

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

**WEDNESDAY, FEBRUARY 4, 2004, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Scott Hogue, First Baptist Church

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To Visitors & Convention Bureau Board of Directors

**APPOINTMENTS**

To the Planning Commission

**RECOGNITIONS**

Sweet Adelines Presents a Check to the Avalon Foundation

**CITIZEN COMMENTS**

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

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

*Action: Approve the Summary of the January 19, 2004 Noon Workshop, January 19, 2004 Workshop and the Minutes of the January 21, 2004 Regular Meeting*

2. **Setting a Hearing on the Pellam Annexation Located at 3136 E Road** [File [Attach 2](#)  
#ANX-2004-011]

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

\*\*\* Indicates New Item

<sup>®</sup> Requires Roll Call Vote

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.808 acre Pellam Annexation consists of one 4.184 ac. parcel and 0.624 ac. in E Road right-of-way. The property is located at 3136 E Road.

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

Resolution No. 10-04 – 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, Pellam Annexation, Located at 3136 E Road and Containing a Portion of E Road Right-of-Way

®Action: *Adopt Resolution No. 10-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pellam Annexation, Approximately 4.808 Acres Located at 3136 E Road and Containing a Portion of E Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004*

Staff presentation: Senta Costello, Associate Planner

**3. Setting a Hearing on the Summit View Estates Annexation Located at 649 29 ½ Road [File #ANX-2003-271] [Attach 3](#)**

The 10.495-acre Summit View Estates Annexation consists of two parcels and is located at the southwest corner of F ½ Road and 29 ½ Road. A petition for annexation has been signed by the property owner.

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

Resolution No. 11-04 – 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, Summit View Estates Annexation Located at 649 29 ½ Road

®Action: *Adopt Resolution No. 11-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction Colorado, Summit View Estates Annexation, Approximately 10.495 Acres Located at 649 29 ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004*

Staff presentation: Lisa E. Cox, Senior Planner

**4. Funding Agreement for 29 Road Phase III Reconstruction Project [Attach 4](#)**

A City Council Resolution authorizing the City Manager to execute a grant funding agreement with the State of Colorado, Department of Transportation for the last of three phases of the improvement of 29 Road (north side of the Grand Valley Canal to Patterson Road).

Resolution No. 12-04 – A Resolution Authorizing the City Manager to Execute a Grant Funding Agreement for 29 Road Phase III Reconstruction Project, STM-M555-022

®Action: *Adopt Resolution No. 12-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

**5. Purchase of Police Vehicles [Attach 5](#)**

This purchase is for the replacement of five (5) Police Patrol vehicles. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

Action: *Authorize the City Purchasing Manager to Purchase Five (5) Crown Victoria Police Vehicles from Ken Garff Automotive Group for the Amount of \$116,183.15*

Staff presentation: Julie M. Hendricks, Buyer  
Mark Relph, Public Works and Utilities Director

**6. Purchase of Street Sweeper [Attach 6](#)**

This is for the purchase of a 2004 Elgin Pelican P Street Sweeper. It is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase One 2004 Elgin Pelican P Street Sweeper from Faris Machinery Company for the Amount of \$98,090.00*

Staff presentation: Julie M. Hendricks, Buyer  
Mark Relph, Public Works and Utilities Director

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

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

7. **Amendment to the Design Contract for the Combined Sewer Elimination Project** [Attach 7](#)

This amendment is for the Combined Sewer Elimination Project design contract with the engineering firm Sear-Brown in the amount of \$260,417 for additional work associated with additional CSEP design components, additional waterline design components, revisions to existing design components, design of field changes, and additional construction administration. CSEP is a combination of the sanitary and storm sewer separation project and the water line replacements in the downtown area.

*Action: Authorize the City Manager to Execute a Design Contract Amendment in the Amount of \$260,417 with Sear-Brown*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Public Hearing – Assessments for the Alley Improvement District No. ST-03** [Attach 8](#)

Improvements to the following alleys have been completed as petitioned by a majority of the adjoining property owners:

- “T” Shaped Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6<sup>th</sup> to 7<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Main Street and Colorado Avenue

- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Hall Avenue and Orchard Avenue

Ordinance No. 3599 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3599*

Staff presentation: Mark Relph, Public Works and Utilities Director

9. **Public Hearing – Rezoning the Tom Foster Property Located at 515 and 517 Kansas Avenue, from PD to RSF-4** [File #RZ-2003-231] [Attach 9](#)

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

Ordinance No. 3600 – An Ordinance Rezoning the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to Residential Single Family-4 (RSF-4)

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3600*

Staff presentation: Lisa E. Cox, Senior Planner

10. **Public Hearing – Vacate a 10' Strip of Right-of-Way, Located Along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision for St. Mary's Hospital** [File #VR-2002-121] [Attach 10](#)

Hold a public hearing and consider final passage of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

Ordinance No. 3601 – An Ordinance Vacating a 10’ strip of Right-of-Way Located along the Eastern 10’ of Lot 16, Bookcliff Heights Subdivision

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3601*

Staff presentation: Lisa E. Cox, Senior Planner

11. **Public Hearing – Tomkins Annexation Located at 2835 & 2837 D Road** [File #ANX-2003-235] [Attach 11](#)

Acceptance of the petition for annexation and hold a public hearing and consider final passage of the annexation ordinance for the Tomkins Annexation, consisting of 13.360 acres on 2 parcels of land. A petition for annexation was presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petition**

Resolution No. 13-04 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Tomkins Annexation is Eligible for Annexation, Located at 2835 and 2837 D Road

*®Action: Adopt Resolution No. 13-04*

**b. Annexation Ordinance**

Ordinance No. 3602 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Tomkins Annexation, Approximately 13.360 Acres, Located at 2835 and 2837 D Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3602*

Staff presentation: Lori V. Bowers, Senior Planner

12. **Public Hearing – Zoning the Tomkins Annexation Located at 2835 and 2837 D Road** [File #ANX-2003-235] [Attach 12](#)

Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Tomkins annexation; request for RMF-8 zoning; located at 2835 and 2837 D Road.

Ordinance No. 3603 – An Ordinance Zoning the Tomkins Annexation to RMF-8 Located at 2835 and 2837 D Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3603*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing – Bogart Annexation Located at 563 22 ½ Road** [File #ANX-2003-254] [Attach 13](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Bogart Annexation, located at 563 22 ½ Road. The 1.409 acre annexation consists of 1 parcel of land.

**a. Accepting Petition**

Resolution No. 14-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Bogart Annexation Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way is Eligible for Annexation

*®Action: Adopt Resolution No. 14-04*

**b. Annexation Ordinance**

Ordinance No. 3604 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bogart Annexation, Approximately 4.791 Acres, Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3604*

Staff presentation: Senta Costello, Associate Planner

14. **Public Hearing – Zoning the Bogart Annexation Located at 563 22 ½ Road** [File #ANX-2003-254] [Attach 14](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Bogart Annexation to RSF-2 located at 563 22 ½ Road. The property consists of 1.409 acres and is requesting annexation in conjunction with a request for a Simple Subdivision.

Ordinance No. 3605 – An Ordinance Zoning the Bogart Annexation to RSF-2 Located at 563 22 ½ Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3605*

Staff presentation: Senta Costello, Associate Planner

15. **Public Hearing – Zoning the Grand Bud Annexation Located at the NW Corner of 28 ½ Road and Highway 50** [File #GPA-2003-184] [Attach 15](#)

Hold a public hearing and consider final passage of an ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

Ordinance No. 3606 – An Ordinance Zoning the Grand Bud Annexation to RMF-8 Located at the NW Corner of 28 ½ Road and Highway 50

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3606*

Staff presentation: Kathy Portner, Planning Manager

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

17. **OTHER BUSINESS** [Attach 16](#)

Interim Update on Riverside Parkway Bonds

18. **ADJOURNMENT**



**Attach 1  
Minutes from Previous Meetings**

**GRAND JUNCTION  
CITY COUNCIL ADDITIONAL WORKSHOP  
SUMMARY**

**JANUARY 19, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, January 19, 2004 at 11:41 a.m. at Chez Lena Banquet Room, 2520 Blichmann Ave., Bldg B to discuss workshop items. Those present were Councilmembers 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. **UPDATE FROM UTEC DIRECTOR KERRY YOUNGBLOOD ON UTEC ACTIVITIES:** Mr. Kerry Youngblood chronicled the development of UTEC, including the City's participation in its efforts. He updated the Council on the growth and the different programs that have been developed as well as those that have been phased out. Mr. Youngblood responded to questions on how UTEC can react to specific industry training when requested, possibilities for campus expansion, the current reasons for limiting enrollment and the planned additional community involvement, i.e. two new community members, on the Board of Trustees.

**Action summary:** The City Council appreciated the update.

2. **UPDATE FROM COUNCIL SUBCOMMITTEE REGARDING RESOLUTION NO. 75-02:** Councilmembers Hill, Palmer and Kirtland (via phone) met with Acting City Attorney John Shaver to discuss options for replacing the regulations set forth in Resolution No. 75-02, limiting activities on City Hall grounds. The subcommittee reviewed the guidelines for use of the auditorium and the parks facilities and recommended that Resolution No. 75-02 be repealed and a new guidelines document be put in its place to allow the use of the grounds with existing rules and some site specific rules. The area to be utilized would be the concrete area (hardscaped areas) around City Hall.

**Action summary:** Council President Spehar directed that the matter be placed on a Wednesday agenda, either the first or third Wednesday in February.

3. **OTHER BUSINESS**

- a. The meeting requested by the Rural Fire District Board will be scheduled with only two Councilmembers present. It was noted that there are no grounds to schedule it in a closed session as requested by the Rural Fire District Board.
- b. The issue of public-private competition in the trash service business is once again being taken to the legislature by Senator Ron Teck who has expanded the bill to include some issues on billing procedures. CML will again oppose the bill based on the matter being a local concern. Councilmember Hill advised that in his conversation with Mr. Teck, it came out that it was thought the unfair edge was because the City subsidized the solid waste fund with general fund dollars which is not the case; it is a completely separate fund, an enterprise fund. It was suggested that Solid Waste Manager Darren Starr be at the committee meeting at the State House on Wednesday to listen to the debate.
- c. Several Councilmembers asked that a discussion on the logo situation be placed the agenda that night and Council President Spehar inquired if those Councilmembers will want to have any public comments from the audience. Those Councilmembers wanting the discussion said they would not want to take public input but rather have a discussion amongst themselves and Staff.
- d. City Manager Kelly Arnold asked Council about having a monthly press conference on Wednesday afternoons regarding progress on the Riverside Parkway noting there may be items that are coming up on the Council agenda that would be talked about. The Council had no problem with the press conference as long as upcoming items are identified as items that Council *will be considering*.

### **Adjournment**

The meeting adjourned at 1:06 p.m.

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP SUMMARY**

**JANUARY 19, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, January 19, 2004 at 7:04 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. **BOND RATING:** Council President Spehar announced that the project team that met with Standard and Poor's in San Francisco to ask for an improvement in the City's bond rating was successful in upgrading the bond rating from A+ to AA-. The upgrade speaks to the quality of the financial management of the City. The upgrade will save the taxpayers more than \$2 million in interest. Administrative Services Director Ron Lappi added that this upgrade is phenomenal since the repayment pledge is partially sales tax. He anticipates the second issue of bonds will be rated the same. The insurance rating was also very good, 26.5 basis points. It is anticipated that the interest rate will be at 4.36%. City Manger Kelly Arnold also praised the Public Works Department for its planning of the project that won over the bond raters.

**Action summary:** Councilmembers were pleased with the news.

2. **LOGO DISCUSSION:** City Manager Kelly Arnold introduced the topic first by giving the historical perspective of why the City began looking at creating a new logo. It started through an employee committee that expressed that employees felt the organization had become fragmented and did not feel a part of the City. As a result many things were embarked upon to bring the employees back together. There were, at that time, about a dozen different logos being used throughout the City organization. At the same time a communications audit was taking place about the external communications that identified deficiencies in the ways the City was communicating to external customers. A lack of a unified symbol for external communications was noted in the audit.

Assistant City Manager David Varley explained the communications audit. One of the items brought forth was the inconsistency in the use of logos in the City's external communications, which erodes the effectiveness of the communication. Negative comments were made about the old logos. The purpose of a consistent logo is for it to be recognizable and be a

uniform identity. The development of a new logo was part of the City Manager's work plan. The initial RFP (Request for Proposals) was sent out to eleven companies and eleven responded and the bids ranged from very low to astronomical. The RFP was redone and the scope of work was narrowed to make the cost more reasonable. Twenty-five RFP's were sent out and eight came back. From there the list was narrowed down to four. A committee was formed with a City Councilmember, cross-departmental representatives and the Assistant City Manager. Mr. Varley explained the selection process. Part of the contract required interviews with employees, Councilmembers and community members. Mr. Varley related the details of the rest of the process. The cost of implementation was discussed and it was understood it would not be done overnight. The cost of the contract was \$27,000. In 2004, there is \$68,000 budgeted in the general fund to implement the logo on both vehicles and lighted street signs. No final design has been created for the police vehicles yet. Each vehicle, as it replaced, will be equipped with the new logo; there is \$61,000 in the vehicle replacement fund which includes buying decals. (Purchasing all the decals at once will be cheaper). There is \$57,600 budgeted in 2005 for additional implementation. The street sign department is suggesting that no logo be included on street signs. Additional design work has always been planned for the cars, patches and street signs and was not part of the original contract. Councilmember Enos-Martinez asked if the original contract was for stationery and business cards which has been implemented. Mr. Varley answered affirmatively.

Councilmember Hill expressed concern that the logo as designed was not tested for use on these other things. Council President Spehar confirmed that the additional design work is budgeted at \$10,000. Assistant City Manager Varley said \$11,109 has already been spent on new stationery and business cards. Some other orders have been started and monies have been encumbered. Council President Spehar asked about the 2005 logo budget to which Varley confirmed \$57,600.

Councilmember Hill asked about the costs included in the original \$27,000. Mr. Varley said it included the meetings with employees and focus groups, research on Grand Junction, design work and work on the tag line. It was designed for use on stationery and business cards (graphic standards manual). Twenty-one citizens were invited to the focus groups and seventeen showed up.

The final selection of the company was based on qualifications, with cost being a secondary consideration. The Visitor and Convention Bureau will

not use the logo on external communications as they have different marketing plans. Two Rivers Convention Center and the Avalon Theatre will not use the new logo since they too market separately. Persigo will not change as it is jointly owned with the County. Use of the new logo will be much stricter.

Councilmember Hill asked if the budget numbers might be adjusted if street signs aren't done. Mr. Varley said yes.

Councilmember Kirtland said he was the Councilmember representative on the committee. He explained and praised the employee group and their work. The committee looked at a lot of designs. The company selected, Hill & Company, has done award winning work. The changeover would be done on a conservative basis. He likes the logo and would vote for it again.

Councilmember Enos-Martinez asked why not just use the City seal on everything. Councilmember Kirtland said the committee talked about that but felt the seal was different than the logo. Ms. Enos-Martinez expressed that she is not in favor of figuring how to put the logo on police or fire vehicles and in reality it won't identify them any better.

Councilmember Palmer stated that there is a lot more to being a City employee other than a logo and the logo is important to the community. He outlined the options: go forward with implementation or stop and get more input. He felt it is not a corporate logo and the citizens feel differently about it. He suggested no more implementation until other options are examined and they listen to the people. All options will have costs and the end result is not going to please everyone.

Councilmember Hill said it is a different concept to provide this for the community. He suggested they stop, gather information and evaluate, perhaps with more citizen involvement.

Councilmember Butler agreed they should stop implementation and go to the citizens, perhaps hold a contest. That would solve a lot of complaints.

Councilmember McCurry agreed with Councilmembers Butler and Palmer.

Council President Spehar said he agrees with Councilmember Kirtland that there is value to having one symbol. Any option will still incur expense. He clarified that all seven Councilmembers approved of the

logo at the Council retreat. He noted that any change will be done over time, and probably not on street signs. He related that the logo was recognized as the two rivers by outsider who was originally from the area but was living in San Francisco. He has no problem with further discussion on implementation.

**Action summary:** Council will delay any further implementation and additional discussion will take place.

3. **PRESENTATION OF DESIGNS FOR ART AT TWO CITY PARKS:** The Commission on Arts and Culture presented the two winning designs for sculptures to be placed in Canyon View and Westlake Parks. Allison Sarmo, Cultural Arts Coordinator, and Doug Clary, Chair of the Arts Commission, were present. Ms. Sarmo explained the process. Two hundred RFPs were sent out, thirty different artists submitted possibilities. A number of others were included as helpers in at the presentations.

One recommendation is a piece by Denny Haskew, called "Love Song", a flute player, made of stone and bronze. This piece is for Canyon View Park. For Westlake Park, the committee is recommending "Wave Parade" by Joe McGrane. It can also be used as a bench. Ms. Sarmo also told Council about the runner-ups. "Wave Parade" will be sited in gravel to prevent skating on it. Councilmember Enos-Martinez asked that the City be granted an exclusive on the "Love Song" sculpture in the State of Colorado.

**Action summary:** The City Council will formally decide on the recommendations at the regular Council meeting on Wednesday.

4. **CHIPETA AVENUE TRAFFIC CALMING:** Public Works staff updated the City Council on the temporary traffic circles and presented options for a permanent traffic calming installation.

Jody Kliska, Transportation Engineer, reviewed this project and the request for a permanent installation. The data did show some improvement with the temporary installations. Councilmember Kirtland inquired about the noise. Ms. Kilska agreed that noise is a factor with the traffic calming as there is more slowing and accelerating.

Council President Spehar and Councilmember Palmer questioned the need for traffic calming when 85% of the traffic was traveling at or below the speed limit. Councilmember Kirtland agreed and said that

communicating the reasons why to the neighborhood was important. Ms. Kliska stated the two property owners that initiated this have moved out of the neighborhood.

Councilmember Hill expressed disappointment that there is no one from the neighborhood present.

**Action summary:** Council decided not to go forward with a permanent installation and directed Staff to communicate this with the neighborhood.

