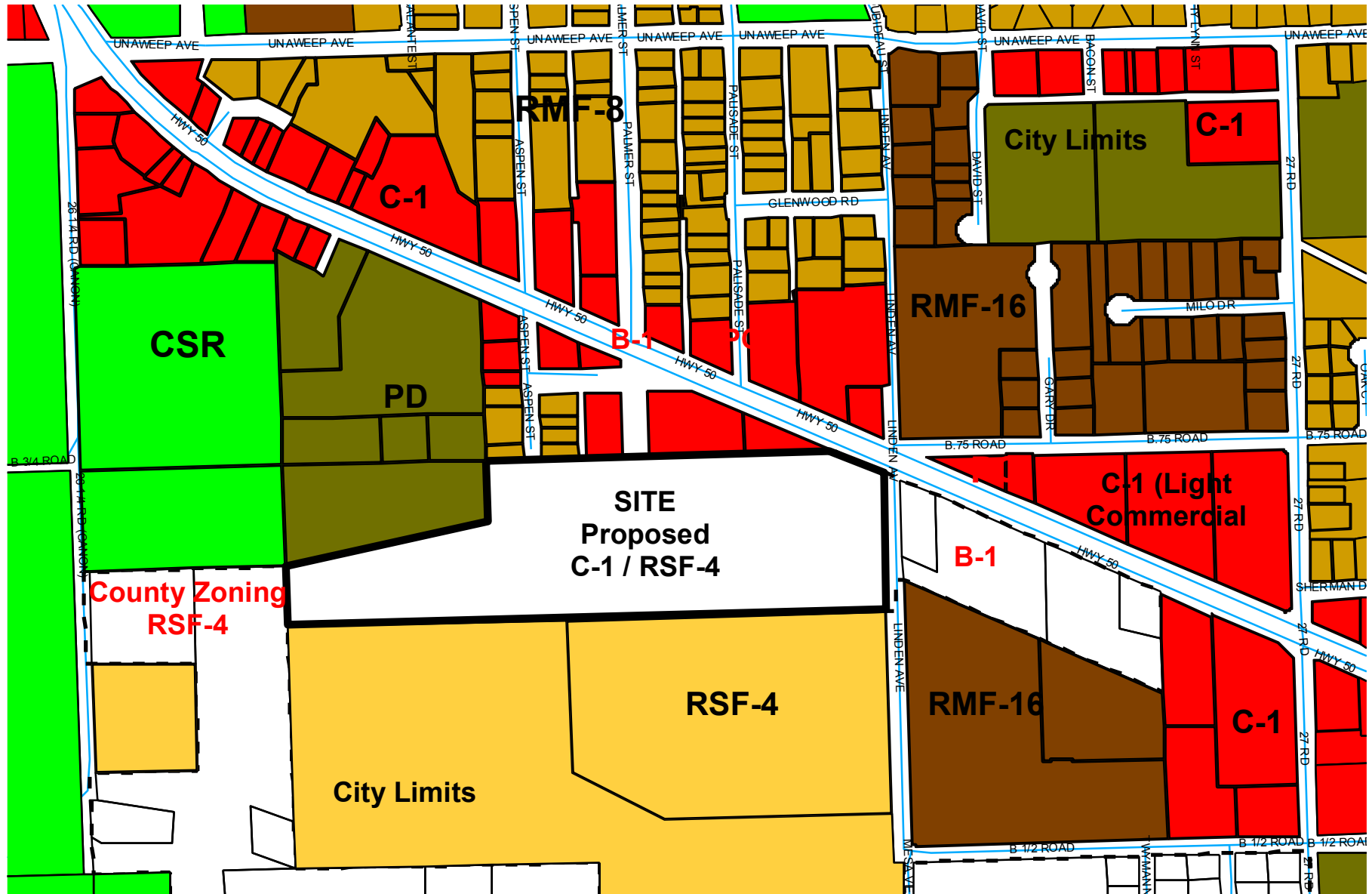
Future Land Use Map

Figure 3



Existing City and County Zoning

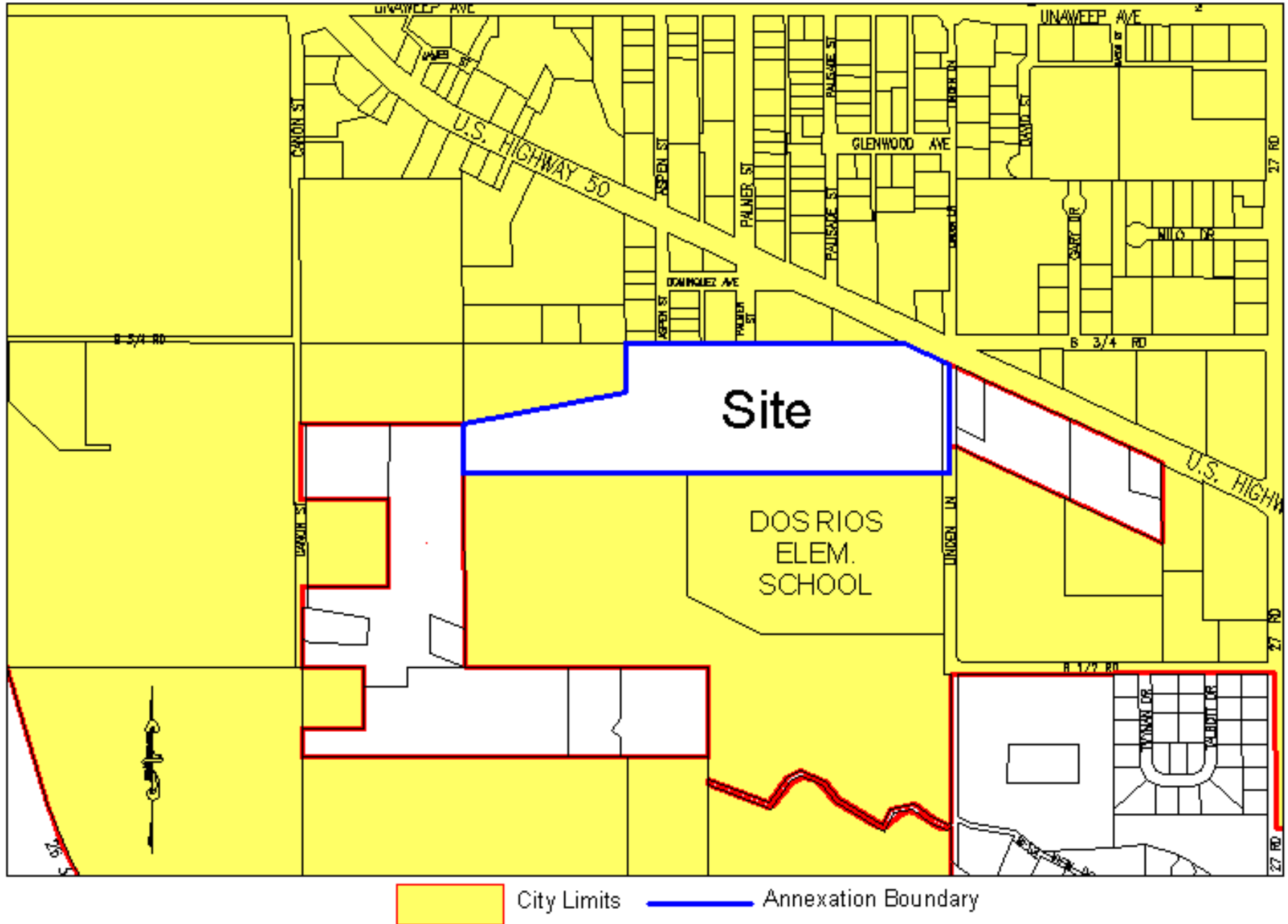
Figure 4



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."

Carville Annexation

Figure 5



RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

CARVILLE ANNEXATION

LOCATED at 2675 HWY 50

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th 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:

CARVILLE ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E 1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein are relative thereto; thence N00°11'27"E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of August, 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 6th day of August, 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**

CARVILLE ANNEXATION

APPROXIMATELY 19.93 ACRES

LOCATED AT 2675 HWY 50

WHEREAS, on the 16th 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 6th 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:

Carville Annexation

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E 1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein

are relative thereto; thence N00°11'27"E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, 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 June, 2003 and ordered published.

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 16
Public Hearing – Westgate Free Will Baptist Church Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Westgate Free Will Baptist Church Annexation No. 1 and 2 – Acceptance of Petition, and Hold a Public Hearing and Consider Final Passage of the Annexation Ordinances.					
Meeting Date	August 6, 2003					
Date Prepared	July 24, 2003			File # ANX-2003-114		
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Westgate Free Will Baptist Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request acceptance of the annexation petition and to hold a public hearing and consider final passage of the annexation ordinances

Budget: N/A

Action Requested/Recommendation: Accept the Annexation Petition and Hold a Public Hearing and Consider Final Passage of the Annexation Ordinances.

Attachments:

- Staff Report
- Site Location Map
- Existing City and County Zoning Map
- Future Land Use Map
- Aerial Photo Map
- Annexation Map
- Resolution
- Annexation Ordinances

Background Information: See attached Staff Report

<i>BACKGROUND INFORMATION</i>					
Location:		2155 Broadway			
Applicant:		Westgate Free Will Baptist Church, Bobby C. Lewis Jr., representative			
Existing Land Use:		Church			
Proposed Land Use:		Fire Station #5			
Surrounding Land Use:	North	Shopping Center & single family residential			
	South	Single family residential			
	East	Single family residential			
	West	Single family residential			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RSF-2 (Residential Single-Family, not to exceed 2 dwelling units per acre)			
Surrounding Zoning:	North	Commercial and PD residential (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	RSF-4 (Mesa County)			
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.5373 acres of land and is comprised of three parcels of land, but under one tax parcel ID. The parcel itself is 3.164 acres in size. The remainder of the annexation area is comprised of right-of-way along Broadway. The property owners have requested annexation into the City

as this is site for the new Redlands Fire Station #5. The existing church on the site will remain and be converted into a use for the station.

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 Westgate Free Will Baptist 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.

