

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

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

CALL TO ORDER

Pledge of Allegiance
Invocation - Pastor Marla Ross, First Assembly of God
Church

PROCLAMATIONS / RECOGNITIONS

2003 GOVERNOR'S AWARD FOR OUTSTANDING INDIVIDUAL CONTRIBUTION TO
COLORADO TOURISM PRESENTED TO DEBBIE FLYNN KOVALIK

PROCLAIMING NOVEMBER 11, 2003 AS "A SALUTE TO ALL VETERANS 2003 "

APPOINTMENTS

FORESTRY BOARD

GRAND JUNCTION HOUSING AUTHORITY

PLANNING COMMISSION BOARD OF APPEALS

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the October 13, 2003 Noon Workshop, October 13, 2003 Workshop and the Minutes of the October 15, 2003 Regular Meeting

2. **Setting a Hearing on Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds in the Amount of \$3,000,000**

[Attach 2](#)

An Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2003; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Revenue Bonds and Subordinate Tax Increment Revenue Bonds.

Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2003; Providing the Form, Terms and Conditions of the Bonds, the Manner and Terms of Issuance, the Manner of Execution, the Methods of Payment and the Security Therefor; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing Certain Covenants and Other Details and Making Other Provisions Concerning the Bonds and the Tax Increment Revenues; Ratifying Action Previously Taken and Appertaining thereto; and Repealing All Ordinances in Conflict Herewith

Action: Introduction of Proposed Ordinance and Set a Hearing for November 19, 2003

Staff presentation: Ron Lappi, Administrative Services Director

3. **Setting a Hearing on the Washington Annexation Located at 287 Coulson Drive** [File #ANX-2003-200] [Attach 3](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.317 acre Washington Annexation consists of one parcel and Unawep Avenue, Coulson Drive and Capitol Lane rights-of-way. It is in conjunction with a proposed two lot simple subdivision for single family residential use.

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

Resolution No. 101-03 – 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, Washington Annexation Located at 287 Coulson Drive and Including a Portion of Unawep Avenue, Coulson Drive and Capitol Lane Rights-of-way

®Action: Adopt Resolution No. 101-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction Colorado, Washington Annexation, Located at 287 Coulson Drive and Including a Portion of Unawep Avenue, Coulson Drive and Capitol Lane Rights-of-way, Approximately 1.317 Acres

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

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing on Vacating a 15' Alley Right-of-Way Located 722 Belford Avenue** [File # VR-2003-132] [Attach 4](#)

The petitioner, FMC Properties, LLC, wishes to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue in anticipation of future commercial office development. The only utilities that are located in the alley right-of-way are a sanitary sewer line which is to be abandoned and an overhead utility line which is to be relocated. The existing eight (8) lots owned by the petitioner will be consolidated into one. The Planning Commission recommended approval at its October 28th, 2003 meeting.

Proposed Ordinance Vacating a 15' Wide Alley Right-of-way Located Northeast of the Intersection of North 7th Street and Belford Avenue Known as 722 Belford Avenue

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 19, 2003*

Staff presentation: Scott D. Peterson, Associate Planner

5. **2004 LEAF Grant for DUI Enforcement** [Attach 5](#)

The Colorado Department of Transportation has awarded \$27,000 to the Grand Junction Police Department to fund DUI enforcement. The GJPD applied for \$35,000 with Council approval in August of this year.

Resolution No. 102-03 – A Resolution Accepting a Grant and Approving the Law Enforcement Assistance Fund (LEAF) Contract #L-28-04

®Action: *Adopt Resolution No. 102-03*

Staff presentation: Greg Morrison, Chief of Police

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

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

6. **Parks Classifications and Hours** [Attach 6](#)

Adoption of resolution establishing park classifications and setting the hours in which public use and access to City parks is prohibited, for all City parks, open spaces and cemeteries, whether developed or not.

Resolution No. 103 -03 - A Resolution Setting Hours of Usage for the City's Parks Based on a New Classification System

®Action: Adopt Resolution No. 103-03

Staff presentation: Joe Stevens, Parks and Recreation Director

7. **Public Hearing – Vacating a Portion of the Right-of-Way for Gary Street and B ¾ Road** [File #PP-2003-168] [Attach 7](#)

The applicant has requested vacation of a portion of the rights-of-way for Gary Street and B ¾ Road in conjunction with a subdivision request that will ultimately be developed as affordable housing.

Ordinance No. 3579 – An Ordinance Vacating a Portion of Gary Drive and B ¾ Road Located at the Northeast Corner of Linden Avenue and B ¾ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3579

Staff presentation: Lisa E. Cox, Senior Planner

8. **Public Hearing - Church on the Rock Annexation Located at 2170 Broadway**
[File #ANX-2003-197] [Attach 8](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Church on the Rock Annexation, located at 2170 Broadway. The 5.4946 acre annexation consists of one (1) parcel of unplatted land along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building (gymnasium) with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer district.

a. Accepting Petition

Resolution No. 104-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Church on the Rock Annexation, Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way is Eligible for Annexation

®Action: Adopt Resolution No. 104-03

b. Annexation Ordinance

Ordinance No. 3580 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Church on the Rock Annexation, Approximately 5.4946 Acres, Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3580

Staff presentation: Scott D. Peterson, Associate Planner

9. **Public Hearing - Zoning the Church on the Rock Annexation, Located at 2170 Broadway** [File #ANX-2003-197] [Attach 9](#)

The Church on the Rock Annexation consists of 5.4946 acres of land that is located at 2170 Broadway and consists of one (1) parcel of unplatted land that contains the church sanctuary, along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building (gymnasium) with a proposed zoning of Residential

Single Family – 2 (RSF-2). The Planning Commission recommended approval at its October 14, 2003 meeting.

Ordinance No. 3581 – An Ordinance Zoning the Church on the Rock Annexation to Residential Single Family – 2 (RSF-2), Located at 2170 Broadway

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3581*

Staff presentation: Scott D. Peterson, Associate Planner

10. **Public Hearing - Gowhari Annexation Located at 563 20 ½ Road** [File #GPA-2003-183] [Attach 10](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Gowhari Annexation, located at 563 20 ½ Rd. The 25.103 acre Gowhari Annexation consists of 3 parcel(s). This annexation is part of a requested Growth Plan Amendment to change 24.503 acres on the Future Land Use Map from Rural 5-35 ac/du to Residential Low 1/2 – 2 ac/du. The Growth Plan Amendment request will be heard at a later date.

a. Accepting Petition

Resolution No. 105-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Gowhari Annexation, Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way is Eligible for Annexation

®Action: *Adopt Resolution No. 105-03*

b. Annexation Ordinance

Ordinance No. 3582 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gowhari Annexation, Approximately 25.103 Acres, Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3582*

Staff presentation: Senta Costello, Associate Planner

11. **Public Hearing - Grand Bud Annexation Located at 28 ½ Road at Hwy. 50** [File #GPA-2003-184] [Attach 11](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Grand Bud Annexation, located at 28 ½ Road at Highway 50. The 24.153 acre Grand Bud Annexation consists of 1 parcel. This project is part of a requested Growth Plan Amendment for the southwest 9.948 acres of the property to change the Future Land Use Map from Residential Medium 4-8 du/ac to Commercial. The Growth Plan Amendment request will be heard at a later date.

a. Accepting Petition

Resolution No. 106-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Grand Bud Annexation, Located at the Northwest Corner of 28 ½ Road and Highway 50 and Including a Portion of the 28 ½ Road Right-of-Way is Eligible for Annexation

®Action: Adopt Resolution No.106-03

b. Annexation Ordinance

Ordinance No. 3583 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Bud Annexation, Approximately 24.153 Acres, Located at the Northwest Corner of 28 ½ Road and Hwy. 50 and Including a Portion of the 28 ½ Road Right-of-Way

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3583

Staff presentation: Senta Costello, Associate Planner

12. **Public Hearing - 2nd Supplemental Appropriation Ordinance for 2003** [Attach 12](#)

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

Ordinance No. 3584 – An Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3584*

Staff presentation: Ron Lappi, Administrative Services Director

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

14. **OTHER BUSINESS**

15. **EXECUTIVE SESSION**

a. FOR THE PURPOSE OF AN UPDATE ON 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 LAND EASEMENTS FOR FUTURE STORM WATER IMPROVEMENTS

b. TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(a) RELATIVE TO RIVERSIDE PARKWAY

c. FOR DISCUSSION OF PERSONNEL MATTERS UNDER C.R.S. 24-6-402(4)(f)(i) RELATIVE TO CITY COUNCIL EMPLOYEES

16. **ADJOURNMENT**

Attach 1

Minutes October 13th Noon Workshop, 13th Evening Workshop and October 15, 2003 Regular Meeting

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

October 13, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, October 13, 2003 at 11:47 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street 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. **Discussion of City Policy on Sales Tax Delinquencies:** A report on the sales tax delinquency process, including enforcement procedures and estimate of current outstanding tax liabilities was provided to Council. Councilmember Palmer expressed concern that businesses are collecting sales tax on behalf of the City and then not remitting it to the City. As the stewards for the taxpayers' money, he thought it was the Council's duty to collect those funds. Councilmember Palmer had no problem extending courtesy to those businesses that are having a temporary setback and work with them to bring them back into compliance, but for those businesses that are disregarding the law, stiffer enforcement may be in order.

Administrative Services Director Ron Lappi and Customer Services Manager Jodi Romero were present and addressed Council's questions on the amounts outstanding, the type of businesses out of compliance and the measures being taken to deal with such delinquencies. Assistant City Attorney John Shaver was present and related his involvement in the enforcement process. Comparisons were made with the State's process. Councilmember Enos-Martinez asked City Clerk Tuin if businesses with liquor licenses are checked for compliance prior to renewal to which Clerk Tuin replied yes, reports are requested from sales tax and any delinquencies are brought up at the renewal hearing.

Transient vendors were also discussed with Mr. Shaver noting that both the police and code enforcement will check with any such vendors spotted and ensure they are properly licensed. If they are not, the business is shut down until they obtain the appropriate licenses.

Council President Spehar pointed out that the percentage of uncollected sales tax is very small, less than 1% of the total revenue and that its questionable whether there is anything Council needs to address. Councilmember Hill inquired if there are any tools the Sale Tax Division needs to collect on those uncollected accounts to which City Manager Arnold replied that they have all the tools they need. Councilmember Palmer inquired if the City has ever utilized an amnesty program. Director Lappi replied that they did once about 12 years ago and it did not produce any new collections that were not already being worked on.

Action summary: City Manager Arnold suggested the Sales Tax Division provide the Council with a year-end report this year and annually hereafter. City Council accepted the report and the offer of an annual report.

2. **Discussion of Public Improvements for Developments:** A report presenting a list of policies and administrative interpretations concerning public improvements requirements within the development review process was provided to the City Council. Public Works and Utilities Director Mark Relph explained a flow chart on the various options. There are two parts to be considered: the improvements adjacent to the development and any off-site improvements the City determines are necessary. Two Councilmembers expressed that the biggest complaint they hear is that the requirements of the City for improvements are unreasonable. Mr. Relph explained the various levels of participation the City could explore including the use of the TCP (which needs to be increased), the use of reimbursement agreements and the formation of Special Improvement Districts. Two of these tools are also available even without the City's participation.

Another policy issue for Council to consider is what triggers the requirements for improvements. The current policy is that if improvements are needed, then they are required. CDOT is using a different method for triggering the improvements, a percentage increase. Once a threshold is reached, then that developer must bear the entire cost. Council did not express any interest in changing the City's method.

Mr. Relph then asked Council to consider certain exceptions to the requirement in the cases where the area is already developed and no improvements exist nor is there a reasonable expectation that they will be

installed and where the lot split is residential only. Council did not discount considering such exceptions but cautioned that the criteria be narrowly focused in order to avoid any future problems.

The increase in the TCP was discussed and a study on what the difference is in the current TCP fund because the fee did not keep up with inflation. It was thought that the City might have to contribute to the fund in order to bring it up to the level it should be. Council favored an increase in the fee and the developers present agreed, saying such an increase would make costs more predictable than the current method of requiring improvements that may be above and beyond just a half-street section. City Manager Arnold added that he would like to see the TCP match the cost of participation in an SID so that such improvements could get done sooner rather than later. Assistant City Attorney Shaver clarified that the TCP contribution might not be spent specifically on the contributing development's frontage, that is, it may not be directly proximate. The developers present understood.

Action summary: Public Works and Utilities Director Mark Relph stated that getting this issue settled is a priority of his and he will return to Council with more information in short order.

Adjourn

The meeting adjourned at 1:12 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP
SUMMARY**

October 13, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, October 13, 2003 at 7:03 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. **ECONOMIC DEVELOPMENT INCENTIVE REQUEST:** The Chamber of Commerce is recommending an economic incentive for an existing industry expansion. Diane Schwenke, Chamber Director, and Konrad Krauland, President of Innovative Textiles, were present. Ms. Schwenke explained the criteria for the existing industry incentives. She reviewed the history of the company and the growth of the company. Mr. Krauland is purchasing the old City Market warehouse. He will use part of it and lease out the rest. The property is going through the development review process and is having some issues with landscaping requirements. The request is for \$100,000 but the money will be the last funding applied to the project as he is applying for other funding. The wages for the company are \$11 per hour plus benefits and bonuses. The positions are semi-skilled rather than highly skilled. The funds are made available up front rather than after vesting as with new industries. Both GJEP and the Incubator support the application.

Council President Spehar stated that part of the reason that Grand Junction continues to grow is the high standards set for development thus preserving the quality of life. Mr. Krauland responded that 99% of his business is outside the State of Colorado so he is bringing funds into the valley.

Thea Chase Gilman, Director of the Incubator, said this is an excellent company, grown here and both she and her board support the request.

Action summary: City Manager Kelly Arnold said if it is the Council's pleasure, the request will be placed on Wednesday's agenda. The Council confirmed that it is their desire.

2. **PRESENTATION/DISCUSSION OF DDA BUDGET:** Executive Director Harold Stalf presented the Downtown Development Authority's 2004 – 2005 budget requests, both operating and capital. He reviewed some of the strides made by the DDA in the last year. Councilmember Hill asked why DDA is not planning a new bond issue under the extension of the TIF. Mr. Stalf explained that the DDA does not feel it could expend those funds in the time allotted but will, in the next two years, devise a plan to issue those additional bonds and build new projects. For now, the plan is to issue bonds for \$3,000,000 for current projects planned.

Action summary: Council commended the efforts of the DDA and the cooperation with the merchants and specifically with the DTA. The next step is to incorporate those requests into the City's budget to be adopted this year. There will also be an ordinance to issue bonds later in the year.

3. **DISCUSSION OF THE POLICY ON THE USE OF CITY HALL GROUNDS:** The policy was adopted on July 17, 2002 by Resolution No. 75-02 and determined that the use of City Hall grounds for certain activities is inappropriate. Councilmember Hill explained the reason for him questioning the adoption of the policy. He asked City Attorney Dan Wilson to explain his opinion. Mr. Wilson advised that once a group or individual is allowed, then everyone should be allowed. The proximity of another forum, the County Courthouse, was another consideration when the policy was first proposed. Councilmember Hill asked the Council to consider a repeal of the policy and then develop some parameters for allowing public forums. Councilmember Butler stated that City Hall does not have the room for a large assembly and the Courthouse does and is close by. City Manager Kelly Arnold explained the situations where this has been discussed and certain situations that have come up regarding the policy.

Action summary: The consensus of the Council is to leave the policy in place.

4. **UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS:** In anticipation of upcoming interviews for the Planning Commission Board of Appeals and Housing Authority, City Council scheduled this time to discuss specific issues relating to each board. City Clerk Stephanie Tuin explained the report and the purpose of the discussion. She noted that specific questions on the two boards could be addressed by the staff members of the boards, Jody Kole, Director of the Housing Authority and

Bob Blanchard, Community Development Director.

Action summary: Council directed the Clerk to include the ethical conduct resolution with the application for board applicants, to include it in the interview packet and schedule time at the second workshop in November to discuss Historic Preservation Board and Visitor and Convention Bureau Board of Directors. Forestry Board has specific expertise and qualifications so a discussion on their issues is not needed. The appointments for the Forestry Board are to be scheduled for the first meeting in November.

5. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold explained there are ten items in the Strategic Plan that have budget implications. He referred to the Solution “A Balance of Character, Economy and Environment”, Action Step 2A defining and developing the attributes of a small town. At some point in time, he would like Council to review and refresh the Strategic Plan and decide how to go forward with this Action Step. Councilmembers mentioned a number of things that have been done in relation to the Strategic Plan that has indeed qualified as small town attributes. They just haven’t been compiled into a report.

City Manager Arnold then reviewed the rest of the Action Steps where progress has been made.

Another element that has funding considerations is the neighborhood program, Action Step 36D. He asked that Council discuss this on October 29, at the budget meeting.

Action summary: Council accepted the report and agreed to the discussions being suggested.

The meeting adjourned at 9:09 p.m.

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

OCTOBER 15, 2003

The City Council of the City of Grand Junction convened into regular session on the 15th day of October 2003, at 7:31 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.

Council President Spehar called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Howard E. Hays, First Church of the Nazarene

Mayor Spehar made an announcement about a lawsuit filed by Grand Valley Irrigation Company (GVIC) against the City of Grand Junction regarding the use of the easements along the ditches for trails purposes. He said the GVIC is seeking an injunction and is asking the court to stop the City from acquiring additional easements along the canals through the development process. Mr. Spehar continued saying the City is trying to work with the GVIC to open the canals for such urban uses. He said the City believes that using the trails along the canals is good for the community and could be done without interfering with canal operations.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 2003 AS "HOSPICE MONTH"

SCHEDULED CITIZEN COMMENTS

There were none.

* * * CONSENT CALENDAR * * *

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry, and carried by a roll call vote, to approve Consent Calendar Items #1 through #9.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the October 1, 2003 Regular Meeting

2. Setting a Hearing for the 2nd Supplemental Appropriation Ordinance for 2003

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

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

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

3. **Setting a Hearing for Zoning the Church on the Rock Annexation, Located at 2170 Broadway** [File #ANX-2003-197]

The Church on the Rock Annexation consists of 5.4946 acres of land that is located at 2170 Broadway and consists of one (1) parcel of unplatted land that contains the church sanctuary, along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer boundary.

Proposed Ordinance Zoning the Church on the Rock Annexation to Residential Single Family – 2 (RSF-2), Located at 2170 Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003

4. **Easement Vacation, Red Tail Ridge Subdivision** [File # ANX-2002-230]

The petitioner is requesting approval of the vacation of a water line easement that crosses the property. There are no facilities within the easement, and the easement has been vacated both on the east and west side of the site by Mesa County. The Planning Commission at the September 23, 2003 hearing recommended that the City Council approve the vacation request.

Resolution No. 95-03 – A Resolution Vacating a Water Line Easement Located at 2955 South Highway 50 (Red Tail Ridge Subdivision)

Action: Adopt Resolution No. 95-03

5. **Setting a Hearing for a Vacation of a Portion of the Right-of-Way for Gary Street and B ³/₄ Road** [File #PP-2003-168]

The applicant has requested vacation of a portion of the right-of-way for Gary Street and B 3/4 Road in conjunction with a subdivision request that will ultimately be developed as affordable housing.

Proposed Ordinance Vacating a Portion of Gary Drive and B 3/4 Road Located at the Northeast Corner of Linden Avenue and B 3/4 Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003*

6. Easement for Grand Valley Irrigation Company in the Redlands Parkway Right-of-Way

The proposed resolution will authorize the City Manager to sign an acknowledgment of an historic easement relating to the Grand Valley Irrigation Company's Independent Ranchman's Ditch, piped across the Mesa Mall property and the Redlands Parkway right-of-way.

Resolution No. 96-03 – A Resolution Acknowledging a Historical Buried Pipe, and Associated Easement for a Buried Portion of the Ranchmen's Ditch that Crosses a Portion of City Right of Way for the Redlands Parkway

Action: *Adopt Resolution No. 96-03*

7. Setting a Hearing to Create Alley Improvement District 2004

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

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley, from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue
- "T" shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- "T" shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

Resolution No. 97-03 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-04 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: *Adopt Resolution No. 97-03 and Set a Hearing for November 19, 2003*

8. Lease of City-Owned Parking Lot at 2nd and Pitkin

City staff has negotiated a contract with Simmons Lock and Key, 322 S. 2nd, to lease a city-owned lot across the street from their business for parking. Because the parcel may be required for future improvements at the curve of Pitkin Avenue, selling the property is not an option.

Resolution No. 98-03 – A Resolution Authorizing the Lease of a City-Owned Lot at 2nd and Pitkin Avenue by Simmons Lock and Key, Inc.

Action: Adopt Resolution No. 98-03

9. Letter Supporting Forest Service GOCO Grant

The United States Forest Service is requesting a letter from City Council in support of a GOCO grant application, which will fund the rehabilitation of Kannah Creek Trail and all trails to the South.

Action: Authorize the Mayor to Sign a Letter of Support to GOCO for an Application from the Grand Valley Ranger District of the U. S. Forest Service

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

Construction Contract – Pine Ridge Park Tennis Courts

Demolition, excavation and disposal of existing asphalt tennis courts, fencing and equipment. Construct two new post tensioned concrete tennis courts, with acrylic surface including a new fence and tennis court apparatus per specifications.

Shawn Cooper, Parks Planner, reviewed this item. He explained that the current courts will be demolished and be replaced with post-tension concrete courts. He said the contractor being chosen for this project is experienced in this type of construction.

Councilmember Kirtland moved to authorize the City Manager to execute a construction contract to SRI Sports, Inc. for the removal and replacement of the tennis courts at Pine Ridge Park (in the Ridges) in the amount of \$85,000.00. Councilmember Butler seconded the motion. Motion carried.

Memorandum of Understanding Regarding a Drought Response Plan

Memorandum of Understanding among the City of Grand Junction, Ute Water Conservancy District, Clifton Water District, and the Town of Palisade to implement a unified Drought Response Plan.

Greg Trainor, Utilities Manager, reviewed this item. He explained that the Clifton Water Board initiated the proposal for a drought response plan about 2 ½ years ago. He said the Memorandum of Understanding (MOU) is a way to deal with a drought valley-wide. He said the Ute Water Conservancy District asked to formalize the plan through an MOU. He explained that if there were a shortage in the valley, water would be shared during those shortages among the participating entities. The MOU also describes two stages of drought and what actions will be taken during each stage. He said in addition, there would be various water conservation efforts. He noted one conservation measure that will have budget implications, the demonstration of xeriscaping being planned at First Street and Grand Avenue, south of Quizno's Restaurant.

Councilmember Palmer asked about the vagueness in the language when dealing with a Stage 1 drought. Mr. Trainor explained that there might be a time when the sufficiency of irrigation water is in question; the parties will then meet weekly to keep an eye on the situation.

Councilmember Palmer asked about rate adjustments during drought conditions. Mr. Trainor said those using substantial amounts of water would see an increase in their water rate, those using less water would actually see a decrease in their water rate. Councilmember Palmer asked if the other entities would also raise their rates accordingly. Mr. Trainor said some would, but not in a matching amount, as Ute Water already charges a higher rate.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding among the parties to implement a Valley-wide Drought Response Plan and on-going Water Conservation Education with those parties being the City of Grand Junction, the Clifton Water District, the Ute Water Conservancy District, and the Town of Palisade. Councilmember Hill seconded the motion. Motion carried.

Expansion of Mosquito Control District

Mesa County and the City of Fruita have consented to the expansion of the Redlands Mosquito Control District. The Town of Palisade will be considering this question on October 14, 2003. The district asks that the City consent to the expansion of the district.

Dan Wilson, City Attorney, asked that this item be heard when the attorney for the Mosquito District, Larry Beckner, arrives.

Council President Spehar moved on to the next item.

Economic Development Incentive Request for Innovative Textiles

The Chamber of Commerce is recommending an economic development incentive in the amount of \$100,000 for an existing industry expansion. Innovative Textiles is purchasing a 210,000 square foot building to expand the company's production of high end fishing line and sport kite string.

Diane Schwenke, Executive Director of the Chamber of Commerce, reviewed the request. She explained the company, Innovative Textiles, is a homegrown company moving into a bigger space to accommodate the growth of the company. She detailed the wages paid by the company and the incentive being recommended.

Councilmember Palmer advised Council that he would vote against it, not because he is against incentives to growing businesses, but that he is not comfortable with cash incentives, he said he would prefer the incentives would be towards infrastructure.

Councilmember Hill said he appreciates the Chamber's role and hard work to get this request to this level, especially since he has participated in economic development incentives. Councilmember Kirtland agreed with Councilmember Hill and added that studies have shown that substantial economic development comes from within. He said this business is a good example of this process, since it exports 99 percent of its products outside Colorado. He noted that the incentive will be the last dollars in, after all financing is in place. Council President Spehar added that it is good for the City to support businesses that will provide jobs to locals and he recognizes the City's role in growing these jobs.

Councilmember McCurry asked Administrative Services Director Lappi if the funds available for this incentive include the amount previously designated for the aircraft company. Mr. Lappi said yes, that incentive has been taken off the table.

Resolution No. 100-03 – A Resolution Authorizing an Economic Development Incentive to Innovative Textiles for \$100,000 for the Benefit of Expanding an Existing Industry in Grand Junction

Councilmember Hill moved to adopt Resolution No. 100-03. Councilmember Butler seconded the motion. Motion carried by a roll call vote.

Public Hearing – Holton Annexation and Zoning of the Holton Annexation Located at 641 29 ½ Road [File #ANX-2003-169]

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinance for the Holton Annexation, located at 641 29 ½ Road.

Hold a public hearing and consider final passage of an ordinance to zone the Holton Annexation, Residential Multi-Family-5 (RMF-5), located at 641 29 ½ Road.

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

Ronnie Edwards, Associate Planner, reviewed the annexation and the zoning request in one presentation.

The petitioner's representative, Mike Joyce, Development Concepts, 2764 Compass Drive, addressed Council and said he and his client support Staff's presentation and its recommendations.

There were no public comments.

The public hearing was closed at 8:07 p.m.

a. Accepting Petition

Resolution No. 99-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Holton Annexation Area is Eligible for Annexation Located at 641 29 ½ Road

b. Annexation Ordinance

Ordinance No. 3576 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holton Annexation, Approximately 6.2142 Acres, Located at 641 29 ½ Road

c. Zoning Ordinance

Ordinance No. 3577 – An Ordinance Zoning the Holton Annexation to Residential Multi-Family-5 (RMF-5), Located at 641 29 ½ Road

Councilmember Kirtland moved to adopt Resolution No. 99-03, Ordinances No. 3576 and No. 3577 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Expansion of Mosquito Control District

Mesa County and the City of Fruita have consented to the expansion of the Redlands Mosquito Control District. The Town of Palisade will be considering this question on October 14, 2003. The district asks that the City consent to the expansion of the district.

Larry Beckner, attorney for the Mosquito District, explained that the request is to expand the district. He pointed out the two areas that are being asked to be included in the district on the November 4, 2003 ballot. He noted that entities that provide mosquito protection services have standing to object. If the City is not interested in providing those services, the district asks that the entity file consent with the court so the judge will enter the order a few days early.

Councilmember Hill clarified that the consent is to place the issue on the ballot. Mr. Beckner answered affirmatively; he said the voters would decide the question.

Mr. Beckner told Council about the Town of Palisade's concerns. He explained what chemicals are used and how they are applied. He said the treatment is very specific and site specific to the breeding areas; that one of the agents works for a month, another agent is applied via plane. He said spraying with malathion is only done over the river and is highly regulated. He said malathion is not sprayed over any agricultural areas. He explained that the Town of Palisade wants a guarantee that there would be no spraying of malathion in Palisade in order to protect its orchards. Mr. Beckner said the District does not want to damage anyone's property.

Councilmember Hill moved to authorize the Mayor to acknowledge that the City consents to the expansion of the Mosquito Control District. Councilmember Kirtland seconded the motion. Motion carried.

Public Hearing - Rezoning the Sander Property from RSF-R to RSF-E Located at 2611 Kelley Drive [File #RZ-2003-139]

Request to rezone 2611 Kelley Drive, comprised of 5.317 acres, from RSF-R (Residential Single Family with a density not to exceed 1 unit per 5 acres) to RSF-E (Residential Single Family Estate with a density not to exceed 1 unit per 2 acres). Planning Commission recommended approval at its September 9, 2003 meeting.

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

Ronnie Edwards, Associate Planner, reviewed this item. She explained that the higher density zone of RSF-E is still less dense than RSF-1, which had been originally requested; and that this request is still in conformance with the Growth Plan.

The petitioner, Dieter Sander, owner, explained that all he wanted to do is to build a garage, but the setbacks in the current zone district, was fifty feet. He assured Council and his neighbors that he has no plans to subdivide his property; he reiterated that he just wants to build a garage.

There were no public comments.

The public hearing was closed at 8:21 p.m.