5. **TRANSIENTS ISSUE UPDATE:** Assistant City Manager David Varley and Police Chief Greg Morrison updated Council on measures taken to address the transient issue specifically in Whitman Park. They also addressed how the problem is spreading throughout the City. Mr. Varley talked about the things that Staff looked at and possible options. Police Chief Greg Morrison reported a 31.3% increase in transient related activity. There has been a 23.9% increase in transient arrests. Citizen reports on transients have increased by 21%. Chief Morrison pointed out the paradox that transients are a big problem but yet many organizations including the City and the Chamber support shelters and other transient services. Councilmember Enos-Martinez pointed out that there are families and locals that are down on their luck using the facilities. The Police Department has been working with the Courts to impose stiffer penalties for transient violations.

Council President Spehar asked if there are additional ordinances needed to address the problem. Acting City Attorney John Shaver said no, he described the pattern and suggested harsher punishment will help. If the Council were to make such behavior a larger crime would then nudge the municipal court up into higher conditions such as jury trials, court-appointed attorneys, competency determination, etc. Chief Morrison added that jail is not a deterrent for some of these offenders.

Council President Spehar asked how Grand Junction compares to other communities. Chief Morrison said he could collect that from other stand alone cities, such as Greeley and Pueblo. Councilmember Kirtland suggested some design methods along highways to eliminate areas for the panhandlers. Acting City Attorney Shaver suggested source control, that is those that give money to the panhandlers encourage the situation because the panhandlers make money doing it.

Two other options might be licensing panhandlers and mirroring Boulder which issues “script” that buys a meal or a shower. The success of these options is not known.

**Action summary:** Council appreciated the information but was unsure on how to go forward to address the issue.

6. **UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS:** In anticipation of upcoming appointments to the Arts Commission, Parks & Recreation Advisory Board and Airport Authority, City Council discussed specific issues relating to each board.

City Clerk Stephanie Tuin briefed the City Council on the information contained in her report on the vacancies, the time commitment for each board, the expertise and the issues facing each board. She had the staff contact person present to answer any questions.

**Action summary:** Council will schedule interviews at the pre-meeting on Wednesday and directed City Clerk Stephanie Tuin to no longer require the staff contacts to be present at the discussion.

**ADJOURN at 10:52 p.m.**



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

**January 21, 2004**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of January 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jerry Boschen, First Assembly of God Church.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

**TO VISITORS & CONVENTION BUREAU BOARD OF DIRECTORS**

Kevin Reimer was present and received his certificate.

**TO HISTORICAL PRESERVATION BOARD**

Bill Jones, David Sundal, and Zebulon Miracle were present and received their certificates.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

Councilmember Hill requested that because further clarifications are needed on the proposed amendments to the SSID Manual, Item No. 11 of the Consent Calendar be removed. He requested the review be postponed and rescheduled in about 45 to 60 days, and that the review of the document be made available to the public in electronic format.

It was moved by Councilmember Palmer, seconded by Councilmember Enos-Martinez, and carried by a roll call vote, to approve Consent Calendar Items #1 through #14, with the exception of Item #11.

**1. Minutes of Previous Meetings**

*Action: Approve the Summary of the January 5, 2004 Noon Workshop, the January 5, 2004 Workshop, and the Minutes of the January 7, 2004 Regular Meeting*

**2. Annual Hazardous Materials Agreement with Mesa County**

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

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

**3. Arts Sculptures for Canyon View Park and Westlake Skate Park**

The Commission on Arts and Culture recommends that the City Council approve the commission of two sculptures through the 1% for the Arts Program: "Love Song" by Denny Haskew for Canyon View Park and "Wave Parade" by Joe McGrane for Westlake Park.

*Action: Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate Contracts with the Two Selected Artists to Create and Install Sculptures for Canyon View Park and Westlake Park*

**4. Setting a Hearing to Create Alley Improvement District No. ST-2004, Phase B**

A resolution setting a hearing creating Alley Improvement District ST-04 excluded the East/West Alley running from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue due to concerns expressed by representatives of the Seventh Day Adventist Church as to their special assessment.

Resolution No. 07-04 – 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, Phase B and Authorizing the City Engineer to Prepare Details and Specifications for the Same

*Action: Adopt Resolution No. 07-04 and Set a Hearing for March 3, 2004*

**5. Setting a Hearing for Alley Improvement District No. ST-03 Assessments**

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- “T” Shaped Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6<sup>th</sup> to 7<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Main Street and Colorado Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Hall Avenue and Orchard Avenue

Proposed Ordinance Approving the Assessable Cost of the Improvements Made In and for Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

**6. 545 Noland Avenue Lease Extension**

A resolution authorizing a one-year extension of the lease of City property at 545 Noland Avenue to Donald Fugate Jr., doing business as Don’s Automotive.

Resolution No. 08-04 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., Doing Business as Don’s Automotive

*Action: Adopt Resolution No. 08-04*

**7. Application for USEPA Grant**

The City of Grand Junction is applying for an \$80,000 grant from the USEPA to be contracted to a qualified sub recipient. The grant proposal will provide a detailed characterization of the sources and loads of selenium in Persigo Wash, Adobe Creek and Lewis Wash. Selenium characterization of washes will aid selenium remediation planning and increase understanding to land use planners about the effect of land use on selenium concentrations and loadings in the

Grand Valley. Results of this study will also supplement City water quality study efforts for the Persigo Wash Temporary Modification work plan.

*Action: Authorize the Application for a USEPA Grant*

**8. Setting a Hearing on Zoning the Grand Bud Annexation Located at the NW Corner of 28 ½ Road and Highway 50 [File #GPA-2003-184]**

Introduction of a proposed ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

Proposed Ordinance Zoning the Grand Bud Annexation to RMF-8 Located at the NW Corner of 28 ½ Road and Highway 50

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

**9. Historic Structure Survey Phase III Consultant Selection**

The City was awarded a grant from the Colorado Historical Society State Historical Fund (SHF) to complete Phase III of a Historic Structures Survey. A competitive bid process was conducted and staff recommends awarding the project to Reid Architects, Inc. The total budget for the survey is \$100,000, \$60,000 from the SHF and \$40,000 match from the City.

*Action: Authorize the City Manager to Sign a Contract with Reid Architects, Inc. to complete the Phase III Historic Structure Survey in the Amount of \$100,000.00*

**10. Setting a Hearing on Zoning the Bogart Annexation Located at 563 22 ½ Road [File #ANX-2003-254]**

Introduction of a proposed ordinance zoning the Bogart Annexation consisting of 1.409 acres of land, located at 563 22 ½ Road.

Proposed Ordinance Zoning the Bogart Annexation to RSF-2 located at 563 22 ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

11. **Setting a Hearing for Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development)** [File #TAC-2003-01.04]

***THIS ITEM WAS PULLED TO BE REINTRODUCED AT A LATER DATE***

Introduction of a Proposed Ordinance to adopt the recent changes to the SSID Manual (Submittal Standards for Improvements and Development) as referenced in the Zoning and Development Code, Ordinance No. 3390, effective January 20, 2002.

12. **Setting a Hearing for Zoning the Tomkins Annexation Located at 2835 and 2837 D Road** [File #ANX-2003-235]

Introduction of a proposed ordinance zoning the Tomkins Annexation RMF-8, located at 2835 and 2837 D Road.

Proposed Ordinance Zoning the Tomkins Annexation to RMF-8 Located at 2835 and 2837 D Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

13. **Setting a Hearing to Rezone the Tom Foster Property Located at 515 and 517 Kansas Avenue, from PD to RSF-4** [File #RZ-2003-231]

Introduction of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

Proposed Ordinance Rezoning the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to Residential Single Family-4 (RSF-4)

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

14. **Setting a Hearing to Vacate a 10' Strip of Right-of-Way, Located Along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision for St. Mary's Hospital** [File #VR-2002-121]

Introduction of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

Proposed Ordinance Vacating a 10' strip of Right-of-Way Located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004*

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

**Engineering and Construction Contracts** (Items a - d may be awarded under one motion)

**a. Combined Sewer Elimination Project, Basins 7 & 11**

This is the fourth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 3600 feet of sanitary sewer and storm drainage pipes and the disconnection of various storm drain inlets from sanitary sewer lines and their reconnection to storm drainage lines. The low bid for this work was submitted on January 8, 2004, by Mendez, Inc. in the amount of \$495,522.00.

Public Works and Utilities Director Mark Relph reviewed this item. He identified the project, summarized the bids and addressed the budget for this project. He told Council all phases of the combined sewer elimination project would be complete by the end of the year; and the entire project is anticipated to be completed on time and to be \$388,000 under budget.

**b. CSEP Waterline Replacements**

This is the fifth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 24,000 feet of water lines throughout the City. The low bid for this work was submitted on January 13, 2004, by MM Skyline Contracting, Inc. in the amount of \$1,777,408.60.

Public Works and Utilities Director Mark Relph reviewed this item and explained the area for the replacement is in the lower downtown area. Mr. Relph summarized the bids and referred Council to the diagram of the project. He told Council that the waterline CSEP project would also be completed on time and with a surplus.

**c. 29 – E.6 Bridge Widening at the Grand Valley Canal**

Award of a construction contract for the 29 - E.6 Bridge Widening to G.A. Western Construction Company in the amount of \$181,274.16.

Public Works and Utilities Director Mark Relph reviewed this item. He explained the project is part of the 29 Road Project widening a bridge over a canal. He said only one bid was received, which was slightly over the engineer's estimate. However, Staff is recommending awarding the contract to G.A. Western Construction Company. He told Council a balance of about \$125,000 would remain in this project's account.

Councilmember Hill asked about when the work on the bridge would be done. Mr. Relph said the timing was critical, since the canal would be filled with water in April and the project should be complete by then. He noted the final section of this phase of the 29 Road Corridor would be completed by October, but a lot of work still needs to be done on 29 Road.

**d. Riverside Parkway Design**

This proposed amendment to the existing engineering services contract with Carter & Burgess increases the scope of services to include the entire 1601 study area for Riverside Parkway at US-50. The scope of services also includes the preparation of preliminary plans for the entire Riverside Parkway project and right-of-way acquisition services for that portion of the project that is outside of the 1601 study area.

Public Works and Utilities Director Mark Relph reviewed this item. Mr. Relph stated that Carter & Burgess was hired to assist in the 1601 process and the connection at Highway 50. He explained this amendment was necessary because of an expansion in the scope of the engineering services.

Councilmember Hill asked about the staff on the project team, as he seemed to recall some of them had particular expertise with the 1601 process. Mr. Relph confirmed that, yes, there are several former CDOT employees on staff, and he clarified many of the subcontractors would be local contractors.

Councilmember Enos-Martinez noted that three of the four contracts being awarded were to local contractors.

Councilmember Kirtland moved to authorize the City Manager:

- a) To execute a construction contract for the Combined Sewer Elimination Project, Basins 7 & 11 with Mendez, Inc. in the amount of \$495,522.00;
- b) To execute a construction contract for the 2004 Waterline Replacements with MM Skyline Contracting, Inc. in the amount of \$1,777,408.60;

c) To execute a construction contract for the 29 - E.6 Bridge Widening at the Grand Valley Canal with G.A. Western Construction Company in the amount of \$181,274.16; and,

d) To amend the existing contract with Carter & Burgess for a total fee in the amount of \$4,001,612.00. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

### **Application for Federal Hazard Elimination Funding for 7<sup>th</sup> Street and Patterson Road Intersection**

A Resolution authorizing the submission of the above grant application to assist in the funding of the construction of street improvements at the intersection of 7<sup>th</sup> Street and Patterson Road.

Public Works and Utilities Director Mark Relph reviewed this item. He told Council of other possible projects that would fit the application's criteria and said those might be brought back later. However, at this time Staff is proposing the City apply for the grant monies to be used for street improvements at the intersection of 7<sup>th</sup> Street and Patterson Road to construct a right-turn deceleration lane for east-bound traffic.

Resolution No. 09-04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Intersection Improvements at North 7<sup>th</sup> Street and Patterson Road

Councilmember Enos-Martinez moved to adopt Resolution No. 09-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

### **Public Hearing – Issuing Bonds for the Riverside Parkway**

The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70.

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

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He described the project and noted a couple minor changes to the ordinance, which included the purchase of bond insurance and thus the rating.



Councilmember Kirtland asked Mr. Lappi to explain why two bond issues are being done. Mr. Lappi replied that according to IRS rules, 85% of the bond funds must be used within six years, so for that reason two issues will be done.

Council President Spehar asked if the bonds would be available to purchase locally. Mr. Lappi said all the local bond retailers, including banks with trust departments, would be able to purchase the bonds.

There were no public comments.

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

Ordinance No. 3595 – An Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2004, and Pledging Certain Revenues of the City for the Payment of the Bonds

Councilmember Butler moved to adopt Ordinance No. 3595 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Council President Spehar thanked Ron Lappi and City Manager Kelly Arnold for all their hard work on this effort. Councilmember Hill echoed those sentiments and praised the Finance Department for placing the City in its great financial position.

**Public Hearing – CDBG Action Plan 2003 Amendment** [File #CDGB-2003-01]

Amending the City's 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program administration for a Historic Structure Assessment of the Riverside School and roof repairs for the Riverside School.

The public hearing was opened at 8:02 p.m.

Kristen Ashbeck, Senior Planner, reviewed this request. She explained that the Riverside School project was identified for this amendment and that the grant had been approved. She said the City's match would be \$19,000 (corrected from \$15,000 as stated in the staff report). She told Council the funds would be used for a structure assessment study and roof repairs at the Riverside School.

There were no public comments.

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

Councilmember Palmer noted that the Grand Junction Lions Club is making this project their premier project and is donating substantial funds to it.

Councilmember Kirtland moved to approve the amendment to the CDBG Action Plan 2003. Councilmember Hill seconded the motion. Motion carried.

Senior Planner Ashbeck advised that the amendment will be available for review in the City Clerk's office and there will be a thirty day period for public comments.

**Public Hearing – Amending Ordinance No. 3582 Gowhari Annexation and Zoning the Gowhari Annexation Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway** [File # GPA-2003-183]

Amending Ordinance No. 3582 for the Gowhari Annexation. The legal description in Ordinance No. 3582 is incorrect; the annexation should have been a serial annexation. When amended, the annexation will be known as the Gowhari Annexations No. 1 & No. 2. The 24.473-acre Gowhari annexation consists of 3 parcels of land and 0.63 acres of 20 ½ Road right-of-way.

Hold a public hearing and consider final passage of an ordinance zoning the Gowhari Annexation consisting of 25.103 acres and 3 parcels, located at 563 20 ½ Road, 573 20 ½ Road and 2026 S. Broadway

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

Senta Costello, Associate Planner, reviewed both the correction to the annexation and the zoning request. She noted that the annexation had an error in the legal description and it should have been a serial annexation. She told Council a growth plan amendment has already been granted for the property. She described the surrounding areas, Zoning and Growth Plan designations.

Councilmember Palmer asked Ms. Costello to explain a serial annexation. Ms. Costello explained about the 1/6 contiguity that was needed.

Karen Gookin with Development Construction Services represented the applicants, the Gowharis. She reviewed the zoning criteria including compatibility with the surrounding area. She then addressed the request and its relation to the Growth Plan Goals and Policies. She told Council access and utilities are available to serve the development, and the zoning request is compatible with the previous Mesa County zoning designation. She expressed that RSF-2 would allow the most flexibility for developing the parcel.

Councilmember Hill asked for clarification on the number of units. Ms. Gookin said though the parcel size could allow 48 units, it is unlikely that amount would be built since roads, etc. are included in the total acreage.

Council President Spehar acknowledged Mr. Ralph Hamblin's five-page testimony and requested to have it added into the record. *See attached Exhibit "A"*.

Mark Luff, a local attorney, said he was representing the Preserve Subdivision Homeowners Association and the residents are objecting to the development due to the lot sizes. He told Council the average lot size in the Preserve Subdivision is five-acres. They felt, since the surrounding lots adjacent to the proposed development are larger, a more appropriate zoning would be RSF-E or RSF-1. He said the church property is about 8.8 acres. The residents are concerned for the wildlife and their quality of life in the area. He told Council the property owners purchased there for privacy. He said, although the zoning is RSF-2 on the Preserve, the covenants of the subdivision would prohibit any further subdividing of the lots in the Preserve. He stated that RSF-E would be a better zone designation as a transition between the Preserve and the higher density Saddleback Subdivision.

Mr. Luff argued that although the Preserve property and many of the surrounding properties are zoned RSF-2, Council should look at the density of the existing developments. He then identified the zoning criteria that he felt was not being met and stated that RSF-E or RSF-1 would better meet that criteria. He then addressed access and the streets serving the area and said his clients are concerned about the traffic impacts.

When asked when the Preserve Subdivision was developed, Mr. Luff responded that the subdivision was developed in 1998.

Duane Weenig, 1987 S. Broadway, said he owns a lot in the Preserve but presently lives further south. He noted the same concerns about the wildlife, and said the Gowhari's live in California. He pointed out a bad curve in the road and stated the traffic impact this number of homes would have on the streets.

Harold "Barney" Barnett said he is a 38-year resident and lives in the Redlands at 586 Preserve Lane in a modest home on two acres. He expressed he was concerned with the density and the increased water usage, and he urged Council to make sure the developer is aware of the groundwater and wetlands situation. He felt the infrastructure needed to be upgraded for the requested additional density.

Council President Spehar assured him that any development would not affect their water rights.

Janet Weenig, 1987 S. Broadway, submitted a petition from some of the surrounding property owners. She read a statement from the petition requesting a RSF-R zoning. She too expressed her concerns regarding traffic, density and stated that others in the area felt the same.

Robert Gergely, 579 Preserve Lane, said he's lived there for three years and during that time he has helped people involved in two car wrecks at the 90-degree turn at this corner. He told Council there is no drainage when the street floods. He stated the internal road to the Preserve was approved by Council as a private road and is not built to standards, and the homeowners would like to dedicate the road to the City. He said the people living in the area feel the road needs to be improved before further development should be allowed.

Councilmember Hill asked for clarification on his statement on the private road. Mr. Gergely corrected his statement and clarified that the County had approved the private road. Councilmember Hill asked about follow-up on the culvert. Mr. Gergely said during a heavy rain the area is always flooded.

The public hearing was closed at 8:59 p.m.