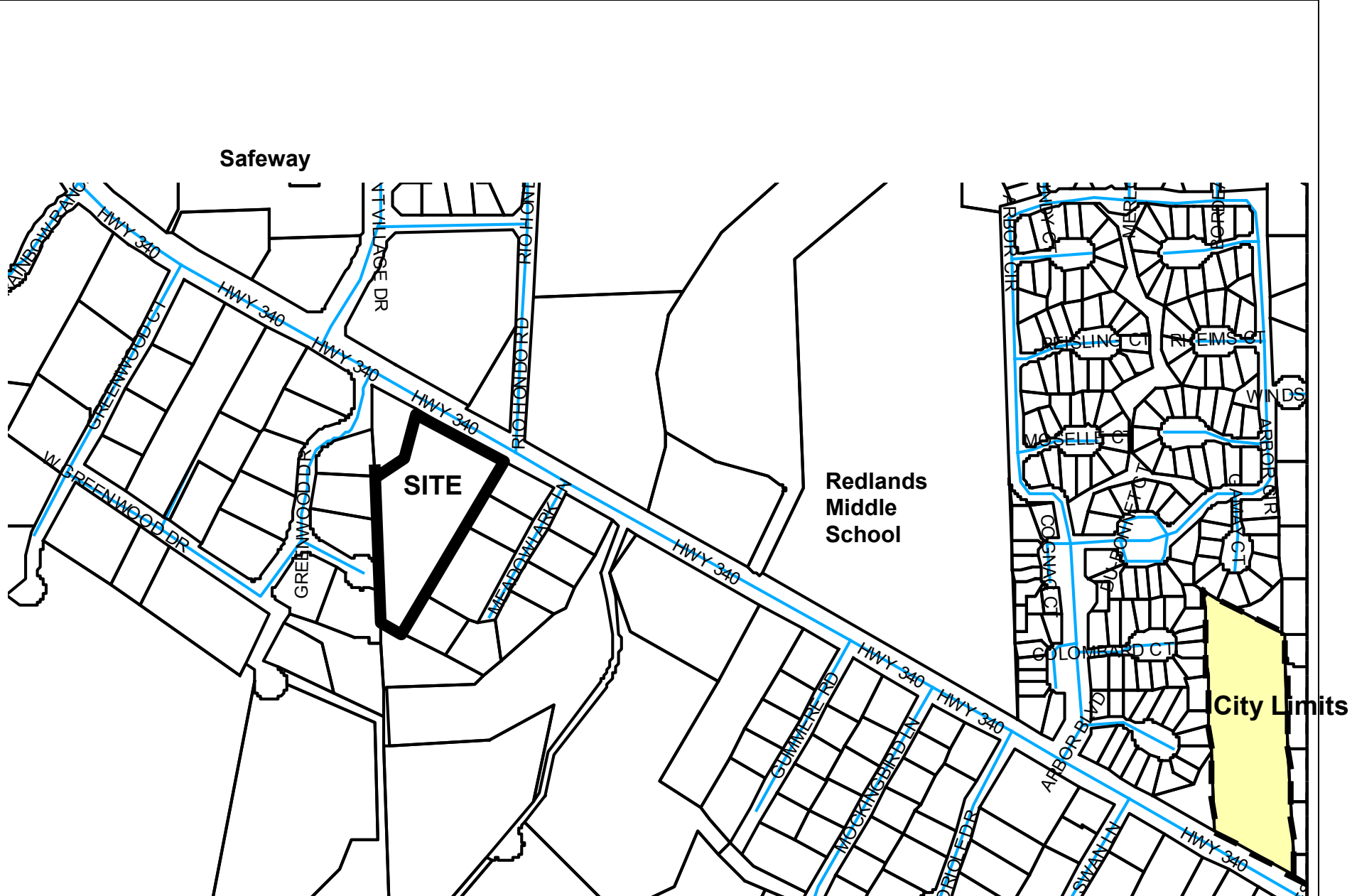
The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
June 16th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
July 8th	Planning Commission considers Zone of Annexation
July 16th	First Reading on Zoning by City Council
Aug 6th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Sept 5th	Effective date of Annexation and Zoning

<i>WESTGATE FREE WILL BAPTIST CHURCH ANNEX. SUMMARY</i>		
File Number:	ANX-2003-114	
Location:	2155 Broadway	
Tax ID Number:	2947-231-17-951	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	4.5373 acres for annexation area	
Developable Acres Remaining:	0 acres	
Right-of-way in Annexation:	34,441.88 sq. ft. along Broadway	
Previous County Zoning:	RSF-4 (County)	
Proposed City Zoning:	CSR-Community Services & Recreation	
Current Land Use:	Church	
Future Land Use:	Fire Station #5	
Values:	Assessed:	= \$55,320
	Actual:	= \$190,760
Address Ranges:	None	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire
	Drainage:	None
	School:	District 51
	Pest:	None