Ordinance No. 3578 – An Ordinance Rezoning a Parcel of Land from Residential Single Family Rural with a Density not to Exceed One Unit per Five Acres (RSF-R to Residential Single Family Estate with a Density not to Exceed One Unit per Two Acres (RSF-E), Located at 2611 Kelley Drive

Councilmember Enos-Martinez moved to adopt Ordinance No. 3578 on Second Reading and ordered it published. Councilmember Butler seconded the motion. Motion carried.

Agreement Regarding Water Rights and Usage in the Whitewater Creek Area

An Agreement (Whitewater Creek Agreement) among the City of Grand Junction, the Lumbardy Trust(s), Unawep Land LLC, Cutting Fruit and Callow Creek Homeowners Associations concerning water rights in the Whitewater Creek Basin.

Greg Trainor, Utilities Manager, reviewed this item. He explained how this agreement would benefit the ranchers and the City. He said the ranchers would get their water piped to their stockwater tanks and the City would receive more water for storage. He said this agreement is the culmination of a lot of work done by Water Superintendent Terry Franklin.

Councilmember Butler moved to authorize the City Manager to sign the “Whitewater Creek Agreement”. Councilmember Hill seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

Councilmember Kirtland moved to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(i) relative to City Council employees and that Council would not return to regular session. Councilmember Palmer seconded the motion. Motion carried.

ADJOURNMENT

City Council adjourned to the Administration Conference Room to go into executive session at 8:28 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Setting a Hearing on Subordinate Tax Increment Revenue Bonds

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|----------------------------------|----------------------|-----|----------------|---------------------------------|
| Subject | Downtown Development Authority TIF Bonds | | | | | |
| Meeting Date | November 5, 2003 | | | | | |
| Date Prepared | October 30, 2003 | File # | | | | |
| Author | Ron Lappi | Administrative Services Director | | | | |
| Presenter Name | Ron Lappi | Administrative Services Director | | | | |
| Report results back to Council | | No | X | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | X | Consent | Individual Consideration |

Summary: AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE BONDS, SERIES 2003; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS; PROVIDING FOR THE PAYMENT AND DISCHARGE OF THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS AND SUBORDINATE TAX INCREMENT REVENUE BONDS.

Budget: The T.I.F. Revenue Fund of the City has adequate funds on hand to defease the currently outstanding bonds. The projected revenues annually from the T.I.F. increments each year through 2007 will be adequate to pay the annual debt service on the new bonds.

Action Requested/Recommendation: Approve the ordinance introduced on this 5th day of November, 2003. Final passage scheduled for the 19th of November, 2003.

Attachments: Ordinance

Background Information: Proceeds of the bond issue will be used by the City and DDA to finance \$3.0 million in capital expenditures over the next two years. The funds will be used to build a parking garage, streetscape projects, downtown housing efforts, and possibly Avalon Theater improvements.

The issue will consist of four (4) bonds of varying amounts to create equal annual debt service, with one bond maturing each December 22nd beginning December 22, 2004 through December 22, 2007. Interest on the bonds will be paid semi-annually on June 22 and December 22 of each year beginning June 22, 2004. The City of Grand Junction will act as its own paying agent and bond registrar for this small issue. Sherman & Howard will issue an opinion regarding the tax exempt status of this bond issue.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE BONDS, SERIES 2003; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS; PROVIDING FOR THE PAYMENT AND DISCHARGE OF THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS AND SUBORDINATE TAX INCREMENT REVENUE BONDS.

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

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Act: Part 8 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Sections 16 and 17 hereof and having a lien on the Pledged Revenues on a parity with the lien of the 2003 Bonds.

Authority: the Grand Junction, Colorado Downtown Development Authority, created by the City by an ordinance adopted March 16, 1977.

Average Annual Debt Service: the sum of principal and interest requirements on the Bonds to be paid during each Fiscal Year for the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond becomes due, divided by the number of Fiscal Years (including portions thereof) during the period beginning with the Fiscal Year in which such computation is being made and ending with the last Fiscal Year in which any Bond becomes due.

Bond Account: the account by that name created by Section 14 hereof.

Bonds: the Outstanding 2003 Bonds and any Outstanding Additional Bonds.

Business Day: a day on which banks located in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

City: the City of Grand Junction, Colorado.

City Council: the City Council of the City or any successor in functions thereto.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve-month period as may from time to time be designated by the City Council as the Fiscal Year of the City.

Governmental Obligations: any of the following which are noncallable and which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

direct general obligations of, or obligations the payment of principal of and interest on which are unconditionally guaranteed by, the United States of America;

bonds, debentures, notes, or other evidences of indebtedness issued by the Export-Import Bank of the United States, the Federal Financing Bank, the Farmers Home Administration, the General Services Administration, the U.S. Maritime Administration, or the U.S. Department of Housing and Urban Development; or

evidences of ownership interests in obligations described in paragraphs (a) or (b) above.

Maximum Annual Debt Service Requirement: the maximum amount of all required payments of principal and interest on the Outstanding Bonds which will become due in any Fiscal Year.

1996 Bonds: the City's Downtown Development Authority Tax Increment Revenue Bonds, Series 1996 issued pursuant to the 1996 Ordinance.

1996 Ordinance: Ordinance No. 2902 of the City authorizing the issuance of the 1996 Bonds.

1999 Bonds: the City's Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 1999 issued pursuant to the 1999 Ordinance.

1999 Ordinance: Ordinance No. 3140 of the City authorizing the issuance of the 1999 Bonds.

2003 Bonds: the City's Downtown Development Authority Tax Increment Revenue Bonds, Series 2003 issued pursuant to this Ordinance.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the 2003 Bonds.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

Bonds theretofore canceled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful registered owners thereof; or

Bonds deemed to have been paid as provided in Section 19 hereof or any similar section of an ordinance authorizing Additional Bonds.

Owner or registered owner: the registered owner of any 2003 Bond as shown on the registration records kept by the Registrar.

Paying Agent: the Finance Director of the City, or his successors and assigns.

Permitted Investment: any investment or deposit permitted by the laws of the State.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Plan: the Downtown Development Authority Plan of Development approved in the Resolution, including any amendments to the Plan subsequently approved by the City Council.

Plan of Development Area: the area subject to the Plan, including any additional property subsequently included therein.

Pledged Revenues: the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83), all funds deposited in the Tax Increment Fund and Bond Account, and investment income from the Bond Account and Tax Increment Fund, subject to Federal tax laws regarding arbitrage rebate.

Principal Operations Office: means the principal operations office of the Registrar and Paying Agent, currently located at the City of Grand Junction, Colorado.

Prior Tax Increment Bonds: the outstanding 1996 Bonds and 1999 Bonds.

Project: means the improvements in the Plan of Development Area acquired with proceeds of the 2003 Bonds, which improvements shall be described in the Plan.

Purchaser: means _____.

Rebate Account: the account by that name created by Section 14 hereof.

Registrar: the Finance Director of the City, or his successors and assigns.

Regular Record Date: the last business day of the calendar month next preceding each interest payment date for the 2003 Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Resolution: the City Council Resolution adopted December 16, 1981 approving the Plan and establishing the Tax Increment Fund, all as amended from time to time.

Special Record Date: a special date fixed to determine the names and addresses of registered owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 6 hereof.

State: the State of Colorado.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the 2003 Bonds, and any regulations promulgated thereunder.

Tax Increments: those portions of the ad valorem and municipal sales tax revenue produced from the Plan of Development Area which are in excess of the amounts certified as base amounts by the Assessor of the County and the City Finance Director pursuant to Section 31-25-807(3) of the Act and are pledged herein for the repayment of and as security for the Bonds. "Tax Increments" also include specific ownership taxes, if and to the extent received by the City in connection with the property tax increment.

Tax Increment Fund: the special fund created by the Resolution into which the Tax Increments are to be deposited by the City.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

Recitals.

The City is a municipal corporation duly organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.

The Authority was organized by the City pursuant to the Act as a Colorado Downtown Development Authority for the purposes of the Act and subsequently improving the area of the City contained within the Plan of Development Area. The Authority proposed and submitted the Plan to City Council, and the Plan was approved by the City Council in the Resolution. The Plan has been modified from time to time by amendments to the Resolution for the purpose of including additional property within the Plan of Development Area and other relevant changes. The Plan provides for a division of taxes pursuant to

Section 31-25-807(3) of the Act. The Resolution established the Tax Increment Fund for the deposit of the Tax Increments resulting from such division of taxes.

Pursuant to the Act, the City is permitted to issue securities made payable from the Tax Increments for the purposes of a project if the issuance of such bonds and the pledge of such revenues are first submitted for approval to the qualified electors of the Authority at a special election held for such purpose.

In addition, Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation (except that refundings of existing debt at lower interest rates do not require an election).

At a special election held on August 3, 1982, a majority of the electors of the Plan of Development Area voting thereon authorized the City to issue bonds or other indebtedness not to exceed the aggregate net principal amount of \$10,000,000 and not to exceed a maximum aggregate net effective interest rate of 18% per annum for the purpose of improving traffic and pedestrian circulation within the Plan of Development Area and authorized the pledge of the Tax Increment Fund for payment of principal, interest and any premiums due in connection with such bonds or other indebtedness, said pledge of funds not to exceed 25 years in duration.

The City has previously utilized \$4,255,000 of the existing authorization, leaving authorization of \$5,745,000 before issuance of the 2003 Bonds.

The 2003 Bonds issued for the Project shall be issued with terms such that they meet the requirements of the 1982 authorization.

The City has heretofore issued the 1996 Bonds in the original aggregate principal amount of \$1,700,000, of which \$795,000 remains outstanding bearing interest at the rates designated below, payable semi-annually on May 15 and November 15 in each year, and maturing on November 15 in each of the years and amounts as follows:

| <u>Maturity</u> (November 15) | <u>Principal Amount Outstanding</u> | <u>Interest Rate</u> (Per annum) |
|----------------------------------|-------------------------------------|-------------------------------------|
| 2003 | \$175,000 | 5.45% |
| 2004 | 190,000 | 5.55 |
| 2005 | 205,000 | 5.65 |
| 2006 | 225,000 | 5.75 |

The 1996 Bonds maturing on and after November 15, 2004 are subject to redemption prior to maturity, at the option of the City, in whole or in part, on May 15, 2004, or on any date thereafter at a redemption price equal to the principal amounts so redeemed plus accrued interest to the redemption date.

The City has heretofore issued the 1999 Bonds in the original aggregate principal amount of \$2,000,000, of which \$1,325,000 remains outstanding bearing interest at the rates designated below, payable semi-annually on May 15 and November 15 in each year, and maturing on November 15 in each of the years and amounts as follows:

| <u>Maturity</u> <u>(November 15)</u> | <u>Principal Amount Outstanding</u> | <u>Interest Rate</u> <u>(Per annum)</u> |
|---|-------------------------------------|--|
| 2003 | \$275,000 | 3.70% |
| 2004 | 325,000 | 3.80 |
| 2005 | 350,000 | 3.80 |
| 2006 | 375,000 | 3.80 |

The 1996 Bonds maturing on and after November 15, 2004 are subject to redemption prior to maturity, at the option of the City, in whole or in part, on May 15, 2004, or on any date thereafter at a redemption price equal to the principal amount so redeemed plus accrued interest to the redemption date.

The City Council desires to use moneys presently on hand to cause the Prior Tax Increment Bonds to be called for prior redemption and defeased in advance of or concurrently with the issuance of the 2003 Bonds, provided, however, that the proceeds of the 2003 Bonds will not be used to effect such redemption and defeasance.

The City is not delinquent in the payment of the principal of, premium, if any, or interest on any of the 1996 Bonds or the 1999 Bonds.

Assuming the defeasance of the Prior Tax Increment Bonds as set forth above, there are no other liens on the Pledged Revenues. The Pledged Revenues may now be pledged lawfully and irrevocably for the payment of the 2003 Bonds.

The City expects to receive an offer from the Purchaser for the purchase of the 2003 Bonds for the purpose of defraying in whole or in part the costs of the Project and costs of issuance of the 2003 Bonds.

The City Council desires to cause the 2003 Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council and other officers of the City in the creation of the Tax Increment Fund, the pledging of the Tax Increments (to the extent described herein) the implementation of the Project, and selling and issuing the 2003 Bonds for those purposes are ratified, approved and confirmed.

Authorization of Project. The Project hereby is authorized at a cost of not exceeding \$3,000,000 (excluding costs to be paid from sources other than the proceeds of the 2003 Bonds). The useful life of the Project is not less than ____ years.

Authorization of the 2003 Bonds. There hereby are authorized to be issued fully registered Tax Increment revenue securities of the City, to be designated “City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2003” in the aggregate principal amount of \$3,000,000, to be payable and collectible, both as to principal and interest, from the Pledged Revenues.

2003 Bond Details. The 2003 Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of the Purchaser, shall be dated as of the date of their delivery, shall be issued in denominations equal to the principal amount of the 2003 Bonds maturing on each maturity date set forth below; provided that if a 2003 Bond is redeemed in part, such 2003 Bond may be in the denomination equal to the unredeemed principal amount thereof and provided that no 2003 Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual 2003 Bond will be issued for more than one maturity. The 2003 Bonds shall be numbered in such manner as the Registrar may determine. The 2003 Bonds shall bear interest from their dated date until maturity or prior redemption payable semiannually on May 15 and November 15 in each year, commencing on May 15, 2004, except that any 2003 Bond which is reissued upon transfer or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the 2003 Bonds. The maximum net effective interest rate on the Bonds shall be 18%. The 2003 Bonds shall bear interest at the rates designated below (based on a 360-day year consisting of twelve 30-day months) and shall mature on November 15 in the following years and in the following amounts:

| <u>Maturity (November 15)</u> | <u>Principal Amount</u> | <u>Interest Rate Per Annum</u> |
|-----------------------------------|-----------------------------|------------------------------------|
| 20 | \$,000 | % |
| 20 | ,000 | |
| 20 | ,000 | |
| 20 | ,000 | |

| Maturity (<u>November 15</u>) | Principal <u>Amount</u> | Interest Rate <u>Per Annum</u> |
|------------------------------------|----------------------------|-----------------------------------|
| | | |
| 20 | ,000 | |
| 20 | ,000 | |
| 20 | ,000 | |
| | | |

The principal of and premium, if any, on any 2003 Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Registrar at the Principal Operations Office, upon maturity thereof or prior redemption and upon presentation and surrender at the Principal Operations Office of the Paying Agent. If any 2003 Bond shall not be paid upon such presentation and surrender at or after maturity or prior redemption, it shall continue to draw interest at the same interest rate borne by said 2003 Bond until the principal thereof is paid in full. Payment of interest on any 2003 Bond shall be made by check or draft mailed by the Paying Agent from the Principal Operations Office, on or before each interest payment date (or, if such interest payment date is not a Business Day, on or before the next succeeding Business Day), to the registered owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the defaulted interest shall be given to the registered owners of the 2003 Bonds not less than ten days prior to the Special Record Date by first-class mail to each such registered owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any 2003 Bond by such alternative means as may be mutually agreed to between the Owner of such 2003 Bond and the Paying Agent (provided, however, that if the Paying Agent is other than the City, the City shall not be required to make funds available to said Paying Agent prior to the dates provided in an agreement between the City and the successor paying agent. All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar, if other than the City.

Prior Redemption.

The 2003 Bonds maturing on or before November 15, 20__ are not subject to prior redemption. The 2003 Bonds maturing on or after November 15, 20__ are subject to redemption prior to their maturities, at the option of the City, on _____ 15, 20__ or on any date thereafter, in whole or in part, in integral multiples of \$5,000, from such maturities as are selected by the City, and if less than all of the 2003 Bonds of a maturity are to be redeemed, by lot within a maturity in such manner as the Registrar may determine, at a redemption price equal the principal amount so redeemed plus accrued interest to the redemption date.

In the case of redemption of less than the entire principal amount of a 2003 Bond, the Registrar shall, without charge to the registered owner of such 2003 Bond, authenticate and issue a replacement 2003 Bond or Bonds for the unredeemed portion thereof.

If the Registrar is other than the City, the City shall (unless waived by such Registrar) give written instructions concerning any prior redemption to the Registrar at least 60 days prior to such redemption date. Notice of redemption shall be given by the Registrar in the name of the City, by sending a copy of such notice by first-class postage prepaid mail, not more than 60 nor less than 30 days prior to the redemption date, to each registered owner of any 2003 Bond, all or a portion of which is called for prior redemption, at his address as it last appears on the registration records kept by the Registrar. Failure to give such notice by mailing to the registered owner of any 2003 Bond or any defect therein, shall not affect the validity of the proceedings for the redemption of any other 2003 Bonds.

Such notice shall identify the 2003 Bonds or portions thereof to be redeemed (if less than all are to be redeemed) and the date fixed for redemption, and shall further state that on such redemption date the principal amount thereof and the designated premium thereon, if any, will become due and payable at the Paying Agent, and that from and after such date interest will cease to accrue. Accrued interest to the redemption date will be paid by check or draft mailed to the registered owner (or by alternative means if so agreed to by the Paying Agent and the registered owner). Notice having been given in the manner hereinabove provided, the 2003 Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated; and upon presentation and surrender thereof at the Paying Agent, the City will pay the principal of and premium, if any, on the 2003 Bond or Bonds so called for redemption.

Lien on Pledged Revenues; Special Obligations. The 2003 Bonds constitute a pledge of, and an irrevocable first lien (but not an exclusive first lien) on all of the Pledged Revenues. The 2003 Bonds are equitably and ratably secured by a pledge of and lien on the Pledged Revenues. All of the 2003 Bonds, together with the interest accruing thereon shall be payable and collectible solely out of the Pledged Revenues, which are hereby irrevocably so pledged; the registered owner or owners of the 2003 Bonds may

not look to any general or other fund of the City or the Authority for the payment of principal of and interest on the 2003 Bonds, except the designated special funds and accounts pledged therefor. The 2003 Bonds shall not constitute an indebtedness nor a debt within the meaning of any applicable Charter, constitutional or statutory provision or limitation; nor shall they be considered or held to be general obligations of the City or the Authority.

Form of 2003 Bonds and Registration Panel. The 2003 Bonds and the registration panel shall be substantially as follows (provided that any portion of the 2003 Bond text may, with appropriate references, be printed on the back of the 2003 Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO
DOWNTOWN DEVELOPMENT AUTHORITY
TAX INCREMENT REVENUE BOND
SERIES 2003

R- _____

\$ _____

| <u>INTEREST RATE</u> | <u>MATURITY DATE</u> | <u>DATED DATE</u> | <u>CUSIP</u> |
|----------------------|----------------------|-------------------|--------------|
| _____ % | November 15, 20____ | _____, 2003 | |
| | | | |
| | | | |

REGISTERED OWNER: _____

PRINCIPAL AMOUNT:

DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), for value received, promises to pay to the registered owner specified above, or registered assigns, solely from the special funds provided therefor, the principal amount specified above, on the maturity date specified above (unless called for earlier redemption), and to pay from said sources interest thereon on May 15 and November 15 of each year, commencing on _____ 15, 2004, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. The principal of this bond is payable upon presentation and surrender hereof to the Principal Operations Office of the City's registrar and paying agent (the "Registrar" or the "Paying Agent"), initially the Finance Director for the City, whose Principal Operations Office is currently located at the City of Grand Junction, Colorado. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar at the Principal Operations Office and at the address appearing thereon at the close of business on the last business day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner

hereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the bonds of the series of which this is one (the "2003 Bonds") not less than ten days prior to the Special Record Date. Alternative means of payment of interest may be used if mutually agreed to between the Owner of any Bond and the Paying Agent, as provided in the ordinance of the City authorizing the issuance of the 2003 Bonds (the "Bond Ordinance"). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

Bonds maturing on or before November 15, 20__ are not subject to prior redemption. The 2003 Bonds maturing on November 15, 20__ and thereafter are subject to prior redemption, at the option of the City on _____ 15, 20__ or on any date thereafter, in whole or in part, in integral multiples of \$5,000, from such maturities as are selected by the City, and if less than all of the 2003 Bonds of a maturity are to be redeemed, by lot within a maturity in such manner as the Registrar may determine, at a redemption price equal the principal amounts so redeemed plus accrued interest to the redemption date.

In the case of redemption of less than the entire principal amount of a Bond, the Registrar shall, without charge to the Owner of such Bond, authenticate and issue a replacement Bond for the unredeemed portion thereof. Redemption shall be made upon not more than 60 days' and not less than 30 days' mailed notice to each registered owner of Bonds to be redeemed as shown on the registration records kept by the Registrar, in the manner and upon the conditions provided in the Bond Ordinance.

The Bonds are issued in fully registered form, in denominations equal to the principal amount of the Bonds maturing on each maturity date; provided that if a Bond is redeemed in part, such Bond may be in the denomination equal to the unredeemed principal amount thereof. Subject to the aforementioned restriction, the 2003 Bonds are transferable only as set forth in the Bond Ordinance.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute Owner hereof for the purpose of making payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Bond Ordinance with respect to Regular and Special Record Dates for the payment of interest.

The 2003 Bonds are authorized for the purpose of defraying wholly or in part the costs of the Project (as defined in the Bond Ordinance), for the payment of costs and expenses incidental thereto and to the issuance of the 2003 Bonds, all under the authority of and in full conformity with the Constitution of the State of Colorado and the Act (as defined in the Bond Ordinance) and pursuant to the Bond Ordinance duly

adopted, published and made a law of the City, all prior to the issuance of this bond. As provided in the Act, this bond and the interest thereon is exempt from taxation by the State of Colorado except inheritance, estate and transfer taxes.

The 2003 Bonds do not constitute a debt or an indebtedness of the City or the Authority within the meaning of any applicable charter, constitutional or statutory provision or limitation. This Bond shall not be considered or held to be a general obligation of the City, and is payable from, and constitutes a pledge of and an irrevocable first lien (but not an exclusive first lien) on all of the proceeds to be derived by the City from the Pledged Revenues (the “Pledged Revenues”), consisting of funds derived from the incremental increase in property tax revenues (including specific ownership taxes, if and to the extent received by the City in connection with the incremental property tax revenues) and a portion of the incremental increase in sales tax revenues (the “Tax Increments”) calculated with reference to a base year within the area of the City subject to the Plan of Development for the Grand Junction Downtown Development Authority, and also consisting of the Bond Account, the Tax Increment Fund and investment income thereon, all as more specifically provided in the Bond Ordinance.

The 2003 Bonds constitute a pledge of, and an irrevocable first lien on all of the Pledged Revenues. The 2003 Bonds are equitably and ratably secured by a pledge of and first lien on the Pledged Revenues.

Payment of the principal of and interest on this bond shall be made from, and as security for such payment there are irrevocably pledged, pursuant to the Bond Ordinance, moneys deposited and to be deposited in a special account of the City (the “Bond Account”) into which account the City has covenanted under the Bond Ordinance to pay from the Pledged Revenues a sum sufficient, together with other moneys available in the Bond Account therefor, to pay when due the principal of and interest on the 2003 Bonds and any Additional Bonds (as defined in the Bond Ordinance). Except as otherwise specified in the Bond Ordinance, this bond is entitled to the benefits of the Bond Ordinance equally and ratably both as to principal (and redemption price) and interest with all other Bonds issued and to be issued under the Bond Ordinance, to which reference is made for a description of the rights of the Owners of the 2003 Bonds and the rights and obligations of the City. This bond is payable from the Pledged Revenues, and the Owner hereof may not look to any general or other fund of the City or the Authority for the payment of the principal of and interest on this bond except the Pledged Revenues. Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the 2003 Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security, the terms and conditions under which additional bonds payable from the Pledged Revenues may be issued, the rights, duties and obligations

of the City, and the rights of the Owners of the 2003 Bonds; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

FOR PURPOSES OF SECTION 265(b)(3)(B) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE CITY HAS DESIGNATED THE 2003 BONDS AS A QUALIFIED TAX-EXEMPT OBLIGATION.

This bond must be registered in the name of the Owner as to both principal and interest on the registration records kept by the Registrar at the Principal Operations Office in conformity with the provisions stated herein and endorsed herein and subject to the terms and conditions set forth in the Bond Ordinance. No transfer of this bond shall be valid unless made in accordance with the restrictions set forth herein and in the Bond Ordinance and on the registration records maintained at the Principal Operations Office of the Registrar by the registered owner or his attorney duly authorized in writing.

It is further certified and recited that all the requirements of law have been fully complied with by the proper City officers in the issuance of this bond.

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

IN TESTIMONY WHEREOF, the City Council of the City of Grand Junction has caused this bond to be signed and executed in its name with a manual or facsimile signature of the President of the City Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, with a manual or facsimile impression of the seal of the City affixed hereto, all as of the date specified above.

(Manual or Facsimile Signature)
President of the City Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)
City Clerk

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

This is one of the 2003 Bonds described in the within-mentioned Bond Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

Date of Authentication
and Registration: _____

CITY OF GRAND JUNCTION, COLORADO,
as Registrar

By: _____
Finance Director

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

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the registration records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By: _____

(Firm or Bank)

Authorized Signature

Name and Address of transferee:

Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

Negotiability. Subject to the registration provisions hereof, the 2003 Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Owner or Owners thereof shall possess all rights enjoyed by the holders or owners of negotiable instruments under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the 2003 Bonds shall be paid, and the 2003 Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate owner of any 2003 Bonds or any setoffs or cross-claims.

Execution. The 2003 Bonds shall be executed in the name and on behalf of the City by the signature of the President of the City Council, shall be sealed with a manual or facsimile impression of the seal of the City and attested by the signature of the City Clerk. Each 2003 Bond shall be authenticated by the manual signature of an authorized officer or employee of the Registrar as hereinafter provided. The signatures of the President of the City Council and the City Clerk may be by manual or facsimile signature. The 2003 Bonds bearing the manual or facsimile signatures of the officers in office at the time of the authorization thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor or before the issuance of the 2003 Bonds upon transfer, any or all of the persons whose manual or facsimile signatures appear thereon shall have ceased to fill their respective offices. The President of the City Council and the City Clerk shall, by the execution of a signature certificate pertaining to the 2003 Bonds, adopt as and for their respective signatures any facsimiles thereof appearing on the 2003 Bonds. At the time of the execution of the signature certificate, the President of the City Council and the City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the 2003 Bonds.

No 2003 Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the 2003 Bonds issued hereunder. By authenticating any of the 2003 Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Registration and Transfer.

Records for the registration and transfer of the 2003 Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the 2003 Bonds. Upon the surrender for transfer of any 2003 Bond at the Registrar, duly endorsed for transfer or accompanied by an

assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new 2003 Bond or Bonds of the same series, of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such transfers of 2003 Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such transfer) shall be paid by the registered owner requesting such transfer.

The Registrar shall not be required to transfer (1) any 2003 Bond during a period beginning at the opening of business 15 days before the day of the mailing of notice of prior redemption as herein provided and ending at the close of business on the day of such mailing, or (2) any 2003 Bond after the mailing of notice calling such 2003 Bond or any portion thereof for prior redemption, except for the unredeemed portion of the 2003 Bonds being redeemed in part.

The person in whose name any 2003 Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 6 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any 2003 Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such 2003 Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such 2003 Bond to the extent of the sum or sums so paid.

If any 2003 Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement 2003 Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated 2003 Bond shall have matured or is about to become due and payable, the Registrar may direct the Paying Agent to pay such 2003 Bond in lieu of replacement.

The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated 2003 Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

Whenever any 2003 Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer or replacement as provided herein, such 2003 Bond shall be promptly canceled

by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Delivery of 2003 Bonds and Disposition of Proceeds. When the 2003 Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the 2003 Bonds to be delivered to the Purchaser on receipt of the agreed purchase price. The 2003 Bonds shall be delivered in such denominations as the Purchaser shall direct (but subject to the provisions of Section 12 hereof); and the Registrar shall initially register the 2003 Bonds in such name or names as the Purchaser shall direct.

The proceeds of the 2003 Bonds shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Purchaser of the 2003 Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All proceeds of the 2003 Bonds shall be credited to the Tax Increment Projects Fund, hereby created, to be used for the Project and for the costs of issuance of the 2003 Bonds. After payment of all costs of the Project and costs of issuance of the 2003 Bonds, or after adequate provision therefor is made, any unexpended balance of the proceeds of the 2003 Bonds shall be deposited in the Bond Account and applied to the payment of the principal of and interest on the 2003 Bonds.

Use of Pledged Revenues. So long as any Bonds shall be Outstanding, either as to principal or interest, all Pledged Revenues in the Tax Increment Fund shall be applied as described below:

Bond Account. A special account is hereby created and designated as the “City of Grand Junction, Colorado, Downtown Development Authority 2003 Tax Increment Revenue Bond Account” (the “Bond Account”). The Bond Account shall be held, administered and distributed by the City in accordance with the terms of this Ordinance. The Pledged Revenues remaining in the Tax Increment Fund shall be credited immediately to the Bond Account until the total amount accumulated therein is equal to the sum of the following:

Interest payments. The aggregate amount of the next maturing installment of interest on the Bonds, plus

Principal payments. The aggregate amount of the next maturing installment of principal of the Bonds.