Ms. Karen Gookin, the developer's representative, restated that the property has been zoned at this density for a long time. She said, according to the City's traffic engineer, the roadways are being used at half-capacity.

Councilmember Palmer asked for clarification on the zoning of annexed properties. Acting City Attorney John Shaver said that the Persigo Agreement requires the zoning to be compatible with the County Zoning or to be in conformance with the Growth Plan, and RSF-2 meets both those criteria.

Councilmember Kirtland noted that the Preserve is also zoned RSF-2, and it was the developer's decision to develop larger lots. He felt all owners knew what the surrounding area zoning is, besides during site plan review, such things as additional infrastructure improvements would be reviewed.

Councilmember Palmer stated that he visited the site and saw the infrastructure, and he agrees that the roadway is a problem, and the church also will have an impact. However, he said, those things can be addressed during platting and he supports the request.

Councilmember Hill noted the road situation and admonished CDOT for the problem with the Highway 340 connection. He suggested a reasonable development would be of some blending of density to provide the best of both worlds. He said he supports a RSF-2 zoning.

Council President Spehar said he has lived out there and knows the area, and he too agrees the roadway needs improvement. He said he would have a hard time denying the request when all the surrounding zoning is RSF-2, and he agrees with an RSF-2 zoning.

Councilmember Butler agreed.

Ordinance No. 3596 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gowhari Annexations No. 1 & No. 2, 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

Ordinance No. 3597 – An Ordinance Zoning the Gowhari Annexation to RSF-2 Located at 563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway

Councilmember Kirtland moved to adopt Ordinances No. 3596 and No. 3597 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Council President Spehar called a recess at 9:11 p.m.

The meeting reconvened at 9:20 p.m.

**Public Hearing – Valley Meadows North Rezone Located at the North End of Kapota Street** [File # RZP-2003-153]

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from the RSF-R, Residential Single Family Rural to RSF-4, Residential Single Family-4.

Acting City Attorney John Shaver explained what Council should consider when considering this rezoning request. He referred to previous case law and stated in summary that a rule of reciprocity, which means compatibility are uses that are similar, but not necessarily the same. He explained the criteria in the Zoning Code and spoke of impacts and the mitigation of those impacts. He felt this explanation was important because this request had been before Council at least twice before.

The public hearing was opened at 9:24 p.m.

Lisa Cox, Senior Planner, reviewed this request. She noted that the current zoning is RSF-R and the land use designation is 2 to 4 units per acre. She explained that the property was annexed into the City in 2000, and then was zoned consistent with the County zoning with the understanding that it would be rezoned at time of development

in conformance with the Growth Plan designation. She noted that previously the request was recommended for approval by the Planning Commission but was denied by Council and then reheard and appealed and upheld each time.

Ms. Cox noted although her report addresses all the criteria, she specifically wanted to address Criteria #3 and point out that the request for RSF-4 was compatible with the neighborhood and the impacts listed would be addressed during the site plan review.

Rich Livingston, the attorney representing the applicant, illustrated the changes that have occurred in that neighborhood as well as the rest of Grand Junction and the Valley with a historical tale of his history in Grand Junction. He pointed out the discrepancy between the adopted Growth Plan and the Zoning and Development Code. He said there is no zoning designation for three units per acre, which would satisfy the neighborhood. He noted the lawsuit that was filed because of the previous results had not been dismissed. He explained, since the lawsuit is still open, a stipulation could be drafted saying that the applicant agrees to a density not in excess of 2.82 units per acre. That stipulation is then converted to an order by the Court and is then recorded as part of the Deed of Trust. He said Mr. Lenhart, the developer, was willing to do that even though the property's zoning is RSF-4.

Mr. Livingston said the criteria are clear even though there are neighbors, who suffered from the canal breach. He said he wanted to make clear he was not issuing a threat — he doesn't do that. However, because the lawsuit was still in the court, it gave everyone a unique opportunity to resolve the differences.

Acting City Attorney John Shaver concurred with Mr. Livingston that there hadn't been an order, and that motions had been filed. He clarified that the zoning will be RSF-4 and the stipulation would ensure the property would not be developed at a higher density than 2.82 units per acre. He advised that testimony be heard but the stipulation as explained could be done.

Mr. Livingston said he was just told that the previous number of 2.82 units per acre was wrong and it should be 2.87 units per acre. He explained that if Mr. Lenhart didn't develop the site and another developer wanted to develop the site differently he would have to come back through the rezoning and development process. He said a lot of thought and investigation on how to solve this problem had been done, and he felt this is the best solution.

Mrs. Helen Dunn, 2557 McCook Avenue, summarized and stated that once rezoning was approved the neighbors would be out of the picture and had no further input. She read excerpts from a statement. *See attached Exhibit "B"*. Her concerns centered on the approval criteria and access to the proposed subdivision.

Councilmember Hill asked for clarification about her statement on “no public input when the property is platted”. Community Development Director Bob Blanchard said there is a public hearing before the Planning Commission for a preliminary plat, but the Final Plat was an administrative process. He said property owners within 500 feet receive a notice of the hearing by mail plus a notice is posted and is also published in the newspaper so people living outside the 500 feet area have an opportunity to comment.

Mr. John Chapman, 667 Kapota Street, and Carol Bergman, his daughter, addressed Council. She conceded that the 22 units proposed would be of the same density as the density of the adjoining subdivision, but that they are concerned that the criteria is not being met. She read the attached statement. See *Exhibit "C"*. The crux of her argument was the street network and perceived drainage problem and she felt the irrigation water should be Council’s main concern now that development has occurred.

Council President Spehar advised that Council is not ignoring the criteria, they must determine if those concerns can be reasonably addressed prior to development.

Councilmember Hill said if there is no way for the developer to address the problems then the plan would not go through.

Ms. Bergmann argued that is it unfair to rezone a piece of property that is ripe with problems. Council President Spehar replied that it was no more unreasonable than to respond opposite. He said approving the rezoning request does not guarantee any construction on the site.

Mr. John Chapman asked if approved zonings could be reversed. Acting City Attorney John Shaver said they could be reversed, but the request for reversal would have to go through the same process.

Ms. Bergman displayed a photo of the proposed emergency access, concluded her report, and asked Council to deny the request.

Robert Knight, Co-President of the Valley Meadows East Homeowners Association, referred to a previous hearing where then City Attorney Dan Wilson stated that access was a possible reason for denial. He said the residents are concerned by the lack of a second access to Valley Meadows North. He noted the neighborhood is not against development but is concerned about safety.

Patricia Cleary, 662 Kapota, asked for clarification on the request, and how would it be less per Mr. Livingston’s suggestion.

Ron Sechrist, 2685 Delmar Drive, a resident since 1956, said he supports the project and the process. He pointed out the development is infill development and fits the Growth Plan and other questions would be resolved as the process continues.

Sam Suplizio Jr., 3210 Primrose Court, admonished those that move to the valley and then don't want more development to occur. He supports the project.

Tess Carpenter, Highland Home Improvement Company, 660 Starlight Drive, said she supported the developer and the project.

Greg Kuhn, 1950 Hawthorne Avenue, a realtor, attested to the quality of construction projects and developments done by Mr. Lenhart. He said he has had no complaints on any of Mr. Lenhart's projects from his clients.

Russ Wiseman, 660 Kapota Street, referred to the court case and called it legal blackmail since the real reasons this property is not developable cannot be mentioned. He reiterated the neighborhood has no problems with Mr. Lenhart or his developments. He requested the matter be remanded back to the Planning Commission and to require an additional access to the property.

Robert Hackney, 2845 North Avenue, construction trades, said he has worked with Mr. Lenhart and can attest to Mr. Lenhart conscientiousness.

Larry Bullard, 2551 Westwood Drive, said Mr. Lenhart's character is not the issue, but to stick with the issue of zoning.

Linda Nishimoto, 2552 Westwood Drive, urged for the City to put in adequate roads. She said if the right thing had been done to begin with, they wouldn't have this problem now.

Councilmember Enos-Martinez asked if other parcels in the area are landlocked. Acting City Attorney John Shaver said their access is off of G Road.

Chris Carter, 671 Chama Lane, felt the current zoning designation is adequate and questioned the need for it to be changed. He said he is opposing the request.

The public hearing was closed at 10:47 p.m.

Mr. Livingston said the existing zone is not consistent with the Growth Plan and the parcel has to be rezoned for any development to occur. He pointed out that the technical testimony indicates that Staff has determined that public infrastructure can address the issues.



Councilmember Hill asked if a development goes in, must the drainage stay on the property, and does the current landowner have to keep the water on his property. Mr. Blanchard said there is a historical runoff, which sets the baseline for the historical runoff and that figure would be used in the future. Acting City Attorney John Shaver explained that a discharge cannot be any greater than historical runoff but the discharge can be less.

Councilmember Hill asked about the berm and whose property it is on and why is it there. Community Development Director Bob Blanchard said it is on the applicant's property. Public Works Manager Tim Moore said he is not sure why the berm is there or how it got there. Councilmember Hill asked if the berm was a factor in the development of Valley Meadow East. Tim Moore did not know.

Councilmember Palmer thought the developer's offer to develop at 2.87 units per acre was a good offer, but questioned if Council could be assured that the issues brought up would be addressed. Councilmember Palmer thought they would be. He thanked those present and felt this was a solution.

Councilmember Enos-Martinez reiterated that rezoning a property does not guarantee the site would be developed. She said approval of a development is granted at the preliminary plan review.

Councilmember Kirtland explained that tonight's public hearing process allowed people and neighbors to express their concerns and get them on record. He felt a conclusion with the lower density and that the speakers had presented the issues of concern and made them very clear. He said it is time to move this to the next process level. He said the challenges are there for the developer and the time is ripe to move on.

Councilmember Hill spoke of the high development standards in the community, which were developed by the community, said he believes there will be safety nets, and the developer will have to meet high bars and will bear the risk of meeting the high standards. He said if the bar is so high it would price housing too high, and he urged those present to participate in other standards discussions.

Councilmember Butler asked if access is a reason for denial. Acting City Attorney John Shaver responded yes, if the engineering solution cannot be reasonably mitigated.

Councilmember McCurry noted a rezone is not the end, the developer still has a lot of obstacles to face.

Council President Spehar stressed the rezone request must be approved before the development process can begin. He pointed out that it is not all black and white, which is why there are attorneys, council, etc., and he rejects the notion that this is blackmail,

but instead an opportunity to end this request with a compromise. He said he supports the rezoning request.

Councilmember Kirtland asked about the inclusion of the 22-lot stipulation. Acting City Attorney John Shaver responded Council has the option of conditional zoning, conditioned on the stipulation to be approved and recorded not to exceed 2.87 units per acre.

Ordinance No. 3598 – An Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Councilmember Hill moved to adopt Ordinance No. 3598 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. A discussion followed.

Councilmember Kirtland moved to add an amendment to the motion to include that the rezone be conditioned on a stipulation from the court that the development could not exceed 2.87 units per acre. Councilmember McCurry seconded the motion to amend. Motion carried by a roll call vote.

A vote was then taken on the amended motion. Motion carried by a roll call vote with Councilmember Butler voting **NO**.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 11:12 p.m.

Stephanie Tuin, MMC  
City Clerk

**Exhibit "A"**

**From:** "Ralph Hamblin" <rjrr4@bresnan.net>  
**To:** <stepht@gjcity.org>  
**Date:** 1/19/04 12:09:20 PM  
**Subject:** Comments for City Council Members

Ms. Tuin - Please find my attachment for presentation to the members of the City Council. My comments are regarding the Powhari Annexation. I would very much like to have them read aloud and put into the public record. It is my misfortune that I will be in Salt Lake City on 1/21 rather than at the City Council meeting and have to ask you to do this.

Thank you.  
Ralph Hamblin  
594 Preserve Lane  
Grand Junction 81503  
245-3801

My name is Ralph Hamblin. I live at 594 Preserve Lane. I am in Salt Lake City tonight, yet I feel it vital that my views should be voiced regarding the Powhari Annexation and I have therefore asked that your clerk present them to you for inclusion in the public record. If possible and with your concurrence, I'd also like to have them read aloud.

Last month, the County Planning Commission heard from two Preserve representatives - an appeal from one of my neighbors describing the beauty of the area and the wildlife in our neighborhood, and our attorney presented dispassionate but factual comments about the proposed zoning. I'd like to share some things with you that are somewhere in the middle of those two sentiments.

One of the comments made last month by a member of the County Board suggested that the Preserve is one of Grand Junction's jewels. I believe he captured it precisely. The Preserve is a 140 acre conservation zone, divided among 26 lot owners, each with approximately 5 acres of stewardship. When you buy an interest in the Preserve, you buy into an ideal. The covenants are ironclad and building envelopes are pre-determined.

These stipulations allow all of us to continue to enjoy the wildlife area surrounding us. We are fortunate to see more than one hundred different species of birds including falcons, owls

and heron; we have a herd of deer with four strong bucks; we have resident bobcat, skunk, raccoon, a coyote pack often heard barking in the night; and even though I haven't yet sighted them, I understand we've been visited by both bear and mountain lion. In short, the Preserve is a gem for Grand Junction and each of us owning a piece of the area feels very fortunate indeed.

The Powhari annexation may or may not change that, but the proposal to build two homes per acre will certainly encroach on open area available to all the wildlife as they forage outside the Preserve. We see this repeatedly across the country - more and more development racing across open areas, enclosing and eliminating land where the wildlife lives. It's anathema to think this is somehow permissible under the guise of progress. Somehow there should be an accommodation which permits progression, while simultaneously protects and oversees the few areas of the county where wildlife continue to live safeguarded from harm. I believe we have a solution. The idea would be to continue with your annexation of the area, but with a stipulation that would regulate the homes per acre, mirroring the number to that of the Preserve which the Powhari annex will border.

Granted, this flies in the face of the American Dream. Buy a piece of property, fix it up or wait for it to appreciate, and then sell it for a profit. My proposal will limit the amount of

homes and people occupying the Powhari annexation, but still permit development. Last month, a comment was made in open forum that there were no plans to develop the area. I think it's naive of everyone here tonight and all present then, to assume that no housing development is planned. Were it not so, none of us would be here.

Last month, members of the Planning Commission suggested that the infrastructure was sufficient to accommodate 48 more homes, the people in those homes and the traffic they would produce. I don't mean to disparage the folks who did the work, but I'm skeptical that the existing roads can accommodate the traffic.

As I said earlier, most of the people who live in that part of the county bought their homes and property for the bucolic nature of the area. Some of it remains wide open, with cattle feeding in the shadows of the Monument. The roads are narrow county roads - two-lane blacktop winding off 340 to 20  $\frac{3}{4}$  to E  $\frac{3}{4}$  over to 20  $\frac{1}{2}$  to South Broadway to the intersection of Broadway and Redlands Parkway - a three-plus mile drive in the shadow of the Colorado Monument. It's a romantic and picturesque setting - and I can attest that we already have many, many folks from the rest of Mesa County who come to visit and look. The roads are already overwhelmed and incapable of providing for even more

traffic. A new housing development with 48 homes on 24 acres would certainly destroy not only the atmosphere of that part of the county; it will likely overwhelm the current infrastructure.

In closing, I don't dispute the Powhari's right to turn a profit. I don't dispute the City's right to annex the property.

And I don't dispute the idea of homes being constructed on the land. What I do, however, have considerable difficulty with is the decision to put 48 homes in an area where 5 should be constructed, a decision which will reduce the enjoyment of every existing home-and-property owner in the area who came before this idea was proposed and which so radically changes the neighborhood that rather than enriching all of us, it will become a blight on the community.

I urge you to consider this as you debate the merits of the proposal. Five homes on lots approximately five acres in size will still result in new homes and a neighborhood added to the city. Five homes on 24 acres will not destroy the bucolic setting. Five homes on 24 acres will not so totally disrupt wildlife patterns as to see them leave the area. Five homes on 24 acres will not tax an already burdened infrastructure. And, five homes on 24 acres will be consistent with the existing community.

I believe you have the ability to caveat the annexation with just such a limitation. I would urge you to do so. If you feel any hesitation regarding the infrastructure or how destructive 48 home sites will be on those select 24 acres, I would urge you to table the motion for annexation until you've all had an opportunity to drive on those roads, see the building site in question and visit the neighborhoods, including the Preserve, which now surround the proposed annexation. Only then will your decision be an informed one.

Thank you.

Ralph Hamblin



**Exhibit "B"****GRAND JUNCTION  
CITY COUNCIL PRESENTATION  
JANUARY 21, 2004****Mayor ---Members of the City Council**

Good evening. My name is Helen Dunn and I live in Valley Meadows East at 2557 McCook Avenue. I am a member of the Valley Meadows East Committee to monitor the development of Valley Meadows North. .

The Moran property (now known as Valley Meadows North) was annexed into the City on September 17, 2000 as part of the G Road South enclave annexation with the existing County zoning designation of RSF-R with the understanding that a rezone would be necessary at the time of development. The only reason to rezone is to approve for development. Once property is rezoned construction plans require Community Development Department approval only and the neighbors no longer have input in what will be built in their neighborhood or how it will affect them. Rezoning gets the neighbors out of the picture.

To assist in making rezoning decisions the City Council has approved and published criteria in a manual titled City of Grand Junction Zoning and Development Code. When the City rezones property it gives permission to develop within the approved guidelines. We are now being advised that rezoning requests do not require the developer to consider the criteria but only to determine compatibility with neighborhoods. It is inconceivable that property would be rezoned without meeting the approved and adopted zoning criteria.

The revised design for Valley Meadows North still does not meet the Subdivision Standards as stated in the City of Grand Junction Zoning and Development Code (effective January 20, 2002). The following are four (4) of the codes that are not being met.

## **2.6 CODE AMENDMENT AND REZONING (Chapter Two, Page 29)**

### **A. Approval Criteria.**

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.

Safety of the street network when constructing 22 homes by going through a neighborhood of 44 homes is a hazardous situation. As proposed, all construction equipment and materials would be forced to drive through Valley Meadows East. This involves four (4) right angle turns in 1200 feet to access the proposed Valley Meadows North subdivision. Having 66 homes with only one access from a major roadway would definitely create an adverse impact on an existing neighborhood. Additionally, reducing the berm at the end of Kapota Street to extend Kapota Street for the only access to Valley Meadows North and, in the future, the development of the Burnell and Jones parcels, would definitely create an adverse impact on this neighborhood.