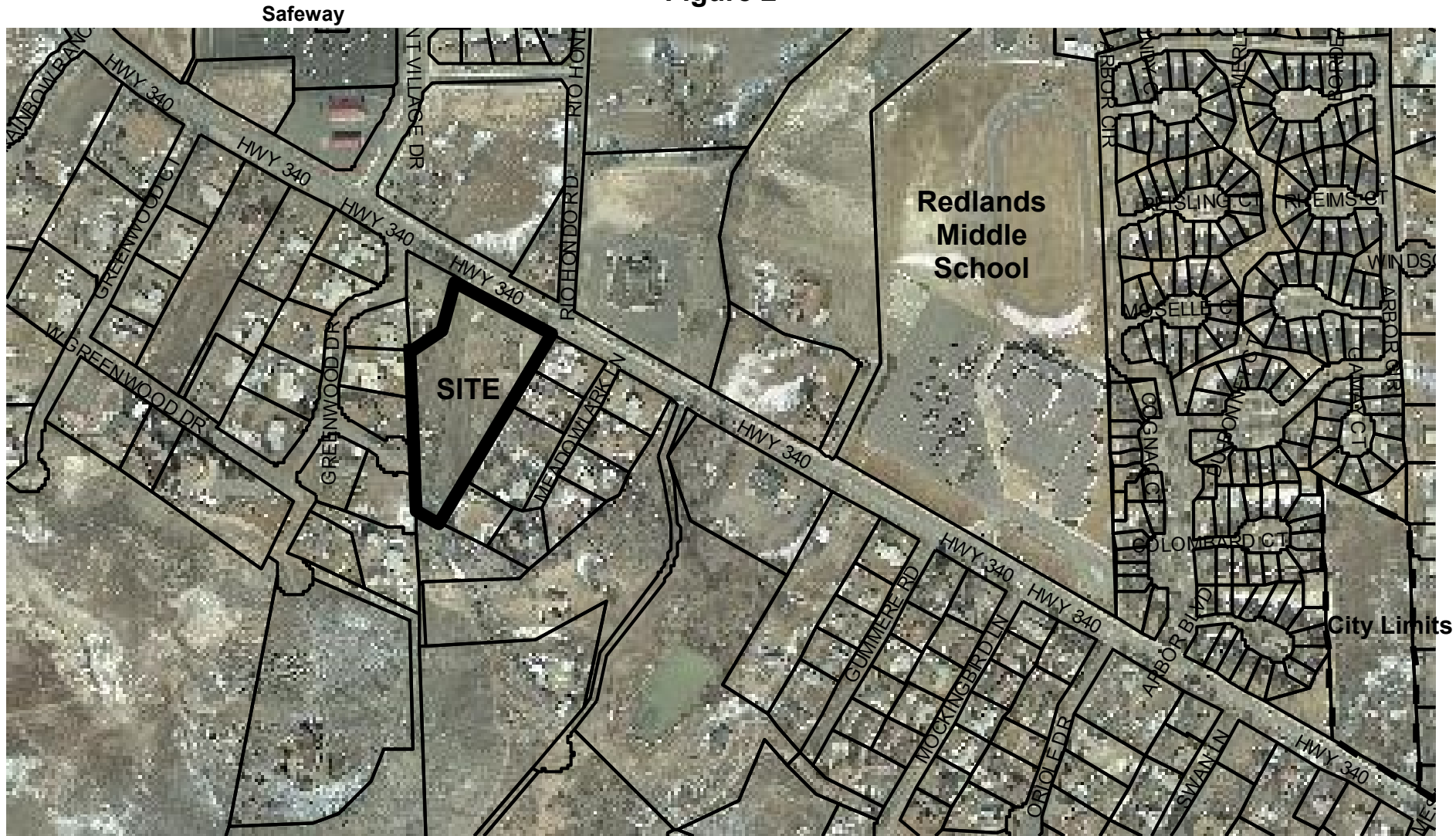
Site Location Map

Figure 1



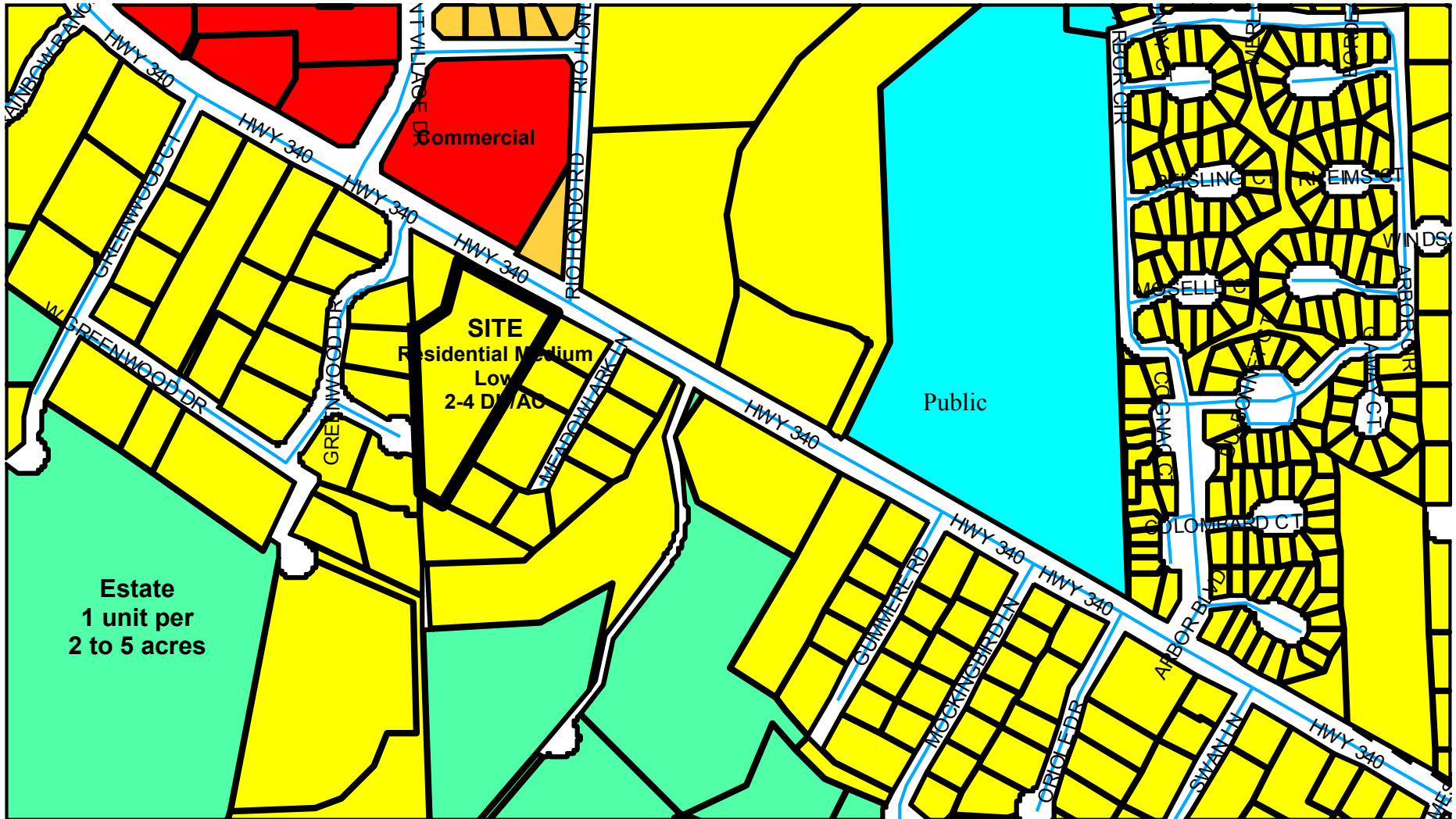
Aerial Photo Map

Figure 2



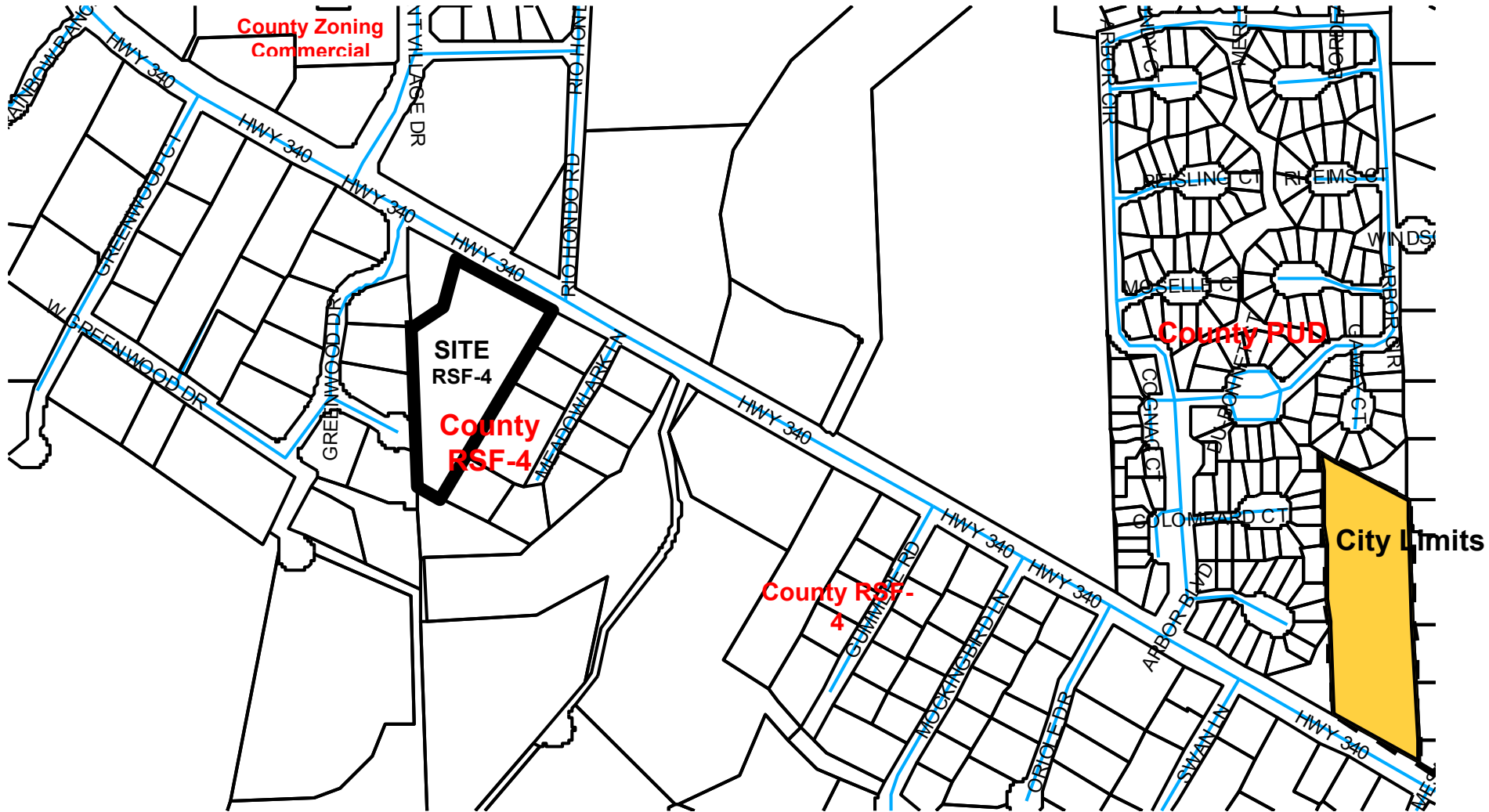
Future Land Use Map

Figure 3



Existing City and County Zoning

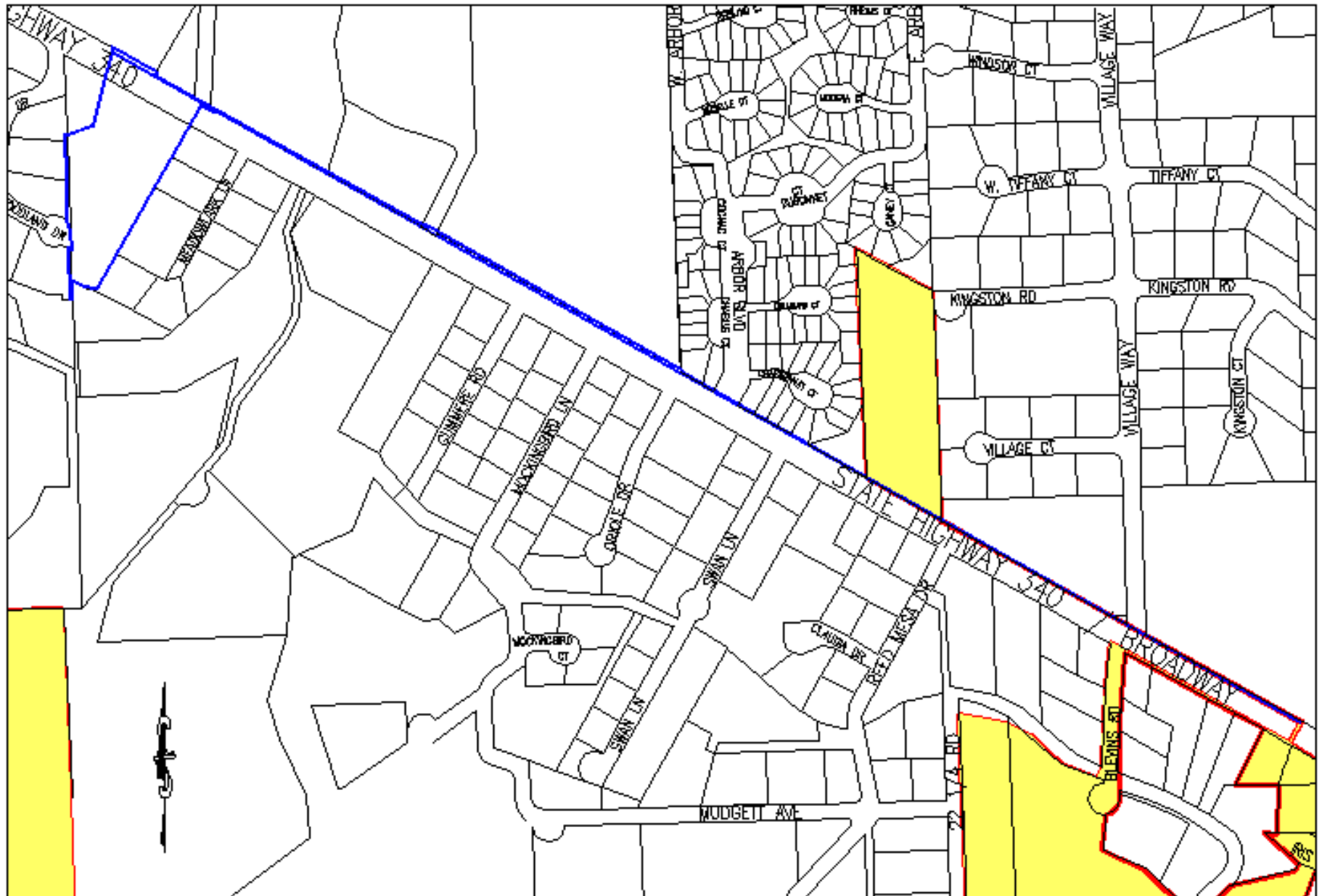
Figure 4



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

Westgate Freewill Baptist Church Annexations #1 & #2

Figure 5



City Limits Annexation Boundary

RESOLUTION NO. ____**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE
WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION
LOCATED AT 2155 BROADWAY
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 16th 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:

**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 6th 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 6th 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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of August, 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 6th day of August, 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**

WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION NO. 1

**APPROXIMATELY 0.7907 ACRES
LOCATED WITHIN A PORTION OF
BROADWAY (HIGHWAY 340) RIGHT-OF-WAY**

WHEREAS, on the 16th 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 16th 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:

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 6th 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.

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

INTRODUCED on first reading on the 16th day of June, 2003.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION NO. 2
APPROXIMATELY 3.7466 ACRES
LOCATED 2155 BROADWAY**

WHEREAS, on the 16th 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 6th 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:

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 6th 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.

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

INTRODUCED on first reading on the 16th day of June, 2003.

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

Attest:

President of the Council

City Clerk

Agenda 17

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

CITY COUNCIL AGENDA								
Subject		Zoning the Westgate Free Will Baptist Church Annexation						
Meeting Date		August 6, 2003						
Date Prepared		July 24, 2003			File #ANX-2003-114			
Author		Lori V. Bowers		Senior Planner				
Presenter Name		Lori V. Bowers		Senior Planner				
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Hold a Public Hearing and Consider Final Passage of the zoning ordinance to zone the Westgate Free Will Baptist Church annexation, located at 2155 Broadway.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage of the zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 48. Staff report/Background information
- 49. Minutes from the Planning Commission meeting
- 50. General Location Map
- 51. Aerial Photo
- 52. Growth Plan Map
- 53. Zoning Map
- 54. Annexation map
- 55. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2155 Broadway	
Applicant:		Westgate Free Will Baptist Church, Bobby C. Lewis Jr., representative	
Existing Land Use:		Church	
Proposed Land Use:		Fire Station # 5	
Surrounding Land Use:	North	Shopping Center & single family residential	
	South	Single family residential	
	East	Single family residential	
	West	Single family residential	
Existing Zoning:		RSF-4 (Mesa County)	
Proposed Zoning:		RSF-2; RSF-4 or CSR	
Surrounding Zoning:	North	Commercial and PD residential (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	RSF-4 (Mesa County)	
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre	
Zoning within density range?		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.