Once there has been accumulated in the Bond Account the entire amount necessary for the payment of principal of and interest on the Bonds in the current Fiscal Year, no moneys need be deposited in the Bond Account until the following Fiscal Year. The moneys in the Bond Account shall be used only to pay the principal of, prior redemption premium, if any, and interest on the Bonds as the same becomes due.

Termination Upon Deposits to Maturity or Redemption Date. No payment need be made into the Bond Account if the amount in the Bond Account totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, or to any redemption date on which the City shall have exercised its option to redeem the Bonds then Outstanding and thereafter maturing, including any prior redemption premiums then due, and both accrued and not accrued, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be withdrawn and used for any lawful purpose.

Defraying Delinquencies in Bond Account. If on any required payment date the City shall for any reason not have in the Bond Account the full amount above stipulated, then the City shall deposit into the Bond Account from the first Pledged Revenues thereafter received and not required to be applied otherwise by this Section (but excluding any payments required for any obligations subordinate to the Bonds) an amount equal to the difference between the amount then on deposit in the Bond Account and the amount needed to make the payments due on said payment date.

In the event that said first moneys credited to the Tax Increment Fund have been insufficient during a given Fiscal Year to meet the principal and interest requirements on the Bonds to be paid during said Fiscal Year, then during the month of December of said Fiscal Year, the City may at its option and sole discretion, transfer to the Bond Account from surplus legally available funds a sum equal to the amount needed to meet said debt service requirements due and owing on the Bonds. The City intends to include the question of whether to so replenish the Bond Account on its agenda in December of any Fiscal Year for which the balance of the Bond Account is inadequate to meet said debt service requirements. If and to the extent the City decides to replenish the Bond Account from surplus legally available funds, all such City moneys deposited into the Bond Account shall be deemed a loan to the Tax Increment Fund, to be paid back on an annually subordinate basis pursuant to Section 14E as a “subordinate obligation.”

The moneys in the Bond Account shall be used solely for the purpose of paying the principal of, redemption premium, if any, and the interest on the Bonds; provided, that any moneys in the Bond Account in excess of accrued and unaccrued principal and interest requirements to the respective maturities of the Outstanding Bonds, and not needed for rebate to the United States government, may be used as provided in paragraphs E and F of this Section.

Rebate Account. Next, there shall be deposited in a special account hereby created and to be known as the “City of Grand Junction, Colorado, Downtown Development Authority 2003 Tax Increment Revenue Bonds Rebate Account” (the “Rebate Account”) amounts required by Section 148(f) of the Tax

Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury. A similar rebate account may be created for any series of Additional Bonds and payments into such account shall have the same priority as payments into the Rebate Account created hereunder.

Payment for Subordinate Obligations. After the payments required by paragraphs A, C and D of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the 2003 Bonds (including the repayment of any City loan to replenish the Bond Account), hereafter authorized to be issued, including reasonable reserves therefor.

Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose. Without limiting the foregoing, to the extent permitted by law, the City is hereby authorized to transfer any and all remaining Pledged Revenues which constitute investment income on moneys in the Tax Increment Fund to the Authority to be used for administrative expenses.

General Administration of Accounts. The accounts designated in Sections 13 and 14 hereof and the Tax Increment Fund shall be administered as follows subject to the limitations stated in Section 18K hereof:

Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 14 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the City Council in each year respectively while any of the 2003 Bonds, either as to principal or interest, are Outstanding and unpaid.

Places and Times of Deposits. Each of the special accounts created in Section 14 hereof and the Tax Increment Fund shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously

secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding Business Day.

Investment of Accounts. Any moneys in any account established by Section 14 of this Ordinance and the Tax Increment Fund may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60-day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 15C and Section 15E hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 18K hereof.

No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 15C hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 15C hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Additional Bonds.

Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from and constituting a

lien upon the Pledged Revenues on a parity with the lien of the 2003 Bonds; but before any such Additional Bonds are authorized or actually issued (excluding any parity refunding securities refunding the Bonds or a part thereof, as provided in Section 17 hereof), the following provisions B through F must all first be satisfied.

Absence of Default. At the time of the adoption of the supplemental ordinance or other instrument authorizing the issuance of the Additional Bonds, the City shall not be in default in making any payments required by Section 14 hereof.

Historic Revenues Test. The Tax Increments constituting Pledged Revenues, as certified by the City Council, received in the last complete Fiscal Year immediately preceding the date of the issuance of such Additional Bonds, shall have been sufficient to pay an amount at least equal to _____% of the sum derived by adding the following: (i) the Average Annual Debt Service for the Outstanding Bonds and (ii) the Average Annual Debt Service for the Additional Bonds proposed to be issued.

Adjustment of Historic Revenues. In the computation of the historic revenues test in Section 16 hereof, the amount of the Tax Increments constituting Pledged Revenues for such Fiscal Year may be increased by the amount of gain which will result from any increase in the amount of the assessed valuation of taxable property within the Plan of Development Area, or the mill levy or percentage of sales tax which will be applied in the City during that Fiscal Year as provided in final ordinances, certifications, or resolutions of the City or county or other taxing authority, approved if required by the electors, providing for such increase.

Adequate Reserves. The City may, at its option, provide for the creation and maintenance of a reserve fund in connection with the issuance of any Additional Bonds.

Reduction of Annual Requirements. The respective annual debt service requirements set forth in Section 16 hereof (including as such a requirement, the amount of any prior redemption premiums due on any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of bonds or securities for redemption) shall be reduced to the extent such debt service requirements are scheduled to be paid in each of the respective Fiscal Years with moneys held in trust or in escrow for that purpose by any Trust Bank located within or without the State, including the known minimum yield from any investment of such moneys in Governmental Obligations and bank deposits, including any certificate of deposit.

Certification of Revenues. In the case of the computation of the revenue tests provided in Section 16C and when adjusted in the manner provided in Section 16D, the specified and required written certification by the City Council that such annual revenues are sufficient to pay such amounts as provided in

Section 16C hereof shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver Additional Bonds on a parity with the then Outstanding Bonds.

Subordinate Securities Permitted. Nothing herein prevents the City from issuing additional bonds or other additional securities for any lawful purpose payable from the Pledged Revenues having a lien thereon subordinate, inferior and junior to the lien thereon of the Bonds.

Superior Securities Prohibited. Nothing herein permits the City to issue bonds or other securities payable from the Pledged Revenues and having a lien thereon prior and superior to the lien thereon of the 2003 Bonds.

Refunding Obligations.

Generally. If at any time after the 2003 Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding obligations payable from the Pledged Revenues, said obligations, or any part thereof, may be refunded, subject to the provisions of paragraph B of this Section, if (1) the obligations to be refunded, at the time of their required surrender for payment, shall then mature or shall then be callable for prior redemption at the City's option upon proper call, or (2) the owners of the obligations to be refunded consent to such surrender and payment.

Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues shall be issued with such details as the City Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of obligations payable from the Pledged Revenues; but so long as any 2003 Bonds are Outstanding, refunding obligations payable from the Pledged Revenues may be issued on a parity with the unrefunded Bonds only if:

Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

Requirements. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Revenues is not raised to a higher priority than the lien thereon of any obligations thereby refunded; or

Earnings Tests. The refunding obligations are issued in compliance with Section 16 hereof.

Protective Covenants. The City hereby additionally covenants and agrees with each and every Owner of the 2003 Bonds that:

Use of 2003 Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

Payment of 2003 Bonds. The City will promptly pay the principal of and interest on every 2003 Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said 2003 Bonds according to the true intent and meaning hereof. Such principal and interest is payable solely from the Pledged Revenues.

Amendment of the Resolution; Continuance and Collection of Taxes. The Resolution is now in full force and effect and has not been repealed or amended.

Unless required by law, the City shall not make any further modification of the Resolution or the Plan which would reduce the Tax Increments deposited or to be deposited in the Tax Increment Fund or otherwise materially impair the pledged security for the 2003 Bonds unless the required consent is obtained, all as provided in Section 27 of this Ordinance.

The City shall maintain the Tax Increment Fund as a fund of the City separate and distinct from all other funds of the City and immediately upon receipt or collection of the Tax Increments shall deposit the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83) into said fund.

The City shall take all reasonable action necessary to collect delinquent payments of the ad valorem and sales taxes owing from the Plan of Development Area or to cause such delinquent payments to be collected.

The foregoing covenants are subject to compliance by the City with its Charter, any legislation of the United States or the State or any regulation or other action taken by the federal government or any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof or the public welfare, which legislation, regulation or action applies to the City as a Colorado municipality and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Tax Increments (less 20% of the Tax Increments originating from sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83) shall be subject to the payment of the debt service requirements of all Bonds payable from the Pledged Revenues and the Tax Increment Fund, including reserves therefor if any, as provided herein or in any instrument supplemental or amendatory hereto.

Defense of Legality of Application and Use of Tax Increments. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator,

administrative agency or other governmental authority which affects the validity or legality of this Ordinance, the Resolution, or the imposition and collection of the Tax Increments, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Resolution.

The City shall, to the extent permitted by law, defend the validity and legality of the collection of the Tax Increments and any taxes contributing thereto, this Ordinance and the Resolution, and all amendments thereto against all claims, suits and proceedings which would diminish or impair the Pledged Revenues or Tax Increment Fund as security for the Bonds.

Except as specified in this Ordinance, the City has not assigned or pledged the Pledged Revenues or Tax Increment Fund in any manner which would diminish the security for the payment of the Bonds.

Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance. The City, acting by and through its officers, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of said Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the Bonds against all claims and demands of all Persons whomsoever.

Conditions Precedent. Upon the issuance of any of the 2003 Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance to exist, to have happened, and to have been performed precedent to or in the issuance of the 2003 Bonds shall exist, have happened and have been performed, and the 2003 Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State or the Charter.

Records. So long as any of the 2003 Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created or continued by this Ordinance.

Audits. The City further agrees that it will cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues.

The City agrees to allow the Owner of any of the 2003 Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Purchaser.

Performing Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the segregation of the Pledged Revenues as set forth in Section 14 hereof and their application to the respective accounts herein designated.

Other Liens. As of the date of issuance of the 2003 Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues.

Tax Covenant. The City covenants for the benefit of the Registered Owners of the 2003 Bonds that it will not take any action or omit to take any action with respect to the 2003 Bonds, the proceeds thereof, any other funds of the City or any facilities financed or refinanced with the proceeds of the 2003 Bonds if such action or omission (i) would cause the interest on the 2003 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the 2003 Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the 2003 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the 2003 Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

The City hereby designates the 2003 Bonds as a qualified tax-exempt obligation for purposes of Section 265(b)(3)(B) of the Tax Code.

City's Existence. The City will maintain its corporate identity and existence so long as any of the 2003 Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding 2003 Bonds.

Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

Surety Bonds. Each official of the City having custody of the Pledged Revenues, or responsible for their handling, shall be fully bonded at all times, which bond shall be conditioned upon the proper application of such money.

Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

Defeasance. When the 2003 Bonds have been fully paid both as to principal and interest, all obligations hereunder shall be discharged and the 2003 Bonds shall no longer be deemed to be Outstanding for any purpose of this Ordinance, except as set forth in Section 18K hereof. Payment of any 2003 Bonds shall be deemed made when the City has placed in escrow with a Trust Bank an amount sufficient (including the known minimum yield from Governmental Obligations) to meet all requirements of principal, interest, and any prior redemption premiums on such 2003 Bonds as the same become due to maturity or a designated prior redemption date; and, if 2003 Bonds are to be redeemed prior to maturity pursuant to Section 7A hereof, when the City has given to the Registrar irrevocable written instructions to give notice of prior redemption in accordance with Section 7C hereof. The Governmental Obligations shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule agreed upon between the City and such Trust Bank at the time of creation of the escrow and shall not be callable by the issuer thereof prior to their scheduled maturities.

In the event that there is a defeasance of only part of the 2003 Bonds of any maturity, the Registrar shall, if requested by the City, institute a system to preserve the identity of the individual 2003 Bonds or portions thereof so defeased, regardless of changes in bond numbers attributable to transfers of 2003 Bonds; and the Registrar shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Delegated Powers. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing; the printing of the 2003 Bonds and the execution of such certificates as may be required by the Purchaser, including, but not necessarily limited to, the absence and existence of factors affecting the exclusion of interest on the 2003 Bonds from gross income for federal income tax purposes.

Events of Default. Each of the following events is hereby declared an “event of default:”

Nonpayment of Principal. If payment of the principal of any of the 2003 Bonds shall not be made when the same shall become due and payable at maturity or by proceedings for prior redemption; or

Nonpayment of Interest. If payment of any installment of interest on the 2003 Bonds shall not be made when the same becomes due and payable; or

Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

Default of Any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the 2003 Bonds or in this Ordinance on its part to be performed, other than those delineated in paragraphs A and B of this Section, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the 2003 Bonds then Outstanding.

Remedies. Upon the happening and continuance of any event of default as provided in Section 21 hereof, the Owner or Owners of not less than 25% in aggregate principal amount of the Outstanding Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners of Bonds. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Duties Upon Default. Upon the happening of any of the events of default as provided in Section 21 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on said Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account, pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this Section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Replacement of Registrar or Paying Agent. If the City shall determine that it wishes to appoint a Registrar or Paying Agent other than the Finance Director of the City, the City may, upon notice mailed to each Owner of any 2003 Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No subsequent resignation or dismissal of the Registrar or

Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a bank or trust company having a shareowner's equity (e.g., capital, surplus, and undivided profits), however denominated, of not less than \$10,000,000. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Amendment. After any of the 2003 Bonds have been issued, this Ordinance shall constitute a contract between the City and the Owners of the 2003 Bonds and shall be and remain irrevocable until the 2003 Bonds and the interest thereon have been fully paid, satisfied and discharged.

The City may, without the consent of, or notice to the Owners of the 2003 Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not materially adversely affect the interests of the Owners of the 2003 Bonds;

to subject to the lien of this Ordinance additional revenues, properties or collateral;

to grant or confer upon the Registrar for the benefit of the registered owners of the 2003 Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the registered owners of the 2003 Bonds; or

to qualify this Ordinance under the Trust Indenture Act of 1939.

Exclusive of the amendatory ordinances permitted by paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the City Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of at least 66% in aggregate principal amount of the 2003 Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the 2003 Bonds adversely affected thereby, no such ordinance shall have the effect of permitting:

An extension of the maturity of any 2003 Bond authorized by this Ordinance; or

A reduction in the principal amount of any 2003 Bond, the rate of interest thereon, or the prior redemption premium, if any, thereon; or

The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

A reduction of the principal amount of 2003 Bonds required for consent to such amendatory or supplemental ordinance; or

The establishment of priorities as between 2003 Bonds issued and Outstanding under the provisions of this Ordinance; or

The modification of or otherwise affecting the rights of the Owners of less than all of the 2003 Bonds then Outstanding.

Redemption and Defeasance of 1996 and 1999 Bonds.

Exercise of Option. The City Council has elected and does hereby declare its intent to exercise on behalf and in the name of the City its option to redeem on May 15, 2004, all of the outstanding 1996 Bonds and the outstanding 1999 Bonds maturing on and after November 15, 2004. The City Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith prior to or upon the issuance of the 2003 Bonds as herein provided.

Authorization to Undertake Defeasance. The Finance Director of the City is hereby authorized and directed to take all action necessary or appropriate to effectuate the prior redemption and defeasance of the Prior Tax Increment Bonds, including but not limited to the execution of an escrow agreement pertaining thereto, the creation of an escrow account and the deposit therein of certain moneys of the City legally available therefor, and the giving of notices of prior redemption and defeasance of the Prior Tax Increment Bonds in the form and manner set forth in the 1996 Ordinance and 1999 Ordinance, respectively.

Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Ordinance Irrepealable. After any of the 2003 Bonds herein authorized are issued, this Ordinance shall constitute a contract between the City and the Owners of the 2003 Bonds, and shall be and

remain irrevocable until the 2003 Bonds and interest thereon shall be fully paid, canceled and discharged as herein provided.

Disposition of Ordinance. This Ordinance, as adopted by the City Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the City Council and City Clerk, and by the certificate of publication.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 5th day of November, 2003.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL this 19th day of November, 2003.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify that:

The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on November 5, 2003 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on November 19, 2003 which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of November 5, 2003, by an affirmative vote of a majority of the members of the Council as follows:

| <u>Councilmember</u> | <u>Voting “Aye”</u> | <u>Voting “Nay”</u> | <u>Absent</u> | <u>Abstaining</u> |
|----------------------|---------------------|---------------------|---------------|-------------------|
| Cindy Enos-Martinez | | | | |
| Bruce Hill | | | | |
| Dennis Kirtland | | | | |
| Jim Spehar | | | | |
| Gregg Palmer | | | | |
| William McCurry | | | | |
| Harry Butler | | | | |

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 19, 2003, by an affirmative vote of a majority of the members of the Council as follows:

| <u>Councilmember</u> | <u>Voting “Aye”</u> | <u>Voting “Nay”</u> | <u>Absent</u> | <u>Abstaining</u> |
|----------------------|---------------------|---------------------|---------------|-------------------|
| Cindy Enos-Martinez | | | | |
| Bruce Hill | | | | |
| Dennis Kirtland | | | | |
| Jim Spehar | | | | |

| | | | | |
|-----------------|--|--|--|--|
| Gregg Palmer | | | | |
| William McCurry | | | | |
| Harry Butler | | | | |

The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

Notices of the meetings of November 5, 2003 and November 19, 2003 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on November __, 2003 and November __, 2003 as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of November, 2003.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of November 5, 2003 and November 19, 2003)

EXHIBIT B

(Attach Affidavits of Publication)

Attach 3

Setting a Hearing on the Washington Annexation Located at 287 Coulson Drive

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------|-----|--------------------|---------------------------------|
| Subject | Setting a hearing for the Washington annexation located at 287 Coulson Drive | | | | | |
| Meeting Date | November 5, 2003 | | | | | |
| Date Prepared | October 20, 2003 | | | | File #ANX-2003-200 | |
| Author | Ronnie Edwards | | Associate Planner | | | |
| Presenter Name | Ronnie Edwards | | Associate Planner | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | | No | Name | |
| | Workshop | X | Formal Agenda | X | Consent | Individual Consideration |

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.317 acre Washington annexation consists of one parcel and UnawEEP Avenue, Coulson Drive and Capitol Lane rights-of-way. It is in conjunction with a proposed two lot simple subdivision for single family residential use.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

1. General Location Map
2. Aerial Photo
3. Growth Plan Map
4. Zoning Map
5. Annexation map
6. Resolution Referring Petition
7. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

| | | | | |
|-------------------------------------|--------------|------------------------------------|--|-----------|
| Location: | | 287 Coulson Drive | | |
| Applicants: | | Yvonne Washington | | |
| Existing Land Use: | | Vacant | | |
| Proposed Land Use: | | Residential Single Family | | |
| Surrounding Land Use: | North | Residential Single Family | | |
| | South | Residential Single Family | | |
| | East | Residential Single Family | | |
| | West | Residential Single Family | | |
| Existing Zoning: | | County RSF-4 | | |
| Proposed Zoning: | | City RSF-4 | | |
| Surrounding Zoning: | North | County RSF-4 | | |
| | South | County RSF-4 | | |
| | East | County RSF-4 | | |
| | West | County RSF-4 | | |
| 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 1.317 acres of land and is comprised of one parcel and includes a portion of Unawep Avenue, Coulson Drive and Capitol Lane rights-of-way. The property owner has requested annexation into the City in conjunction with the development of the property to create a two-lot simple subdivision. Under the 1998 Persigo Agreement all development requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Washington 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> | |
|-----------------------------------|---|
| November 5, 2003 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| November 25, 2003 | Planning Commission considers Zone of Annexation |
| December 3, 2003 | Introduction Of A Proposed Ordinance on Zoning by City Council |
| December 17, 2003 | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council |
| January 18, 2004 | Effective date of Annexation and Zoning |

WASHINGTON ANNEXATION SUMMARY

| | | |
|---------------------------------------|----------------------------------|--|
| File Number: | | ANX-2003-200 |
| Location: | | 287 Coulson Drive |
| Tax ID Number: | | 2943-302-00-237 |
| Parcels: | | One |
| Estimated Population: | | 0 |
| # of Parcels (owner occupied): | | 0 |
| # of Dwelling Units: | | 0 |
| Acres land annexed: | | 1.317 acres for annexation area |
| Developable Acres Remaining: | | 0.91 acres |
| Right-of-way in Annexation: | | 121.73' strip of Unawep Avenue, 848.52' of Coulson Drive and 427.28' of Capitol Lane (See Map) |
| Previous County Zoning: | | RSF-4 |
| Proposed City Zoning: | | RSF-4 |
| Current Land Use: | | Vacant |
| Future Land Use: | | Residential Single Family |
| Values: | Assessed: | \$ 2,390 |
| | Actual: | \$ 30,000 |
| Address Ranges: | | 2811 to 2815 Capitol Lane (odd only) |
| Special Districts: | Water: | Ute Water District |
| | Sewer: | Orchard Mesa Sanitation District |
| | Fire: | Grand Junction Rural Fire District |
| | Irrigation/ Drainage: | Orchard Mesa Irrigation & Drainage |
| | School: | District 51 |
| | Pest: | N/A |

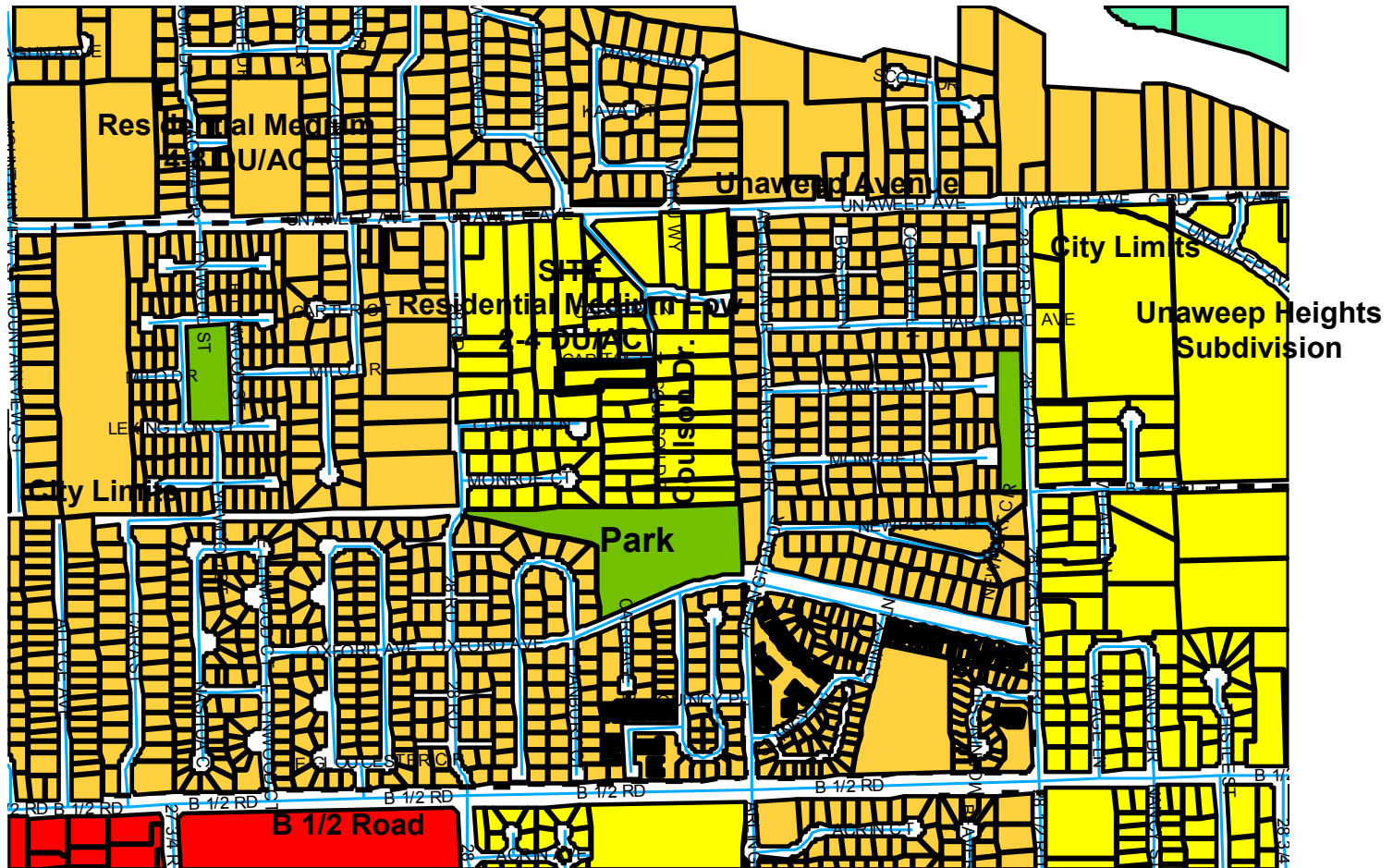
Aerial Photo Map

Figure 2



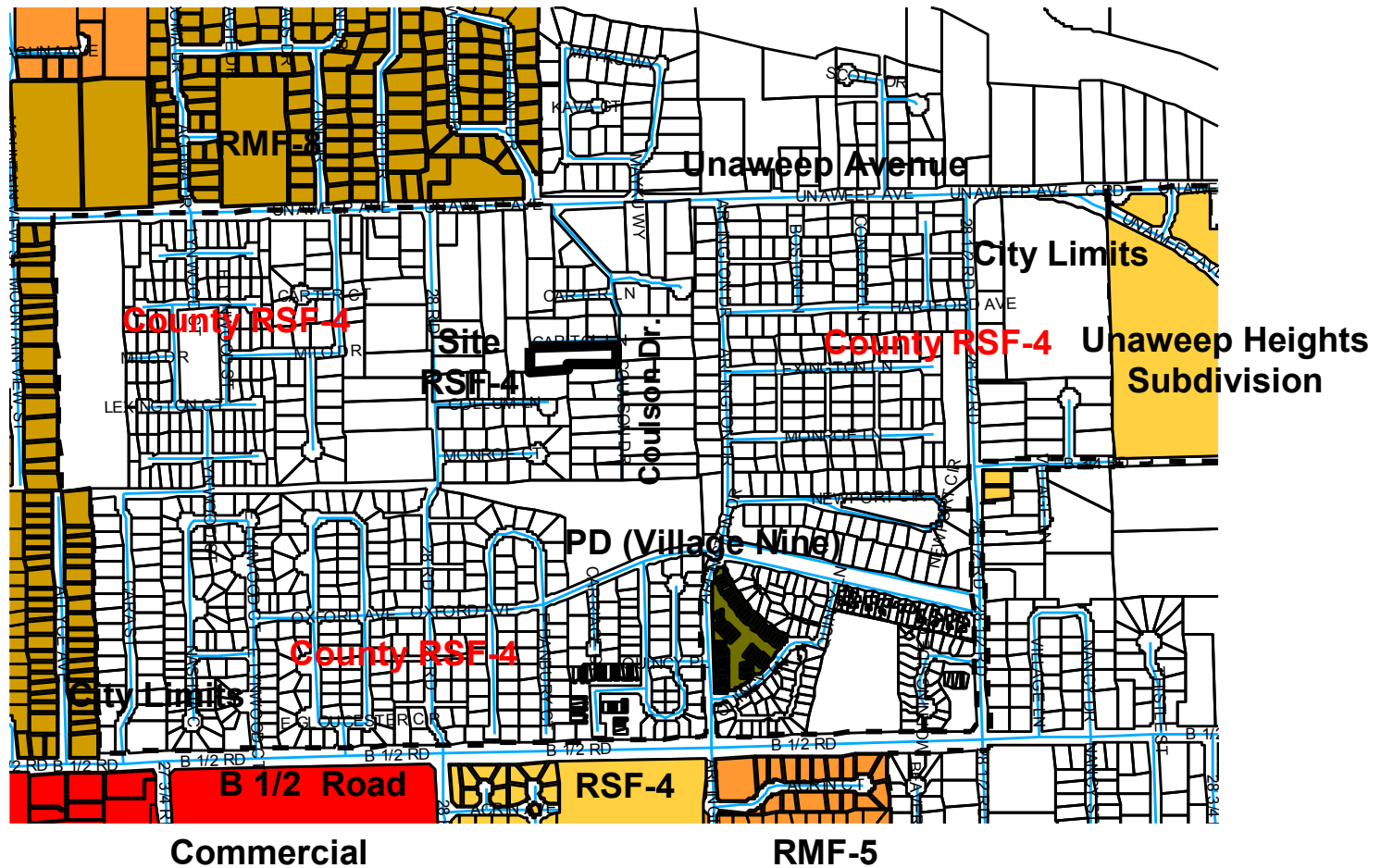
Future Land Use Map

Figure 3



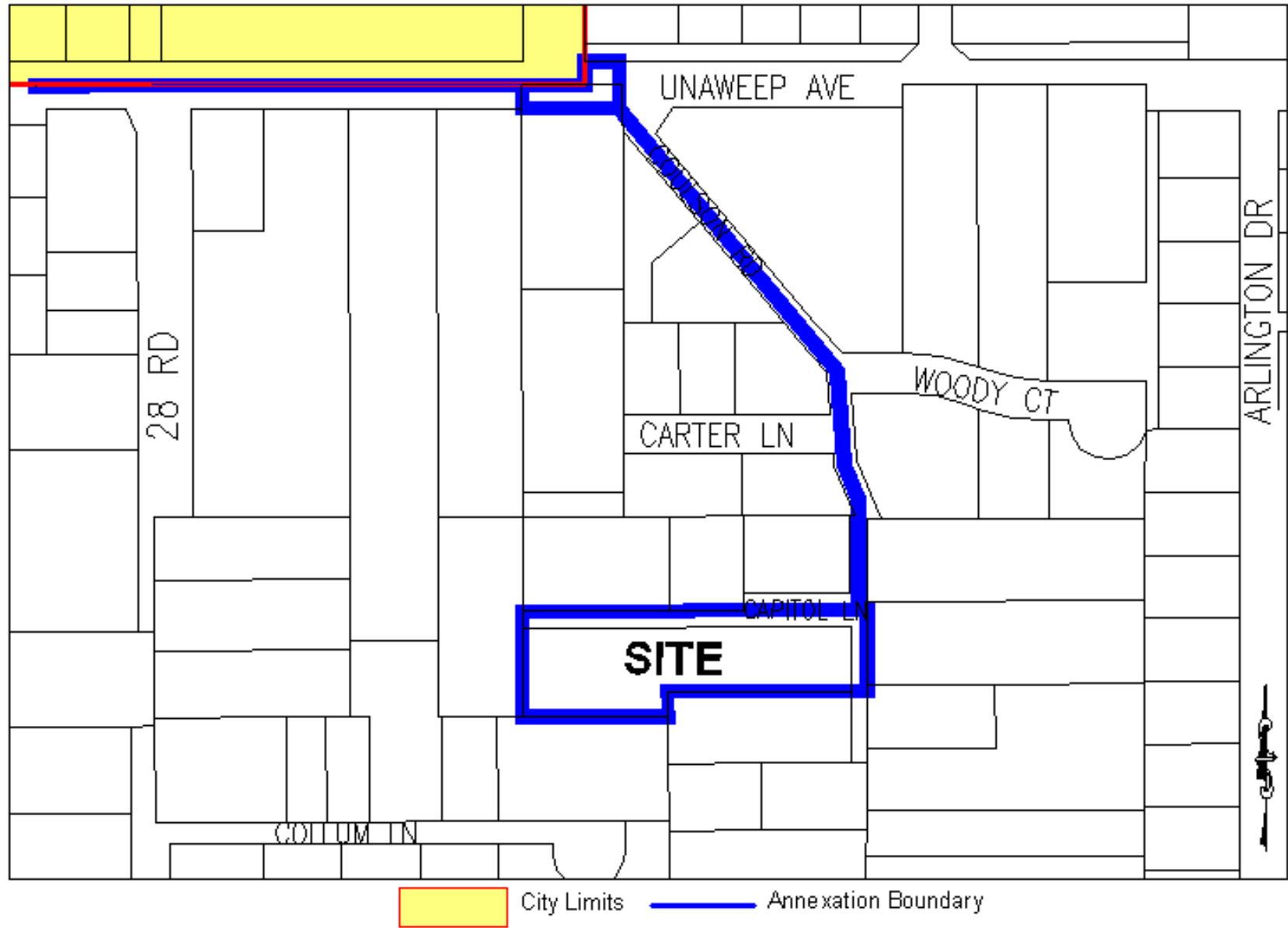
Existing City and County Zoning

Figure 4



Washington 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 5th of November, 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**