## **2.8 SUBDIVISIONS (Chapter Two, Page 31)**

17. Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

Trucks and equipment for the construction of 22 homes traveling through an established neighborhood of 44 homes, which itself has only a single access, will impose a great deal of inconvenience and hardship for the residents of Valley Meadows East.

## **CHAPTER THREE ZONING**

### **3.1 PURPOSE (Chapter Three, page 1)**

- K. Secure safety from fire, panic, and other dangers:

To rezone and allow 22 homes to be built with the only access through Valley Meadows East, which consists of 44 homes, would be hazardous to both

subdivisions in any emergency situation.

**CHAPTER SIX  
DESIGN & IMPROVEMENT STANDARDS**

**6.7 E. Circulation**

**9. Fire Lanes.** Fire lanes shall be provided in accordance with the adopted code.

The adopted code is stated in the TEDS Manual:

**TRANSPORTATION ENGINEERING DESIGN STANDARDS**

(Known as the TEDS Manual)

Passed and adopted by the City Council on  
7th day of November 2001

As

City of Grand Junction  
Resolution No. 111-01

**Fire Access Code (in Chapter 5)**

**B. Access Guidelines**

2. Two Points of Access, Providing two points of fire apparatus access has the following benefits:
  - a. If one access is blocked, emergency responders have a second route to the property.
  - b. If an emergency requires evacuation of an area, the public will have an alternative exit route should one route be blocked by the emergency incident.

**The Grand Junction Fire Department does not allow the second access point limited to use by emergency responders only. The second access must be available for public use in case the other access is blocked.**

**5. One or two Family Residential Developments.**

- a. Developments where the number of dwelling units exceeds thirty (30), shall be provided with separate and approved fire apparatus access roads.

- b. Developments where the number of dwelling units is sixty (60) or less may be serviced by a single fire apparatus access road, provided all dwelling units are provided with approved residential fire sprinkler systems.

Standards adopted by the Grand Junction City Council in November 2001 and published in the TEDS Manuel parallel the Fire Access Code adopted by the Grand Junction Fire Department and published in their guidelines for developers and designers. These are:

#### **FIRE DEPARTMENT ACCESS**

Based on the 2000 edition of the International Fire Code

#### **Two Points of Access**

**The Grand Junction Fire Department does not allow the second access point limited to use by emergency responders only. The second access must always be available for public use in case the other access is blocked.**

#### **One or Two Family Residential Developments:**

- \* Developments where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads.
- \* Developments where the number of dwelling units is 60 or less may be served by a single fire apparatus access road, provided all dwelling units are provided with approved residential fire sprinkler systems.

To rezone the property known as Valley Meadows North and allow the construction of 22 homes with the access through Valley Meadows East which already consists of 44 homes would result in the combined subdivisions having 66 homes with only one access. This would be in violation of both the TEDS MANUEL and the published FIRE CODE and would be a hazardous situation for both subdivisions. When the two adjoining properties to the east of the Valley Meadows North subdivision are ready to be rezoned and developed, the situation will be compounded.

In the **City Council minutes** of January 15, 1997 on page 12 when the proposed development of Sunset Village (now known as Moonrise East

subdivision) and the anticipated F 3/4 road which would have provided access to the Moran property (now known as Valley Meadows North) were being discussed Councilmember Terry speaking to Bill Nebeker, from the Community Development Department, stated "I'm looking for how many parcels to the east of Morans might be affected by this access on F 3/4 that we're talking about". Mr. Nebeker responded "The Moran parcel is 7.5 acres...the Burnell parcel is right behind that...those other two parcels are owned separately from the Burnell parcel. Now we also came across this parcel that says 'the Veale parcel'." At this point Councilmember Terry asked "Okay. So those are the three that will need access on this particular road?" Nebeker answered, "Correct". (The rest of the dialogue is included in the addendum.)

As you are aware F 3/4 road was never built. Now it is being proposed to rezone Valley Meadows North and allow development with the only access through Valley Meadows East. It would be unfortunate if this happens and these future problems were ignored. I do not look forward to standing before you in a year or so explaining how the Burnell parcel and the Jones parcel should not be rezoned because their only access is through Valley Meadows North by way of Valley Meadows East in order to access 25 1/2 Road.

We hope we are never again forced to evacuate as we were on the night of the April 5, 2002 flood. I can tell you from personal experience that it was difficult to get 44 cars out of the Subdivision at 2 AM through the one lane of traffic caused by emergency vehicles parked down each side of Westwood Drive at 25 1/2 Road. The exiting cars were sitting in water waiting their turn to have names checked off on a clip board before being allowed to drive through the very narrow one lane to exit onto 25 1/2 Road. Another 22 cars would have made for an impossible situation.

When previous City Council members allowed the rezoning and development of Moonrise East subdivision with a design that blocked access to the undeveloped properties to the east, they took the easy way out and ignored the future problems that this would create. I hope you do not make the same mistake this time. It is time for the undeveloped properties to the north of Valley Meadows East to have an approved and safe access so they can be developed in a manner that provides for the quality of life for which Grand Junction takes pride. We are not against development but we are against rezoning and developing this property in the manner being proposed.

When purchasing a home, buyers frequently do not realize some of the disadvantages of the location until after they have settled in and began their day to day activities. We are very grateful to the neighbors who in 1996 testified before the City Council at a rezoning hearing and persuaded the developer of Valley Meadows East to build 44 homes instead of the proposed 52 homes and convert the remaining lots into green space. Neighbors caring for neighbors and working together to protect the quality of life in this area has been the pattern of behavior that this neighborhood has grown to expect.

Thank you for the opportunity to speak on this issue. I will be happy to answer any questions you might have.

**Exhibit "C"****VALLEY MEADOWS NORTH  
REZONE HEARING**

Presented by John Chapman and Carol Bergman  
1-21-04

Good evening. My name is John Chapman. I live at 667 Kapota. My daughter, Carol Bergman, and I usually make separate presentations on the subject of Valley Meadows North. This time we have joined to make a single presentation which may save time. Carol will make the presentation and I, or both of us, will take any question you may have.

To start with, it is not the proposed 22 dwellings in Valley Meadows North, *if that is what it turns out to be*, that we are opposed to. More houses than that would be completely incompatible with surrounding properties. But 22 is essentially the same as that of the adjoining Valley Meadows East subdivision. That is fair. Let us explain our concerns.

As we consider the proposal to rezone to RSF-4, we would like to talk about Section 2.6A-3 of the Zoning and Development Code which, reads in part, as follows: (See on screen)

A. Approval Criteria. In order to maintain internal consistency between this code and the Zoning Maps, map amendments must **ONLY** occur if:

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, excess night time lighting, or other nuisances.

This, to us, is clear cut, reasonable and logical as written. These criteria **must** be considered when zoning a property. The City Legal people don't agree, saying that paragraph 3 does not mean what it says and cannot stand alone. At the August 7, 2002 Council meeting, when dealing with the same property, Mr. Wilson, City Attorney, was asked to clarify how the Rezone Criteria should be

(/)

used. Mr. Wilson stated that if the issues under #3 can be reasonably solved prior to the final plat, and if the engineers can say these are normal engineering issues, then the rezone meets criteria. Mr. Wilson also stated that paragraphs within the Code were in conflict and paragraph #3 would need to be reworded. He said the changes would be made in the upcoming code amendment process.

It is now 17 months later. What has happened? The updating of the Code has occurred. Strangely, no changes in paragraph #3, dealing with the Rezoning Criteria have been made, while changes have been made elsewhere.

Mr. Shaver, Acting City Attorney, also tells us that it is difficult to amend the Code to include abstract concepts. We agree, but isn't the object of the code to set down concrete standards to eliminate as far as possible, abstract interpretation?

We are not attorneys, but we have abundant and good reason to believe that any court case, involving Section 2.6A-3 would likely favor a strict and literal reading of the Code as written. This is especially so, since no change has occurred in this section of the Code as Mr. Wilson said there would be 17 months earlier. We hope the City will not continue using different interpretations of the 2.6A-3 criteria.

The Code is very important and the Criteria for the Code is its' key. As now written, it is unambiguous when it says Rezoning **must NOT occur** if: among other things, there are problems with the safety of the Street Network or with Drainage. In this case, there **ARE** problems with both the Safety of the Street Network and with Drainage. They both represent difficult engineering problems and cannot be considered normal or routine.

Drainage is a continuing concern. We are repeatedly asked, "If you are flooded as a result of an irrigation accident upstream, why don't you sue?" The answer is we are currently protected by a 100 year old berm 700 feet long and up to 4 feet high. If the City approves the breaking of the berm at Kapota Street for access, as the Developer has proposed, the risk of flooding into VME is increased. If the Canal Break Flood of 2002 had occurred when the berm was

(2)



breached at Kapota, the damage would have been much worse. As it was, the berm was in place and acted to form a very large Detention Pond on the VMN land. If we are, in the future, flooded by way of the broken berm, the City would be responsible by reason of their prior approval to break the berm. In the case of Docheff vs. the City of Broomfield, in a similar situation, the court ruled that the proper remedy for this kind of occurrence is injunction. For two years, we have been trying to take prudent and preventative measures so legal action would not be necessary.

On drainage, you need to understand that the problem involves two major sources of inflow from the east - stormwater and errant or accidental irrigation water. Of the two the irrigation water is **by far** the greater quantity and greater challenge even if you disregard the canal break flood of 2002.

Normally, drainage design is entirely based on stormwater as the only source, and that's what, until recently, the Developers' engineer on the VMN job has done. This design is usually sound and employs rainfall data over the past 100 years. The design is supposed to handle a 100 year flood. But while the errant irrigation water has probably been a problem to farmers for over the last 100 years, it has not been serious. Now that the area is being developed, errant irrigation water should be recognized as **the main** drainage concern. The trouble is that there isn't any recorded account, of measurements, of past irrigation flooding - no 100 year history to complement the rainfall data. We do have some anecdotal information which tells us that this type of flooding occurs every year. Unfortunately, without a good recorded history, the best engineering that we can expect will be arrived at through the use of assumptions instead of concrete information. The City Engineers recognize this and I believe are a bit uneasy about it.

We are pleased that the City has recognized this problem and has proposed a change in design criteria, which **if implemented** would seem to provide some protection for VME from flood water from VMN. This position recognizes the very limited capacity of the Valley Meadows East stormwater system, which the developer had been planning to use. It will be necessary for the City to require VMN to

(3)

take measures accounting for both rainfall and upstream irrigation. The engineering of this will be difficult and unusual.

The other thing that is particularly bothersome is the capacity or safety of the street network which is the first criteria in Rezoning under Section 2.6A-3. Valley Meadows North does not have a second access and neither does Valley Meadows East. At the May 1, 2002 City Council meeting on rezoning this property, Council member Janet Terry asked Mr. Wilson if access could be a reason for denial. His response was that it would be a legitimate basis. The developer is considering an emergency access 12 feet wide and 240 feet long from 25 1/2 Road to the body of the Valley Meadows North development. We have been unable to find a standard for such an access.

Our safety concerns are as follows:

1. This narrow emergency access will only handle one way traffic at any given time and will create a hazard with emergency vehicles trying to enter while panicked residents are trying to exit. A minor accident in this narrow access could easily render the whole access unusable.
2. Pedestrians trying to enter or exit VMN will be crowded between vehicular traffic and a barbed wire fence on the south or vehicular traffic and a detention pond on the north. This is not conducive to safely moving both vehicles and pedestrians at the same time in the same or opposite directions.
3. Emergency vehicles moving north on 25 1/2 Road will have to pull over to the left lane in order to enter the 12 foot emergency access straight on, thus risking collision with south-bound traffic.
4. This emergency access needs to be available to pedestrian traffic at all times, but closed to vehicular traffic except in an emergency. This raises a host of problems including such things as:
  - a. How do you quickly open and close this access to vehicular traffic?

(4)

- b. How does one know which direction traffic may proceed through the access at any given time?
- c. How cumbersome or time-consuming will it be to remove the traffic barrier?
- d. Who will have the tools, keys, responsibility and right to open the access?

This emergency access is expected to serve as a second access for both VME and VMN, a total of up to 74 homes. It is supposed to be a safety measure, but we believe it creates more hazard than it is supposed to mitigate. It is also contrary to the TEDS Manual and the Fire Code which require a minimum width of 20 feet for an access. This sets a bad precedent for the future. Will this kind of emergency access show up in other places around town? We in VME find this unacceptable!

#### IN SUMMARY

The Zoning or Rezoning of VMN to RSF-4 should not be granted because:

This property's' history looks like a mistake on top of a mistake on top of a mistake with a problem.

The first mistake was made when the former owner of this property, the Morans, at the last minute, withdrew their decision to dedicate their 15 foot strip (the flagpole) for a street. (See memo in the addendum from Bill Nebeker of 1-20-97 "To whom it may concern" )

The second mistake was when the City, under pressure of a law suit, approved the Sunset Village (now called Moonrise East ) subdivision with a sub-standard entrance and no stub to the east.

The third mistake would be to approve re-zoning without an second access as required by Code, as this would create an

(5)

unsafe street network. It would appear to be an approval under threat of lawsuit and this would set a very bad precedent. The surrounding neighborhood would be forced to pay the price for the three big mistakes made by others. They would live with substandard access daily under a cloud of uncertainty regarding drainage issues.

It would be an approval in violation of the Zoning and Development Code Section 2.6A as written, which in essence says that a Zoning Map Amendment must **ONLY** occur if there are no Safety of Street Network problems or Drainage problems that create adverse impacts.

Please DO NOT reverse your previously held position and place us at risk. DO NOT APPROVE THIS ZONING CHANGE.

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**Attach 2**  
**Setting a Hearing - Pellam Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Pellam Annexation located at 3136 E Road						
<b>Meeting Date</b>	February 4, 2004						
<b>Date Prepared</b>	January 26, 2004				File #ANX-2004-011		
<b>Author</b>	Senta Costello		Associate Planner				
<b>Presenter Name</b>	Senta Costello		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.808 acre Pellam Annexation consists of one 4.184 ac. parcel and 0.624 ac. in E Road right-of-way. The property is located at 3136 E Road.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Pellam Annexation petition and introduce the proposed Pellam Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for March 17, 2004.

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

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		3136 E Road	
<b>Applicants:</b>		Carl & Sharon Pellam	
<b>Existing Land Use:</b>		Single Family Residential / Agricultural	
<b>Proposed Land Use:</b>		Single Family Residential / Agricultural	
<b>Surrounding Land Use:</b>	<b>North</b>	Manufactured Housing Park	
	<b>South</b>	Single Family Residential	
	<b>East</b>	Single Family Residential	
	<b>West</b>	Single Family Residential / Agricultural	
<b>Existing Zoning:</b>		RSF-R	
<b>Proposed Zoning:</b>		RMF-8	
<b>Surrounding Zoning:</b>	<b>North</b>	PC – Planned Commercial (County)	
	<b>South</b>	PD – Planned Development 4.84 du/ac	
	<b>East</b>	RMF-8 (County)	
	<b>West</b>	RSF-R (County)	
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.808 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City due to a desire to rezone the property. 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 Pellam 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.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>February 4, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>February 24, 2004</b>	Planning Commission considers Zone of Annexation
<b>March 3, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>March 17, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>April 18, 2004</b>	Effective date of Annexation and Zoning

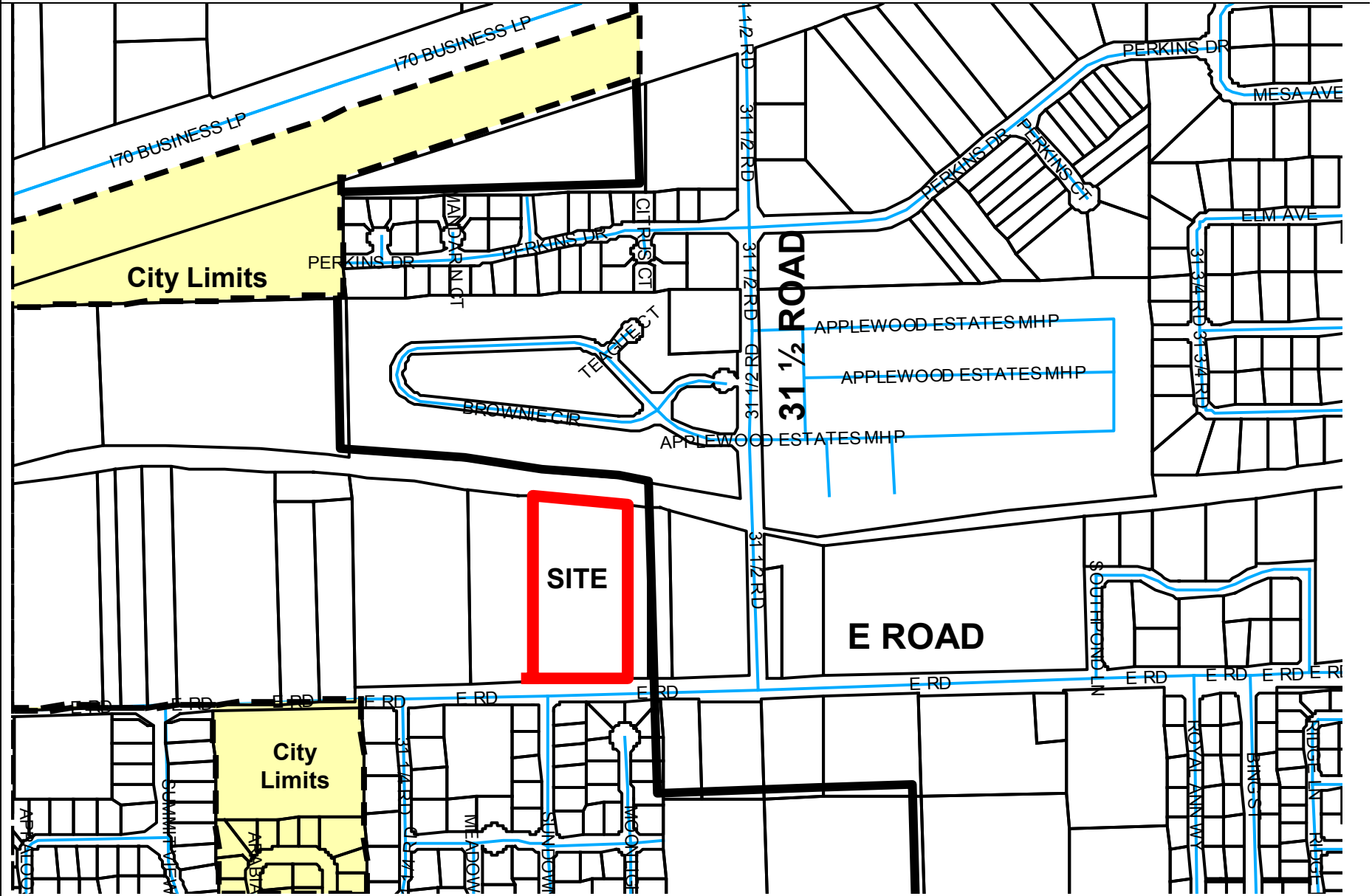
**PELLAM ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2004-011	
<b>Location:</b>	3136 E Road	
<b>Tax ID Number:</b>	2943-103-00-056	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	4.184 ac	
<b>Developable Acres Remaining:</b>	Approximately 4 acres	
<b>Right-of-way in Annexation:</b>	0.624	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-8	
<b>Current Land Use:</b>	Single Family Residence	
<b>Future Land Use:</b>	Single Family Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$12,470
	<b>Actual:</b>	= \$156,560
<b>Address Ranges:</b>	3136 E Road	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water District
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Clifton Fire District
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Jct Drainage District
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Upper Grand Valley Pest District