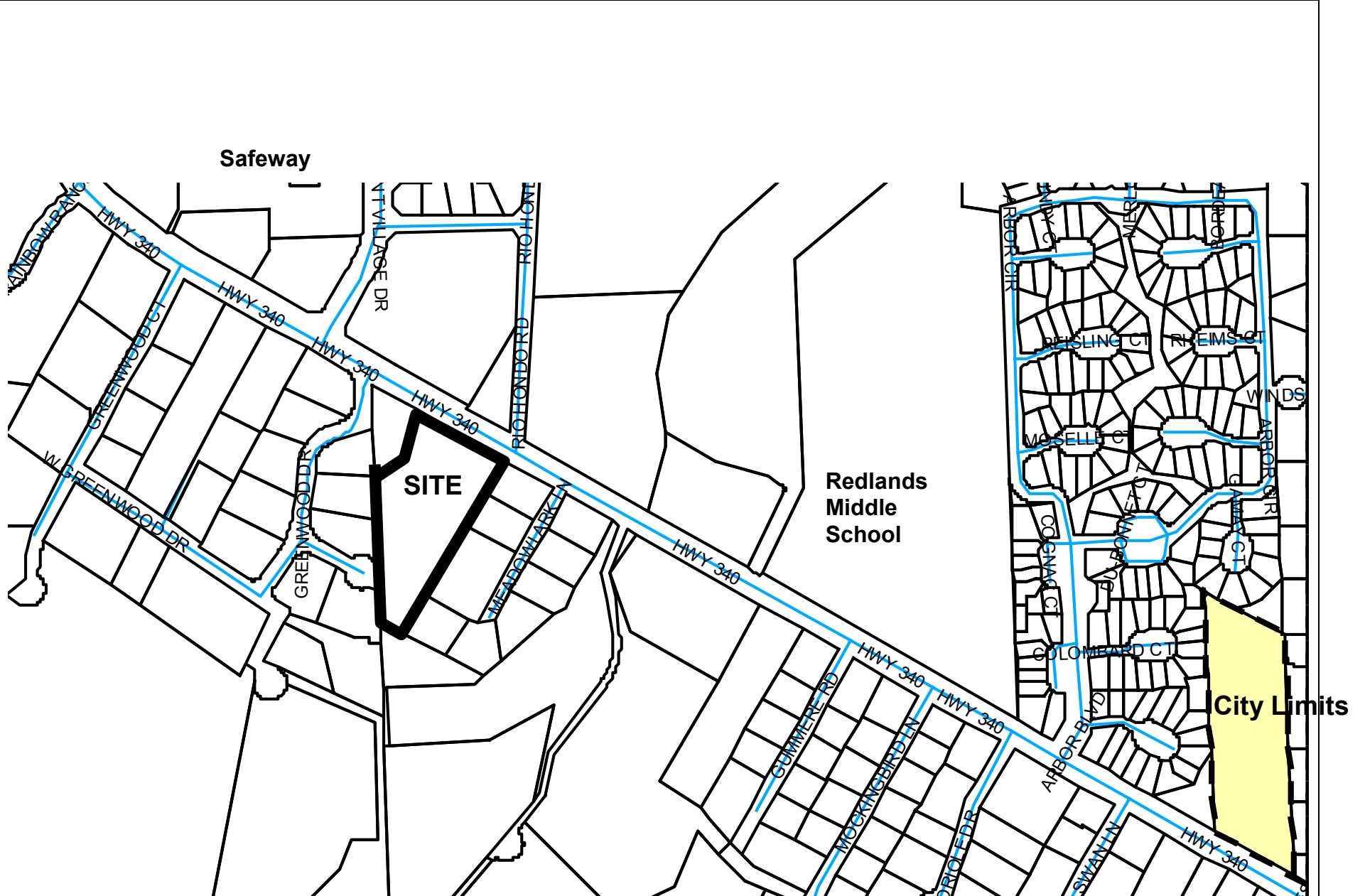
V. GENERAL DISCUSSION

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.