WASHINGTON ANNEXATION

**LOCATED AT 287 COULSON DRIVE AND INCLUDING A PORTION OF
UNAWEEP AVENUE, COULSON DRIVE AND CAPITOL LANE RIGHTS-OF-WAY**

WHEREAS, on the 5th day of November, 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:

WASHINGTON ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 30 and the Southwest Quarter (SW 1/4) of Section 19, Township 1 South, Range 1 East, and the Northeast Quarter (NE 1/4) of Section 25 and the Southeast Quarter (SE 1/4) of Section 24, Township 1 South, Range 1 West, all lying in the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of the NW 1/4 of said Section 30, and assuming the North line of the NW 1/4 of said Section 30 bears S 89°58'27" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°58'27" E along the North line of the NW 1/4 of said Section 30, a distance of 549.96 feet, more or less, to a point on a Easterly line of the Central Orchard Mesa Annexation, City of Grand Junction Ordinance Number 1481; thence N 00°27'05" E along said East line, a distance of 30.00 feet to a point on the North right of way for "C" Road (UnawEEP Avenue) and being the Southwest corner of Cottonwood Bluffs, as same is recorded in Plat Book 17, Page 70, Public Records of Mesa County, Colorado; thence S 89°58'27" E along said North right of way, a distance of 43.04 feet; thence S 00°01'33" W a distance of 60.00 feet; thence S 39°56'27" E a distance of 434.56 feet; thence S 04°09'27" E a distance of 120.64 feet; thence S 21°39'27" E a

distance of 47.47 feet; thence S 00°10'00" E a distance of 142.95 feet; thence N 89°50'00" E a distance of 11.00 feet to a point on the East line of Coulson Drive, as same is recorded in Book 2257, Page 148, Public Records of Mesa County, Colorado; thence S 00°09'58" E along said East line, a distance of 102.46 feet; thence N 89°50'17" W a distance of 255.03 feet; thence S 00°21'35" W a distance of 32.55 feet; thence N 89°56'55" W a distance of 184.20 feet; thence N 00°03'30" W a distance of 135.31 feet; thence S 89°50'10" E a distance of 427.28 feet; thence N 00°10'00" W a distance of 142.75 feet; thence N 21°39'27" W a distance of 47.43 feet; thence N 04°09'27" W a distance of 120.47 feet; thence N 39°56'27" W a distance of 435.08 feet; thence N 89°58'27" W along the South right of way for "C" Road (Unaweep Avenue), a distance of 121.73 feet to a point being the Northwest corner of Shawn Lea Subdivision, as same is recorded in Plat Book 9, Page 169, Public Records of Mesa County, Colorado; thence N 00°02'25" W, a distance of 29.00 feet; thence N 89°58'27" W along a line 1.00 foot South of and parallel to, the North line of the NW 1/4 of said Section 30, a distance of 470.15 feet to a point on the West line of the NW 1/4 of said Section 30; thence S 89°57'35" W along a line 1.00 foot South of and parallel to, the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet; thence N 00°02'25" W a distance of 1.00 foot; thence N 89°57'35" E along the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.317 Acres (57,376 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 December, 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 5th day of November, 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> |
|--------------------------|
| November 7, 2003 |
| November 14, 2003 |
| November 21, 2003 |

November 28, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

WASHINGTON ANNEXATION

**LOCATED AT 287 COULSON DRIVE AND INCLUDING A PORTION OF
UNAWEEP AVENUE, COULSON DRIVE AND CAPITOL LANE RIGHTS-OF-WAY**

APPROXIMATELY 1.317 ACRES

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

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

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

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

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 30 and the Southwest Quarter (SW 1/4) of Section 19, Township 1 South, Range 1 East, and the Northeast Quarter (NE 1/4) of Section 25 and the Southeast Quarter (SE 1/4) of Section 24, Township 1 South, Range 1 West, all lying in the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of the NW 1/4 of said Section 30, and assuming the North line of the NW 1/4 of said Section 30 bears S 89°58'27" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°58'27" E along the North line of the NW 1/4 of said Section 30, a distance of

549.96 feet, more or less, to a point on a Easterly line of the Central Orchard Mesa Annexation, City of Grand Junction Ordinance Number 1481; thence N 00°27'05" E along said East line, a distance of 30.00 feet to a point on the North right of way for "C" Road (UnawEEP Avenue) and being the Southwest corner of Cottonwood Bluffs, as same is recorded in Plat Book 17, Page 70, Public Records of Mesa County, Colorado; thence S 89°58'27" E along said North right of way, a distance of 43.04 feet; thence S 00°01'33" W a distance of 60.00 feet; thence S 39°56'27" E a distance of 434.56 feet; thence S 04°09'27" E a distance of 120.64 feet; thence S 21°39'27" E a distance of 47.47 feet; thence S 00°10'00" E a distance of 142.95 feet; thence N 89°50'00" E a distance of 11.00 feet to a point on the East line of Coulson Drive, as same is recorded in Book 2257, Page 148, Public Records of Mesa County, Colorado; thence S 00°09'58" E along said East line, a distance of 102.46 feet; thence N 89°50'17" W a distance of 255.03 feet; thence S 00°21'35" W a distance of 32.55 feet; thence N 89°56'55" W a distance of 184.20 feet; thence N 00°03'30" W a distance of 135.31 feet; thence S 89°50'10" E a distance of 427.28 feet; thence N 00°10'00" W a distance of 142.75 feet; thence N 21°39'27" W a distance of 47.43 feet; thence N 04°09'27" W a distance of 120.47 feet; thence N 39°56'27" W a distance of 435.08 feet; thence N 89°58'27" W along the South right of way for "C" Road (UnawEEP Avenue), a distance of 121.73 feet to a point being the Northwest corner of Shawn Lea Subdivision, as same is recorded in Plat Book 9, Page 169, Public Records of Mesa County, Colorado; thence N 00°02'25" W, a distance of 29.00 feet; thence N 89°58'27" W along a line 1.00 foot South of and parallel to, the North line of the NW 1/4 of said Section 30, a distance of 470.15 feet to a point on the West line of the NW 1/4 of said Section 30; thence S 89°57'35" W along a line 1.00 foot South of and parallel to, the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet; thence N 00°02'25" W a distance of 1.00 foot; thence N 89°57'35" E along the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.317 Acres (57,376 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 5th day of November, 2003 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 4

**Setting a Hearing on Vacating a 15' Alley ROW Located at 722 Belford Avenue
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|----------|---|----------------------|-------------------------------------|-------------------------------------|---------|---------------------------------|
| Subject | | Setting a Hearing for the Vacation of a 15' north/south alley right-of-way located northeast of the intersection of N. 7 th Street and Belford Avenue – 722 Belford Avenue | | | | | |
| Meeting Date | | November 5, 2003 | | | | | |
| Date Prepared | | October 29, 2003 | | | File # VR-2003-132 | | |
| Author | | Scott D. Peterson | | Associate Planner | | | |
| Presenter Name | | Scott D. Peterson | | Associate Planner | | | |
| Report results back to Council | | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When | |
| Citizen Presentation | | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | Name | |
| <input type="checkbox"/> | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: The petitioner, FMC Properties, LLC, wishes to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue in anticipation of future commercial office development. The only utilities that are located in the alley right-of-way are a sanitary sewer line which is to be abandoned and an overhead utility line which is to be relocated to the east/west alley right-of-way located to the north of the property. The existing eight (8) lots owned by the petitioner will be consolidated into one (1) 0.59 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation. The Planning Commission recommended approval at its October 28th, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance and set hearing for November 19, 2003.

Attachments:

- 8. Staff Report/Background Information
- 9. Site Location Map
- 10. Aerial Photo
- 11. Growth Plan Map

- 12. Existing Zoning Map
- 13. Ordinance & Exhibit A

| <i>STAFF REPORT/BACKGROUND INFORMATION</i> | | | | |
|--|--------------|---|-----|----|
| Location: | | <i>722 Belford Avenue</i> | | |
| Applicant: | | FMC Properties, LLC | | |
| Existing Land Use: | | <i>Vacant lots</i> | | |
| Proposed Land Use: | | <i>Future commercial office development</i> | | |
| Surrounding Land Use: | North | <i>Commercial restaurants</i> | | |
| | South | Residential | | |
| | East | Commercial warehouse | | |
| | West | Commercial office | | |
| Existing Zoning: | | C-1, Light Commercial | | |
| Proposed Zoning: | | N/A | | |
| Surrounding Zoning: | North | <i>C-1, Light Commercial</i> | | |
| | South | B-1, Neighborhood Business & Residential Multi-Family – 8 (RMF-8) | | |
| | East | C-1, Light Commercial | | |
| | West | B-1, Neighborhood Business | | |
| Growth Plan Designation: | | Commercial | | |
| Zoning within density range? | | N/A | Yes | No |

Staff Analysis:

The petitioner, FMC Properties, LLC, wishes to vacate the existing 15' north/south alley right-of-way that presently divides their property located at 722 Belford Avenue. The alley has never been fully constructed but does contain a sanitary sewer line which is to be abandoned and an overhead utility line which is to be relocated to the east/west alley right-of-way located to the north of the property. No Utility Easement will be dedicated as all utilities will be removed prior to construction of the commercial office

building. A Simple Subdivision Plat will be filed that will combine all eight (8) lots in anticipation of future commercial office development.

Consistency with the Growth Plan:

The site is currently zoned C-1, Light Commercial with the Growth Plan Future Land Use Map indicating this area as Commercial.

Section 2.11 C. of the Zoning and Development Code

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

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

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

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

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

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

Access will not be restricted. The petitioner has submitted letters to the City from the property owners to the north agreeing to the proposed vacation.

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

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

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the existing sanitary sewer line will be abandoned and the overhead utility line will be relocated to the east/west alley right-of-way located to the north of the property. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements to the City will not change as a result of the proposed vacation.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the alley vacation application located at 722 Belford Avenue, VR-2003-132 for the vacation of a 15' alley right-of-way, the Planning Commission at their October 28th, 2003 meeting made the following findings of fact and conclusions:

1. The requested 15' alley right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. Approval of the alley vacation request is contingent upon the approval and filing of the Simple Subdivision Plat and the review and approval of the Site Plan Review for the commercial office building and abandonment and/or relocation of utilities.

Action Requested/Recommendation: Recommend First Reading of the Ordinance for the vacation of a 15' alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue – 722 Belford Avenue, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning & Development Code.

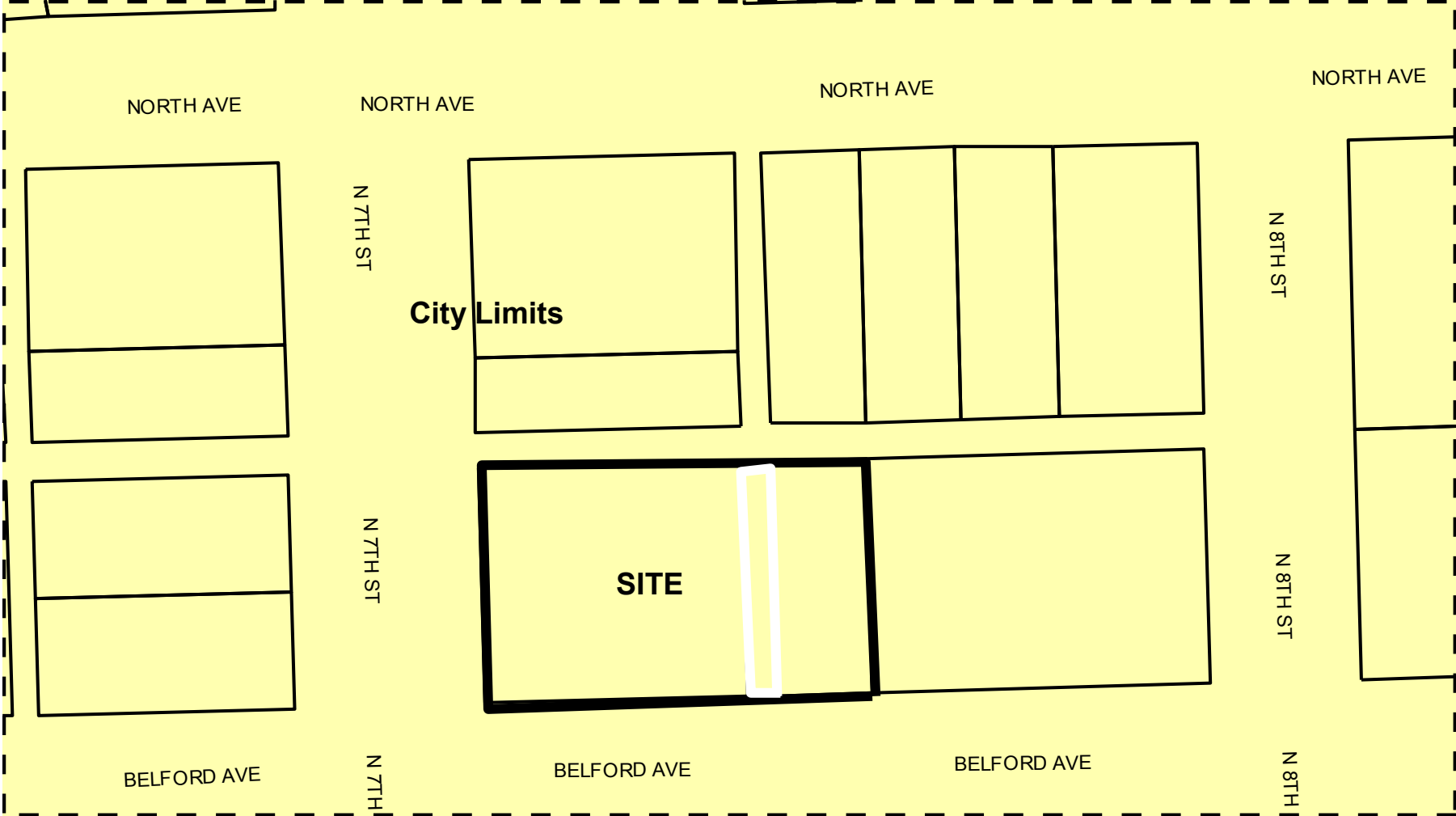
Attachments:

1. Site Location Map
2. Aerial Photo

3. Growth Plan Map
4. Existing Zoning Map
5. Ordinance & Exhibit A

Site Location Map – 15' Alley Vacation

Figure 1



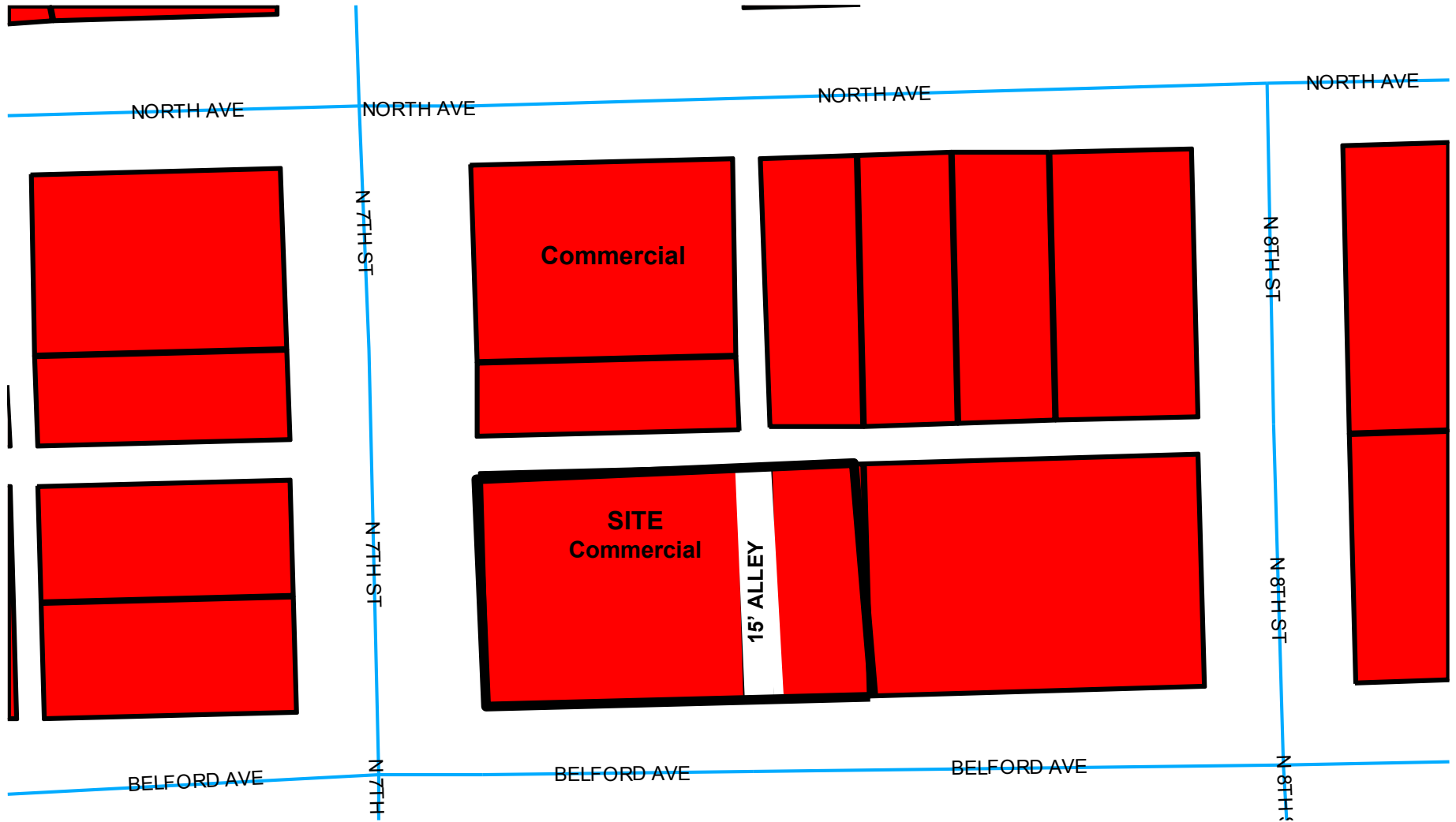
Aerial Photo Map – 15' Alley Vacation

Figure 2



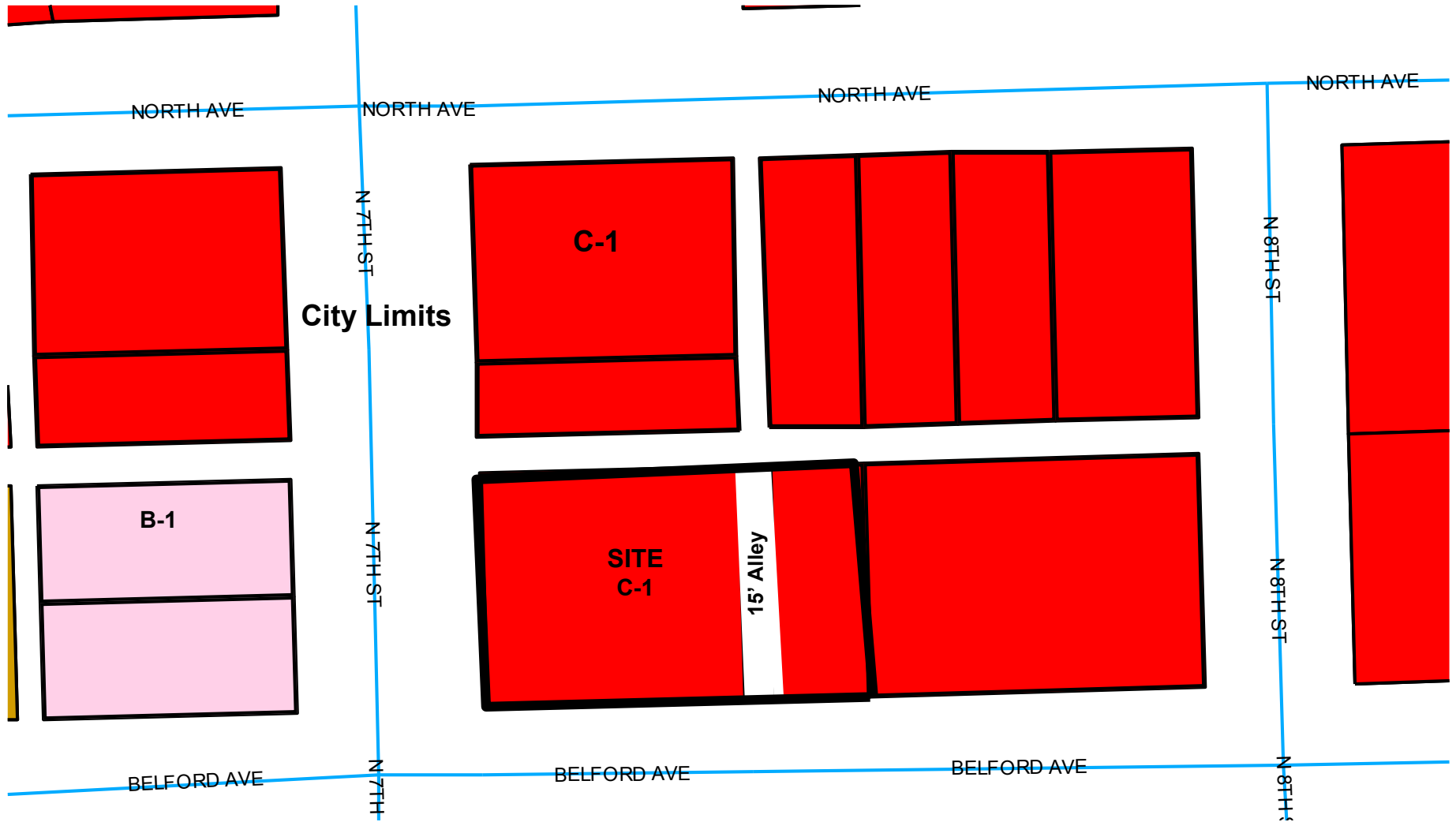
Future Land Use Map – 15' Alley Vacation

Figure 3



Existing City Zoning – 15' 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
BELFORD AVENUE
KNOWN AS: 722 Belford Avenue**

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 north/south alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue.

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

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

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

That certain 15.00 foot wide Alley lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 14, Township 1 South, Range 1 East of the Ute Meridian, lying within Block 5 of the Resurvey of Second Addition City of Grand Junction, as same is recorded in Plat Book 2 Page 37, Public Records of Mesa County, Colorado; bounded on the South by the North right of way for Belford Avenue; bounded on the North by the South line of that certain 20.00 foot wide East-West Alley within said Block 5; bounded on the East by the West line of Lot 30, Block 5; bounded on the West by the East line of Lots 1 through 6, inclusive, Block 5, all within said Resurvey of Second Addition City of Grand Junction.

This 15' alley right-of-way vacation is conditioned and contingent upon the approval and filing of the Simple Subdivision Plat and the review and approval of the Site Plan Review for the commercial office building and abandonment and/or relocation of utilities.

INTRODUCED on First Reading on the 5th day of November, 2003 and ordered published.