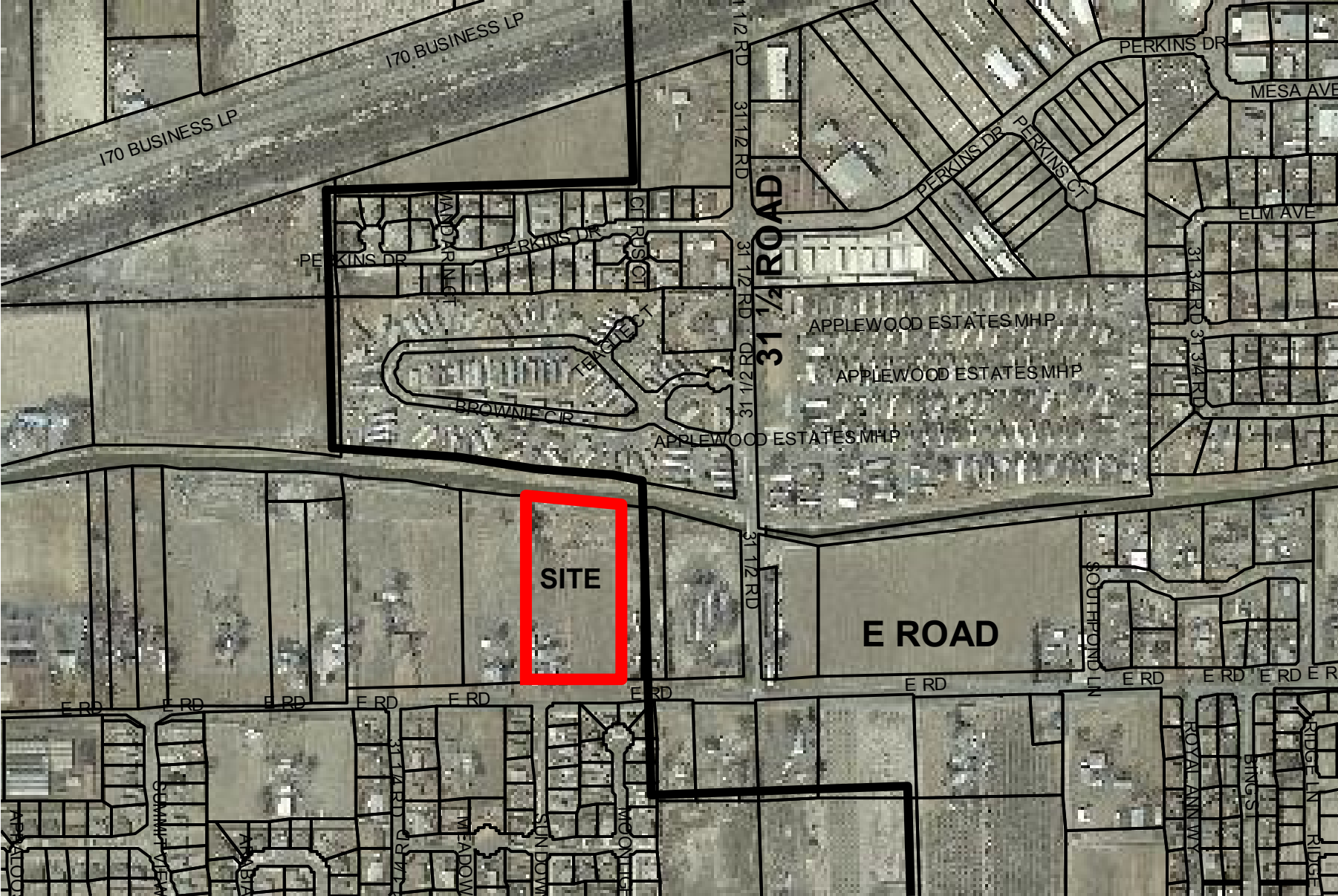
# Site Location Map

Figure 1



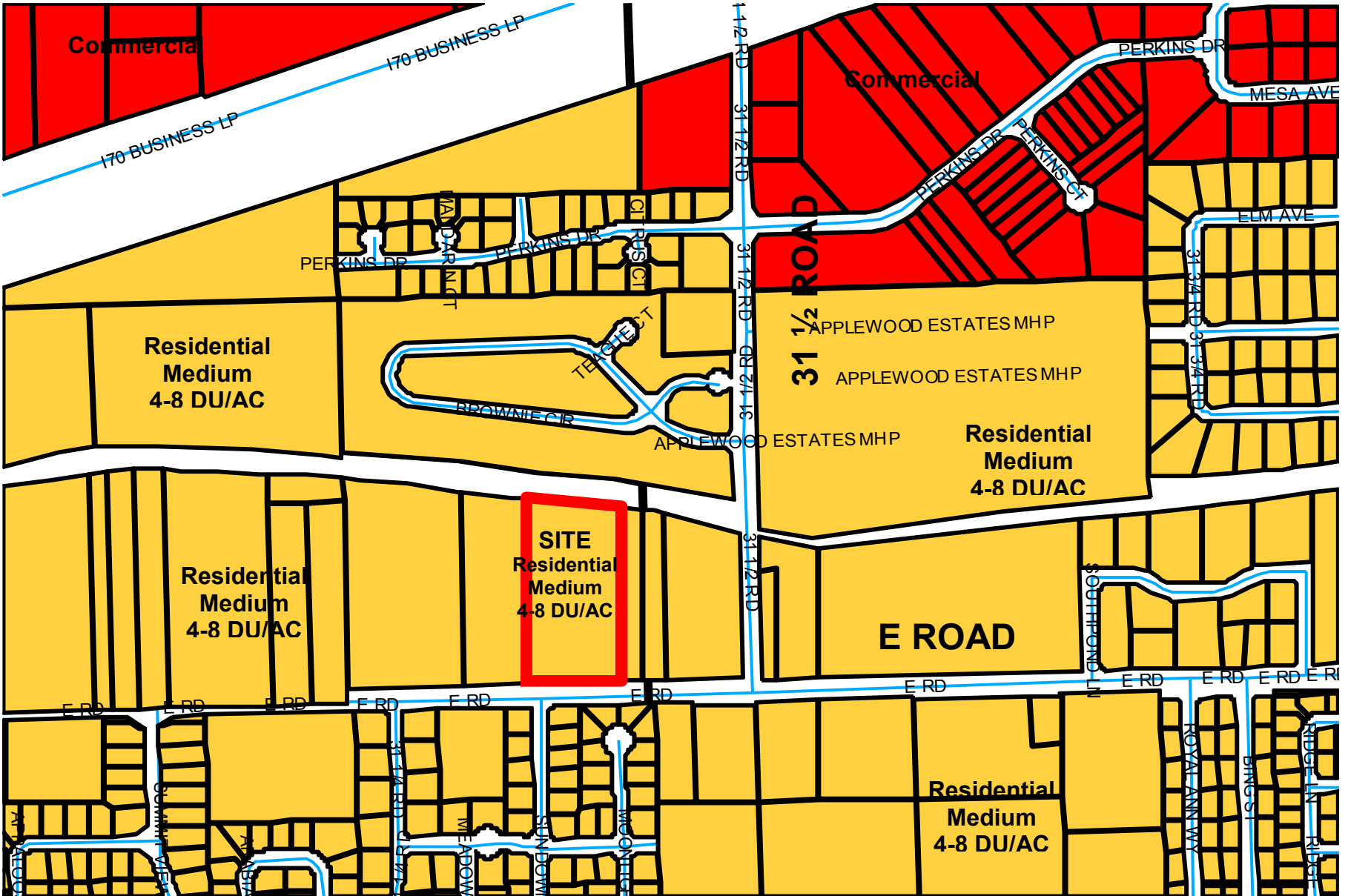
# Aerial Photo Map

Figure 2



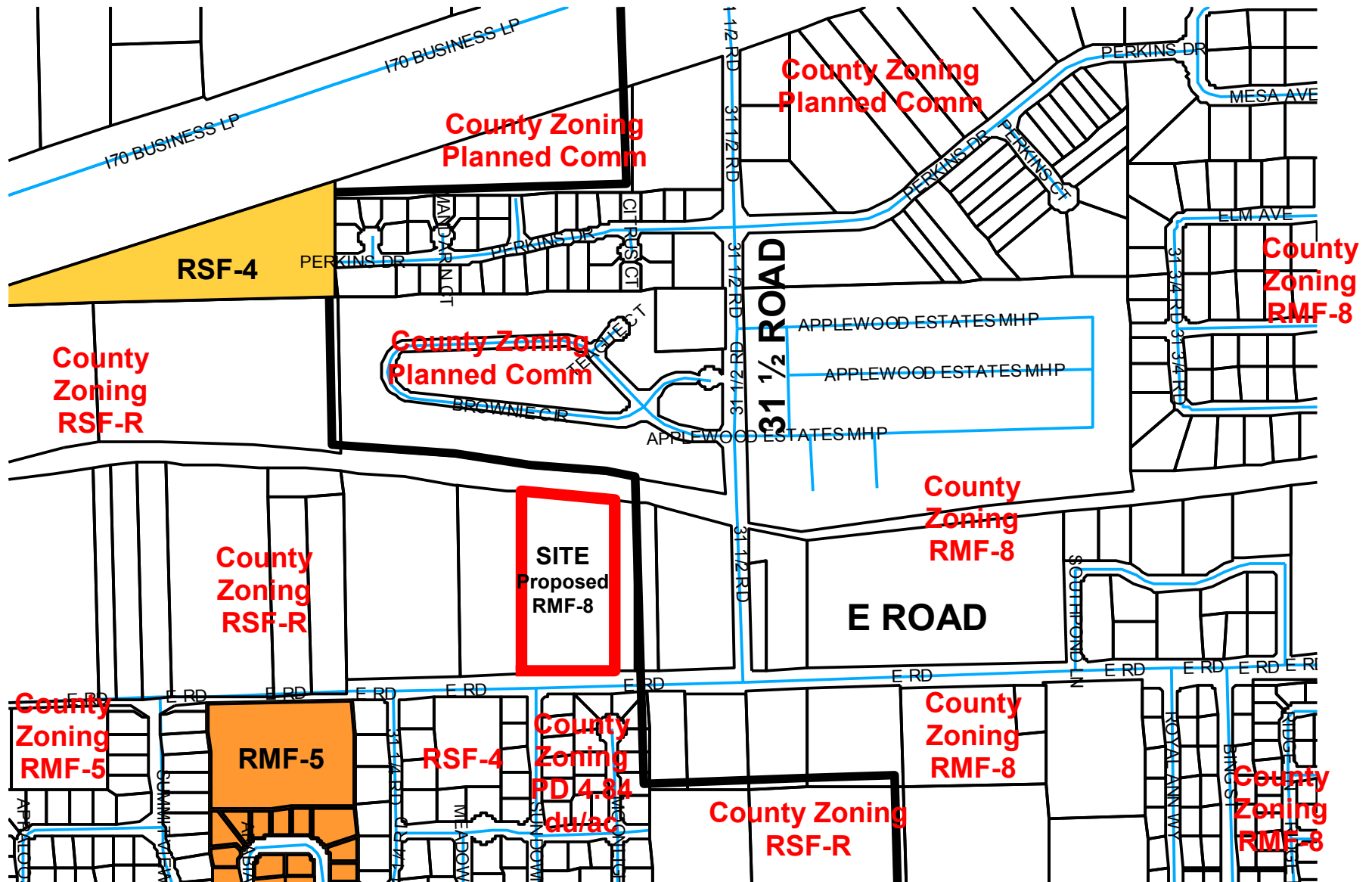
# Future Land Use Map

Figure 3



# Existing City and County Zoning

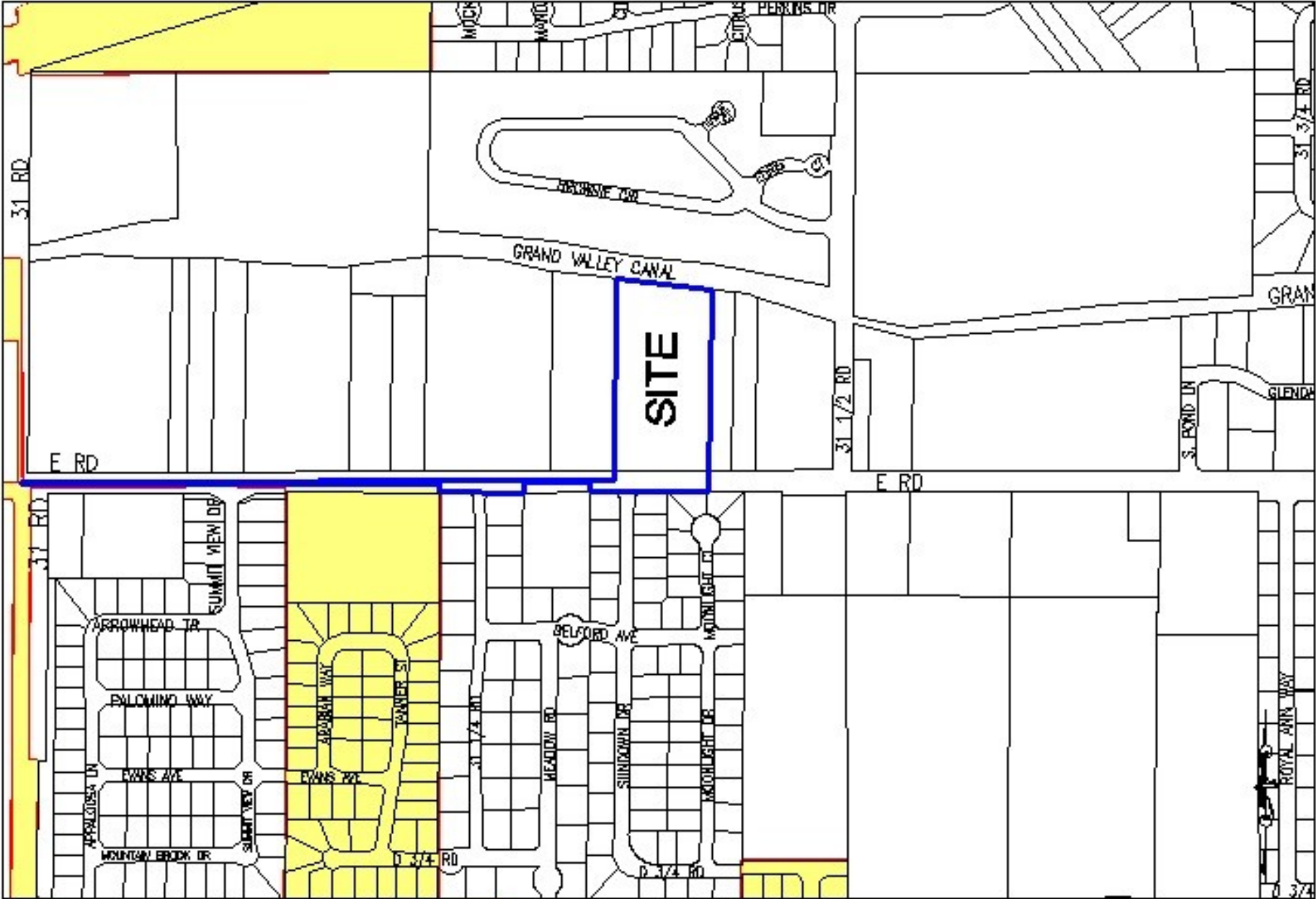
Figure 4



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."