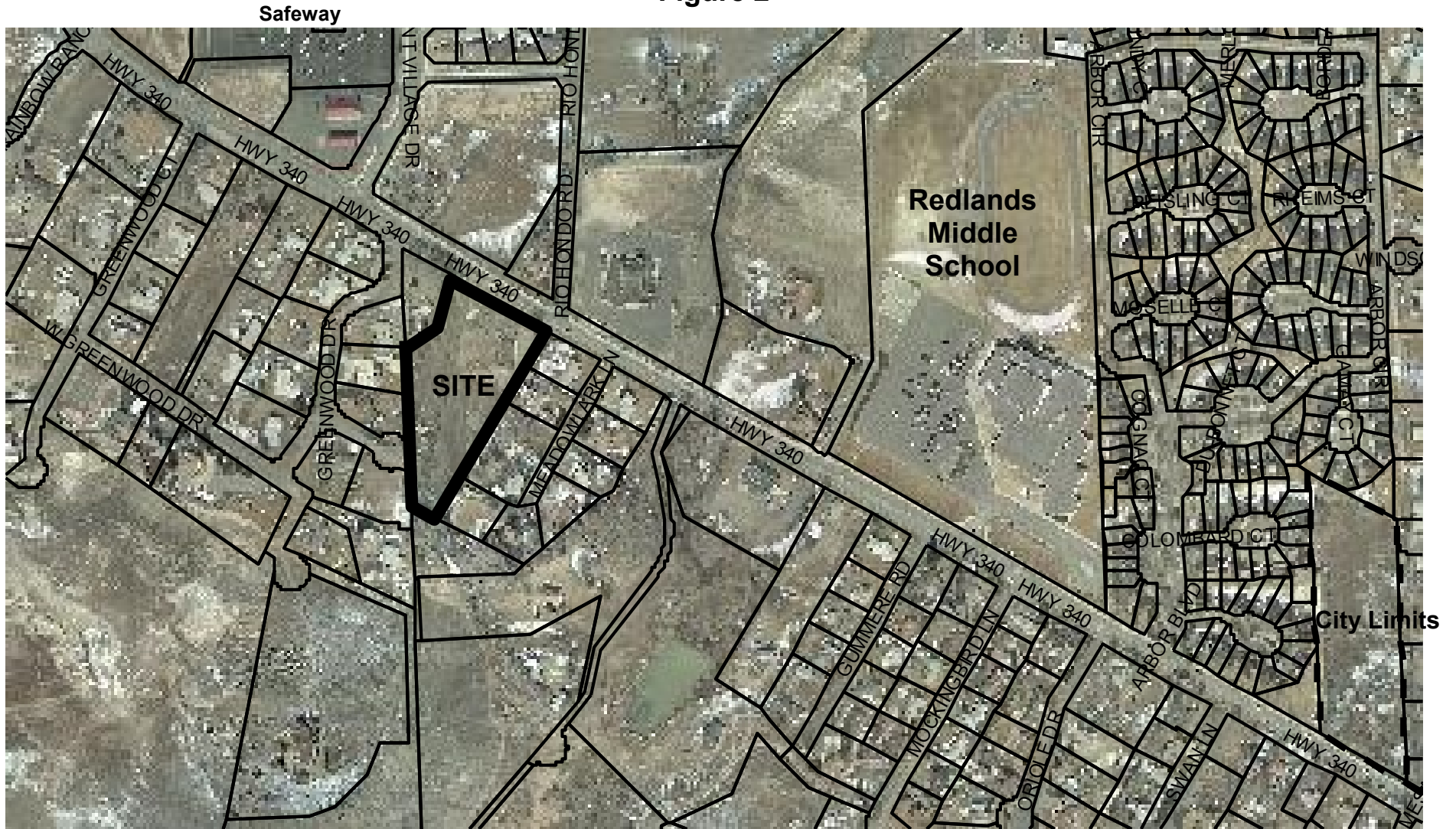
Site Location Map

Figure 1



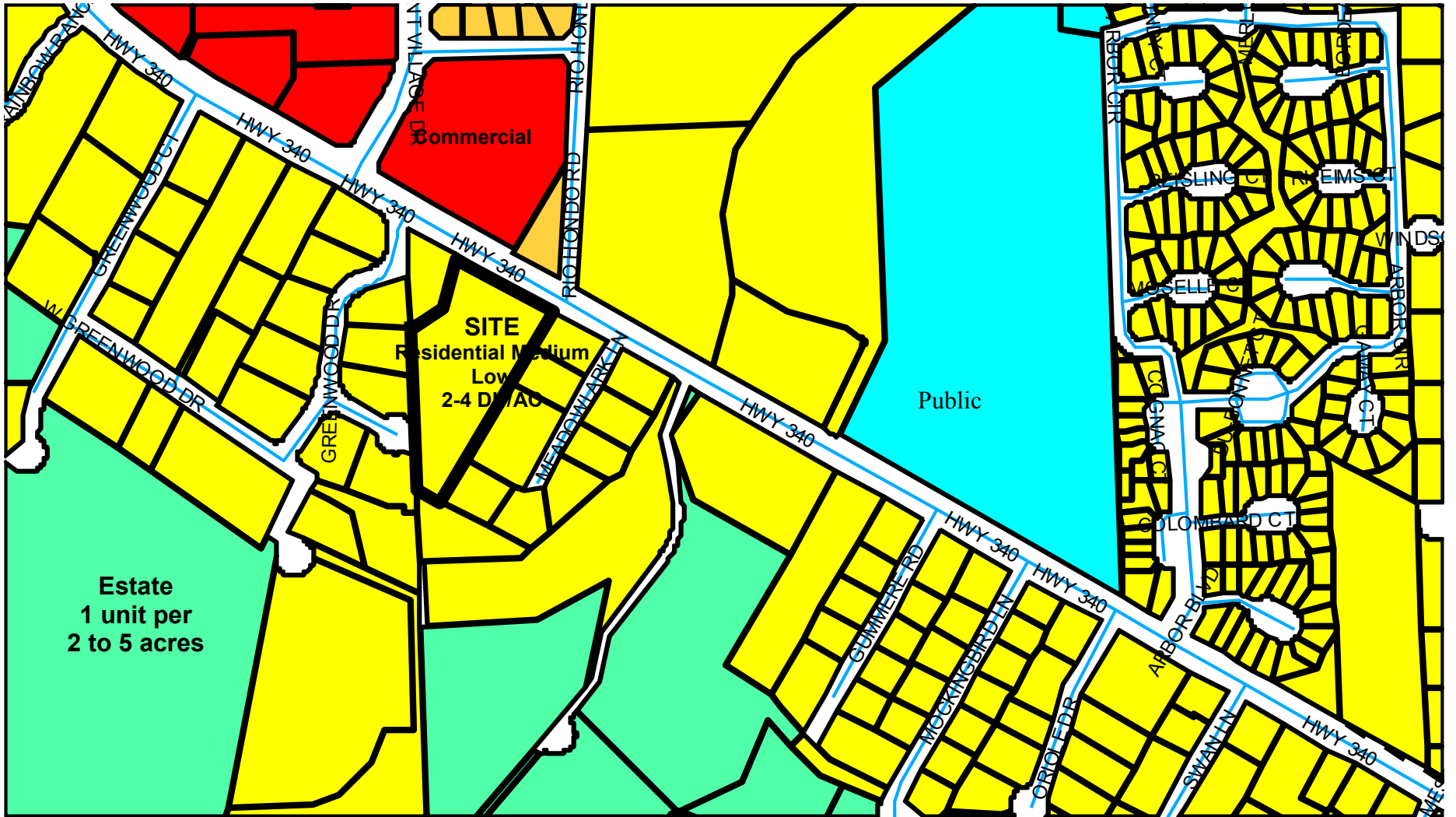
Aerial Photo Map

Figure 2



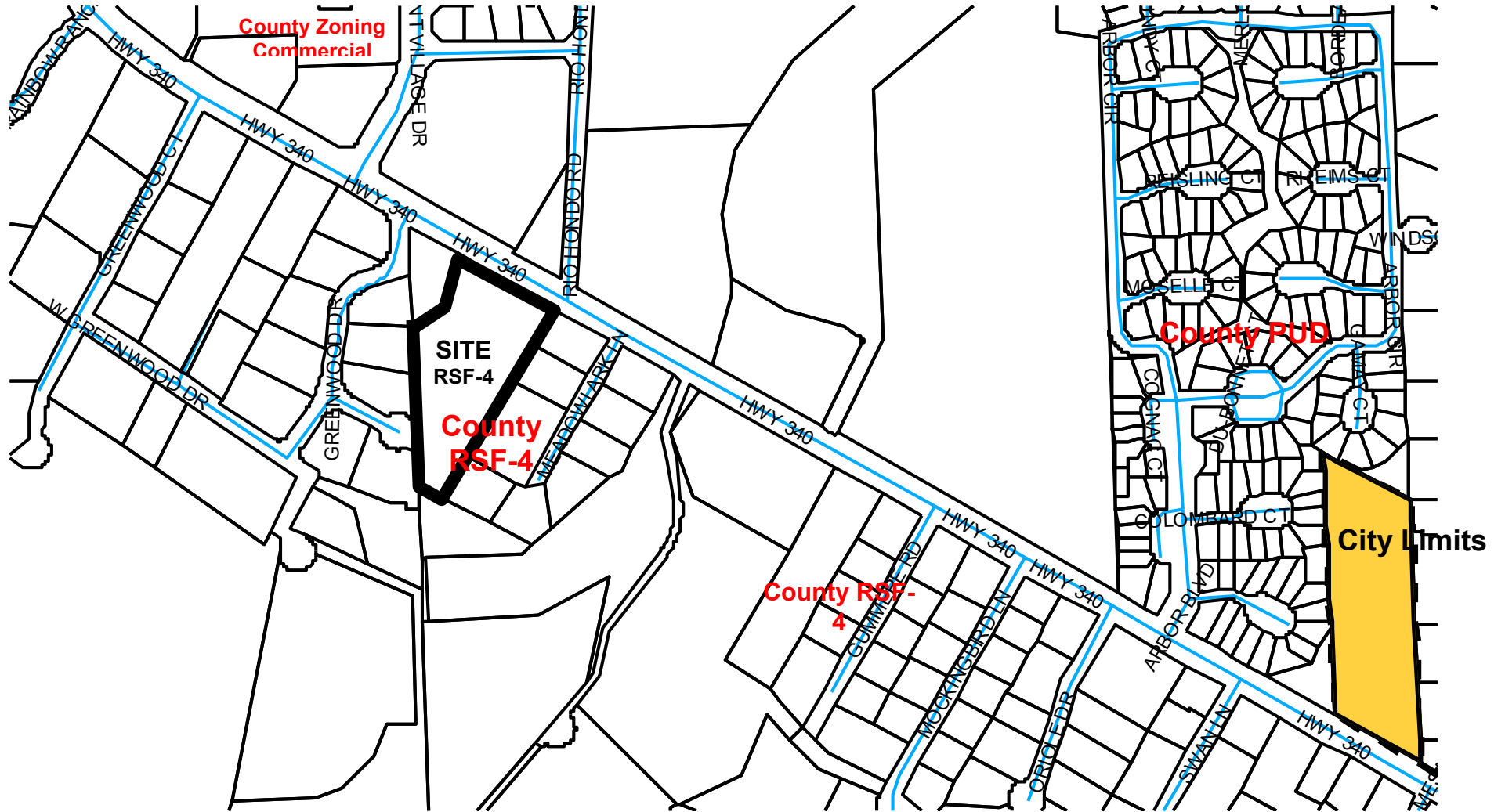
Future Land Use Map

Figure 3



Existing City and County Zoning

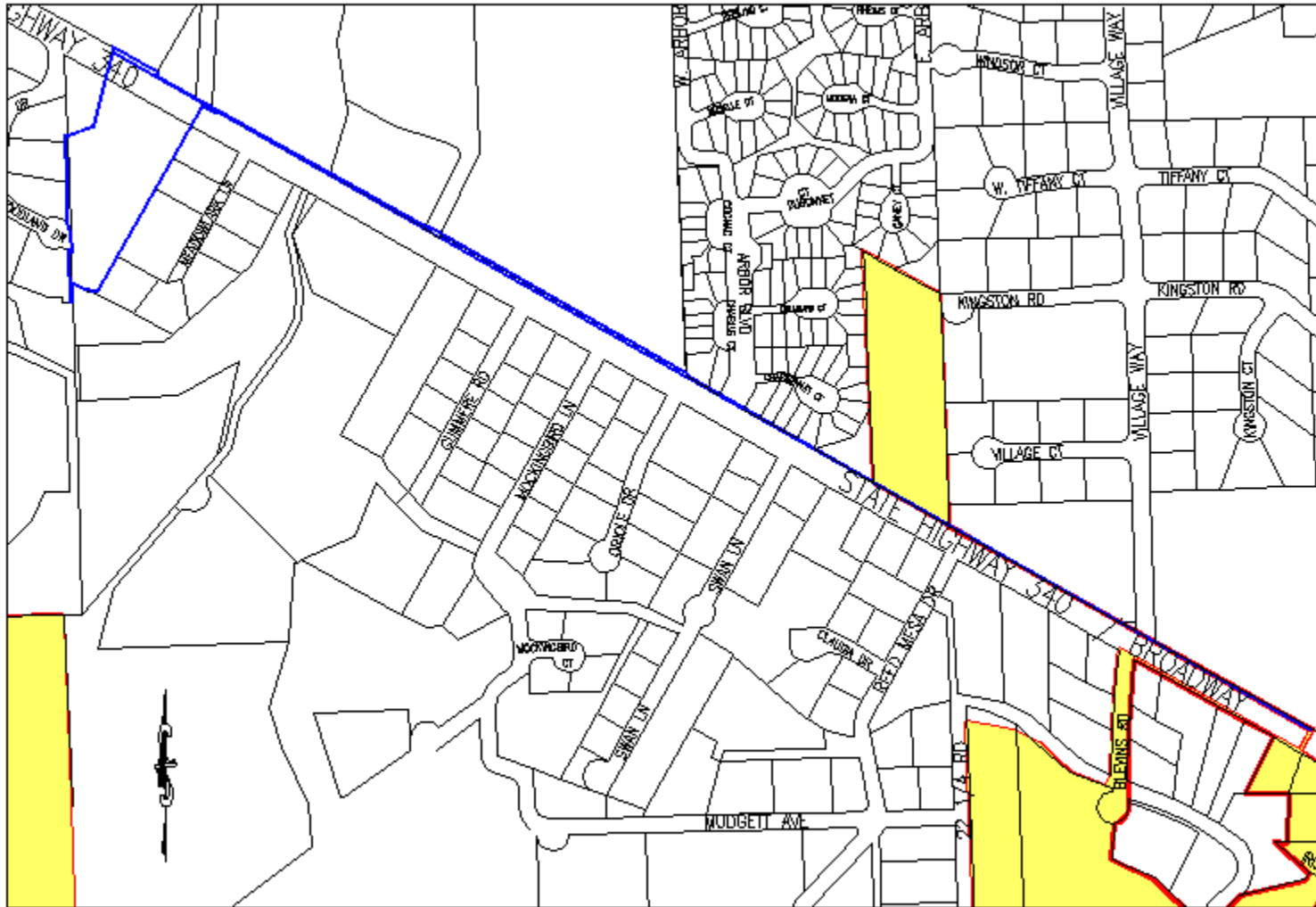
Figure 4



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

Westgate Freewill Baptist Church Annexations #1 & #2

Figure 5



 City Limits  Annexation Boundary

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 6th 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 6th 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 16th day of July, 2003 and ordered published.

Adopted on second reading this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

Attach 18
Public Hearing – Marchun Annexations
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public hearing for acceptance of petition and annexation ordinances for the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road					
Meeting Date	August 6, 2003					
Date Prepared	July 31, 2003				File # ANX-2003-093	
Author	Lisa E. Cox, AICP			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinances for the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accept the petition for annexation for the Marchun Annexations No. 1 and No. 2 and adopt the Annexation Ordinances.

Background Information: See attached

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2925 F 1/2 Road	
Applicants:		Estate of John Marchun by Carl Marchun, Executor of the Estate Carl D. and Zetta H. Marchun Joseph W. Marchun Herman E. Marchun	
Existing Land Use:		Single Family Residence/Agricultural	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential/Agricultural	
	South	Residential	
	East	Agricultural	
	West	Residential	
Existing Zoning:		RSF-4 (Mesa County)	
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)	
Surrounding Zoning:	North	RSF-R and PD approx. 4 du/ac (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	RSF-4 (Mesa County)	
Growth Plan Designation:		Residential Medium, 4-8 units/acre	
Zoning within density range?		X	Yes
			No

STAFF ANALYSIS:

ANNEXATION

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits.
- c) A community of interest exists between the area to be annexed and the single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