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

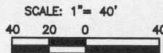
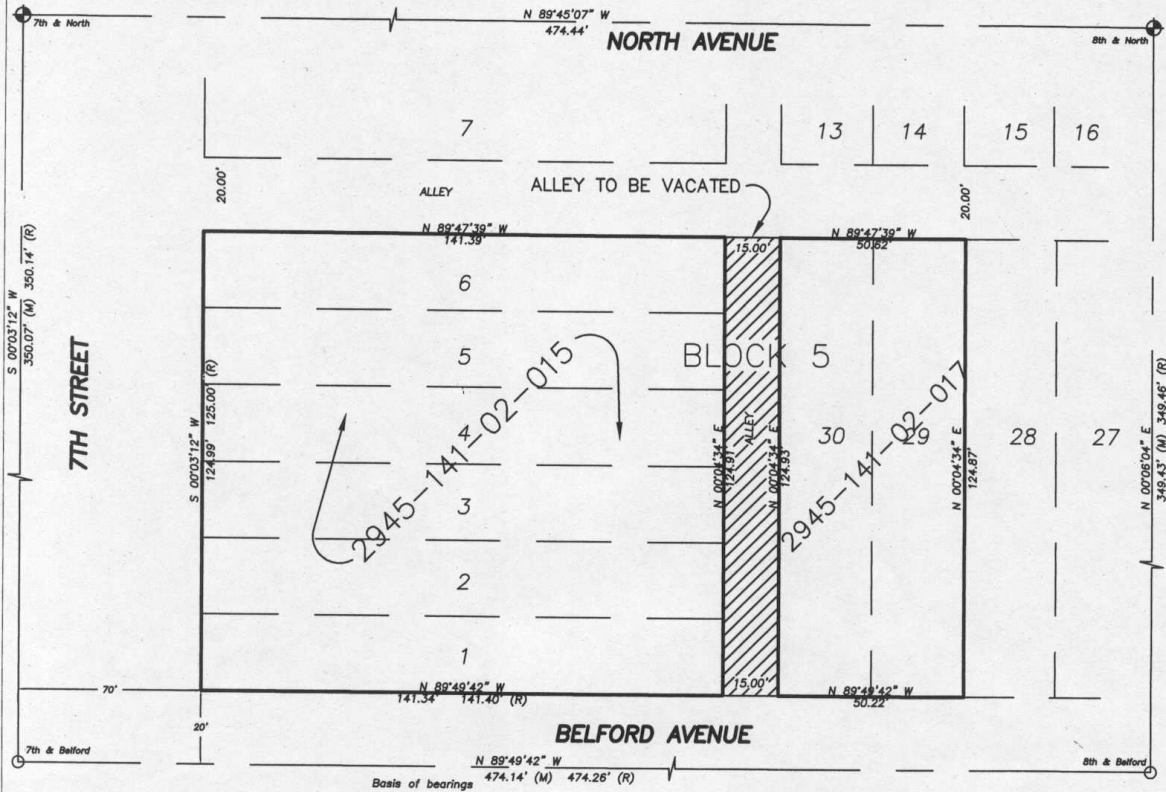
ATTEST:

City Clerk

President of City Council

ALLEY VACATION EXHIBIT

GRAND, JUNCTION
MESA COUNTY, COLORADO



LEGEND

- ⊕ CITY OF GRAND JUNCTION MONUMENTS
- CITY OF GRAND JUNCTION REFERENCE POSITION

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

ALLEY VACATION EXHIBIT
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO

| | |
|--|---------------|
| HIGH DESERT SURVEYING | |
| <small>2581 B 3/4 Road, Grand Jct., CO 81503 970-254-8649 Fax 970-255-7047</small> | |
| SUR. BY: | DRAWN BY: SKW |
| JOB NO. 03-23 | SHEET 1 OF 1 |

**Attach 5
2004 LEAF Grant for DUI Enforcement**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | | | | |
|---------------------------------------|--|-------------------------------------|------------|-------------------------------------|----------------------------------|-------------|----------------|--|-------------------------------------|---------------------------------|
| Subject | | 2004 LEAF Grant Resolution | | | | | | | | |
| Meeting Date | | 05 November 2003 | | | | | | | | |
| Date Prepared | | 28 October 2003 | | | | | File # | | | |
| Author | | Michael A. Nordine | | | Administrative Lieutenant | | | | | |
| Presenter Name | | Greg Morrison | | | Chief of Police | | | | | |
| 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 type="checkbox"/> | | Formal Agenda | | | Consent | | <input checked="" type="checkbox"/> | Individual Consideration |

Summary:

The Colorado Department of Transportation has awarded \$27,000 to the Grand Junction Police Department to fund DUI enforcement. The GJPD applied for \$35,000 with Council approval in August of this year.

Budget:

As a result of this funding the Police Department will pay overtime for officers to work dedicated DUI enforcement five hours on Thursday, Friday and Saturday nights. As a result of the reduced funding we will not be conducting the sobriety checkpoints under this grant.

Action Requested/Recommendation:

The Grand Junction Police Department requests authorization to accept the 2004 LEAF grant in the amount of \$27,000 and to have CM Kelly Arnold sign the contract.

Attachments:

Council Resolution to accept LEAF Grant funds

Background Information:

The Grand Junction Police Department has not participated in since 1999, however was extensively involved with LEAF activities prior to that time. The program has been very successful at removing intoxicated drivers from the streets of Grand Junction and when

combined with an effective media promotion acts as a strong deterrent to driving under the influence.

RESOLUTION No. _____

A RESOLUTION ACCEPTING A GRANT AND APPROVING THE LAW ENFORCEMENT ASSISTANCE FUND (LEAF) CONTRACT #L-28-04

RECITALS:

The City of Grand Junction, on behalf of the Grand Junction Police Department has submitted an application to the State of Colorado, Department of Transportation (State) for funding a LEAF project for the enforcement of laws pertaining to driving under the influence of alcohol and/or other drugs pursuant to 43-4-401 – 404 C.R.S. and the LEAF Rules at 2 CCR 602.1 The State has approved the City’s application and has awarded the City \$27,000.00.

The City has authority and responsibility to fund the operations of the police department and to sign contracts. By this resolution the City formally accepts the grant and approves the LEAF contract and authorizes the City Manager to sign the agreement and receive the funds on behalf of the police department.

PASSED AND APPROVED this ____ day of November 2003.

Jim Spehar
Mayor

Attest:

Stephanie Tuin
City Clerk

**Attach 6
Parks Classification and Hours**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | | |
|---------------------------------------|----------|--|----------------------|--|-----|--------|---------|---------------------------------|
| Subject | | Resolution Adopting Prohibited Hours in Public Parks | | | | | | |
| Meeting Date | | November 3, 2003 | | | | | | |
| Date Prepared | | October 16, 2003 | | | | File # | | |
| Author | | Don Hobbs | | Ass't. Director, Parks & Recreation | | | | |
| Presenter Name | | Joe Stevens | | Director, Parks and Recreation | | | | |
| Report results back to Council | | X | No | | Yes | When | | |
| Citizen Presentation | | | Yes | X | No | Name | | |
| | Workshop | X | Formal Agenda | | | X | Consent | Individual Consideration |

Summary: Adoption of resolution establishing park classifications and setting the hours in which public use and access to City parks is prohibited, for all City parks, open spaces and cemeteries, whether developed or not.

Budget: N/A

Action Requested/Recommendation:

City Council adoption of resolution establishing park classifications and the hours of prohibited park use for each classification.

Attachments:

- Proposed Resolution
- Exhibit to resolution - Classification of each City Park and Hours During Which Public Use or Access is Prohibited.

Background Information: For many years, City parks have been closed between midnight and 5 a.m. More recently, vandalism and similar citizen concerns have forced Parks staff and the Parks and Recreation Advisory Board revisit the question of when City parks should be closed. During those discussions it became apparent that having one rule for all of the City's parks is not the best solution. Depending on the recent history of problems, proximity to alert neighbors and users, and similar factors, it makes sense to be able to differentiate the various

parks, and therefore to apply different hours of public access and usage to the several City parks. After surveying and number of other Colorado cities and several discussions with the Parks and Recreation Advisory Board it was determined the citizens would be best served if the parks were placed into classifications similar to those outlined in the adopted Park Master Plan. There were three sites the Board felt should have the later hours of Midnight to 5:00 a.m., Columbine and Pomona, because of the formal sports facilities, and Sherwood Park, because of its size and number of activities. After review of the proposed hours with maintenance staff and hearing their input as to the undesirable late night activities as well as their recapping the complaints they receive from the surrounding residents it was decided to classify Sherwood as a neighborhood park and thus the prohibited hours would be 10:30 p.m. – 5:00 a.m.

The Parks and Recreation Advisory Board, at their October 16, 2003 meeting, unanimously recommended the City Council pass the resolution.

RESOLUTION NO. _____

A RESOLUTION SETTING HOURS OF USAGE FOR THE CITY'S PARKS
BASED ON A NEW CLASSIFICATION SYSTEM.

Recitals.

City Code § 26-51 authorizes the City Council to adopt its resolution that sets the hours of usage, and therefore the hours in which public use and access to City parks is prohibited, for all City parks, open spaces and cemeteries, whether developed or not. Riverfront trails and the associated open spaces and adjacent lands are governed by the Riverfront Trails Regulations, Appendix C of the City Code. The current Riverfront Trails Regulations prohibit public access to and use of the Riverfront trails between the hours of 10 p.m. and 5 a.m.

For many years, City parks and open spaces have been closed between midnight and 5 a.m. More recently, vandalism and similar concerns have forced Parks staff, the Parks and Recreation Advisory Board, and the City Council to revisit the question of when City parks should be closed. During those discussions it became apparent that having one rule for all of the City's parks is not the best solution. Depending on the recent history of problems, proximity to alert neighbors and users, and similar factors, it makes sense for the City Manager to be able to differentiate the various parks, and therefore to apply different hours of public access and usage to the several City parks.

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

- 1) The City Council of the City of Grand Junction hereby establishes the following classifications and hours of prohibited park use for each classification.
 - A. Midnight – 5:00 a.m. – Community, regional and neighborhood parks with formal programmable sports facilities.
 - B. 10:30 p.m. – 5:00 a.m. - Neighborhood and mini parks
 - C. 10:00 p.m. – 5:00 a.m. - Open space and undeveloped parks and properties
 - D. 10:00 p.m. – 6:00 a.m. - Cemeteries
- 2) The City Council of the City of Grand Junction hereby authorizes and directs the City Manager to classify each City park to one of the approved classifications at the time of acquisition, or development, when the principle use or function of the park changes, or as needed to address vandalism or similar operational concerns. The City Manager may defer any such classification decision to the City Council as he deems necessary.
- 3) The attached classification system is hereby approved. The City Manager is hereby delegated the power and duty to amend the classification system as he deems necessary

from time-to-time, by administrative regulation. The City Manager may defer any changes to the attached classification system to the City Council as he deems necessary.

- 4) "Community," "regional," "neighborhood," "mini" parks are defined or distinguished by reference to the current City adopted Parks Master Plan.
- 4) This resolution shall be in full force and effect upon its adoption, however, no criminal charges shall be issued or filed based on any changes from prior practices until adequate notice is posted on the park, open space, cemetery or other site.

ADOPTED this ____ day of _____, 2003.

Jim Spehar

President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Exhibit to Resolution No. 03-_____

CITY OF GRAND JUNCTION
PARKS CLASSIFICATION
October, 2003

**Classification of each City Park
and Hours During Which
Public Use or Access is Prohibited.¹**

Midnight – 5:00 a.m. - Community / Regional & Neighborhood Parks with formal programmable sports facilities

| <u>Park</u> | <u>Acres</u> |
|-------------|--------------|
| Canyon View | 111.2 |
| Lincoln | 42.60 |
| Pomona | 16.97 |
| Columbine | 11.95 |

10:30 p.m. – 5:00 a.m. - Neighborhood and Mini Parks

| <u>Park</u> | <u>Acres</u> |
|-------------------------------------|--------------|
| Sherwood | 18.00 |
| Pineridge | 9.95 |
| Eagle Rim | 9.50 |
| Westlake Park, including Skate Park | 9.50 |
| Duck Pond | 4.21 |
| Hawthorne | 3.50 |
| Emerson | 3.08 |
| Spring Valley I | 3.08 |
| Desert Vista | 2.98 |
| Duck Pond | 2.82 |
| Spring Valley II | 2.72 |
| Whitman | 2.70 |
| Melrose | 2.63 |
| Dixson | 2.00 |
| Paradise Hills | 2.00 |
| St. Mary's | 1.90 |
| Lilac | 1.70 |
| Tot Lot - Ridges | 1.70 |
| Riverside | 1.50 |
| Darla Jean | 1.25 |
| Hidden Valley | 1.00 |

¹ Regulations pertaining to the Riverfront Trails are codified in Appendix C of the City Code. The current regulations close the Riverfront trails and adjacent open spaces and lands to public access and use from 10 p.m. to 5 a.m.

| | |
|---------------------------------|------|
| Cottonwood Meadows | 0.95 |
| Autumn Ridge | 0.81 |
| Shadow Lake | 0.50 |
| Boy Scout - Ridges | 0.36 |
| Hillcrest Manor | 0.34 |
| W. Middle Basketball/Volleyball | 0.30 |
| Williams | 0.30 |

10:00p.m. - 5:00a.m. - Open Spaces and Undeveloped Parks

| Open Space | Acres |
|---------------------------|--------------|
| Ridges Open Space | 86.80 |
| Undeveloped | |
| Matchett | 207.00 |
| Las Colonias | 107.00 |
| Sacomanno - 26 ½ & H Road | 30.00 |
| Burkey - 30 Road | 14.54 |
| Horizon - 27 Road | 13.00 |
| Burkey - Orchard Mesa | 10.00 |
| School Site - Ridges | 6.37 |
| Wingate | 5.00 |
| Flint Ridge - 2960 ½ D Rd | 3.30 |

10:00p.m. - 6:00a.m. - Cemeteries

| <u>Site</u> | <u>Acres</u> |
|-------------------------------------|---------------------|
| Municipal Cemeteries (Orchard Mesa) | 150.00 |
| Crown Point Cemetery | 10.00 |

Attach 7

Public Hearing – Vacating a Portion of the ROW for Gary St and B ¾ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | | | | |
|--------------------------------|----------|--|---------------|-------------------------------------|-----|--------------------------|---------|-------------------------------------|--------------------------|--|
| Subject | | Hold a Public Hearing and Consider Final Passage of a Proposed Ordinance to vacate a portion of the Rights-of-Way for Gary Drive and B ¾ Road. | | | | | | | | |
| Meeting Date | | November 5, 2003 | | | | | | | | |
| Date Prepared | | October 30, 2003 | | | | File #PP-2003-168 | | | | |
| Author | | Lisa E. Cox, AICP | | | | Senior Planner | | | | |
| Presenter Name | | As above | | | | As above | | | | |
| Report results back to Council | | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When | | | | |
| Citizen Presentation | | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | Name | | | | |
| <input type="checkbox"/> | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | | <input type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Individual Consideration | |

Summary: The applicant has requested vacation of a portion of the rights-of-way for Gary Drive and B 3/4 Road in conjunction with a subdivision request that will ultimately be developed as affordable housing.

Budget: N/A

Action Requested/Recommendation: Consideration of the second reading and adoption of the vacation 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. Linden Avenue Apartments plat
7. Vacation Ordinance

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|--|-----|--|----|
| Location: | | Northeast corner of Linden Avenue and B ¾ Road - 276 Linden Avenue | | | |
| Applicants: | | Grand Junction Housing Authority | | | |
| Existing Land Use: | | Right-of-way | | | |
| Proposed Land Use: | | Landscaped Berm, Residential | | | |
| Surrounding Land Use: | North | Park and Residential | | | |
| | South | Commercial | | | |
| | East | Residential | | | |
| | West | Commercial and Residential | | | |
| Existing Zoning: | | RMF-16 | | | |
| Proposed Zoning: | | N/A | | | |
| Surrounding Zoning: | North | RMF-16 and PD (park) | | | |
| | South | C-1 | | | |
| | East | RMF-16 | | | |
| | West | C-1 and RMF-8 | | | |
| Growth Plan Designation: | | Residential High (12+ du/ac) | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION: The applicant has requested vacation of a portion of the rights-of-way for Gary Drive and B 3/4 Road in conjunction with a subdivision request that will ultimately be developed as affordable housing.

ANALYSIS

1. Background

The Grand Junction Housing Authority is currently working to develop a 7.5 acres site with affordable housing. The property is located east of Linden Avenue, north of B ¾ Road and west of Gary Drive and is zoned RMF-16.

In an effort to attain the minimum required density and to comply with traffic safety concerns and TEDS intersection spacing and configuration requirements, the Housing Authority has requested that a portion of the Gary Drive right-of-way and a portion of B ¾ Road right-of-way be vacated. The portion of B ¾ Road right-of-way to be vacated is proposed to be realigned to the north and northwest to Linden Avenue and rededicated as public right-of-way. The portion of Gary Drive right-of-way to be vacated will be vacated in favor of a public easement which will connect the remaining Gary Drive right-of-way over to David Street right-of-way.

At the direction of City and CDOT staff, and to be compliant with the City's TEDS manual regarding traffic safety and intersection spacing and configuration requirements, the Grand Junction Housing Authority has made the request to vacate a portion of the right-of-way for B ¾ Road. Two existing businesses that currently utilize B ¾ Road for access would continue to use B ¾ Road for access to their businesses if the vacation was approved.

During consideration of the applicant's request, public comments and Planning Commission discussion centered around the vacation of B ¾ Road. Concern was expressed regarding the reduction and ease of access to the businesses located on the south side of B ¾ Road. With the proposed relocation of B ¾ Road, access to the businesses would not be eliminated, however the current ease of access presently enjoyed by customers using B ¾ Road would change with the proposal. Testimony by property and business owners expressed a concern that there would be a loss of business if the City vacated B ¾ Road and rerouted the road to the north through the proposed Linden Development.

City Staff expressed concern for public safety as the reason to close the intersection, and that any development of the Linden property would trigger that requirement. It was noted by the longtime residents of the area that in their recollection of the accident history at the B ¾ Road/Linden Avenue/Hwy 50 intersection that it was minimal, however Staff emphasized that with the increase in population in the Orchard Mesa area as well as this neighborhood, it is probable that this intersection will only see more traffic and congestion increasing the likelihood of potential accidents.

2. Consistency with the Growth Plan

The City was a supporter and active Oversight Committee member for completion of the 2002 Grand Valley Housing Needs Assessment. The Assessment defined a current Grand Valley affordable housing gap of 1,669 units, with an additional 1,099 units needed by 2005. Also, the City of Grand Junction's 2002 Strategic Plan identifies

"Shelter and Housing that are Adequate" as one of its seven solutions to accomplish over the next 10 to 15 years. The plan states "All City residents will have adequate shelter, whether their need is for permanent or temporary housing." Also, the City's 2001 Five Year Consolidated Plan identifies homeless needs, the need for transitional housing and affordable housing as priority needs. In addition to this, there are several goals and policies of the Growth Plan, adopted by City Council, that support the request.

The request to vacate a portion of Gary Drive and B ¾ Road rights-of-way are consistent directly and/or indirectly with the following goals and policies of the Growth Plan:

Policy 16.2: The City and County will encourage the dispersion of subsidized housing throughout the community. Subsidized housing projects should be encouraged in areas with easy access to public facilities, as well as existing and future transit routes.

Policy 16.4: The City and County will support affordable housing initiatives which result in high quality developments that meet or exceed local standards for public facilities and amenities.

Policy 23.6: The City and County will require the use of side streets and shared driveways to minimize the number of driveways directly accessing arterials streets.

Goal 24: To develop and maintain a street system which effectively moves traffic throughout the community.

Policy 24.2: When improving or constructing new streets which pass through residential neighborhoods, the City will balance the desires of residents with the need to maintain a street system which safely and efficiently moves traffic throughout the community. The City and County will provide enhanced streetscaping along street projects which pass through existing neighborhoods.

3. 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. *Criterion satisfied. Request complies with several goals and policies of the Growth Plan as noted above in this staff report, in addition to the major street plan.*
- h. No parcel shall be landlocked as a result of the vacation. *Criterion satisfied. No parcel will be landlocked. Access for businesses currently utilizing B ¾ Road will continue to gain access from B ¾ Road under the proposal to relocate that portion to be vacated.*

- 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. *Criterion satisfied. Impacted parcels shall not be restricted in a negative manner. Access to impacted parcels will continue to be available via the relocated B ¾ Road.*
- 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). *Criterion satisfied. There are no adverse impacts on the health, safety and/or welfare of the general community anticipated. Public facilities and services shall not be reduced. Relocation of the portion of B ¾ Road is anticipated to be safer for the general public.*
- 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. *Criterion satisfied. The provision of services shall not be inhibited.*
- l. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *Criterion satisfied. There will be an increased level of traffic safety and circulation.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the application, file number PP-2003-168, for the vacation of a portion of the rights-of-way for Gary Drive and B ¾ Road, staff makes the following findings of fact and conclusions:

- 4. The requested rights-of-way vacation are consistent with goals and policies of the Growth Plan as noted in the staff report.
- 5. The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by unanimous vote, made a recommendation of approval of the requested right-of-way vacation for Gary Drive, PP-2003-168, with the findings and conclusions listed above.

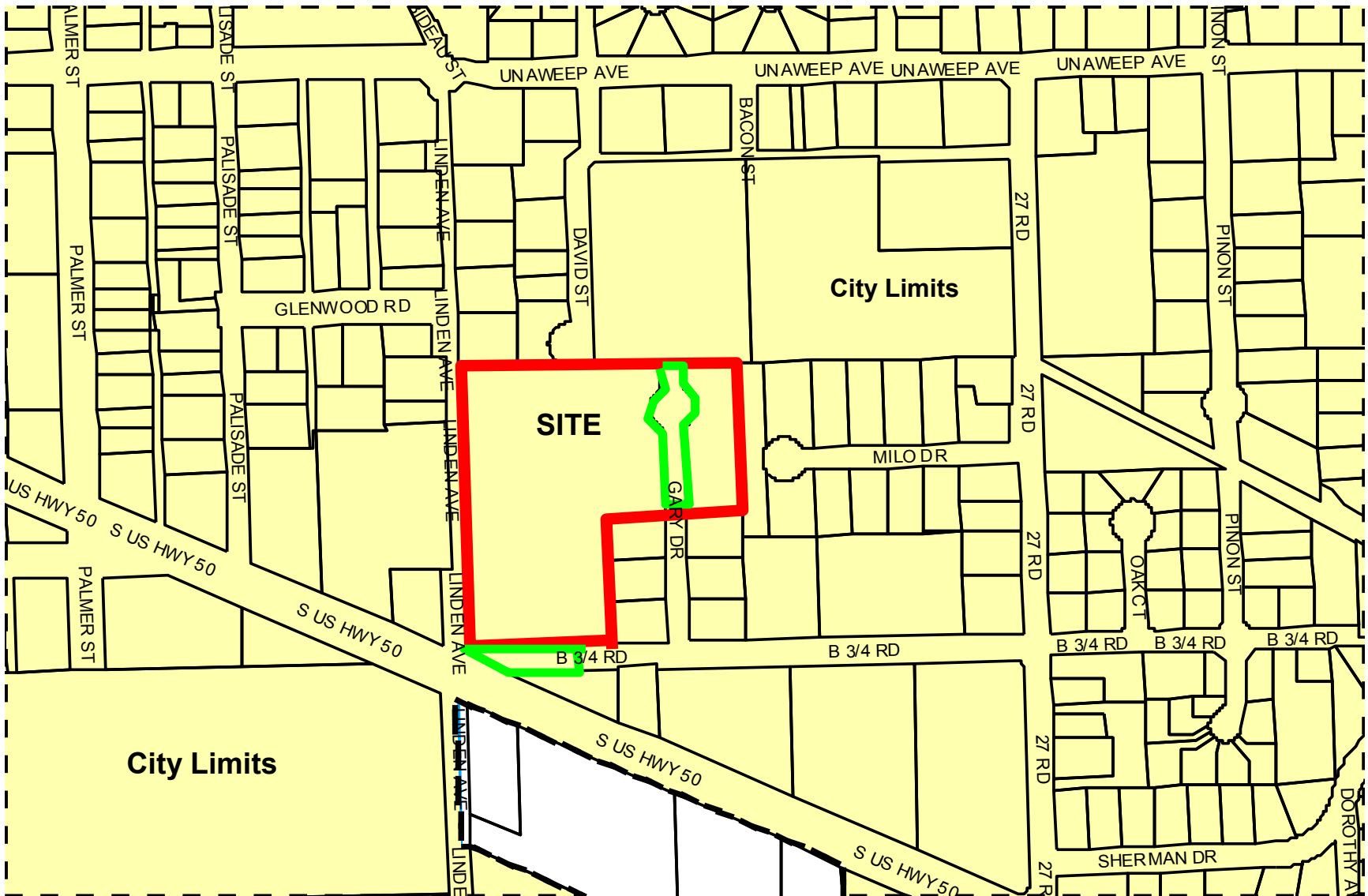
The Planning Commission, by a vote of 5-2, made a recommendation of denial of the requested right-of-way vacation for B ¾ Road, PP-2003-168, with the findings that the vacation criteria had not been fully satisfied..

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. Linden Avenue Apartment plat
6. Vacation Ordinance