# Pellam Annexation

Figure 5



 City Limits  Annexation Boundary

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4<sup>th</sup> of February, 2004, 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**

**PELLAM ANNEXATION**

**LOCATED at 3136 E Road and containing a portion of E Road right-of-way**

WHEREAS, on the 4<sup>th</sup> day of February, 2004, 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:

**PELLAM ANNEXATION**

A certain parcel of land lying in the South half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10 and assuming the South line of the SW 1/4 of said Section 10 bears N 90°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the West line of the SW 1/4 of said Section 10, a distance of 6.00 feet; thence N 90°00'00" E along a line 6.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 90°00'00" E along said parallel line, a distance of 1886.09 feet, more or less, to a point on the West line of that certain parcel of land as described in Book 2538, Page 871, Public Records of Mesa County, Colorado; thence N 00°00'00" E, along the West line of said parcel of land, a distance of 647.00 feet, more or less, to a point being the Northwest corner of said parcel; thence S 82°15'00" E, along the North line of said parcel, a distance of 290.40 feet, more or less, to a point being the Northeast corner of said parcel; thence S 00°00'00" E, along the East line of said parcel, a distance of 643.84 feet, more or less, to a point on the South right of way for E Road, and being a point on the North line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado; thence S 90°00'00" W along the South right of way for E Road, being a line 30.00 feet South of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 377.19 feet, more or less, to a point being the Northwest

corner of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado; thence N 00°07'00" W along the Northerly projection of the West line of said Sundown Village, a distance of 30.00 feet to a point on the South line of the SW 1/4 of said Section 10; thence S 90°00'00" W along the South line of the SW 1/4 of said Section 10, a distance of 218.55 feet; thence S 00°07'00" E along a line being the Northerly projection of the East line of Meadowood Subdivision, as same is recorded in Plat Book 11, Page 165, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point being the Northeast corner of said Meadowood Subdivision; thence S 90°00'00" W along the North line of said Meadowood Subdivision, a distance of 272.01 feet, more or less, to a point being the Northwest corner of said Meadowood Subdivision; thence N 00°07'33" W, along the Northerly projection of the East line of said Meadowood Subdivision, a distance of 32.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 806.01 feet; thence N 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W, along a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 500.00 feet; thence N 00°18'17" W, along a line 2.00 feet East of and parallel to, the West line of the SW 1/4 of said Section 10, a distance of 2.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.808 Acres (209,447.8 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 17<sup>th</sup> day of March, 2004, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation



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

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

ADOPTED this 4<sup>th</sup> day of February, 2004.

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><b>DATES PUBLISHED</b></i>
<b>February 6, 2004</b>
<b>February 13, 2004</b>
<b>February 20, 2004</b>
<b>February 27, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PELLAM ANNEXATION**

**APPROXIMATELY 4.808 ACRES**

**LOCATED AT 3136 E ROAD AND CONTAINING A PORTION OF E ROAD RIGHT-OF-  
WAY**

**WHEREAS**, on the 4<sup>th</sup> day of February, 2004, 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 17<sup>th</sup> day of March, 2004; 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:

**PELLAM ANNEXATION**

A certain parcel of land lying in the South half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10 and assuming the South line of the SW 1/4 of said Section 10 bears N 90°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the West line of the SW 1/4 of said Section 10, a distance of 6.00 feet; thence N 90°00'00" E along a line 6.00 feet North of and parallel to, the South line

of the SW 1/4 of said Section 10, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 90°00'00" E along said parallel line, a distance of 1886.09 feet, more or less, to a point on the West line of that certain parcel of land as described in Book 2538, Page 871, Public Records of Mesa County, Colorado; thence N 00°00'00" E, along the West line of said parcel of land, a distance of 647.00 feet, more or less, to a point being the Northwest corner of said parcel; thence S 82°15'00" E, along the North line of said parcel, a distance of 290.40 feet, more or less, to a point being the Northeast corner of said parcel; thence S 00°00'00" E, along the East line of said parcel, a distance of 643.84 feet, more or less, to a point on the South right of way for E Road, and being a point on the North line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado; thence S 90°00'00" W along the South right of way for E Road, being a line 30.00 feet South of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 377.19 feet, more or less, to a point being the Northwest corner of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado; thence N 00°07'00" W along the Northerly projection of the West line of said Sundown Village, a distance of 30.00 feet to a point on the South line of the SW 1/4 of said Section 10; thence S 90°00'00" W along the South line of the SW 1/4 of said Section 10, a distance of 218.55 feet; thence S 00°07'00" E along a line being the Northerly projection of the East line of Meadowood Subdivision, as same is recorded in Plat Book 11, Page 165, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point being the Northeast corner of said Meadowood Subdivision; thence S 90°00'00" W along the North line of said Meadowood Subdivision, a distance of 272.01 feet, more or less, to a point being the Northwest corner of said Meadowood Subdivision; thence N 00°07'33" W, along the Northerly projection of the East line of said Meadowood Subdivision, a distance of 32.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 806.01 feet; thence N 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W, along a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 500.00 feet; thence N 00°18'17" W, along a line 2.00 feet East of and parallel to, the West line of the SW 1/4 of said Section 10, a distance of 2.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.808 Acres (209,447.8 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 4<sup>th</sup> day of February, 2004 and ordered published.

**ADOPTED** on second reading this <> day of <>, 2003.

Attest:

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

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

**Attach 3**  
**Setting a Hearing - Summit View Estates Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Setting a Hearing for the Summit View Estates Annexation located at 649 29 ½ Road					
<b>Meeting Date</b>		February 4, 2004					
<b>Date Prepared</b>		January 26, 2004			<b>File #</b> ANX-2003-271		
<b>Author</b>		Lisa E. Cox, AICP		Senior Planner			
<b>Presenter Name</b>		As above		As above			
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The 10.495-acre Summit View Estates Annexation consists of two parcels and is located at the southwest corner of F ½ Road and 29 ½ Road. A petition for annexation has been signed by the property owner.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the Resolution of Referral, first reading of the annexation ordinance, exercise land use jurisdiction immediately and set a hearing for March 17, 2004.

**Background Information:** See attached staff report

**Attachments:**

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

<b>STAFF REPORT / BACKGROUND INFORMATION</b>			
<b>Location:</b>		649 29 1/2 Road	
<b>Applicant:</b>		Carl Marchun, Executor of the John Marchun Estate; Joseph W. Marchun; H.E. Marchun; Raymond Marchun; Brian Marchun	
<b>Existing Land Use:</b>		Residential/Agricultural	
<b>Proposed Land Use:</b>		Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Residential/Agricultural	
	<b>South</b>	Residential/Agricultural	
	<b>East</b>	Residential/Agricultural	
	<b>West</b>	Agricultural	
<b>Existing Zoning:</b>		RSF-R (Mesa County)	
<b>Proposed Zoning:</b>		RMF-8 (Residential Multi-Family, not to exceed 8 units/acre)	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-4 (Mesa County)	
	<b>South</b>	RMF-5 (City)	
	<b>East</b>	RSF-4 (Mesa County)	
	<b>West</b>	RMF-5 (City)	
<b>Growth Plan Designation:</b>		Residential Medium, 4-8 units/acre	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

## **STAFF ANALYSIS**

### **Annexation**

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

<b>ANNEXATION SCHEDULE</b>	
<b>2-04-04</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>2-24-04</b>	Planning Commission recommendation for City zone district
<b>3-03-04</b>	First Reading of Zoning Ordinance by City Council
<b>3-17-04</b>	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
<b>4-18-04</b>	Effective date of Annexation and City Zoning

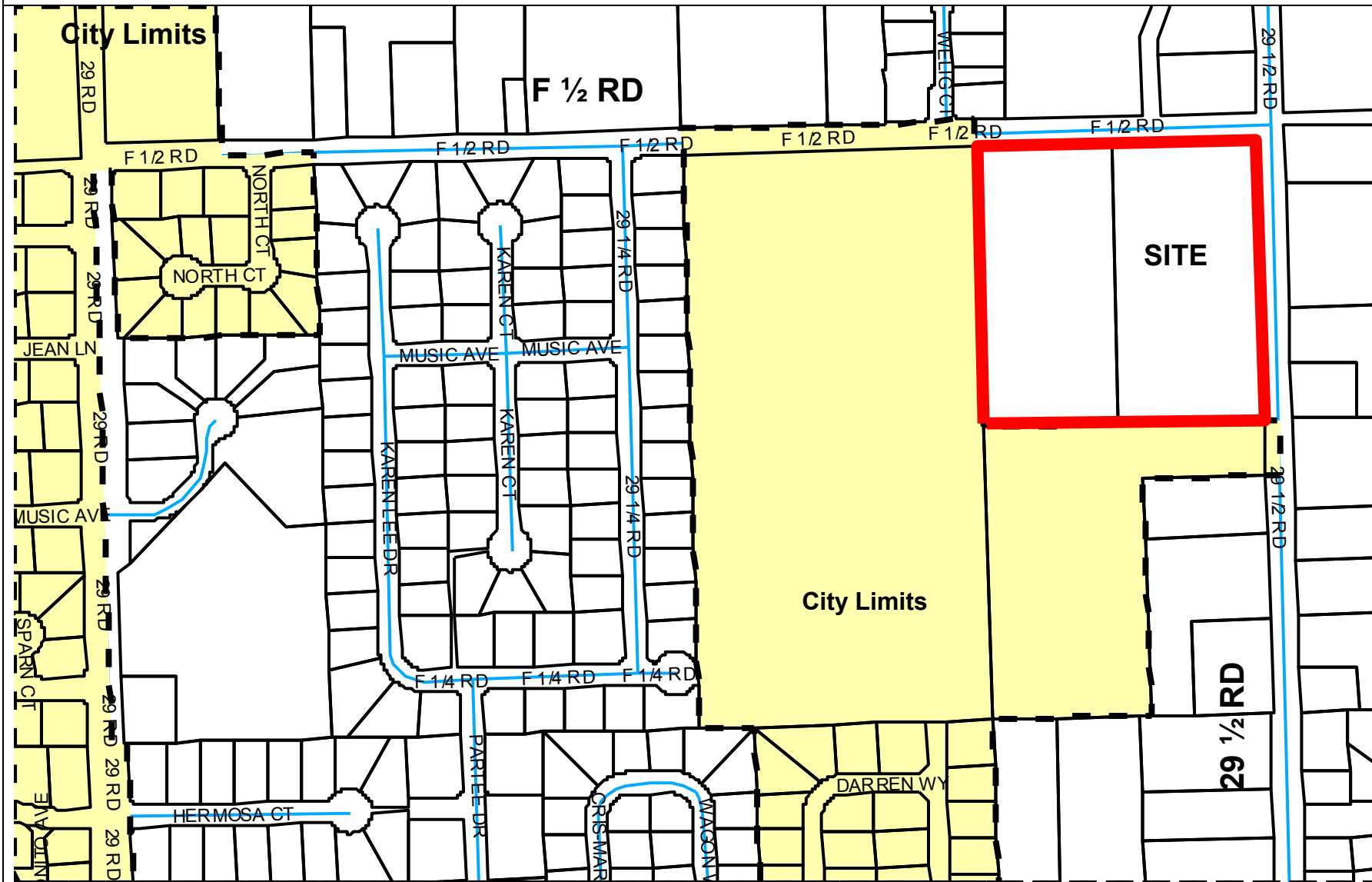


## SUMMARY

<b>File Number:</b>	<b>ANX-2003-271</b>	
<b>Location:</b>	<b>649 29 ½ Road</b>	
<b>Tax ID Number:</b>	<b>2943-053-00-033 and 034</b>	
<b>Parcels:</b>	<b>2</b>	
<b>Estimated Population:</b>	<b>2</b>	
<b># of Parcels (owner occupied):</b>	<b>0</b>	
<b># of Dwelling Units:</b>	<b>1</b>	
<b>Acres land annexed:</b>	<b>10.495 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>9.135 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>1.36 acres</b>	
<b>Previous County Zoning:</b>	<b>RSF-R (Mesa County)</b>	
<b>Proposed City Zoning:</b>	<b>RMF-8, Residential Multi-Family not to exceed 8 units/acre</b>	
<b>Current Land Use:</b>	<b>Residential/Agricultural</b>	
<b>Future Land Use:</b>	<b>Residential</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>\$ 4,560</b>
	<b>Actual:</b>	<b>\$ 49,830</b>
<b>Census Tract:</b>	<b>N/A</b>	
<b>Address Ranges:</b>	<b>West to East: 2938 to 2949 North to South: 641 to 649</b>	
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>GJ Rural Fire Dept.</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>N/A</b>