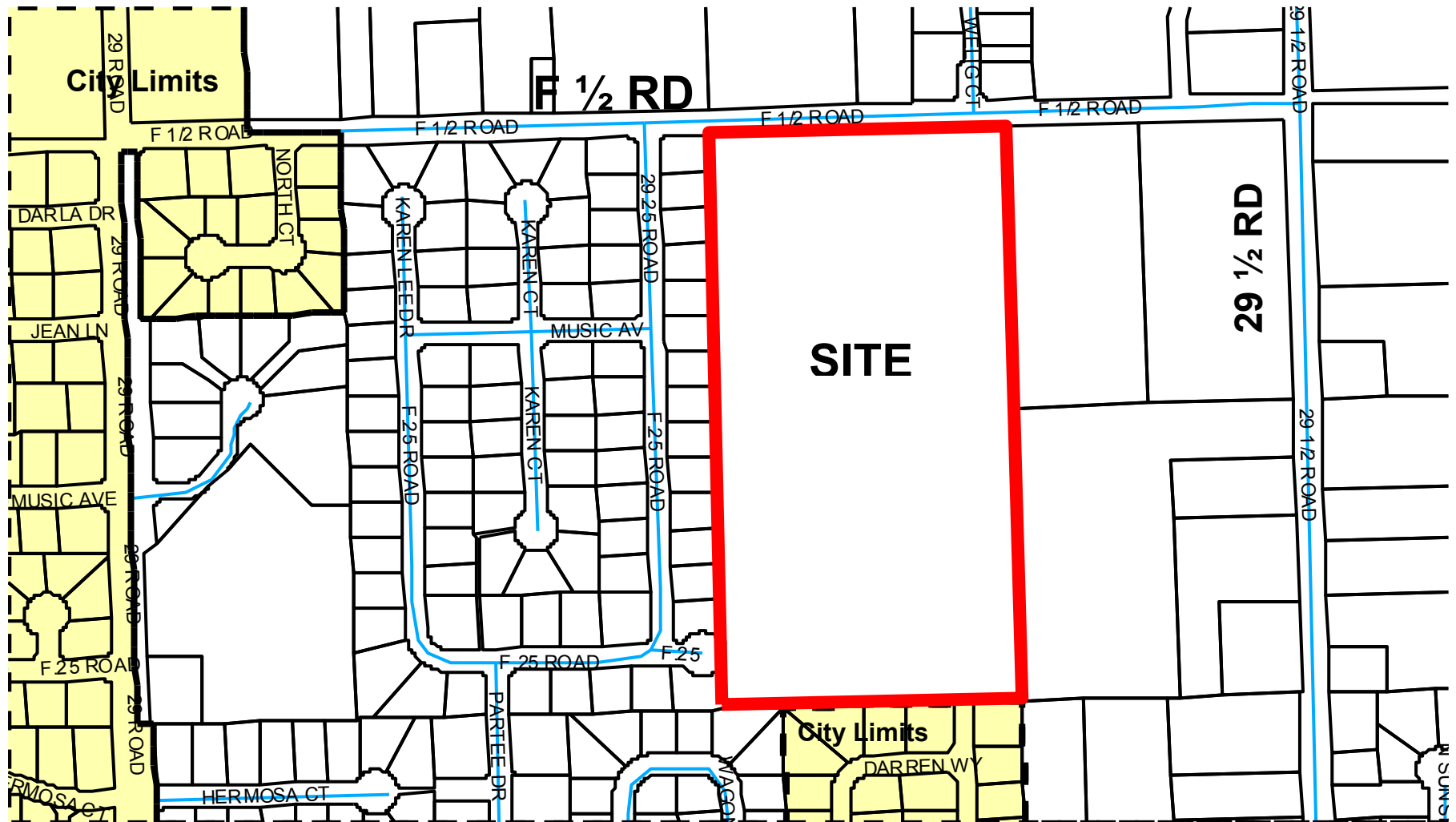
The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
6-16-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
6-24-03	Planning Commission recommendation for City zone district
8-06-03	First Reading of Zoning Ordinance by City Council and Acceptance of Petition and Public hearing on Annexation
8-20-03	Second Reading of Zoning Ordinance by City Council
9-20-03	Effective date of Annexation and City Zoning

SUMMARY		
File Number:		ANX-2003-093
Location:		2925 F 1/2 Road
Tax ID Number:		2943-053-00-039
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		20.4584 acres for annexation area
Developable Acres Remaining:		0 acres
Right-of-way in Annexation:		0 acres
Previous County Zoning:		RSF-4 (Mesa County)
Proposed City Zoning:		RMF-5, Residential Multi-Family not to exceed 5 units/acre
Current Land Use:		Single Family Residence/ Agricultural
Future Land Use:		Residential
Values:	Assessed:	\$ 8,720
	Actual:	\$ 85,230
Census Tract:		n/a
Address Ranges:		West to East: 2925 to 2974 North to South: 625 to 649
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire
	Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	n/a

Site Location Map

Figure 1



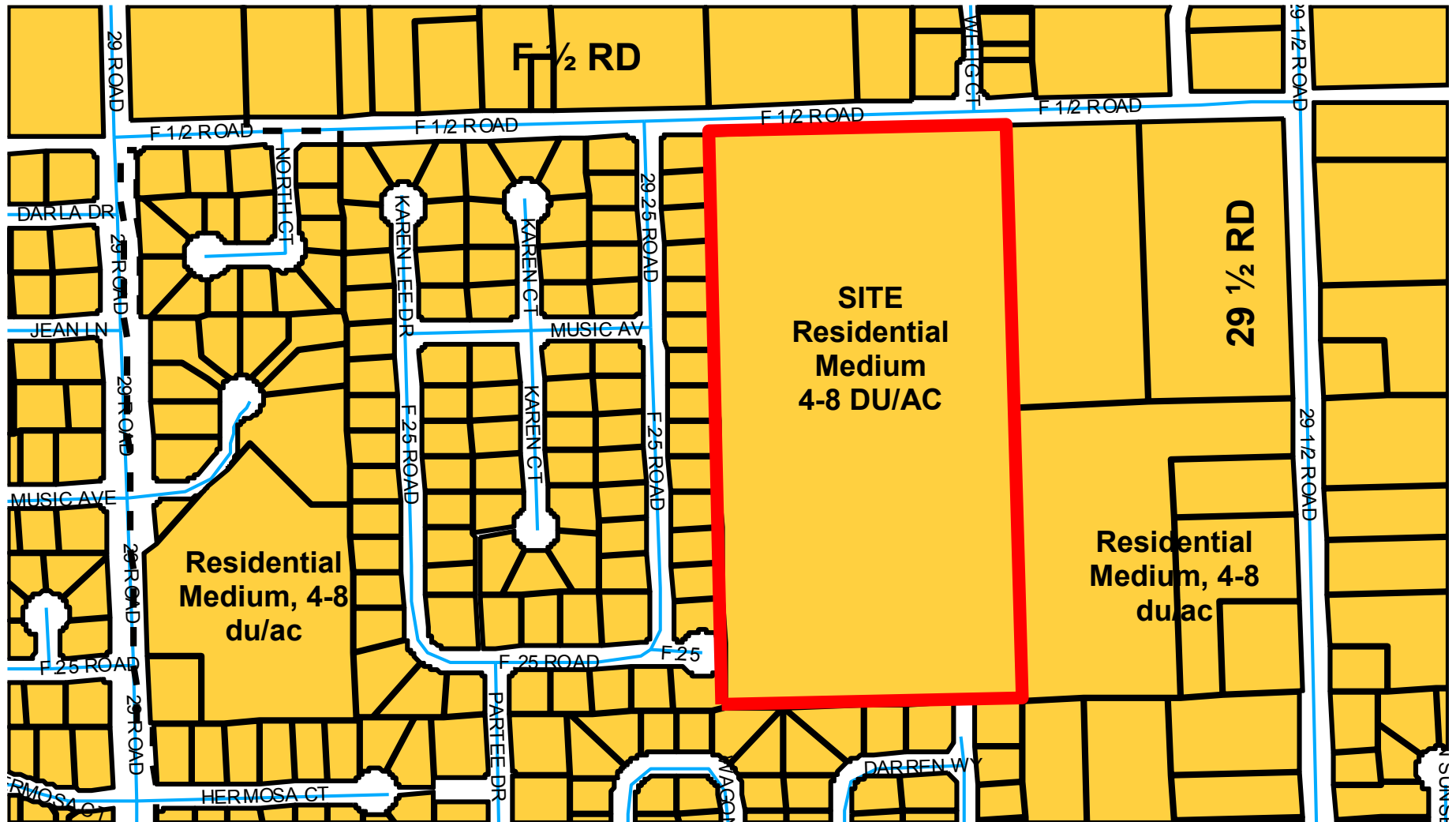
Aerial Photo Map

Figure 2



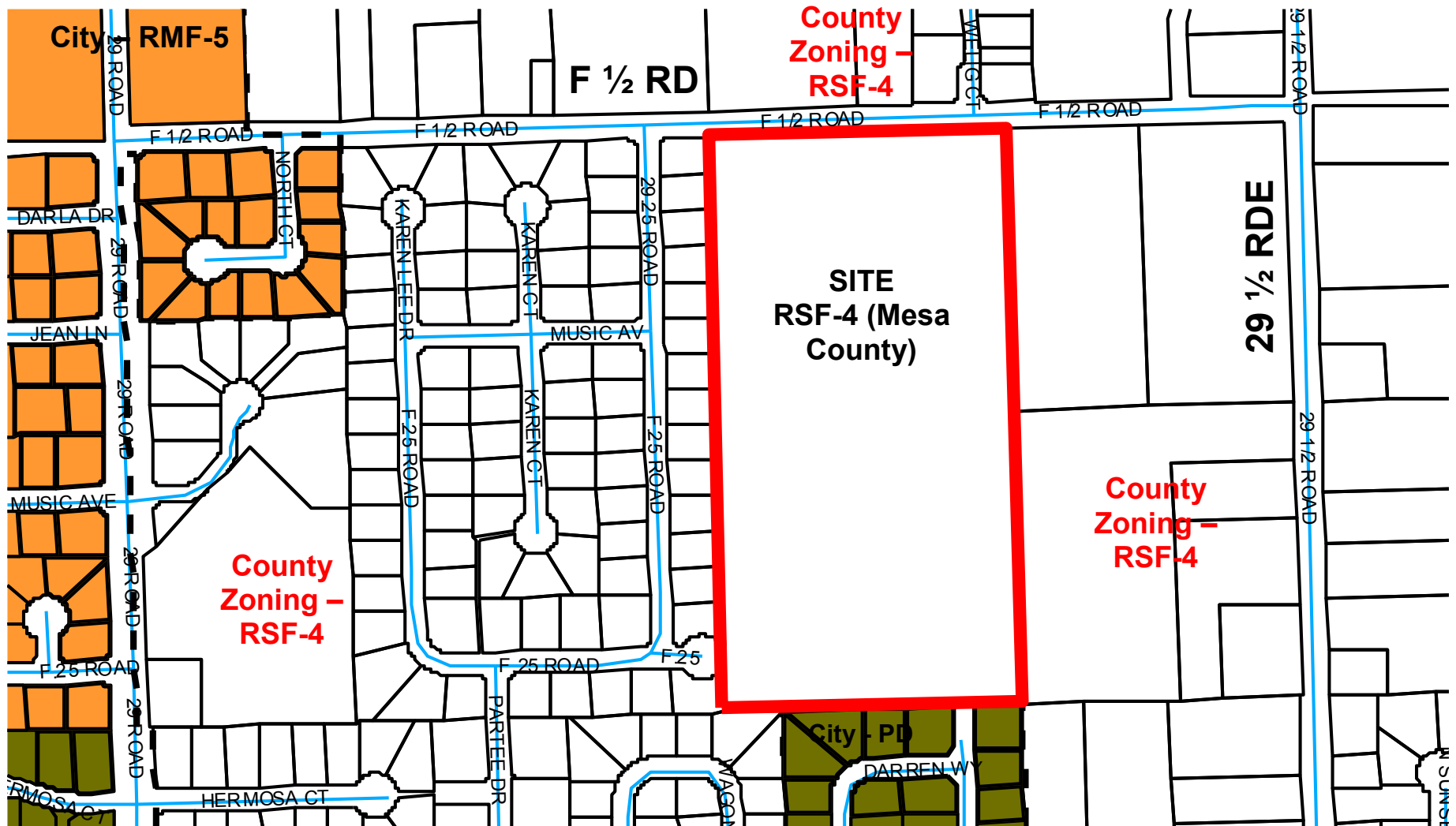
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4