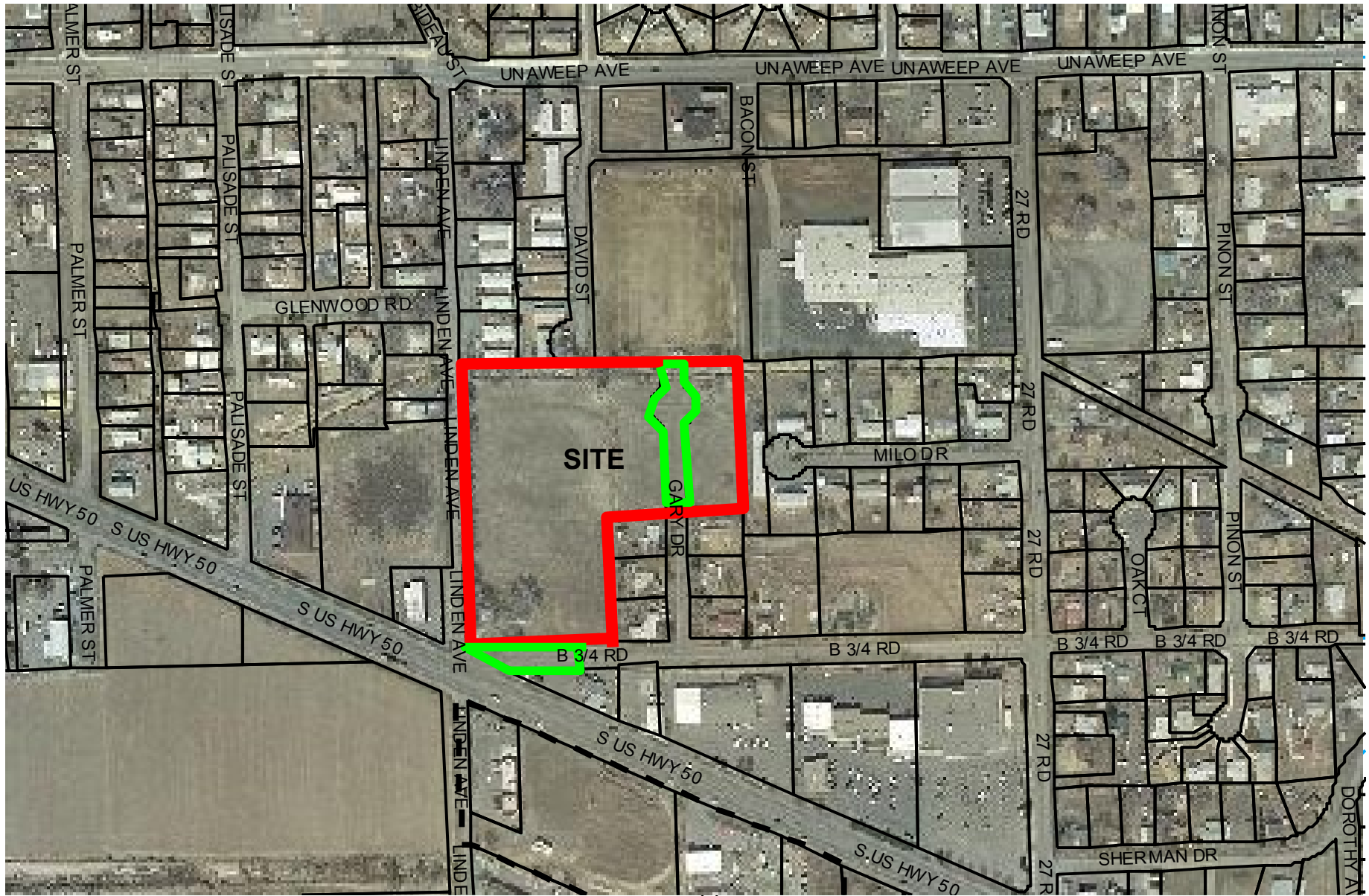
Site Location Map

Figure 1



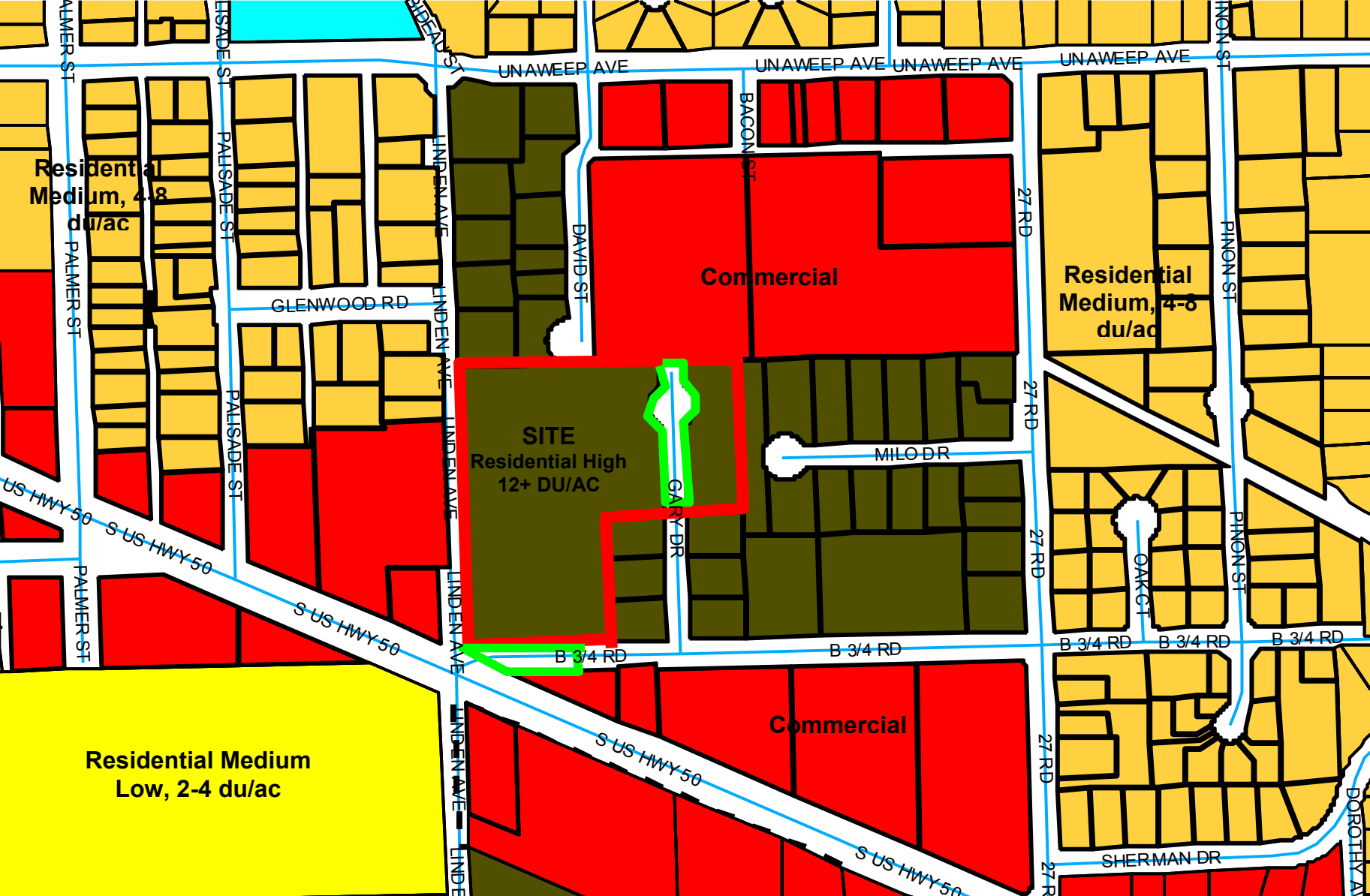
Aerial Photo Map

Figure 2



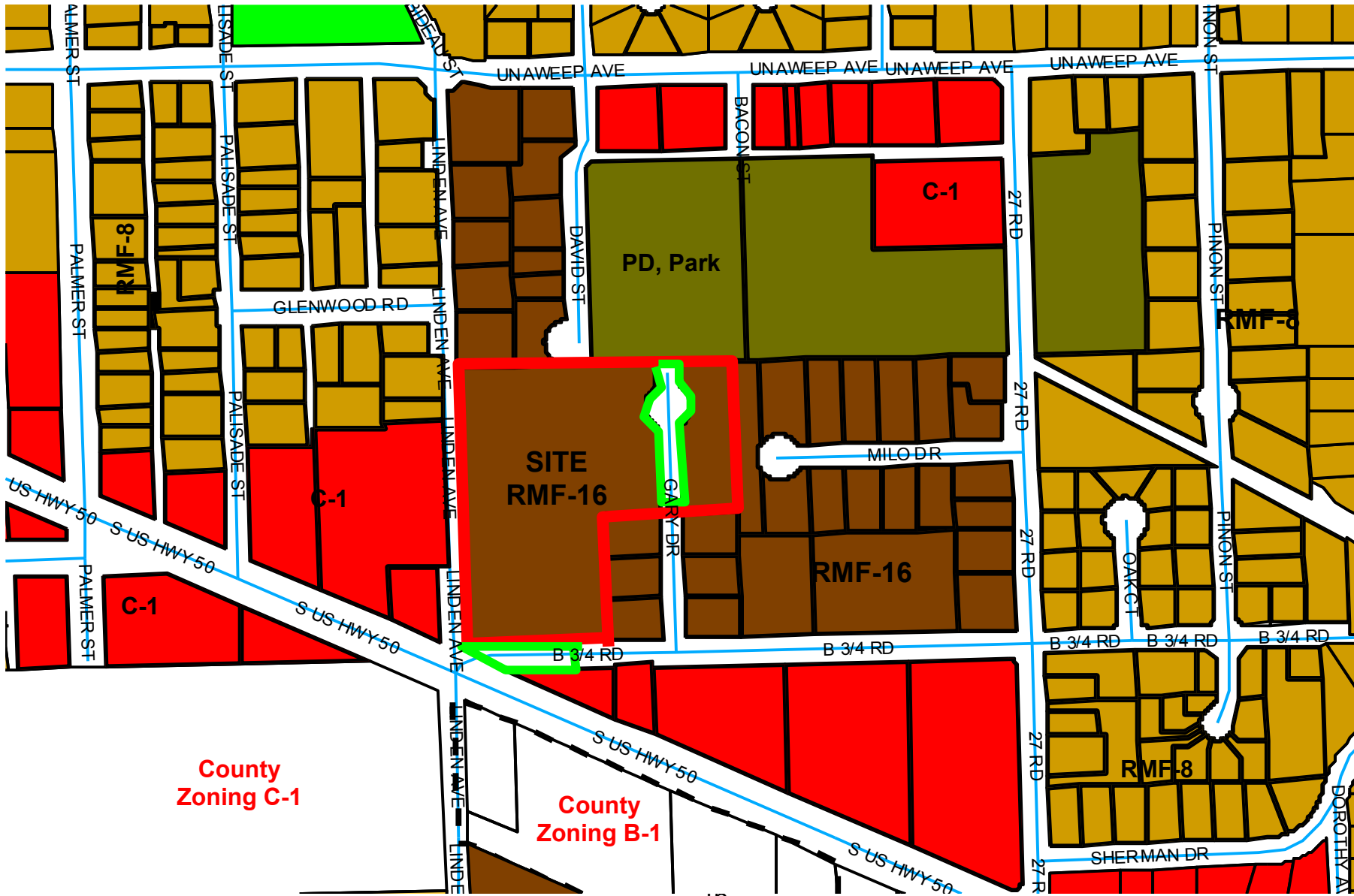
Future Land Use Map

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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**AN ORDINANCE VACATING A PORTION OF Gary Drive and B $\frac{3}{4}$ ROAD
LOCATED at the northeast corner of Linden Avenue and B $\frac{3}{4}$ Road**

RECITALS:

A request to vacate a portion of the dedicated right-of-way for Gary Drive and B $\frac{3}{4}$ Road has been submitted by the Grand Junction Housing Authority.

The portion of B $\frac{3}{4}$ Road right-of-way to be vacated will be realigned to the north and northwest to Linden Avenue and rededicated as public right-of-way.

The portion of Gary Drive right-of-way to be vacated will be vacated in favor of a public easement which will connect the remaining Gary Drive right-of-way over to David Street right-of-way.

The City Council finds that the request to vacate a portion of the dedicated right-of-way for Gary Drive and B $\frac{3}{4}$ Road 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 Zoning Code to have been met, and recommends that the vacation for a portion of the Gary Drive right-of-way be approved as requested.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code not to have been fully satisfied, and recommends that the vacation for a portion of the B $\frac{3}{4}$ Road right-of-way be denied.

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

The following described dedicated right-of-way for Gary Drive Road and B $\frac{3}{4}$ Road is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentation fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacation ordinance will be recorded and shall be effective concurrent with the recordation of the final plat that rededicates the new B $\frac{3}{4}$ Road right-of-way.

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

Dedicated right-of-way for Gary Drive to be vacated:

All that part of the right-of-way of Gary Drive as shown and dedicated on Linden Acres Subdivision Replat lying north of a line between the Northwest corner of Lot 3 and the Northeast corner of Lot 10 of said Linden Acres Subdivision Replat.

The following right-of-way is shown on "Street Vacation Exhibit B" as part of this vacation of description.

Dedicated right-of-way for B $\frac{3}{4}$ Road to be vacated:

That part of the B $\frac{3}{4}$ Road right-of-way situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado lying east of the Easterly right-of-way line of U.S. Highway 50, and also east of the East line of the West thirty feet of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, and west of the following described line:

Beginning at a point on the existing Northerly right-of-way line of B $\frac{3}{4}$ Road as conveyed in an instrument recorded in Book 785 at Page 403, whence the Mesa County Survey marker for the North one-sixteenth corner on the East line of said Section 26 bears South 88°20'46" East, a distance of 1106.54 feet, with all bearings relative to North 89°53'59" West along the South line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence 79.13 feet along the arc of a 38.00 foot radius on non-tangent curve to the right, through a central angle of 119°18'58", with a chord bearing South 23°43'34" East, a distance of 65.59 feet to the existing Southerly right-of-way line of B $\frac{3}{4}$ Road as conveyed in an instrument recorded in Book 789 at Page 105, the Point of Termination.

Introduced for first reading on this 15th day of October, 2003

PASSED and ADOPTED this _____ day of _____, 2003.

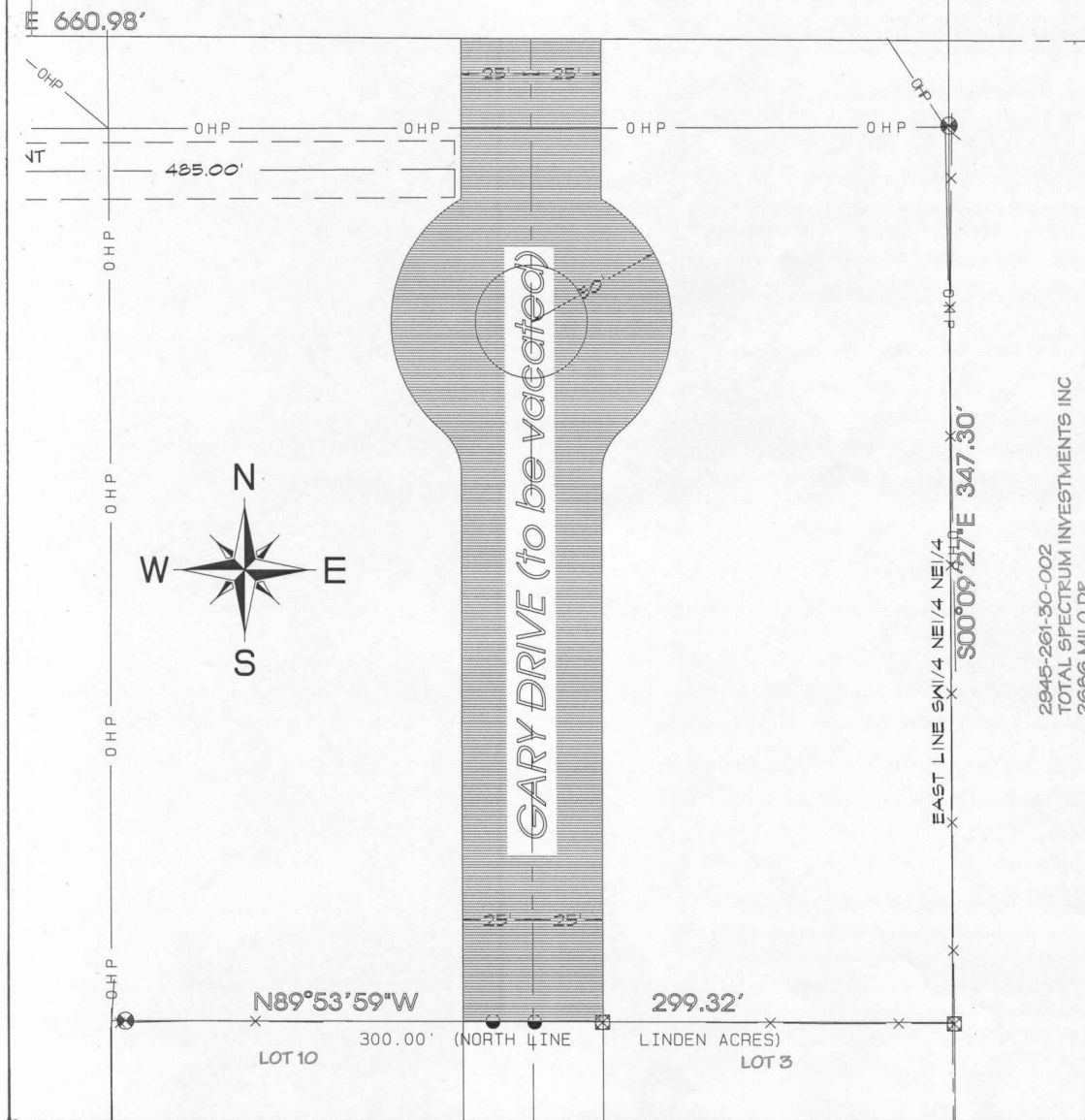
ATTEST:

President of City Council

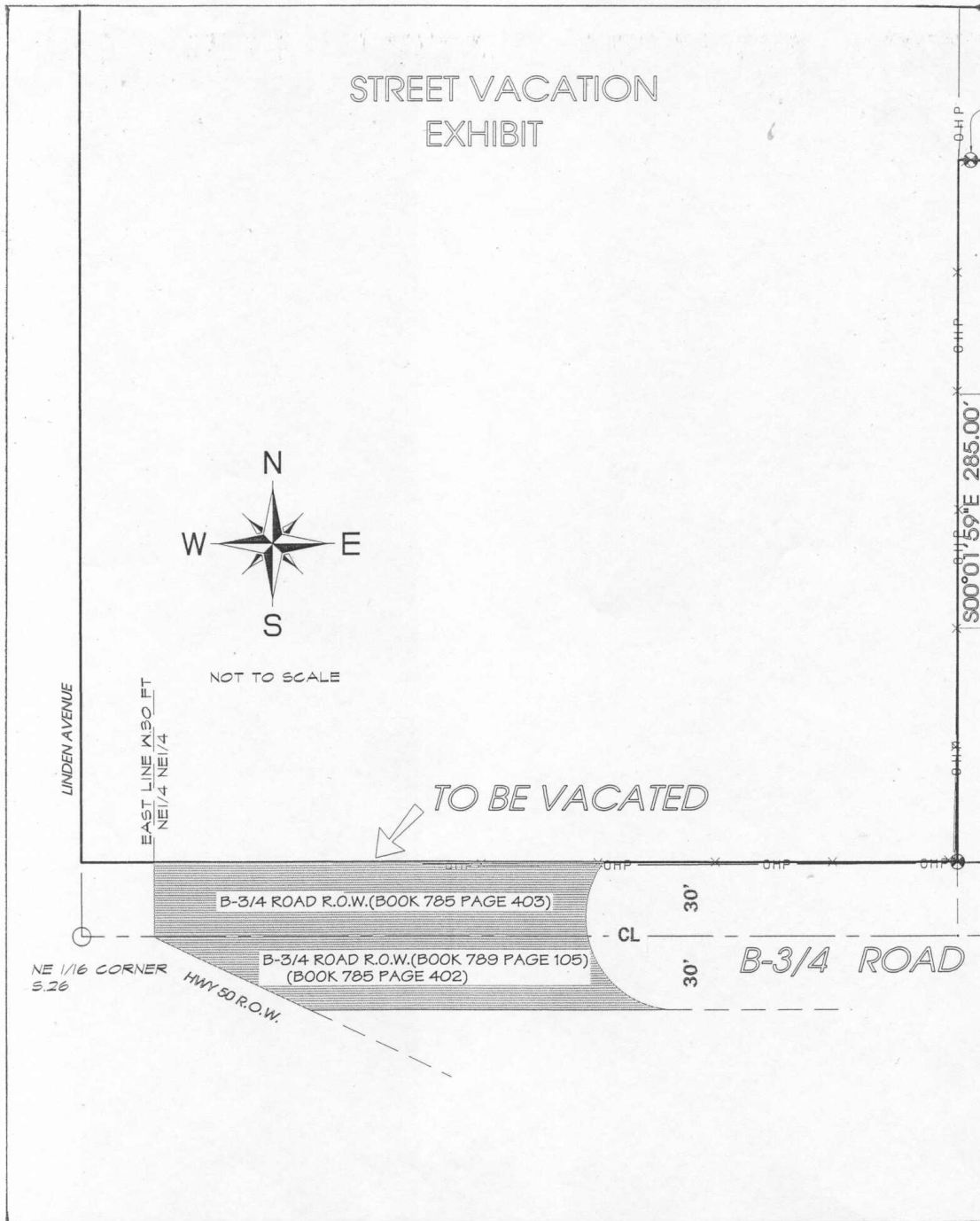
City Clerk

STREET VACATION EXHIBIT

2945-261-03-945 C/O CITY OF GRAND JUNCTION AMETEK INC/DIXSON



Street Vacation Exhibit "A"



Street Vacation Exhibit "B"

Attach 8

Public Hearing – Church on the Rock Annexation Located at 2170 Broadway

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | | |
|---------------------------------------|----------|--|----------------------|-------------------------------------|--------------------|------|---------|---|
| Subject | | Church on the Rock Annexation located at 2170 Broadway | | | | | | |
| Meeting Date | | November 5, 2003 | | | | | | |
| Date Prepared | | October 29, 2003 | | | File #ANX-2003-197 | | | |
| Author | | Scott D. Peterson | | Associate Planner | | | | |
| Presenter Name | | Scott D. Peterson | | Associate Planner | | | | |
| Report results back to Council | | <input checked="" type="checkbox"/> | No | | Yes | When | | |
| Citizen Presentation | | | Yes | <input checked="" type="checkbox"/> | No | Name | | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | | | Consent | <input checked="" type="checkbox"/> Individual Consideration |

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Church on the Rock Annexation, located at 2170 Broadway. The 5.4946 acre annexation consists of one (1) parcel of unplatted land along with a portion of the Rio Hondo Road right-of-way. The petitioner’s intent is to annex and then submit a Site Plan Review for a new church building (gymnasium) with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer district.

Budget: N/A

Action Requested/Recommendation: Public hearing on the Church on the Rock 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:

- 14. Staff report/Background information
- 15. General Location Map
- 16. Aerial Photo

- 17. Growth Plan Map
- 18. Zoning Map
- 19. Annexation map
- 20. Acceptance Resolution
- 21. Annexation Ordinance

| <i>STAFF REPORT/BACKGROUND INFORMATION</i> | | | |
|--|--------------|---|-----|
| Location: | | <i>2170 Broadway</i> | |
| Applicant: | | Church on the Rock, Inc. (a Colo. Non-profit Corp.) | |
| Existing Land Use: | | <i>Church sanctuary</i> | |
| Proposed Land Use: | | <i>N/A</i> | |
| Surrounding Land Use: | North | <i>Residential</i> | |
| | South | Residential | |
| | East | Residential | |
| | West | Residential and Vacant Commercial | |
| Existing Zoning: | | Residential Single Family – 4 (RSF-4) (County) | |
| Proposed Zoning: | | Residential Single Family – 2 (RSF-2) | |
| Surrounding Zoning: | North | <i>Residential Single Family – 4 (RSF-4) (County)</i> | |
| | South | Residential Single Family – 4 (RSF-4) (County) & Comm. Services & Rec. (CSR) (City) | |
| | East | Residential Single Family – 4 (RSF-4) (County) | |
| | West | Residential Single Family – 4 (RSF-4) (County) & Commercial (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 5.4946 acres of land and is comprised of one (1) parcel of land, including a portion of the Rio Hondo Road right-of-way. The property owner has requested annexation into the City in anticipation of developing a second

building on the property. Under the 1998 Persigo Agreement all new development requires 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 Church on the Rock 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> | |
|-----------------------------------|--|
| October 1, 2003 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| October 14, 2003 | Planning Commission considers Zone of Annexation |
| October 15, 2003 | Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation |
| November 5, 2003 | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council |
| December 7, 2003 | Effective date of Annexation and Zoning |

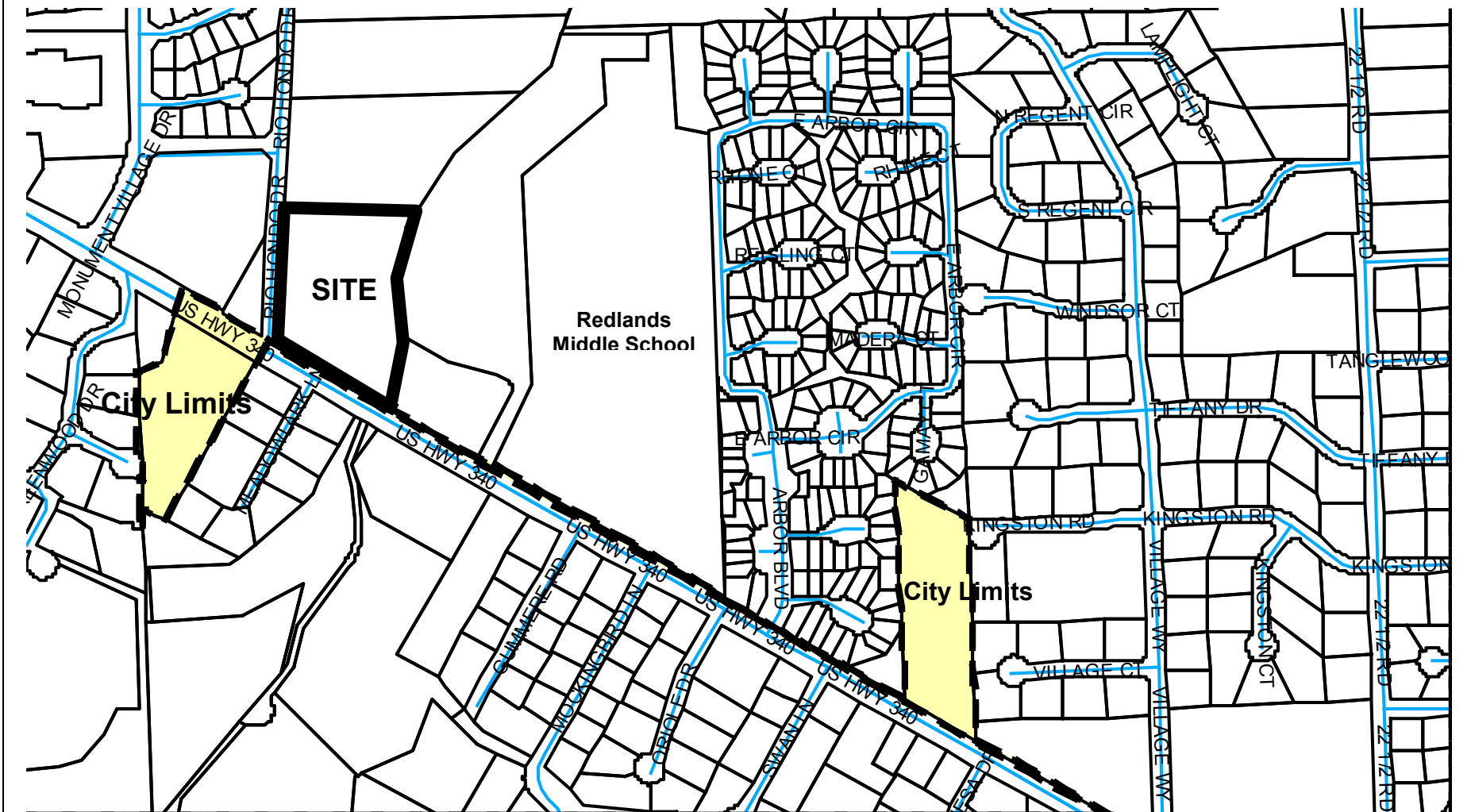
CHURCH ON THE ROCK ANNEXATION SUMMARY

| | | |
|---------------------------------------|---------------------------------------|--------------------------------|
| File Number: | ANX-2003-197 | |
| Location: | 2170 Broadway | |
| Tax ID Number: | 2947-231-00-950 | |
| Parcels: | 1 | |
| Estimated Population: | 0 | |
| # of Parcels (owner occupied): | 0 | |
| # of Dwelling Units: | 0 | |
| Acres land annexed: | 5.4946 | |
| Developable Acres Remaining: | 5.0148 | |
| Right-of-way in Annexation: | 0.4798 | |
| Previous County Zoning: | Residential Single Family – 4 (RSF-4) | |
| Proposed City Zoning: | Residential Single Family – 2 (RSF-2) | |
| Current Land Use: | <i>Church sanctuary</i> | |
| Future Land Use: | N/A | |
| Values: | Assessed: | \$163,300 |
| | Actual: | \$563,090 |
| Address Ranges: | 2170 | |
| Special Districts: | Water: | Ute Water Conservancy District |

| | | |
|--|----------------------------------|---|
| | Sewer: | City |
| | Fire: | Grand Junction Rural Fire |
| | Irrigation/ Drainage: | Redlands Irrigation & Drainage District |
| | School: | School District 51 |

Site Location Map – Church on the Rock – 2170 Broadway

Figure 1



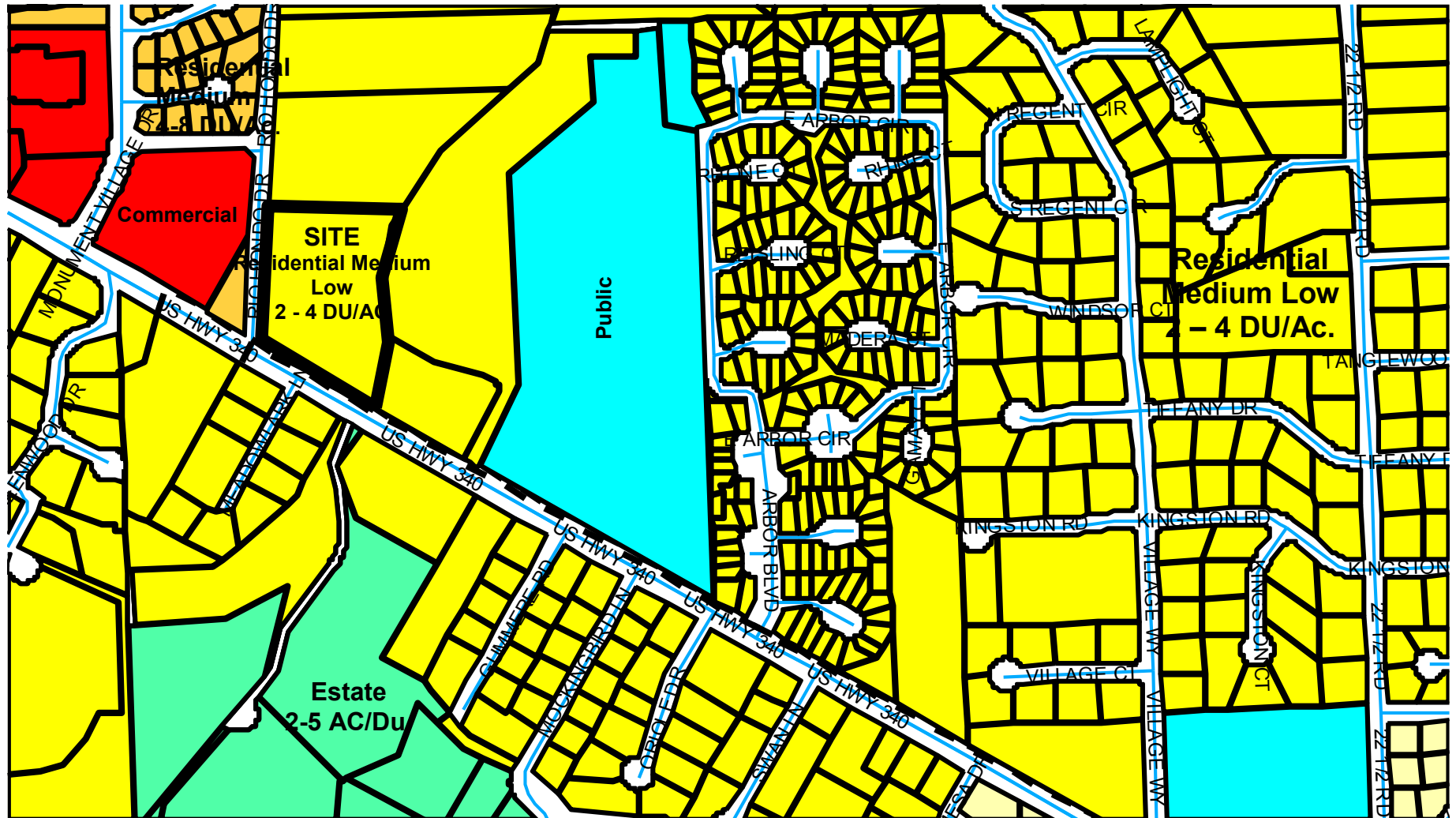
Aerial Photo Map – Church on the Rock – 2170 Broadway

Figure 2



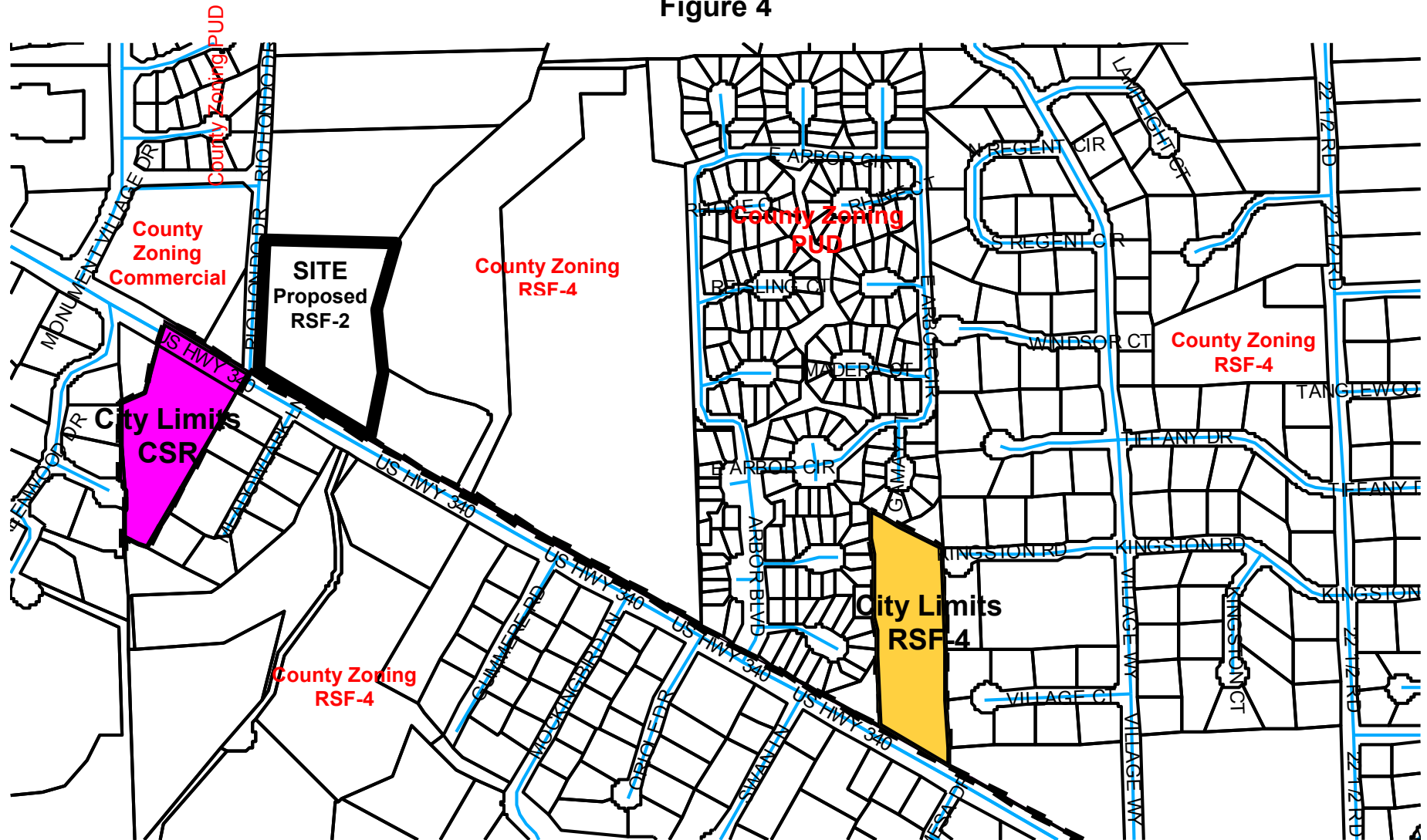
Future Land Use Map – Church on the Rock – 2170 Broad.