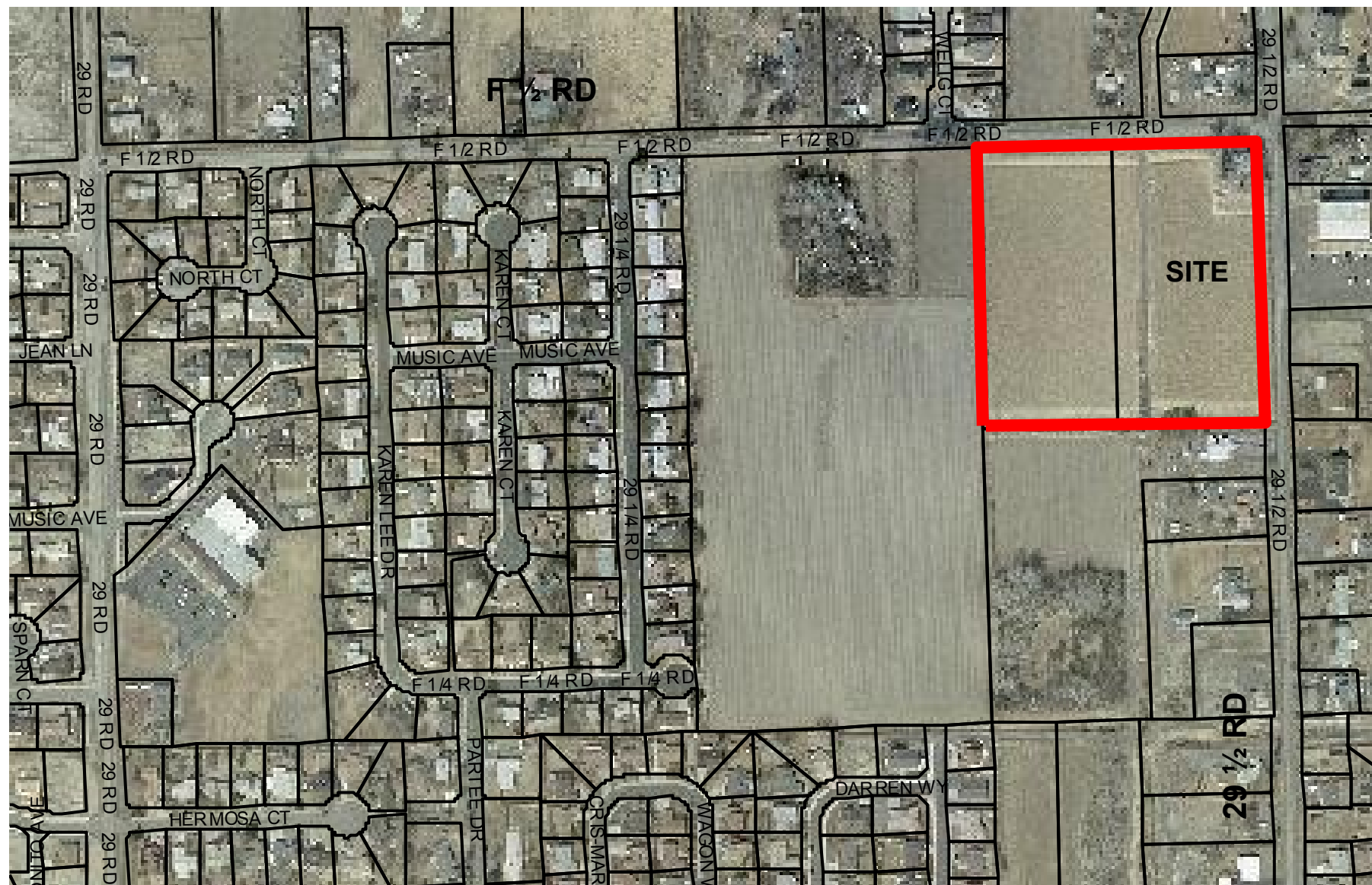
# Site Location Map

Figure 1



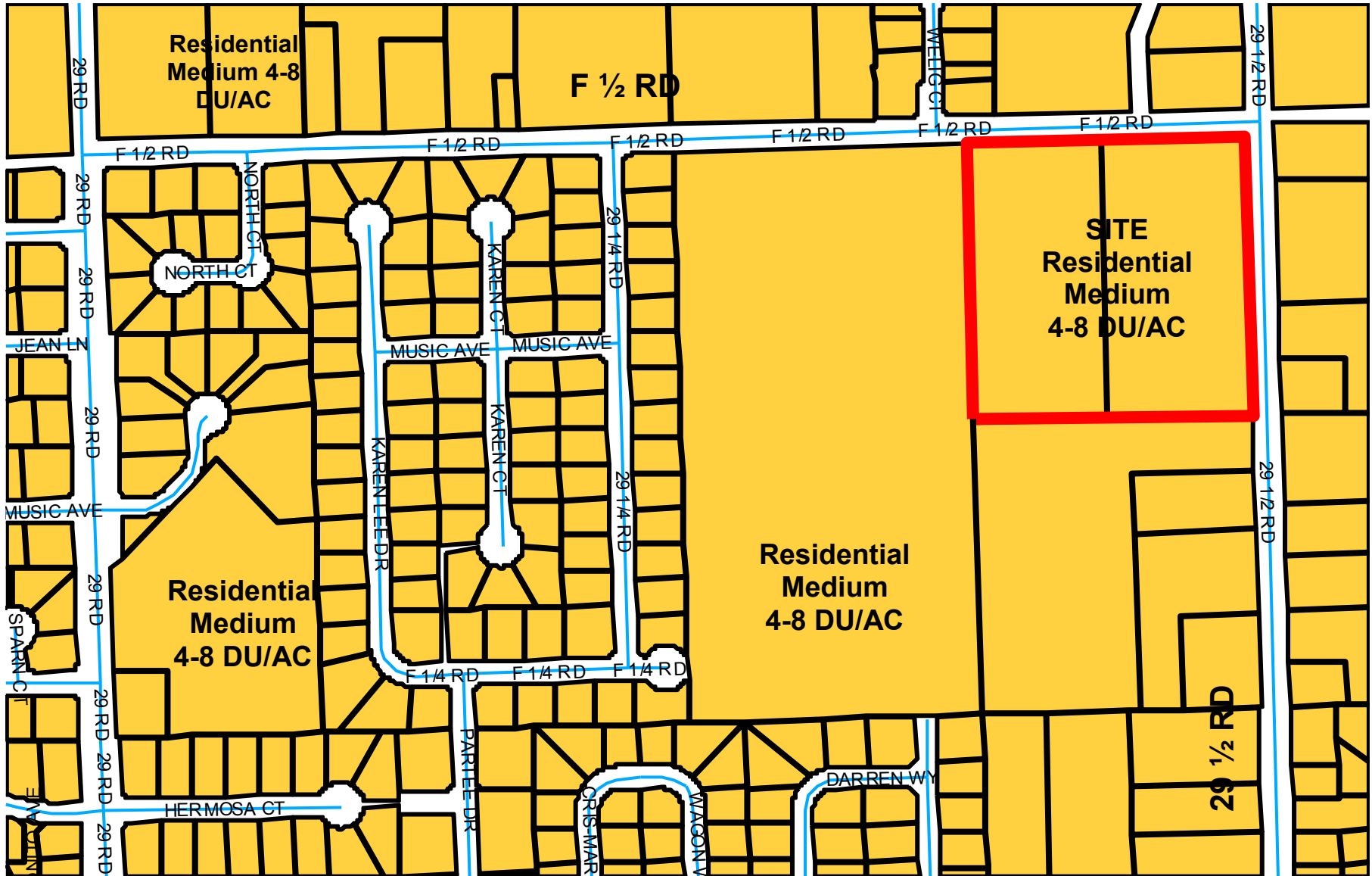
# Aerial Photo Map

Figure 2



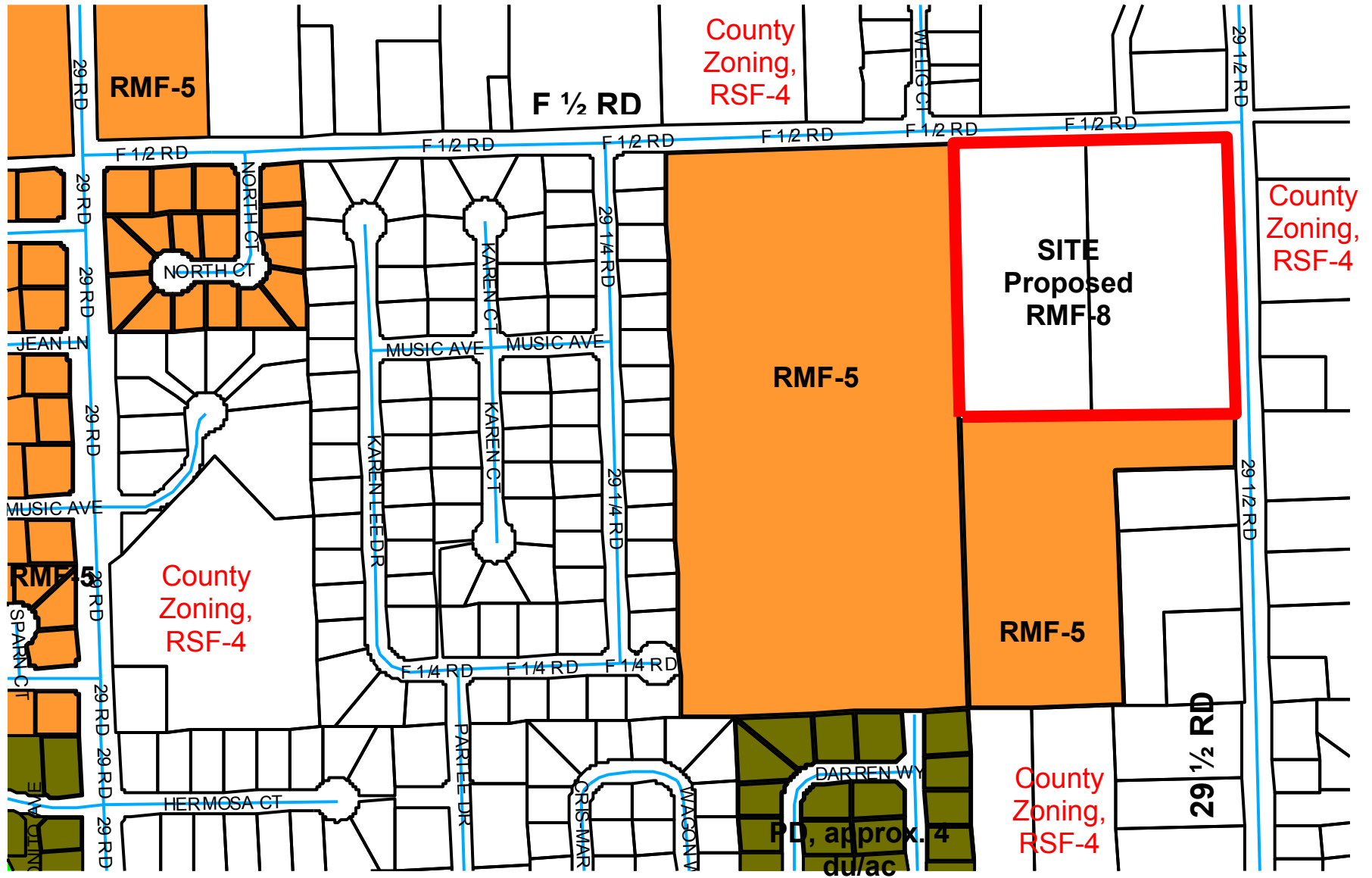
# Future Land Use Map

Figure 3



# Existing City and County Zoning

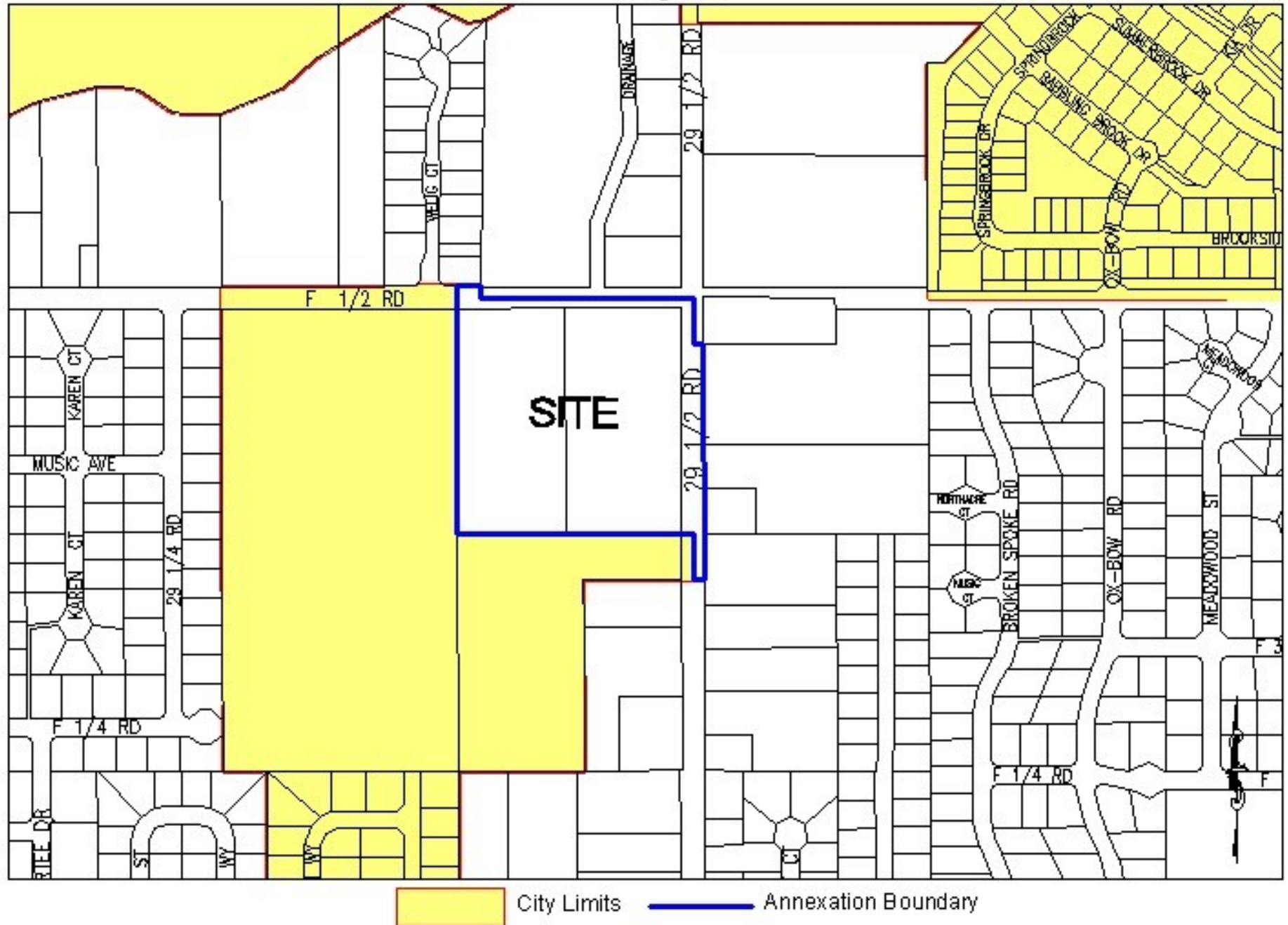
Figure 4



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

# Summit View Estates 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 4th day of February, 2004, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**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**

**SUMMIT VIEW ESTATES ANNEXATION**

**LOCATED AT 649 29 ½ ROAD**

WHEREAS, on the 4th day of February, 2004, 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:

**SUMMIT VIEW ESTATES ANNEXATION**

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

BEGINNING at the Northwest corner of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE 1/4 NE 1/4 SW 1/4) of said Section 5 and assuming the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5 bears S 89°47'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'41" E a distance of 33.00 feet to a point on the North right of way for F-1/2 Road, as shown on the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence S 89°47'43" E along said North right of way, a distance of 66.78 feet, more or less, to a point being the Southeast corner of said Replat of Willow Glen; thence S 01°23'17" W along the Southerly projection of the East line of said Replat of Willow Glen, a distance of 33.01 feet to a point on the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5; thence S 89°47'43" E along the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 593.52 feet, more or less, to a point being the Northeast corner of the NE 1/4 SW 1/4 of said Section 5; thence S 00°00'01" W, along the East line of the NE 1/4 SW 1/4 of said Section 5, a distance of 130.01 feet; thence S 89°32'19" E along the Westerly projection of the North line of Lot 1, Barslund Subdivision, as same is recorded in Plat Book 12, Page 114, Public Records of Mesa County, Colorado, a



distance of 30.00 feet to a point being the Northwest corner of said Barslund Subdivision; thence S 00°00'01" W along the West line of said Barslund Subdivision, being the East right of way for 29-1/2 Road, a distance of 657.61 feet; thence N 89°48'04" W along the Easterly projection of the North line of Lot 2, Taylor Place Minor Subdivision, as same is recorded in Plat Book 14, Page 98, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 5; thence N 00°00'01" E along said East line, a distance of 128.01 feet; thence N 89°48'04" W along the North line and its Easterly projection, of Holtons Haciendas, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, a distance of 659.84 feet, more or less, to a point being the Northwest corner of said Holtons Haciendas; thence N 00°01'41" E along the East line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 659.81 feet, more or less, to the Point of Beginning.

CONTAINING 10.495 Acres (457,157.43 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 March, 2004, in the City Hall auditorium, located at 250 N 5th Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

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

ADOPTED this    day of \_\_\_\_\_, 2004.

Attest:

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

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

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

---

City Clerk

Published:

February 06, 2004

February 13, 2004

February 20, 2004

February 27, 2004

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SUMMIT VIEW ESTATES ANNEXATION  
APPROXIMATELY 10.495 ACRES  
LOCATED AT 649 29 ½ ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of February, 2004, 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 March, 2004; and

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

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

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

**SUMMIT VIEW ESTATES ANNEXATION**

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

BEGINNING at the Northwest corner of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE 1/4 NE 1/4 SW 1/4) of said Section 5 and assuming the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5 bears S 89°47'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'41" E a distance of 33.00 feet to a point on the North right of way for F-1/2 Road, as shown on the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence S 89°47'43" E along said North right of way, a distance of 66.78 feet, more or less, to a point being the Southeast corner of said Replat of Willow Glen; thence S 01°23'17" W along the

Southerly projection of the East line of said Replat of Willow Glen, a distance of 33.01 feet to a point on the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5; thence S 89°47'43" E along the North line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 593.52 feet, more or less, to a point being the Northeast corner of the NE 1/4 SW 1/4 of said Section 5; thence S 00°00'01" W, along the East line of the NE 1/4 SW 1/4 of said Section 5, a distance of 130.01 feet; thence S 89°32'19" E along the Westerly projection of the North line of Lot 1, Barslund Subdivision, as same is recorded in Plat Book 12, Page 114, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point being the Northwest corner of said Barslund Subdivision; thence S 00°00'01" W along the West line of said Barslund Subdivision, being the East right of way for 29-1/2 Road, a distance of 657.61 feet; thence N 89°48'04" W along the Easterly projection of the North line of Lot 2, Taylor Place Minor Subdivision, as same is recorded in Plat Book 14, Page 98, Public Records of Mesa County, Colorado, a distance of 30.00 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 5; thence N 00°00'01" E along said East line, a distance of 128.01 feet; thence N 89°48'04" W along the North line and its Easterly projection, of Holtons Haciendas, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, a distance of 659.84 feet, more or less, to a point being the Northwest corner of said Holtons Haciendas; thence N 00°01'41" E along the East line of the NE 1/4 NE 1/4 SW 1/4 of said Section 5, a distance of 659.81 feet, more or less, to the Point of Beginning.

CONTAINING 10.495 Acres (457,157.43 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 4<sup>th</sup> day of February, 2004.

**ADOPTED** and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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

**Attach 4**

**Funding Agreement for 29 Road Phase III Reconstruction Project  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		<b>Grant Funding Agreement for 29 Road Phase III Reconstruction Project, STM-M555-022</b>							
<b>Meeting Date</b>		<b>February 4, 2004</b>							
<b>Date Prepared</b>		<b>January 27, 2004</b>					<b>File #</b>		
<b>Author</b>		<b>Mike McDill</b>			<b>City Engineer</b>				
<b>Presenter Name</b>		<b>Mark Relph</b>			<b>Director of Public Works &amp; Utilities</b>				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>			
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** A City Council Resolution authorizing the City Manager to execute a grant funding agreement with the State of Colorado, Department of Transportation for the last of three phases of the improvement of 29 Road (north side of the Grand Valley Canal to Patterson Road).

**Budget:** The budgeted amount is unchanged with Federal funds in the amount of \$392,006.00 in the Statewide Transportation Improvement Program (STIP) for this project. The grant requires local matching funds in the amount of \$81,488.00 and local agency non-participation costs of \$14,205.

The Federal funds are from the "Small Urban Pool" that have been managed by CDOT and allocated to the five (5) Metropolitan Planning Organizations (MPO) within the State, of which the Grand Valley MPO is one. These funds in the past have been used in our area for capital construction projects (e.g. 24 Road, Unaweeep Avenue and earlier phases of 29 Road). The State has sunset these allocations with this project being that last of the funds for our area.

**Action Requested/Recommendation:** Approve a resolution authorizing the City Manager to execute the final form of the grant funding agreement with the Colorado Department of Transportation.

**Attachments:** Resolution authorizing the City Manager to execute the Grant Funding Agreement for 29 Road Phase III Reconstruction, Project No. STM-M555-022.

**Background Information:** The 29 Road improvements were scheduled for construction in three separate phases based on availability of Federal funds. The three phases included Phase I, the Intersection of 29 Road and North Avenue in 2001; Phase II, road improvements from North Avenue through Orchard in 2002; and the final phase from Orchard Ave. to Patterson Road scheduled in 2003.

In 2001 the Colorado Department of Transportation implemented new procedures for right-of-way acquisition on Federal funded projects. These procedures required additional time for land acquisition in Phase II and delayed the construction of the last two phases of this project by one year. This resolution approves and accepts CDOT's offer of assistance for the final phase from the Grand Valley Canal to Patterson Road.

**RESOLUTION NO. \_\_\_\_-04**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
A GRANT FUNDING AGREEMENT FOR 29 ROAD PHASE III RECONSTRUCTION  
PROJECT, STM-M555-022**

**RECITALS:**

The City Council of the City of Grand Junction, hereby resolved in Resolution -04 to enter into a contract with the State of Colorado, Department of Transportation to participate in a Federally funded project for small urban roadway improvements on 29 Road from north of the Grand Valley Canal to Patterson Road.

The total cost of the preliminary engineering, material and construction of the roadway reconstruction are to be funded as follows

a. Federal participating funds (82.79% of \$473,494)	\$392,006.00
b. Local Agency Share (17.21%)	\$ 81,488.00
c. Local Agency Non Participating Costs	<u>\$ 14,205.00</u>
<b>TOTAL PROJECT FUNDS</b>	<b><u>\$487,699.00</u></b>

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, AS FOLLOWS:

The City Council approves the matching of Federal funds with City funds in the amount of \$81,488.00

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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



**Attach 5  
Purchase of Police Vehicles**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	<b>Purchase of Police Vehicles</b>					
<b>Meeting Date</b>	<b>February 4, 2004</b>					
<b>Date Prepared</b>	<b>January 27, 2004</b>					
<b>Author</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>		
<b>Presenter Name</b>	<b>Julie M. Hendricks Mark Relph</b>			<b>Buyer Public Works &amp; Utilities Director</b>		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** This purchase is for the replacement of five (5) Police Patrol vehicles. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

**Budget:** The Fleet Division has budgeted \$132,500.00 for replacement of these vehicles in 2004. The budget for this replacement has been approved in the 2004 fiscal year budget.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase five (5) Crown Victoria Police Vehicles from Ken Garff Automotive Group for the amount of \$116,183.15.

**Background Information:** Five (5) Crown Victoria Police Vehicles were solicited from the City's active bidder's list and the solicitation was advertised in the Daily Sentinel per City Purchasing Policy. The City solicited bids from 27 vendors and received 4 bids. The cost will be \$23,236.63 each for a total of \$116,183.15 (F.O.B. Grand Junction, Colorado). The City Fleet Manager and the City Purchasing Manager agree with this recommendation.