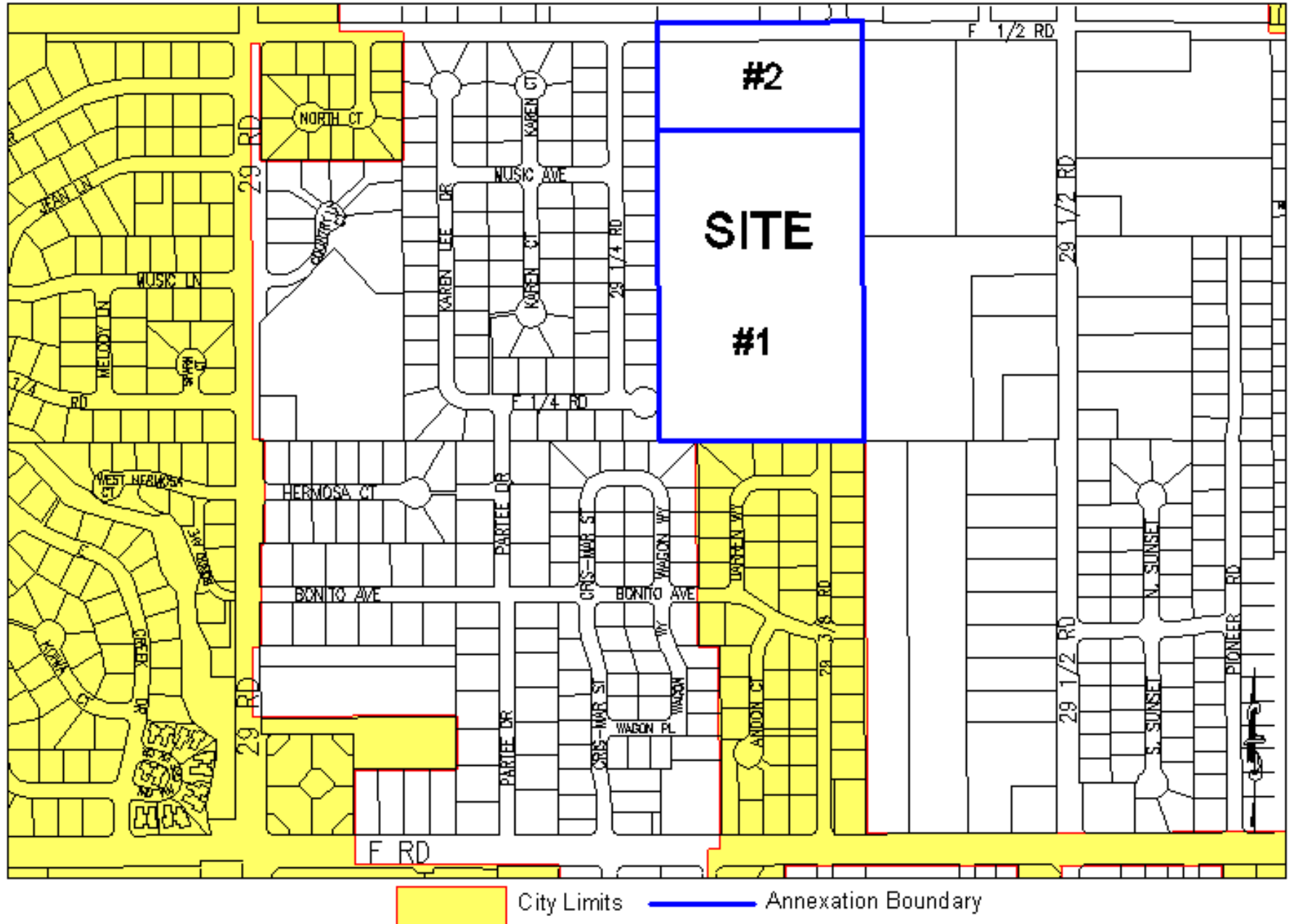


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

i)

Marchun Annexations #1 and #2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. -03

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE MARCHUN ANNEXATIONS NO. 1 AND NO. 2 AREA IS ELIGIBLE FOR ANNEXATION LOCATED AT 2925 F ½ ROAD

WHEREAS, on the day of 16th 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:

MARCHUN ANNEXATION

A Serial Annexation comprising Marchun Annexation No. 1 and No. 2

MARCHUN ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1,000.00 feet; thence S 89°48'24" E a distance of 659.67 feet to a point on the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 1,000.00 feet to a point being the Southeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, the same point being the Northeast corner of Del-Mar Subdivision Filing No. 3, as same is recorded in Plat Book 15, Pages 379 and 380, Public Records of Mesa County, Colorado; thence N 89°48'24" W along the South line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 660.16 feet, more or less, to the Point of Beginning.

CONTAINING 15.1496 Acres (659,915.06 Sq. Ft.) more or less, as described.

MARCHUN ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 5, 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 Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1000.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'21" E a distance of 319.74 feet to a point being the Northwest corner of the NE 1/4 SW 1/4 of said Section 5; thence continue N 00°03'21" E a distance of 30.00 feet to a point on the North right of way for F-1/2 Road, said right of way being recorded in Book 803, Page 262, Public Records of Mesa County, Colorado; thence S 89° 47'43" E along said North right of way, being a line 30.00 feet North of and parallel to, the North line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 456.60 feet, more or less, to a point intersecting the Southerly extension of the West line of the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence N 00°12'17" E a distance of 3.00 feet to a point being the Southwest corner of said Replat of Willow Glen; thence S 89°47'43" E along the South line of said Replat of Willow Glen, a distance of 202.90 feet, more or less, to a point on the Northerly extension of the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along said line, a distance of 33.00 feet to a point being the Northeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 319.61 feet; thence N 89°48'24" W a distance of 659.67 feet, more or less, to the Point of Beginning.

CONTAINING 5.3088 Acres (231,250.27 Sq. Ft.) more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of August, 2003; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be

annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this 6th day of August, 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**

**MARCHUN ANNEXATION NO. 1
APPROXIMATELY 15.1496 ACRES
LOCATED AT 2925 F 1/2 Road**

WHEREAS, on the 16th 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 6th 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:

MARCHUN ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1,000.00 feet; thence S 89°48'24" E a distance of 659.67 feet to a point on the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line

of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 1,000.00 feet to a point being the Southeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, the same point being the Northeast corner of Del-Mar Subdivision Filing No. 3, as same is recorded in Plat Book 15, Pages 379 and 380, Public Records of Mesa County, Colorado; thence N 89°48'24" W along the South line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 660.16 feet, more or less, to the Point of Beginning.

CONTAINING 15.1496 Acres (659,915.06 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 June, 2003.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**MARCHUN ANNEXATION NO. 2
APPROXIMATELY 5.3088 ACRES
LOCATED AT 2925 F 1/2 Road
and including a portion of the F 1/2 Road ROW**

WHEREAS, on the 16th 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 6th 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:

MARCHUN ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 5, 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 Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the

East line of said Karen Lee Subdivision, a distance of 1000.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'21" E a distance of 319.74 feet to a point being the Northwest corner of the NE 1/4 SW 1/4 of said Section 5; thence continue N 00°03'21" E a distance of 30.00 feet to a point on the North right of way for F-1/2 Road, said right of way being recorded in Book 803, Page 262, Public Records of Mesa County, Colorado; thence S 89° 47'43" E along said North right of way, being a line 30.00 feet North of and parallel to, the North line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 456.60 feet, more or less, to a point intersecting the Southerly extension of the West line of the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence N 00°12'17" E a distance of 3.00 feet to a point being the Southwest corner of said Replat of Willow Glen; thence S 89°47'43" E along the South line of said Replat of Willow Glen, a distance of 202.90 feet, more or less, to a point on the Northerly extension of the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along said line, a distance of 33.00 feet to a point being the Northeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 319.61 feet; thence N 89°48'24" W a distance of 659.67 feet, more or less, to the Point of Beginning.

CONTAINING 5.3088 Acres (231,250.27 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 June, 2003.

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

Attest:

President of the Council

City Clerk

Attach 19
Public Hearing – Vacation of a 15’ North/South Alley Right-of-Way

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of a 15’ north/south alley right-of-way located northeast of the intersection of N. 7 th Street and Rood Avenue – 202 N. 7 th Street					
Meeting Date	August 6, 2003					
Date Prepared	July 30, 2003				File #VR-2003-098	
Author	Scott D. Peterson			Associate Planner		
Presenter Name	Scott D. Peterson			Associate Planner		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The petitioners, 4SC Partnership, wish to vacate an existing 15’ north/south alley right-of-way located northeast of the intersection of N. 7th 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 8th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

Budget: N/A

Action Requested/Recommendation: Conduct the Public Hearing and approve the Vacation Ordinance.

Attachments:

- 9. Background Information/Staff Analysis
- 10. Site Location Map
- 11. Aerial Photo Map
- 12. Future Land Use Map
- 13. Existing City Zoning Map

14. Ordinance & Exhibit A

BACKGROUND INFORMATION				
Location:		202 N. 7 th Street		
Applicant:		4SC Partnership, Owner		
Existing Land Use:		Vacant lots		
Proposed Land Use:		Future commercial development		
Surrounding Land Use:	North	Commercial office		
	South	Commercial office		
	East	Vacant lot		
	West	Commercial office		
Existing Zoning:		B-2, Downtown Business		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	B-2, Downtown Business		
	South	B-2, Downtown Business		
	East	B-2, Downtown Business		
	West	B-2, Downtown Business		
Growth Plan Designation:		Commercial		
Zoning within density range?		N/A	Yes	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. 7th Street. The alley right-of-way has never been fully constructed to City standards but does contain a concrete drainage swale and underground sanitary sewer line and gas line. 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:

- g. 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.

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

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

- i. 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.

- j. 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.

- k. 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.

- l. 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. 7th Street, VR-2003-098 for the vacation of a 15' alley right-of-way, the Planning Commission at their July 8th, 2003 meeting made the following findings of fact and conclusions:

6. The requested 15' alley right-of-way vacation is consistent with the Growth Plan.
7. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.

Recommended Condition:

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.