Figure 3



Existing City and County Zoning – Church on the Rock

Figure 4



RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

LOCATED at 2170 Broadway and including a portion

of the Rio Hondo Road right-of-way

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of October, 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:

CHURCH ON THE ROCK ANNEXATION

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 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 59°01'04" W along the North line of said Colorado Highway 340 (Broadway) a distance of 55.61 feet to a point on the West right of way for said Rio Hondo Road; thence N 05°01'52" E along the West line of said Rio Hondo Road and the East line of said Monument Village Commercial Center, a distance of 403.74 feet; thence S 89°50'04" E a distance of 491.91 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 N 59°01'04" W along said Northerly right of way, a distance of 419.90 feet, more or less, to the Point of Beginning.

CONTAINS 5.4946 Acres (239,346.95 Square Feet) more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of November, 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 5th day of November, 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*

CHURCH ON THE ROCK ANNEXATION

APPROXIMATELY 5.4946 ACRES

**LOCATED AT 2170 Broadway and including a portion
of the Rio Hondo Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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:

CHURCH ON THE ROCK ANNEXATION

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 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 59°01'04" W along the North line of said Colorado Highway 340 (Broadway) a distance of 55.61 feet to a point on the West right of way for said Rio Hondo Road; thence N 05°01'52" E along the West line of said Rio Hondo Road and the East line of said Monument Village Commercial Center, a distance of 403.74 feet; thence S 89°50'04" E a distance of 491.91 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 N 59°01'04" W along said Northerly right of way, a distance of 419.90 feet, more or less, to the Point of Beginning.

CONTAINS 5.4946 Acres (239,346.95 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 1st day of October, 2003 and ordered published.

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 9
Zoning Church on the Rock Annexation**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|----------------------|-------------------|---------------------------|--|
| Subject | Zoning the Church on the Rock Annexation, located at 2170 Broadway. | | | | | |
| Meeting Date | November 5, 2003 | | | | | |
| Date Prepared | October 29, 2003 | | | | File #ANX-2003-197 | |
| 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 Church on the Rock Annexation consists of 5.4946 acres of land that is located at 2170 Broadway and consists of one (1) parcel of unplatted land that contains the church sanctuary, along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building (gymnasium) with a proposed zoning of Residential Single Family – 2 (RSF-2). The Planning Commission recommended approval at its October 14, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the zoning ordinance for the Church on the Rock Annexation with a requested zoning of Residential Single Family – 2 (RSF-2).

Background Information: See attached Staff Report/Background Information

Attachments:

- 22. Staff report/Background information
- 23. General Location Map
- 24. Aerial Photo
- 25. Growth Plan Map
- 26. Zoning Map

- 27. Annexation map
- 28. Zoning Ordinance

| STAFF REPORT / BACKGROUND INFORMATION | | | | |
|---------------------------------------|--------------|---|------------|-----------|
| Location: | | 2170 Broadway | | |
| Applicant: | | Church on the Rock, Inc. (a Colo. Non-profit Corp.), Owner | | |
| Existing Land Use: | | Church sanctuary | | |
| Proposed Land Use: | | N/A | | |
| Surrounding Land Use: | North | Residential | | |
| | South | Residential | | |
| | East | Residential | | |
| | West | Residential and Vacant Commercial | | |
| Existing Zoning: | | Residential Single Family – 4 (RSF-4) (County) | | |
| Proposed Zoning: | | Residential Single Family – 2 (RSF-2) | | |
| Surrounding Zoning: | North | Residential Single Family – 4 (RSF-4) (County) | | |
| | South | Residential Single Family – 4 (RSF-4) (County) & Comm. Services & Rec. (CSR) (City) | | |
| | East | Residential Single Family – 4 (RSF-4) (County) | | |
| | West | Residential Single Family – 4 (RSF-4) (County) & Commercial (County) | | |
| Growth Plan Designation: | | Residential Medium Low (2 – 4 DU/Ac.) | | |
| Zoning within density range? | | X | Yes | No |

Staff Analysis:

ZONE OF ANNEXATION: The requested zone of annexation to the Residential Single Family – 2 (RSF-2) District is consistent with the Growth Plan density of Residential Medium Low (2 – 4 DU/Ac.). The existing County zoning is Residential Single Family – 4 (RSF-4). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

N/A. The proposed zoning of RSF-2 upon annexation is consistent with the Growth Plan Future Land Use Map.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc.;

The property is located in an area of existing large lot single family residential development. All public utilities are available in the area.

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

The proposed zoning of RSF-2 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 RSF-2 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 zoning is equivalent to the existing land uses in the area and meets the requirements of the Zoning & Development Code and Growth Plan.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-2 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;

N/A. This proposal is to zone property to be in conformance with current and proposed land uses in the area.

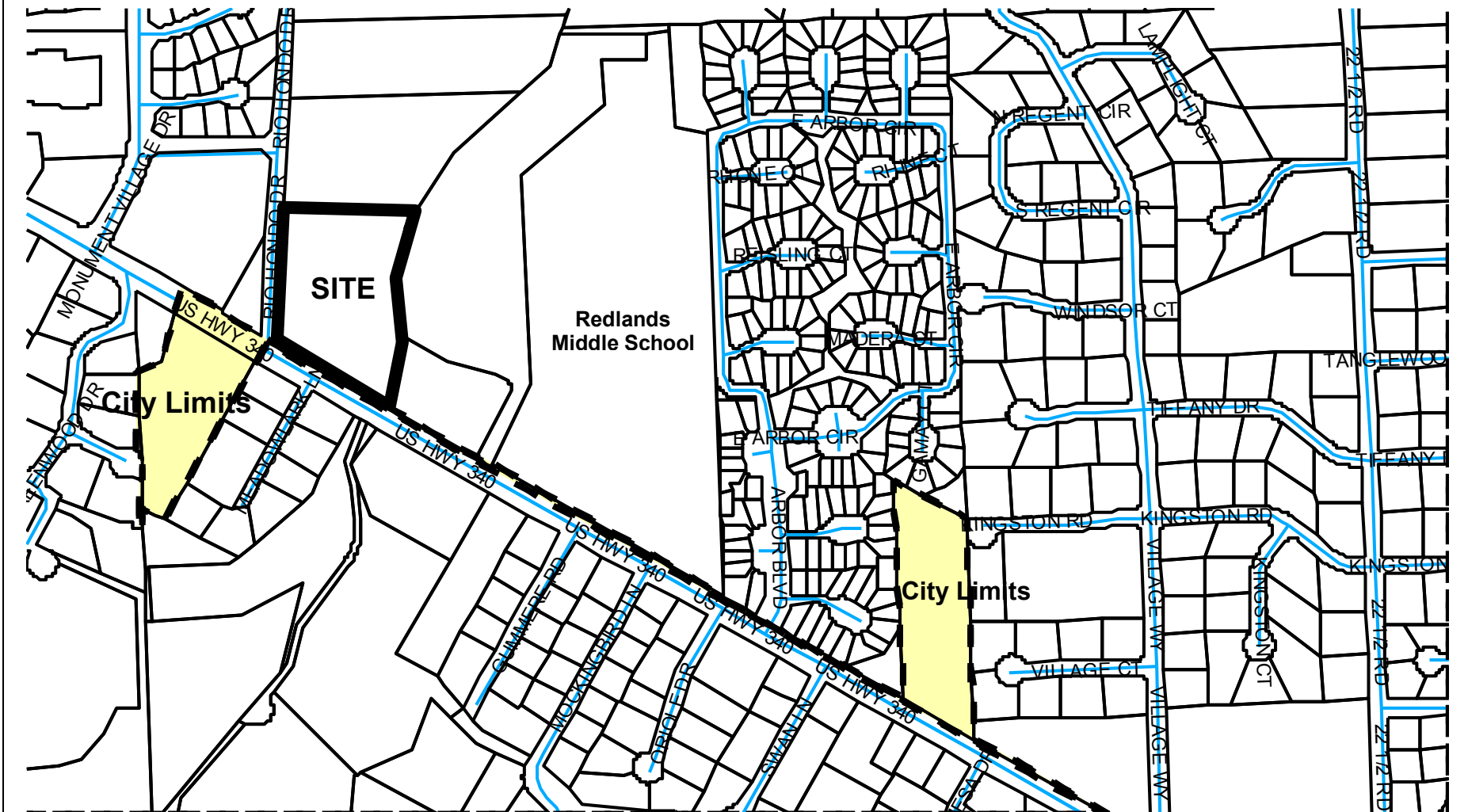
7. The community or neighborhood will benefit from the proposed zone.

The existing adjacent properties are single family residences located on large lots of 5 acres or greater. City staff feels that the proposed zoning of RSF-2, which is at the low end of the residential density of 2 – 4 dwelling units per acre as recommended by the Growth Plan Future Land Use Map, is more compatible with existing land uses.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the Residential Single Family – 2 (RSF-2) district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map – Church on the Rock – 2170 Broadway

Figure 1



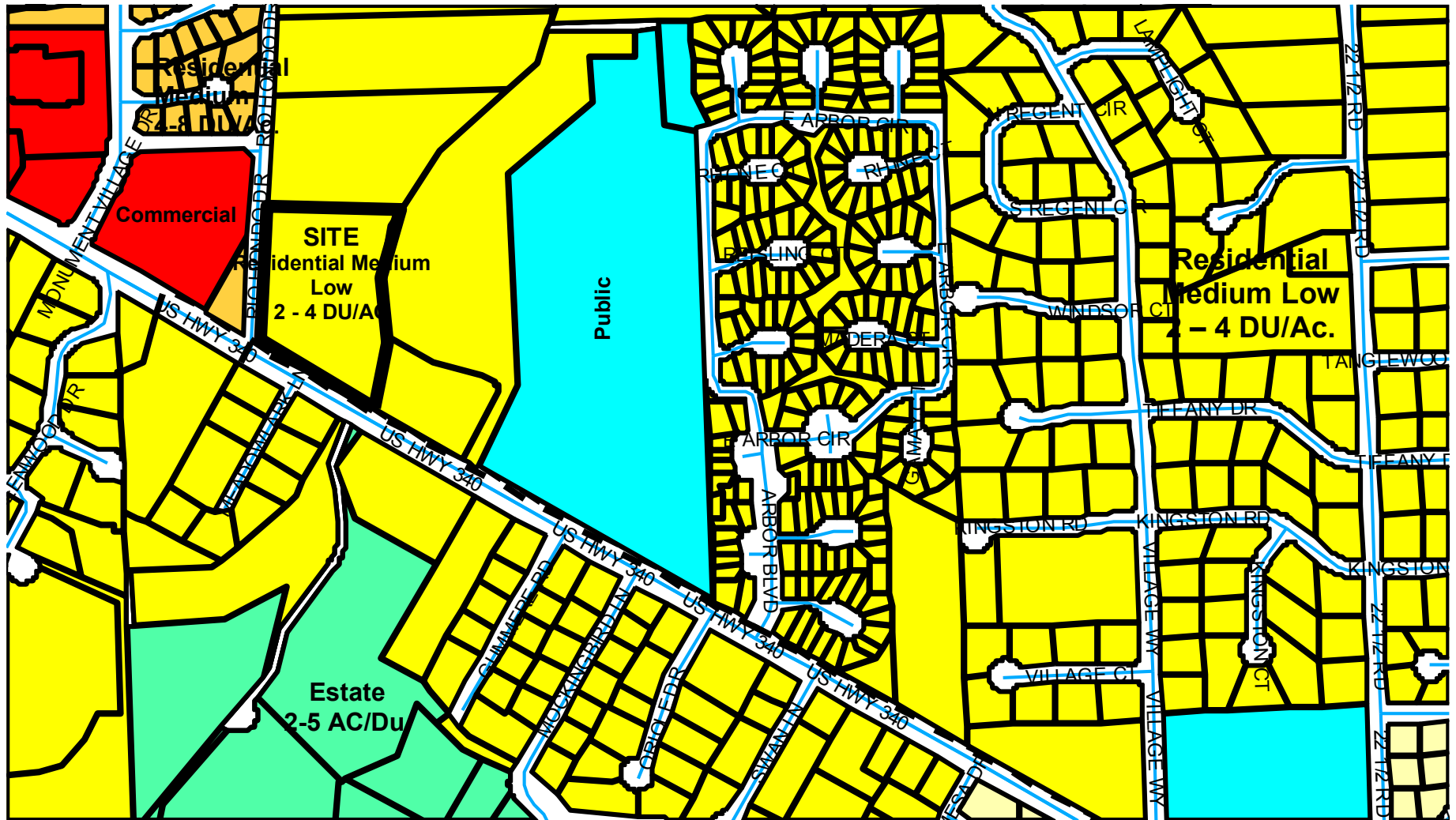
Aerial Photo Map – Church on the Rock – 2170 Broadway

Figure 2



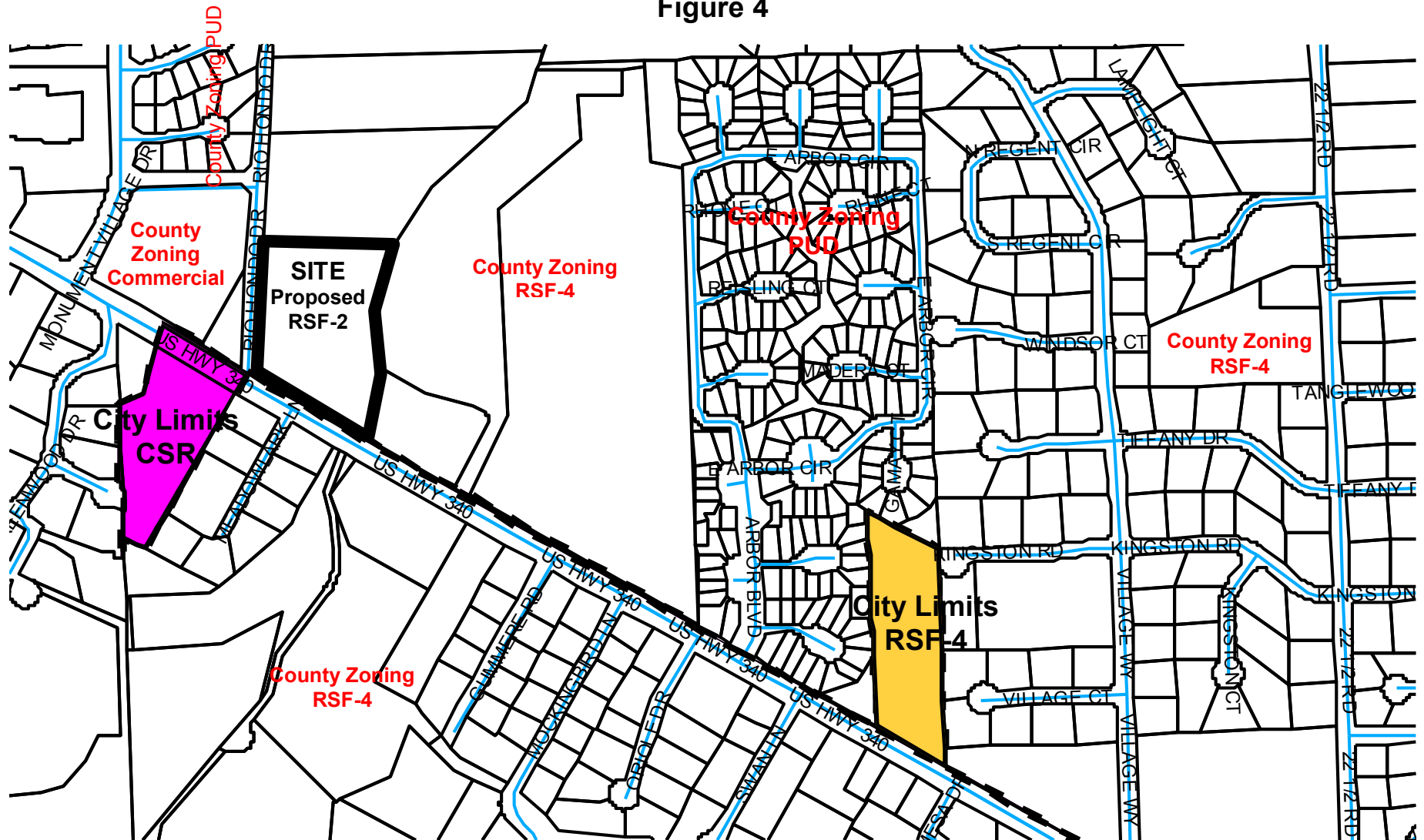
Future Land Use Map – Church on the Rock – 2170 Broad.

Figure 3



Existing City and County Zoning – Church on the Rock

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE CHURCH ON THE ROCK ANNEXATION

TO RESIDENTIAL SINGLE FAMILY – 2 (RSF-2)

LOCATED AT 2170 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 zoning the Church on the Rock Annexation to the Residential Single Family – 2 (RSF-2) 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family – 2 (RSF-2) zone district be established.

The Planning Commission and City Council find that the Residential Single Family – 2 (RSF-2) 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 zoned Residential Single Family – 2 (RSF-2) with a density not to exceed two (2) units per acre.

CHURCH ON THE ROCK ANNEXATION

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 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 59°01'04" W along the North line of said Colorado Highway 340 (Broadway) a distance of 55.61 feet to a point on the West right of way for said Rio Hondo Road; thence N 05°01'52" E along the West line of said Rio Hondo Road and the East line of said Monument Village Commercial Center, a distance of 403.74 feet; thence S 89°50'04" E a distance of 491.91 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 N 59°01'04" W along said Northerly right of way, a distance of 419.90 feet, more or less, to the Point of Beginning.

CONTAINS 5.4946 Acres (239,346.95 Square Feet) more or less, as described.

Housing type, density and bulk standards shall be for the Residential Single Family – 2 (RSF-2) zone district.

Introduced on first reading this 15th day of October, 2003 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 10

Public Hearing – Gowhari Annexation Located at 563 20 ½ Road

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|----------|---|----------------------|--------------------------|----------------------------|---------|---|
| Subject | | A hearing for the Gowhari Annexation located at 563 20 ½ Rd | | | | | |
| Meeting Date | | November 5, 2003 | | | | | |
| Date Prepared | | October 23, 2003 | | | File # GPA-2003-183 | | |
| 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 Gowhari Annexation, located at 563 20 ½ Rd. The 25.103 acre Gowhari Annexation consists of 3 parcel(s). This annexation is part of a requested Growth Plan Amendment to change 24.503 acres on the Future Land Use Map from Rural 5-35 ac/du to Residential Low 1/2 – 2 ac/du. The Growth Plan Amendment request will be heard at a later date.

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:

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

36. Annexation Ordinance

| <i>STAFF REPORT/BACKGROUND INFORMATION</i> | | | |
|--|--------------|--|--|
| Location: | | <i>563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway</i> | |
| Applicants: | | Owner: Elizabeth Gowhari; Representative: Thompson-Langford – Doug Thies | |
| Existing Land Use: | | <i>Irrigated pasture and Single Family Homes</i> | |
| Proposed Land Use: | | <i>Future residential uses</i> | |
| Surrounding Land Use: | North | <i>Single Family Residential average 5 acre lots</i> | |
| | South | Single Family Residential .25 to 1 acre lots | |
| | East | Single Family Residential .25 to 1+ acre lots | |
| | West | New church site and residential | |
| Existing Zoning: | | RSF-R: 1 du/5 ac | |
| Proposed Zoning: | | Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed. | |
| Surrounding Zoning: | North | <i>RSF-R</i> | |
| | South | PD/RSF-4 | |
| | East | RSF-2 (Mesa County) | |
| | West | <i>RSF-R (City) & RSF-2 (Mesa County)</i> | |
| Growth Plan Designation: | | Rural | |
| Zoning within density range? | | Yes | <input checked="" type="checkbox"/> No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 25.103 acres of land and is comprised of 3 parcel(s). The property owners have requested annexation into the City as the result of needing a Rezone in the County. A Growth Plan Amendment to change 24.503 acres of the property from Rural 5 - 35 ac/du to Residential Low ½ -2 ac/du has also been

submitted. Under the 1998 Persigo Agreement all rezones require 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 Gowhari 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 | |
|----------------------------|---|
| October 1, 2003 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| November 5, 2003 | Acceptance of Petition and Public Hearing on Annexation City Council |
| December 7, 2003 | Effective date of Annexation |

| ZONING SCHEDULE |
|---|
| Zoning for this project will be proposed following the Planning Commission and City Council review and consideration of the proposed Growth Plan Amendment. |

GOWHARI ANNEXATION SUMMARY

| | | |
|---------------------------------------|--|------------------------------------|
| File Number: | GPA-2003-183 | |
| Location: | <i>563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway</i> | |
| Tax ID Number: | 2947-222-00-184; 2947-222-40-001; 2947-222-40-002 | |
| Parcels: | 3 | |
| Estimated Population: | 7 | |
| # of Parcels (owner occupied): | 1 | |
| # of Dwelling Units: | 3 | |
| Acres land annexed: | 25.103 acres | |
| Developable Acres Remaining: | 24.473 acres | |
| Right-of-way in Annexation: | 0.630 acres – 687’ of 20 ½ Rd (full width of ROW) | |
| Previous County Zoning: | RSF-R | |
| Proposed City Zoning: | Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed. | |
| Current Land Use: | <i>Irrigated pasture and Single Family Homes</i> | |
| Future Land Use: | <i>Future residential uses</i> | |
| Values: | Assessed: | \$17,960 |
| | Actual: | \$225,640 |
| | Assessed: | \$28,020 |
| | Actual: | \$301,490 |
| | Assessed: | \$13,560 |
| | Actual: | \$170,280 |
| Address Ranges: | 563 – 573 20 ½ Rd (odd only); 2026 S. Broadway | |
| Special Districts: | Water: | Ute Water |
| | Fire: | Grand Junction Rural Fire District |
| | Irrigation/ Drainage: | Redlands Water & Power |
| | School: | Mesa County School District #51 |

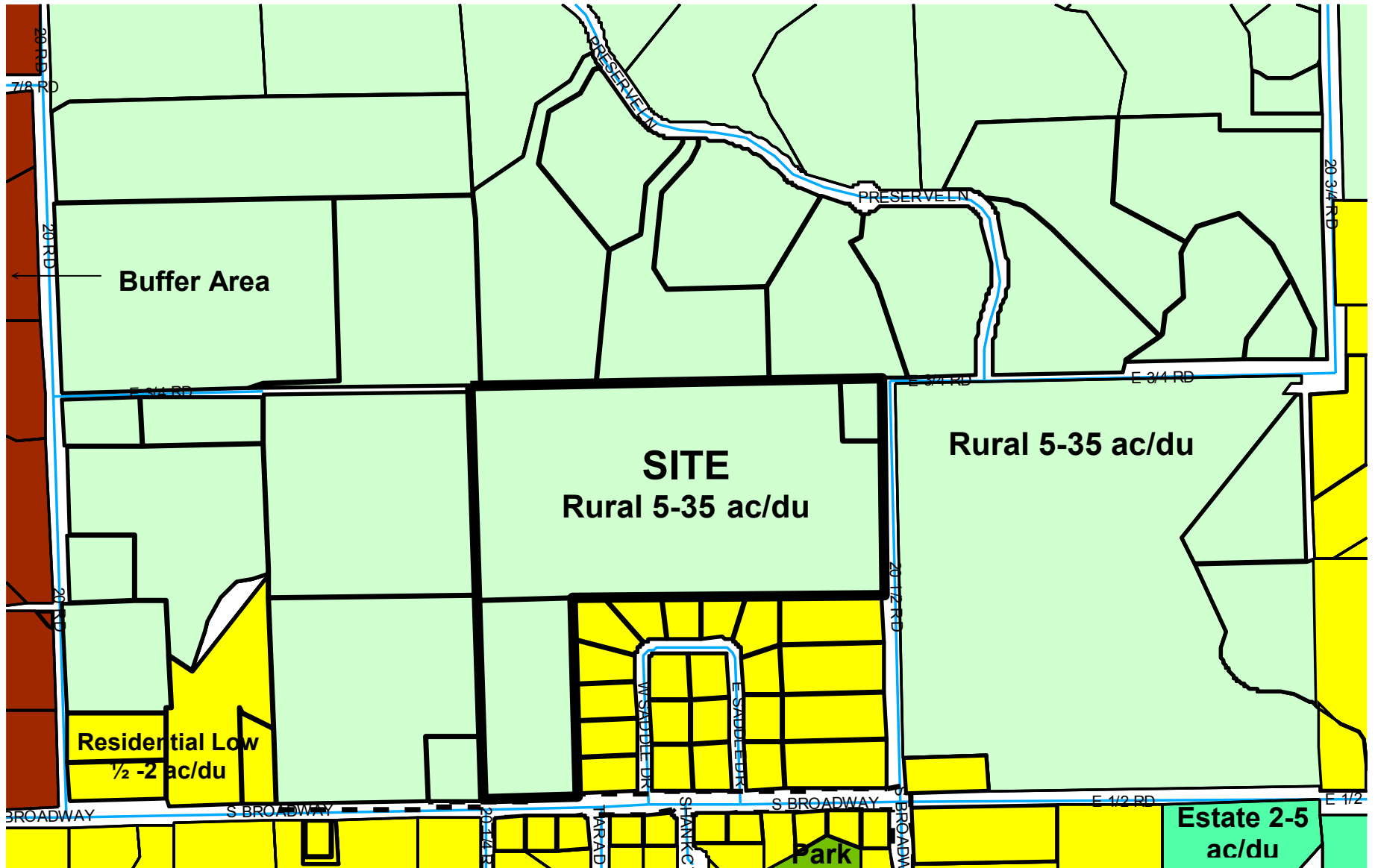
Aerial Photo Map

Figure 2



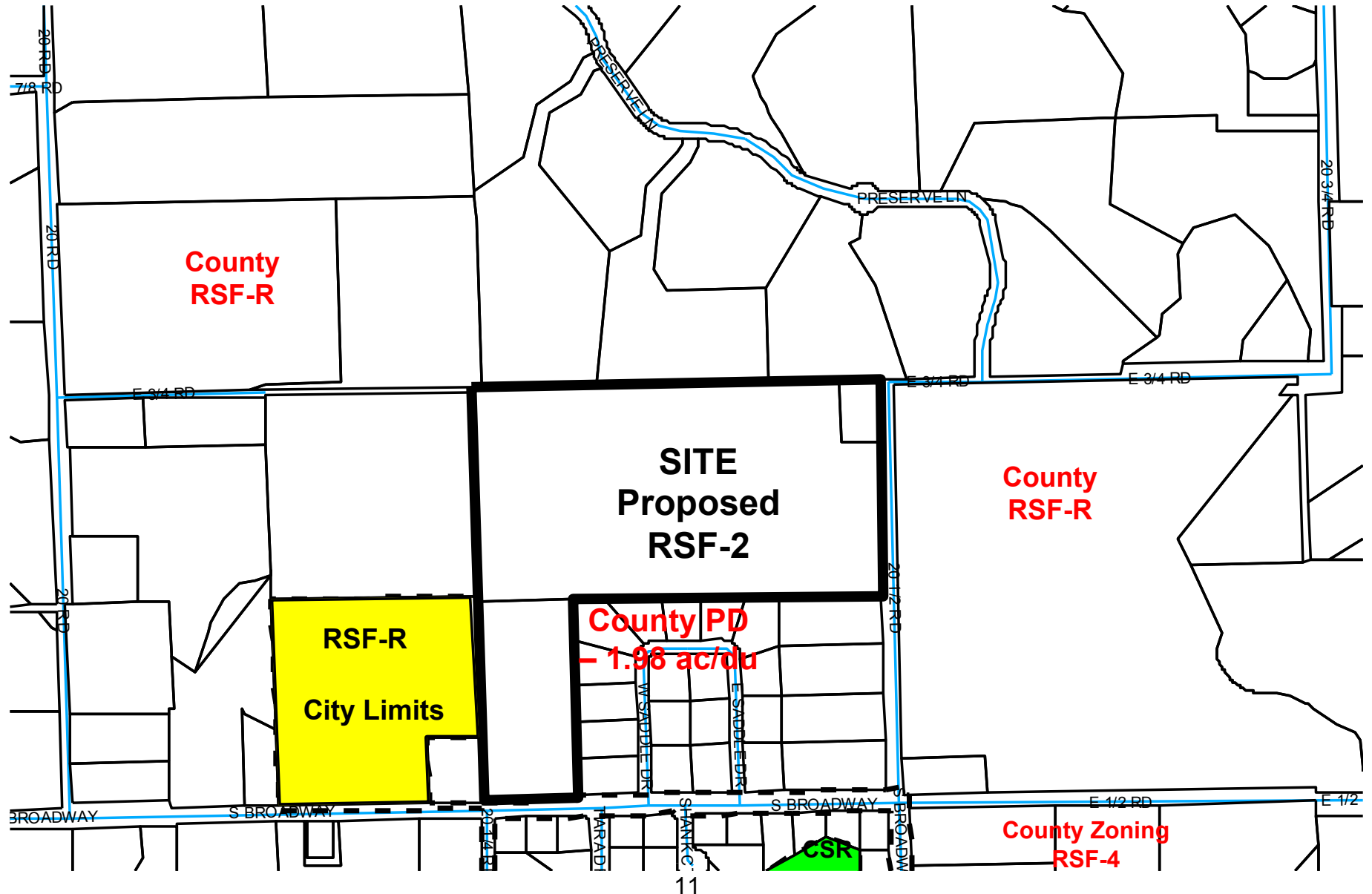
Future Land Use Map

Figure 3



Existing City and County Zoning

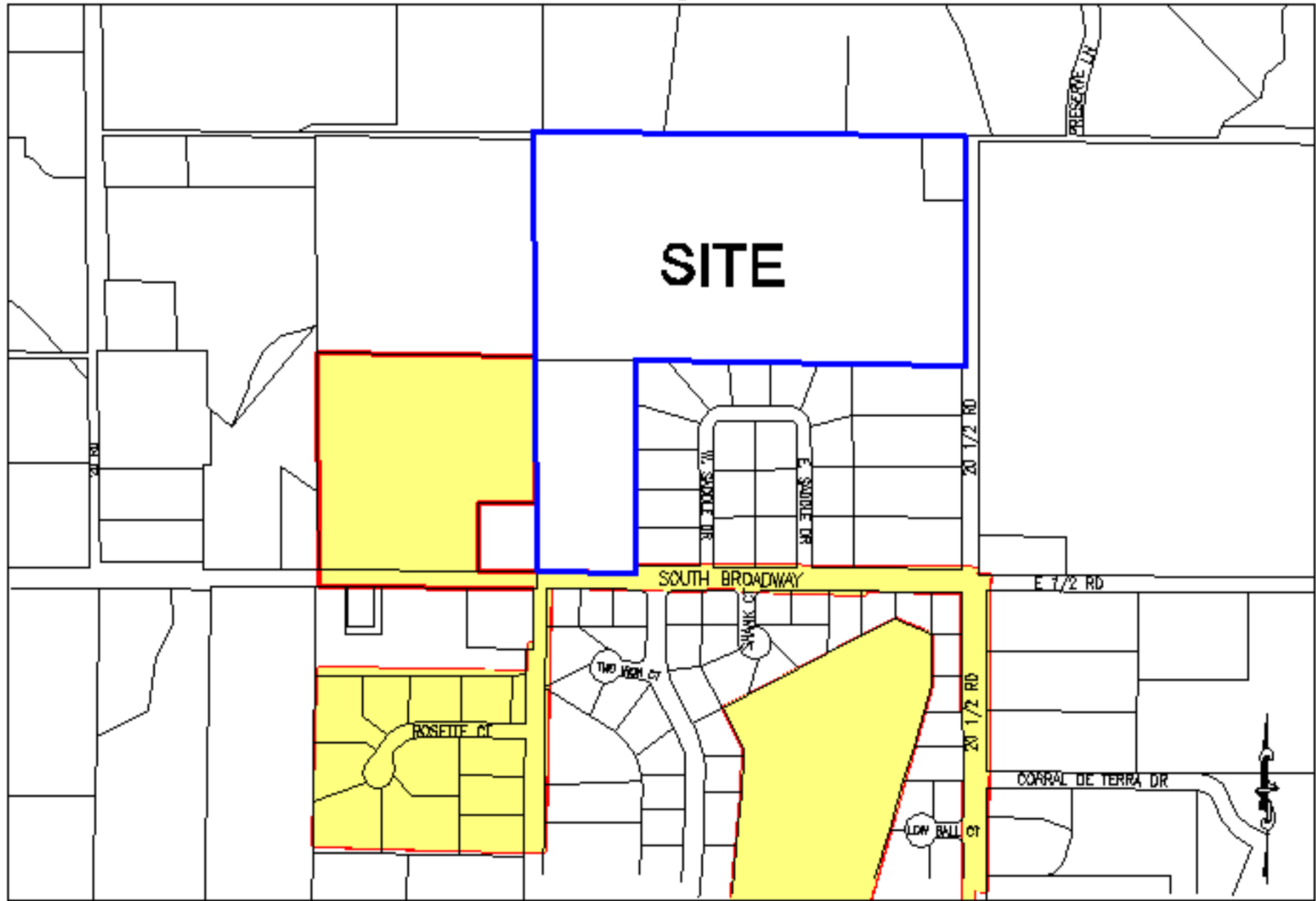
Figure 4



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."

Gowhari Annexation

Figure 5



 City Limits  Annexation Boundary

RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

LOCATED at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and including a portion of the 20 ½ Road right-of-way.

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of October, 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:

GOWHARI ANNEXATION

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

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 1306.37 feet, more or less, to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance of 686.71 feet, more or less, to a point

on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence S 00°53'16" E along the West line of said Saddleback Subdivision, a distance of 632.08 feet, more or less, to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 25.103 Acres (1,093,505 Sq. Ft.) more or less, as described.

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

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GOWHARI ANNEXATION

APPROXIMATELY 25.103 ACRES

**LOCATED AT 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and including a
portion of the 20 ½ Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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:

Gowhari Annexation

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

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 1306.37 feet, more or less, to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance of 686.71 feet, more or less, to a point on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence S 00°53'16" E along the West line of said Saddleback Subdivision, a distance of 632.08 feet, more or less, to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 25.103 Acres (1,093,505 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 1st day of October, 2003 and ordered published.

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 11

Public Hearing – Grand Bud Annexation Located at 28 ½ Road at Hwy. 50

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-------------------------------------|----------------------|--------------------|---------|---|
| Subject | A hearing for the Grand Bud annexation located at 28 ½ Rd @ Hwy 50 | | | | | |
| Meeting Date | November 5, 2003 | | | | | |
| Date Prepared | October 23, 2003, 2003 | | | File #GPA-2003-184 | | |
| 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 Grand Bud Annexation, located at located at 28 ½ Rd @ Hwy 50. The 24.153 acre Grand Bud annexation consists of 1 parcel. This project is part of a requested Growth Plan Amendment for the southwest 9.948 acres of the property to change the Future Land Use Map from Residential Medium 4-8 du/ac to Commercial. The Growth Plan Amendment request will be heard at a later date.

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:

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

44. Annexation Ordinance

| <i>STAFF REPORT/BACKGROUND INFORMATION</i> | | | | |
|--|--------------|--|-----|----|
| Location: | | <i>NW corner of 28 ½ Rd & Hwy 50</i> | | |
| Applicants: | | Owner/Developer: Grand Bud LLC – Mike & Marc Cadez; Representative: Development Concepts Inc. - Mike Joyce | | |
| Existing Land Use: | | <i>Vacant</i> | | |
| Proposed Land Use: | | <i>Future residential & commercial uses</i> | | |
| Surrounding Land Use: | North | <i>Single Family Residential</i> | | |
| | South | <i>Single Family Residential</i> | | |
| | East | <i>Single Family Residential</i> | | |
| | West | Construction Company | | |
| Existing Zoning: | | RSF-4 (Residential Single Family 4 du/ac) | | |
| Proposed Zoning: | | RMF-5 (Residential Multi-Family 5 du/ac) & C-2 (General Commercial) | | |
| Surrounding Zoning: | North | <i>RSF-4 (Residential Single Family 4 du/ac) & RMF-5 (Residential Multi-Family 5 du/ac)</i> | | |
| | South | RSF-4 (Residential Single Family 4 du/ac) | | |
| | East | RSF-4 (Residential Single Family 4 du/ac) | | |
| | West | <i>PC (Planned Commercial) & C-2 (Commercial)</i> | | |
| Growth Plan Designation: | | Residential Medium 4-8 du/ac | | |
| Zoning within density range? | | X | Yes | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 24.153 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a Rezone in the County. A Growth Plan Amendment to change 9.948 acres of

the property from Residential Medium 4-8 du/ac to Commercial has also been submitted. Under the 1998 Persigo Agreement all rezones require 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 Grand Bud 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.

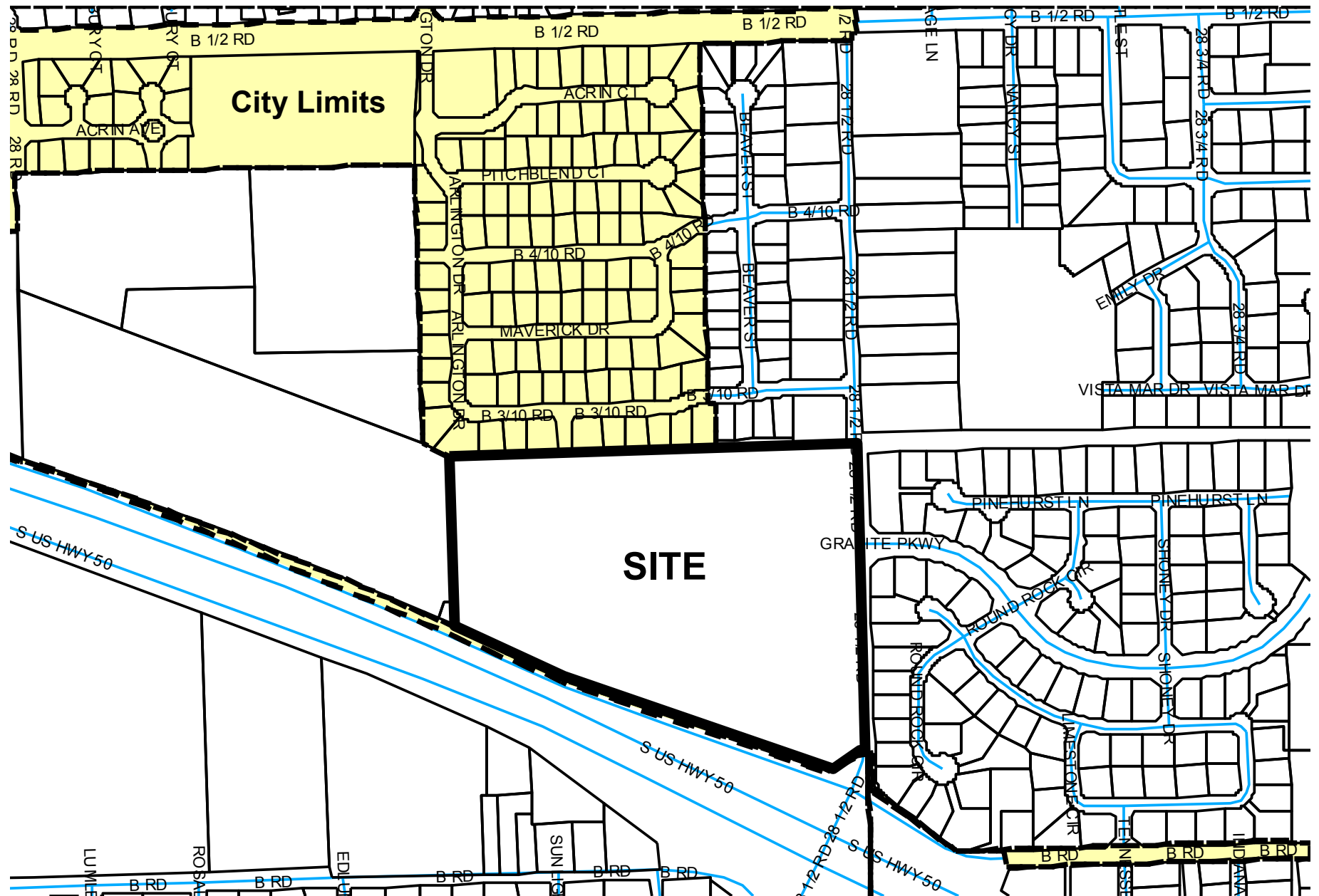
| <i>ANNEXATION SCHEDULE</i> | |
|-----------------------------------|---|
| October 1, 2003 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| November 5, 2003 | Acceptance of Petition and Public Hearing on Annexation City Council |
| December 7, 2003 | Effective date of Annexation |

| <i>ZONING SCHEDULE</i> |
|---|
| Zoning for this project will be proposed following the Planning Commission and City Council review and consideration of the proposed Growth Plan Amendment. |

| GRAND BUD ANNEXATION SUMMARY | |
|---------------------------------------|---|
| File Number: | GPA-2003-184 |
| Location: | NW corner of 28 ½ Rd & Hwy 50 |
| Tax ID Number: | 2943-303-00-045 |
| Parcels: | 1 |
| Estimated Population: | 0 |
| # of Parcels (owner occupied): | 0 |
| # of Dwelling Units: | 0 |
| Acres land annexed: | 24.153 acres |
| Developable Acres Remaining: | 23.043 acres |
| Right-of-way in Annexation: | 1.11 |
| Previous County Zoning: | RSF-4 (Residential Single Family 4 du/ac) |
| Proposed City Zoning: | RMF-5 (Residential Multi-Family 5 du/ac) & C-2 (General Commercial) (Need GPA to Commercial land use) |
| Current Land Use: | Vacant |
| Future Land Use: | Residential Medium 4-8 du/ac |
| Values: | Assessed: \$26,360 |
| | Actual: \$90,900 |
| Address Ranges: | 2826 to 2848 Hwy 50 even only & 201 to 223 28 ½ Rd odd only |
| Special Districts: | Water: Ute Water |
| | Sewer: Orchard Mesa Sanitation District |
| | Fire: City of Grand Junction |
| | Irrigation/ Drainage: Orchard Mesa Irrigation & Drainage District |
| | School: Mesa County School District #51 |

Site Location Map

Figure 1



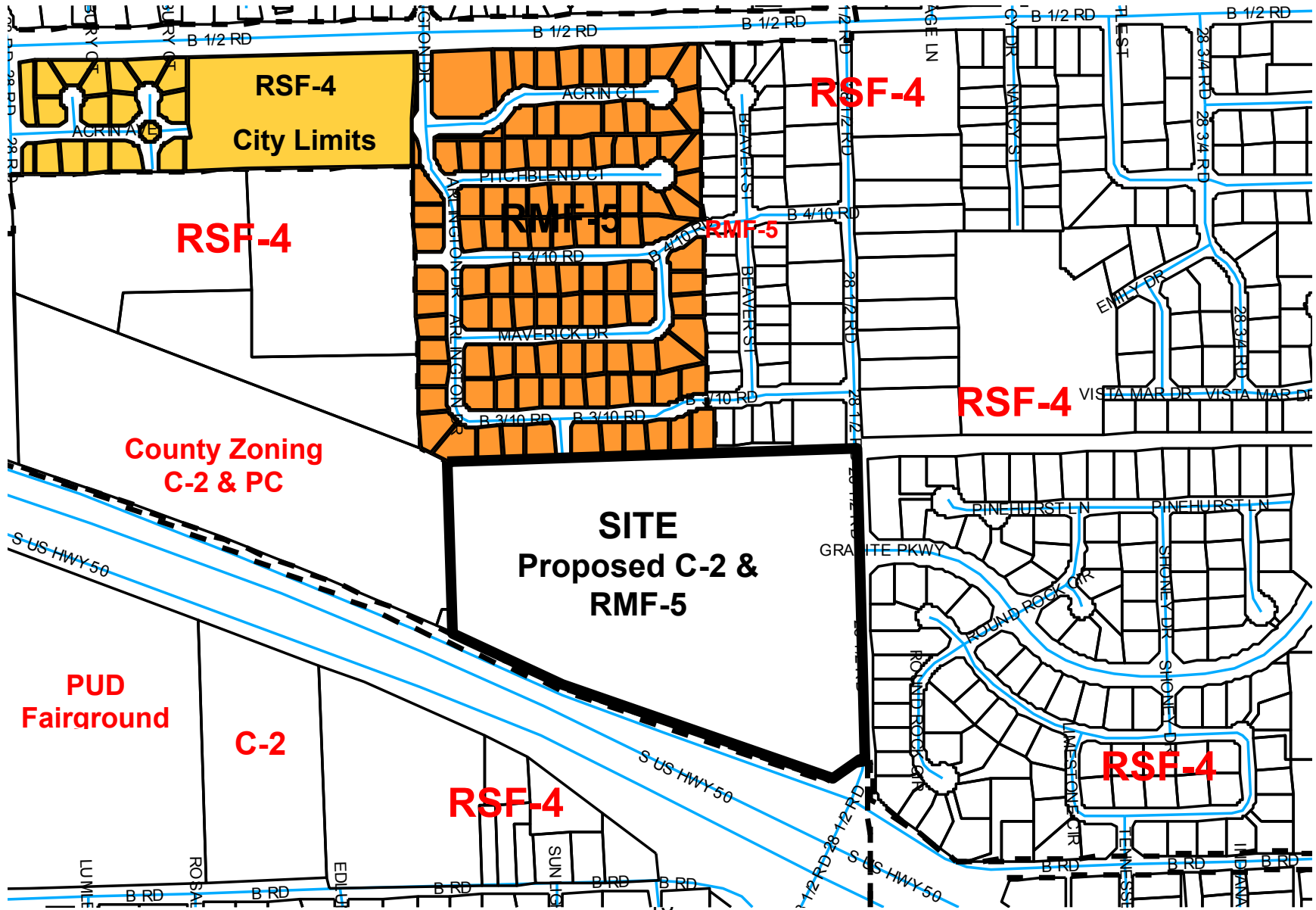
Aerial Photo Map

Figure 2



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

GRAND BUD ANNEXATION

*LOCATED at the Northwest corner of 28 ½ Road and Hwy 50 and including a portion of
the 28 ½ Road right-of-way*

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of October, 2003, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

GRAND BUD ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 30, 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 Southeast corner of the SE 1/4 SW 1/4 of said Section 30, and assuming the East line of the SE 1/4 SW 1/4 bears N 00°04'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°04'01" E along the East line of the SE 1/4 SW 1/4 of said Section 30, a distance of 346.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'59" W a distance of 20.00 feet; thence S 83°51'30" W a distance of 91.53 feet to a point on the Northerly right of way for U.S. Highway 50, as laid out and now in use; thence N 69°37'00" W, along said North right of way, a distance of 883.90 feet to a point being the beginning of a 11,585.00 radius, non-tangent curve, concave Southwest, whose long chord bears N 62°54'49" W with a long chord length of 381.99 feet; thence 382.01 feet Northwesterly along the arc of said curve, through a central angle of 01°53'21" to a point; thence N 00°04'43" W along a line 55.00 feet East of and parallel to, the West line of the SE 1/4 SW 1/4, a distance of 534.71 feet, more or less, to a point on the North line of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'39" E along the North line of the SE 1/4 SW 1/4 of said

Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'17" E along the North line of the SW 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet to a point; thence S 00°04'01" W along a line 30.00 feet East of and parallel to, the East line of the SE 1/4 SW 1/4 of said Section 30, being the East right of way for 28-1/2 Road, as shown on the Plat of Grand Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Grand Springs Filing No. 3, as recorded in Plat Book 18, Page 352, both of the Public Records of Mesa County, Colorado, a distance of 968.34 feet; thence N 89°55'59" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 24.153 Acres (1,052,120.6 Sq. Ft.) more or less, as described

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

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GRAND BUD ANNEXATION

APPROXIMATELY 24.153 ACRES

LOCATED AT the Northwest corner of 28 ½ Road and Hwy 50 and including a portion of the 28 ½ Road right-of-way

WHEREAS, on the 1st day of October, 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 5th day of November,; and

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

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

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

Grand Bud Annexation

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 30, 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 Southeast corner of the SE 1/4 SW 1/4 of said Section 30, and assuming the East line of the SE 1/4 SW 1/4 bears N 00°04'01" E with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 00°04'01" E along the East line of the SE 1/4 SW 1/4 of said Section 30, a distance of 346.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'59" W a distance of 20.00 feet; thence S 83°51'30" W a distance of 91.53 feet to a point on the Northerly right of way for U.S. Highway 50, as laid out and now in use; thence N 69°37'00" W, along said North right of way, a distance of 883.90 feet to a point being the beginning of a 11,585.00 radius, non-tangent curve, concave Southwest, whose long chord bears N 62°54'49" W with a long chord length of 381.99 feet; thence 382.01 feet Northwesterly along the arc of said curve, through a central angle of 01°53'21" to a point; thence N 00°04'43" W along a line 55.00 feet East of and parallel to, the West line of the SE 1/4 SW 1/4, a distance of 534.71 feet, more or less, to a point on the North line of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'39" E along the North line of the SE 1/4 SW 1/4 of said Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 30; thence S 89°57'17" E along the North line of the SW 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet to a point; thence S 00°04'01" W along a line 30.00 feet East of and parallel to, the East line of the SE 1/4 SW 1/4 of said Section 30, being the East right of way for 28-1/2 Road, as shown on the Plat of Grand Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Grand Springs Filing No. 3, as recorded in Plat Book 18, Page 352, both of the Public Records of Mesa County, Colorado, a distance of 968.34 feet; thence N 89°55'59" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 24.153 Acres (1,052,120.6 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 1st day of October, 2003 and ordered published.

ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 12
Public Hearing – 2nd Supplemental Appropriation Ordinance for 2003**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|---|---------------|-------------|--|
| Subject | 2nd Supplemental Appropriation Ordinance for 2003 | | | | | |
| Meeting Date | November 5, 2003 | | | | | |
| Date Prepared | 10/08/03 | | | File # | | |
| Author | Lanny Paulson | | Budget & Accounting Manager | | | |
| Presenter Name | Ron Lappi | | Administrative Services Director | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | | | Consent X Individual Consideration |

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

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$9,811,236. The following provides a summary of the requests by fund.

E-911 Special Revenue Fund #101, \$562,304:

Transfer to the Communications Center Fund for equipment purchases.

DDA Operating Fund #103, \$20,710:

Costs associated with the Downtown Partnership advertising program.

CDBG Special Revenue Fund #104, \$100,000:

Appropriation of potential additional pass-through funds.

Parkland Expansion Fund #105, \$97,100:

Additional transfer to the Sales Tax CIP Fund for expanded improvements to Canyon View Park.

Wood Stove Replacement Incentive Fund #106, \$54,682:

To transfer the remaining fund balance back to the General Fund.

Economic Development Fund #108, \$100,000:

Contingency

TIF Special Revenue Fund #109, \$1,717,529:

Transfer to the Debt Service Fund to call and/or defease current debt outstanding

Page 2

DDA/TIF CIP Fund #203, \$1,510,200:

Funding for additional capital improvements including the Reed Bldg. Renovation, Development Subsidy, Avalon Improvements, and Repayment of the Line-Of-Credit to the City of Grand Junction.

Future Street Improvements / TCP Fund #207, \$510,000:

Transfer to the Sales Tax CIP Fund for various road improvement projects.

Two Rivers Convention Center Fund #303, \$82,194:

To appropriate for the increased costs of the LED Sign and for additional expenses related to increased business activity.

Lincoln Park Golf Course Fund #305, \$115,619:

Costs associated the pump house replacement.

Tiara Rado Golf Course Fund #306, \$43,434:

Additional costs primarily associated with inventory purchases, fertilizer, and equipment parts.

City Cemeteries Fund #307, \$6,888: Contingency

Parking Fund #308, \$2,731:

Internal Service Fund Service Charges.

Irrigation Fund #309, \$13,706:

Pump repairs and retrofitting.

Self Insurance Fund #404, \$1,981,840:

To appropriate a part of the fund balance in case of an unforeseen catastrophic loss.

Communications Center Fund #405, \$562,304:

E-911 Equipment purchases.

DDA Debt Service Fund #611, \$1,855,500:

Appropriation to call and/or defease current debt outstanding

GJWWS D Debt Service Fund #612, \$800: County Treasurer Fees.

Ridges Debt Service Fund #613, \$200: County Treasurer Fees.

Parks Improvement Advisory Board Fund #703, \$16,111:

Donations to School District #51 and for Stadium Fence Painting.

Joint Sewer System Fund #900, \$457,384: Combined Sewer Elimination Project.

Action Requested/Recommendation: Adoption of the appropriation ordinance with final passage on November 5th, 2003.

Attachments: n/a

Background Information: A second supplemental appropriation ordinance is adopted every year at this time to fine tune the budget and to appropriate contingency amounts to ensure the proper level of legal appropriation authority by fund.

ORDINANCE NO.

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

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

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

| <u>FUND NAME</u> | <u>FUND #</u> | <u>APPROPRIATION</u> |
|------------------------------------|----------------------|-----------------------------|
| Enhanced 911 Special Revenue | 101 | \$ 562,304 |
| DDA Operating | 103 | \$ 20,710 |
| CDBG Special Revenue | 104 | \$ 100,000 |
| Parkland Expansion | 105 | \$ 97,100 |
| Wood Stove Replacement Incentive | 106 | \$ 54,682 |
| Economic Development | 108 | \$ 100,000 |
| TIF Special Revenue | 109 | \$ 1,717,529 |
| DDA/TIF Capital Improvements | 203 | \$ 1,510,200 |
| Future Street Improvements | 207 | \$ 510,000 |
| Two Rivers Convention Center | 303 | \$ 82,194 |
| Lincoln Park Golf Course | 305 | \$ 115,619 |
| Tiara Rado Golf Course | 306 | \$ 43,434 |
| City Cemetery | 307 | \$ 6,888 |
| Parking | 308 | \$ 2,731 |
| Irrigation | 309 | \$ 13,706 |
| Self Insurance | 404 | \$ 1,981,840 |
| Communications Center | 405 | \$ 562,304 |
| TIF Debt Service | 611 | \$ 1,855,500 |
| GJWSD Debt Service | 612 | \$ 800 |
| Ridges Metro District Debt Service | 613 | \$ 200 |
| Parks Improvement Advisory Board | 703 | \$ 16,111 |
| Joint Sewer System | 900 | \$ 457,384 |
| | | |
| | | |
| | | |

| | | |
|------------------------|-----------|------------------|
| TOTAL ALL FUNDS | \$ | 9,811,236 |
|------------------------|-----------|------------------|

INTRODUCED AND ORDERED PUBLISHED this 15th day of October, 2003.

PASSED AND ADOPTED this _____ day of _____ 2003.

Attest:

President of the Council

City Clerk