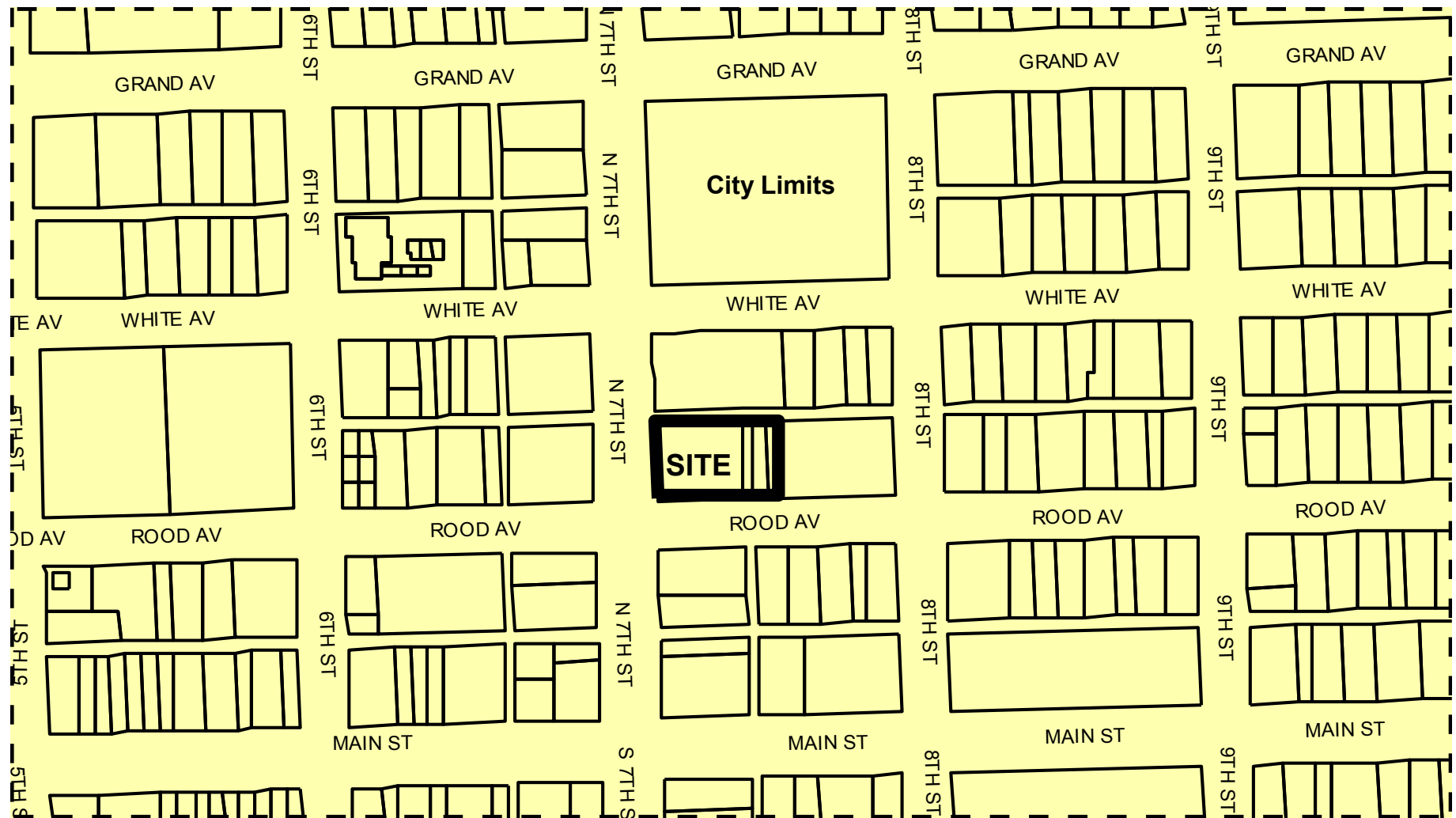
Recommendation: The Planning Commission recommends that the City Council approve the Ordinance vacating a 15' alley right-of-way located northeast of the intersection of N. 7th Street and Rood Avenue – 202 N. 7th Street, making the findings of fact and conclusions listed above and subject to the recommended condition of approval.

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



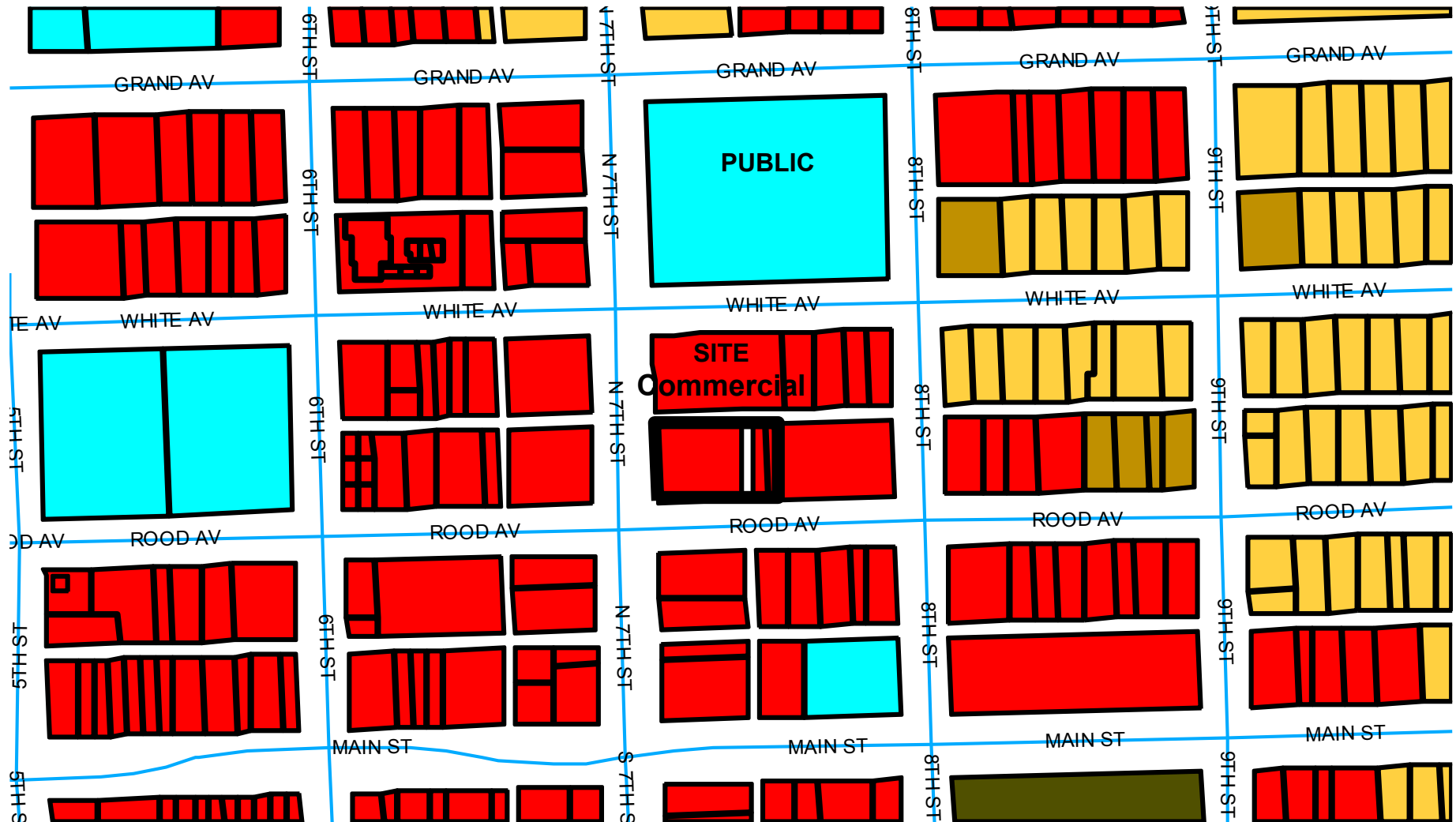
Aerial Photo Map – Alley Vacation

Figure 2



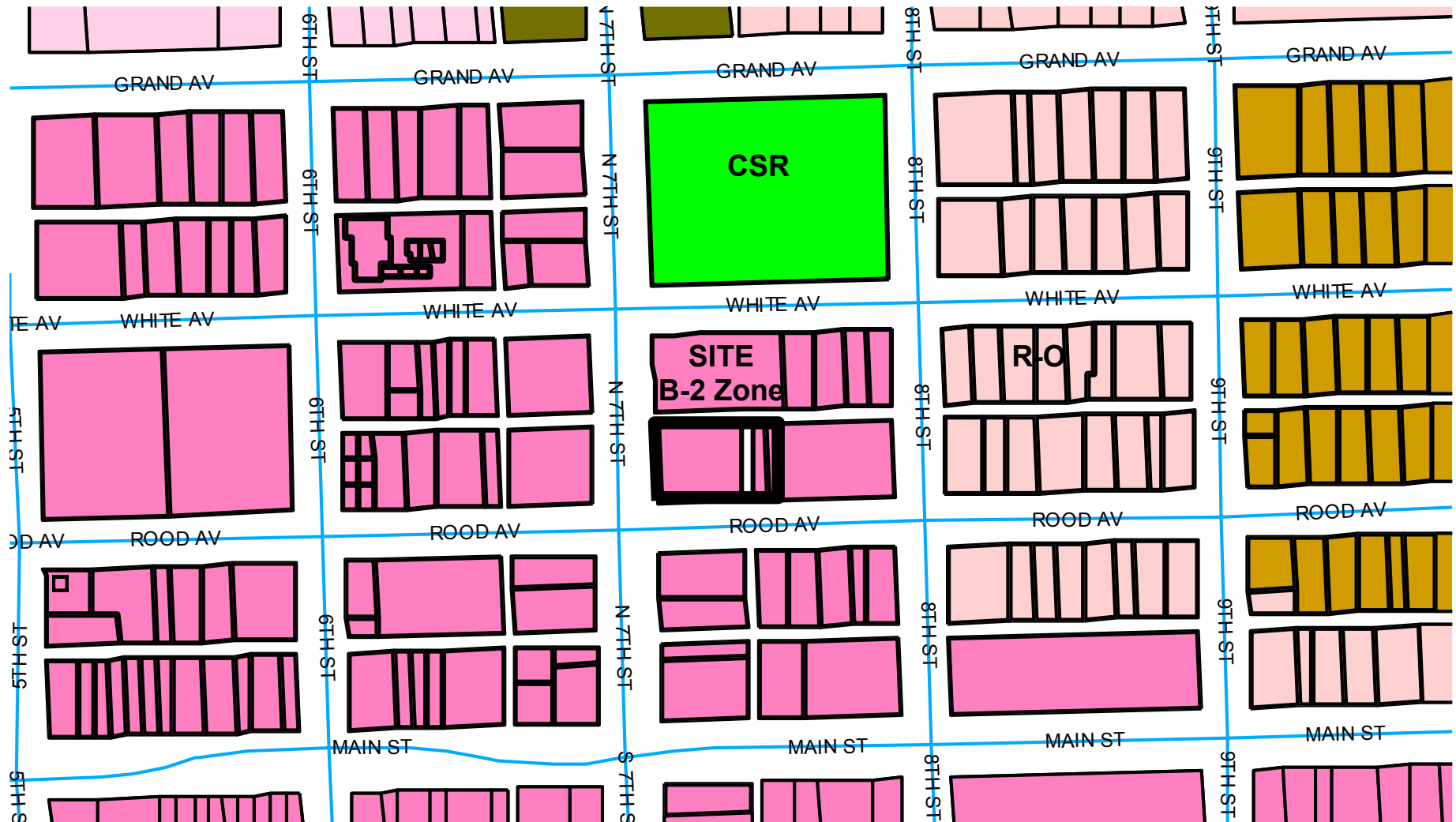
Future Land Use Map – Alley Vacation

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 7th STREET AND
ROOD AVENUE
KNOWN AS: 202 N. 7th 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 on July 8, 2003 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 16th day of July, 2003 and ordered published.

ADOPTED on Second Reading this _____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