<b>Company</b>	<b>Location</b>	<b>Manuf/Model</b>	<b>Cost for 5</b>
Ken Garff Automotive Group	Salt Lake, Utah	Ford/ Crown Vic	\$116,183.15
Glenwood Springs Ford	Glenwood Springs, Colorado	Ford/ Crown Vic	\$117,775.00
Lakewood Fordland	Lakewood, Colorado	Ford/ Crown Vic	\$119,685.00
Western Slope Auto	Grand Junction, Colorado	Ford/ Crown Vic	\$120,470.00

**Attach 6  
Purchase of Street Sweeper**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	<b>Purchase of Street Sweeper</b>						
<b>Meeting Date</b>	<b>February 4, 2004</b>						
<b>Date Prepared</b>	<b>January 27, 2004</b>						
<b>Author</b>	<b>Julie M. Hendricks</b>			<b>Buyer</b>			
<b>Presenter Name</b>	<b>Julie M. Hendricks Mark Relph</b>			<b>Buyer Public Works &amp; Utilities Director</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This is for the purchase of a 2004 Elgin Pelican P Street Sweeper. It is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

**Budget:** The Fleet Division has budgeted \$99,500.00 for replacement on this vehicle for 2004.

**Action Requested/Recommendation:** Authorize the City Purchasing Manager to purchase one 2004 Elgin Pelican P Street Sweeper from Faris Machinery Company for the amount of \$98,090.00.

**Background Information:** The State of Colorado award has provisions for local government to purchase off of this contract. The Colorado Department of Transportation competitively bid and awarded the Elgin Pelican Street Sweeper for 2004. The award number is 76577HAA01M. The cost will be \$98,090.00. The City Fleet Manager and the City Purchasing Manager agree with this recommendation.

**Attach 7**

**Amendment to the Design Contract for the CSEP  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	<b>Amendment #2 for the Design Contract of the Combined Sewer Elimination Project</b>					
<b>Meeting Date</b>	February 4, 2004					
<b>Date Prepared</b>	January 29, 2004					
<b>Author</b>	Bret Guillory		Utility Engineer			
<b>Presenter Name</b>	Mark Relph		Public Works Director			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:**

This amendment is for the **Combined Sewer Elimination Project** design contract with the engineering firm Sear-Brown in the amount of \$260,417 for additional work associated with additional CSEP design components, additional waterline design components, revisions to existing design components, design of field changes, and additional construction administration. CSEP is a combination of the sanitary and storm sewer separation project and the water line replacements in the downtown area.

**Budget:** The Combined Sewer Elimination Project was budgeted as follows:

<b>Summary of Engineering Contract</b>					
	<b>Date Approved by Council</b>	<b>Water Line Repl Portion</b>	<b>CSEP Portion</b>	<b>Riverside Pkwy portion*</b>	<b>Total Contract</b>
Original Contract	02/06/2002	\$475,985	\$921,704	\$0	\$1,397,689
Amendment #1	11/06/2002	\$0	\$62,019	\$20,000	\$82,019
<b>Amendment #2</b>	<b>This request</b>	<b>\$56,639</b>	<b>\$203,778</b>	<b>\$0</b>	<b>\$260,417</b>
Revised contract total		\$532,624	\$1,187,501	\$20,000	\$1,740,125
*A portion of Amendment #1 was for aerial topo for the downtown area which was needed for Riverside Parkway.					

<b>Project Funds (All Sanitary/Storm Drainage Projects):</b>	
WRAPDA loan (\$9,472,208) & Fund 904 1,007,742	<b>\$10,479,950</b>
<b>Project Costs (All Sanitary/Storm Drainage Projects):</b>	
Design both ph I & II, construction Basin 8, 10, 7&11	\$6,780,555
Construction Phase II Basins 9, 13 & 14 (estimate)	\$3,321,000

<b>Total Project Cost (Sanitary/Storm Drainage Projects)</b>	<b>\$10,101,555</b>
<b>Available Funds CSEP</b>	<b>\$378,395</b>
<b>Project Funds (Water Line Replacements):</b>	
WRAPDA loan (\$3,497,200) & Fund 3011 (\$1,752,800)	<b>\$5,250,000</b>
<b>Project Costs (Water Line Replacements):</b>	
2003 Water Line replacements (completed)	\$2,069,645
2004 Water Line Replacements including basins 9, 13 & 14	\$2,081,319
<b>Total Project Cost Water Lines</b>	<b>\$4,150,964</b>
<b>Available Funds Water Lines</b>	<b>\$1,099,036</b>
<b>Amendment No.2</b>	
CSEP	\$203,778
2003/2004 Water Lines	\$56,639
<b>Total design contract</b>	<b>260,417</b>
<b>Available Funds CSEP (after Amendment No.2)</b>	<b>\$174,617</b>
<b>Available Funds 2003/2004 Water Lines (after Amendment No.2)</b>	<b>\$1,042,397</b>

As shown above, the CSEP project consists of two distinct projects; the sanitary and storm water separation project (Sewer Fund) and the water line replacements (Water Fund). The individual balances would be \$174,617 for the sanitary and storm separation and \$1,042,397 for the 2003/2004 Water Line replacements.

**Action Requested/Recommendation:** Authorize the City Manager to execute a design contract amendment in the amount of \$260,417 with Sear-Brown.

**Background Information:**

The additional amount is described as follows:

- 1. Additional Design Elements - CSEP + \$71,839**  
 The original scope of work was developed strictly from the Combined Sewer Separation & Stormwater Management Masterplan (CS-SWMMP), May 2001 GR Williams Engineering, Inc. Numerous design elements, not addressed with the CS-SWMMP, were incorporated into the final design as they were essential to completing the objectives of this project. This item addresses field investigation, survey, and engineering analysis/design for these items. Major items included 8,789 ft of additional pipeline, and 2 additional railroad crossings, and pH metering stations. These stations were a requirement of the US Fish and Wildlife Administration as an additional level of protection against illicit discharges from the new storm sewer into the river.
- 2. Revisions to Existing Design Components + \$50,233**  
 Similar to Item 1 above, when the scope of work was developed for this project, assumptions were made about the design components in accordance with the CS-SWMMP. The final design of various elements deviated from the original assumptions. This item addresses field investigation, survey, and engineering analysis/design for these items. The major items include revisions to the water quality structures. The CS-SWMMP called for conventional earthen ponds. The

final product required supplements such as a pumping station, pond linings, retaining walls, and the research, analysis and design of two vortex type water quality separators structures.

**3. Design of Field Changes** **+\$14,805**  
 During construction of the Phase I improvements, two major changes to the design were required. The original plans called for a large 6' X 32' area inlet at 9<sup>th</sup> and Struthers. During construction it was decided to revise that design to a 27 ft. curb inlet. The curb inlet better fit the proposed street improvements. The other field change was caused by a bank of fiber optic cables that had not been previously located. The realignment of the storm sewer to avoid the fiber optic cables involved 2,000 ft. of pipeline. The effort included in this item involves field investigation/survey, engineering analysis/design and field coordination for these two items.

**4. Construction Administration - CSEP** **+\$66,901**  
 This item will provide additional construction inspection and testing to provide satisfactory construction management for 2004 CSEP construction. The project included an additional 6,983 feet of storm and sewer work, pump station, and grading which led to an additional 87 days of construction inspection. \$38,728 is proposed for additional testing that is required to assure construction meets City specifications. 1,015 tests will be added to the contract for a total of 1,836 for the combined sewer portion of this project.

**Total CSEP** **+\$203,778**

**5. Additional Design Elements – Waterline** **+\$33,556**  
 Through input from City operations, additional waterlines were identified with problems such as breaks and leaks. Additional redesign of waterline to minimize construction in First Street was also completed. This item addresses the field investigation, survey, and the engineering analysis/design for these items. The major items included design of 5,541 ft of additional pipeline. This item includes a ten percent mark-up of the subconsultant fees. This mark-up includes direct costs such as increased professional liability insurance, increased risk to the firm, administrative costs to handle sub-contracting and payment, project management, quality control, and coordination.

**6. Construction Administration – Waterline** **+\$23,083**  
 This item will provide additional construction inspection and testing to provide satisfactory construction management for the remainder of the water line construction associated with CSEP. The project included an additional 1,401 feet of water line work which led to an additional 11 days of additional construction inspection. This item also provides for additional testing to provide satisfactory construction management for the remainder of the waterline construction. An additional 507 tests are proposed for a total of 1,202 for the water line portion.

**Total Waterline** **+\$56,639**

=====  
**Total Amount of proposed Amendment #2** **+\$260,417**

It should be noted that even with the additional costs, the engineering and inspection cost is approximately 14% of the total construction cost; which is below the industry standard of 15%.

**Attach 8**

**Public Hearing – Assessments for the Alley Improvement District No. ST-03  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	<b>Assessing Ordinance for Alley Improvement District No. ST-03</b>					
<b>Meeting Date</b>	<b>February 4, 2004</b>					
<b>Date Prepared</b>	<b>January 29, 2004</b>				<b>File #</b>	
<b>Author</b>	<b>Mike Grizenko</b>			<b>Real Estate Technician</b>		
<b>Presenter Name</b>	<b>Mark Relph</b>			<b>Public Works &amp; Utilities Director</b>		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>	X	Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Improvements to the following alleys have been completed as petitioned by a majority of the adjoining property owners:

- “T” Shaped Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6<sup>th</sup> to 7<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Rood Avenue and White Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Main Street and Colorado Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13<sup>th</sup> to 14<sup>th</sup>, between Hall Avenue and Orchard Avenue

**Budget:**

2003 Alley Budget	\$384,560
Adjustments from 2002 Budget	(\$27,057)
Total Available Funds	\$357,503
Actual Cost to construct 2003 Alleys	<u>\$298,988</u>
Estimated Balance	\$ 58,515

**Action Requested/Recommendation:** Review and adopt Assessing Ordinance on second Reading for Alley Improvement District ST-03.

**Attachments:** 1) Summary Sheets, 2) Maps, 3) Assessing Ordinance.

**Background Information:** People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses.

The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by March 8, 2004. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.



## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 2<sup>nd</sup> STREET TO 3<sup>rd</sup> STREET E. SHERWOOD AVENUE TO NORTH AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• TWAG, LLP (Baird Brown)	190.50	\$ 31.50	\$ 6,000.75
Bevill Family, LLP	61.80	\$ 15.00	\$ 927.00
Bevill Family, LLP	52.60	\$ 15.00	\$ 789.00
• North Third Venture, LLP	90.00	\$ 31.50	\$ 2,835.00
• Michael Wiarda & Laura Bond	114.00	\$ 15.00	\$ 1,710.00
• Linda Moran	30.90	\$ 31.50	\$ 973.35
• Michael & Loretta Klaich	30.90	\$ 31.50	\$ 973.35
• Jane & James Jenkins	75.00	\$ 31.50	\$ 2,362.50
John & Betty Dunning	190.40	\$ 31.50	\$ 5,997.60
• Janet Pomrenke	71.10	\$ 31.50	\$ 2,239.65
Harbert Investment Co.	310.00	\$ 31.50	\$ 9,765.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$37,723.20
ASSESSABLE FOOTAGE	1,317.20		

Estimated Cost to Construct	\$ 97,593.00
Absolute Cost to Owners	\$ <u>37,723.20</u>
Estimated Cost to City	\$ 59,869.80

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 7/13 or 54% of Owners & 46% of Abutting Footage

## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 6<sup>th</sup> STREET TO 7<sup>th</sup> STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Mesa County	75.00	\$ 31.50	\$ 2,362.50
• Anthony Williams, et al	50.00	\$ 31.50	\$ 1,575.00
• James Golden	25.00	\$ 31.50	\$ 787.50
• James Golden	25.00	\$ 31.50	\$ 787.50
• Courthouse Place Associates	25.00	\$ 31.50	\$ 787.50
• Ken Rabideau, et al	50.00	\$ 31.50	\$ 1,575.00
• Roy & Pamela Blythe	50.00	\$ 31.50	\$ 1,575.00
David & Collen Hawks	75.00	\$ 31.50	\$ 2,362.50
• Harry Williams	125.00	\$ 31.50	\$ 3,937.50
• Dale Cole	185.00	\$ 31.50	\$ 5,827.50
• Carroll Multz	135.00	\$ 31.50	\$ 4,252.50
• Courthouse Place Associates- 6 Units	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$27,405.00
ASSESSABLE FOOTAGE	870.00		

Estimated Cost to Construct	\$ 71,725.00
Absolute Cost to Owners	<u>\$ 27,405.00</u>
Estimated Cost to City	\$ 44,320.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/12 or 92% of Owners & 90% of Abutting Footage

## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 11<sup>th</sup> STREET TO 12<sup>th</sup> STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Hazel Kirkendall & John Worsham	50.00	\$ 8.00	\$ 400.00
• Marilyn Anderson	37.50	\$ 8.00	\$ 300.00
• Andrew R & Kimberley J Skwara	37.50	\$ 8.00	\$ 300.00
• Eileen Bird	50.00	\$ 8.00	\$ 400.00
Dwain Partee, et al	50.00	\$ 8.00	\$ 400.00
James Fuchs	50.00	\$ 8.00	\$ 400.00
• Gary Kunz & Melanie Porter	75.00	\$ 8.00	\$ 600.00
Cynthia McRobbie	50.00	\$ 8.00	\$ 400.00
• David & Terri Klements	50.00	\$ 8.00	\$ 400.00
Laura B. Hamilton	50.00	\$ 8.00	\$ 400.00
• Rodney Johnson	50.00	\$15.00	\$ 750.00
• Dennis Haberkorn	50.00	\$ 8.00	\$ 400.00
Lori Rattan	50.00	\$15.00	\$ 750.00
Charles & Roberta McIntyre	50.00	\$ 8.00	\$ 400.00
• Linda Villa	50.00	\$ 8.00	\$ 400.00
• William Mertz	50.00	\$ 8.00	\$ 400.00
• Neola Miller	50.00	\$ 8.00	\$ 400.00
• Giles W & Eric T Poulson	50.00	\$ 8.00	\$ 400.00
TOTAL			\$7,900.00
ASSESSABLE FOOTAGE	900.00		

Estimated Cost to Construct   \$ 47,500.00

Absolute Cost to Owners   \$ 7,900.00

Estimated Cost to City   \$ 39,600.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/18 or 61% of Owners & 61% of Abutting Footage

## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 13<sup>th</sup> STREET TO 14<sup>th</sup> STREET CHIPETA AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Amy M. Golden & Robert D. Goodson	50.00	\$ 8.00	\$ 400.00
• Tracy & Michael Lefebvre	62.50	\$ 8.00	\$ 500.00
• Charles Buss	62.50	\$ 8.00	\$ 500.00
• Harry Tiemann	62.50	\$ 8.00	\$ 500.00
• Janet Breckenridge & William McNulty	62.50	\$ 8.00	\$ 500.00
Dylan & Susan Netter	50.00	\$ 8.00	\$ 400.00
• Scott & Mandie Mercier	50.00	\$ 8.00	\$ 400.00
• William McCracken & Robin Dearing	50.00	\$ 8.00	\$ 400.00
• Conrad Gulden & Marsha Bradford	50.00	\$ 8.00	\$ 400.00
• Harry Tiemann	50.00	\$ 8.00	\$ 400.00
Kellie Clark	50.00	\$ 8.00	\$ 400.00
• David & Joni Davis	50.00	\$ 8.00	\$ 400.00
Bruce Binkley	50.00	\$ 8.00	\$ 400.00
• Ruth Price & Douglas Stark	50.00	\$ 8.00	\$ 400.00
Vicki Winger	50.00	\$ 8.00	\$ 400.00
TOTAL			\$6,400.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct	\$ 42,750.00
Absolute Cost to Owners	<u>\$ 6,400.00</u>
Estimated Cost to City	\$ 36,350.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/15 or 73% of Owners & 75% of Abutting Footage

## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 13<sup>th</sup> STREET TO 14<sup>th</sup> STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Brian & John H Grassby	77.07	\$ 8.00	\$ 616.56
Clover Properties, LLC	77.06	\$ 8.00	\$ 616.48
Dennis Svaldi	77.07	\$ 8.00	\$ 616.56
• Robert & Evelyn Marquiss Trust	76.00	\$ 8.00	\$ 608.00
• Roland & Frances Gearhart	77.07	\$ 8.00	\$ 616.56
• Charles Theisen	77.06	\$ 8.00	\$ 616.48
• Bill Ashcraft	77.07	\$ 8.00	\$ 616.56
TOTAL			\$4,307.20
ASSESSABLE FOOTAGE	538.40		

Estimated Cost to Construct	\$ 33,934.00
Absolute Cost to Owners	<u>\$ 4,307.20</u>
Estimated Cost to City	\$ 29,626.80

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 4/7 or 57% of Owners & 57% of Abutting Footage

## SUMMARY SHEET

### ALLEY IMPROVEMENT DISTRICT 13<sup>th</sup> STREET TO 14<sup>th</sup> STREET MAIN STREET TO COLORADO AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Beverly Hughes	50.00	\$ 8.00	\$ 400.00
• David Berry	50.00	\$ 8.00	\$ 400.00
• Irene Hannigan	50.00	\$ 8.00	\$ 400.00
• Benjamin Arnold	50.00	\$ 8.00	\$ 400.00
• Hulda & Glenn Webster	50.00	\$ 8.00	\$ 400.00
• Hulda Webster	50.00	\$ 8.00	\$ 400.00
• Delos & Alice Else	50.00	\$ 8.00	\$ 400.00
Betty, Jack & Lisa Tanksley	50.00	\$ 8.00	\$ 400.00
• Melvin & Margaret Southam	50.00	\$ 8.00	\$ 400.00
Jonnie Baldwin	50.00	\$ 8.00	\$ 400.00
Larry & Lori Holloway	50.00	\$ 8.00	\$ 400.00
• Scott B. & Kimberley A. Christenson	50.00	\$ 8.00	\$ 400.00
• Theresa Williamson	50.00	\$ 8.00	\$ 400.00
• Theodore S. Eyl, et al	50.00	\$ 8.00	\$ 400.00
• Donald & Judy Hackney	50.00	\$ 8.00	\$ 400.00
• Zelda Brookins	50.00	\$ 8.00	\$ 400.00
TOTAL			\$ 6,400.00
<b>ASSESSABLE FOOTAGE</b>		<b>800.00</b>	

Estimated Cost to Construct	\$ 42,750.00
Absolute Cost to Owners	<u>\$ 6,400.00</u>
Estimated Cost to City	\$ 36,350.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 13/16 or 81% of Owners & 81% of Abutting Footage

# 13th to 14th, Main to Colorado

**Main St**



**14th St**

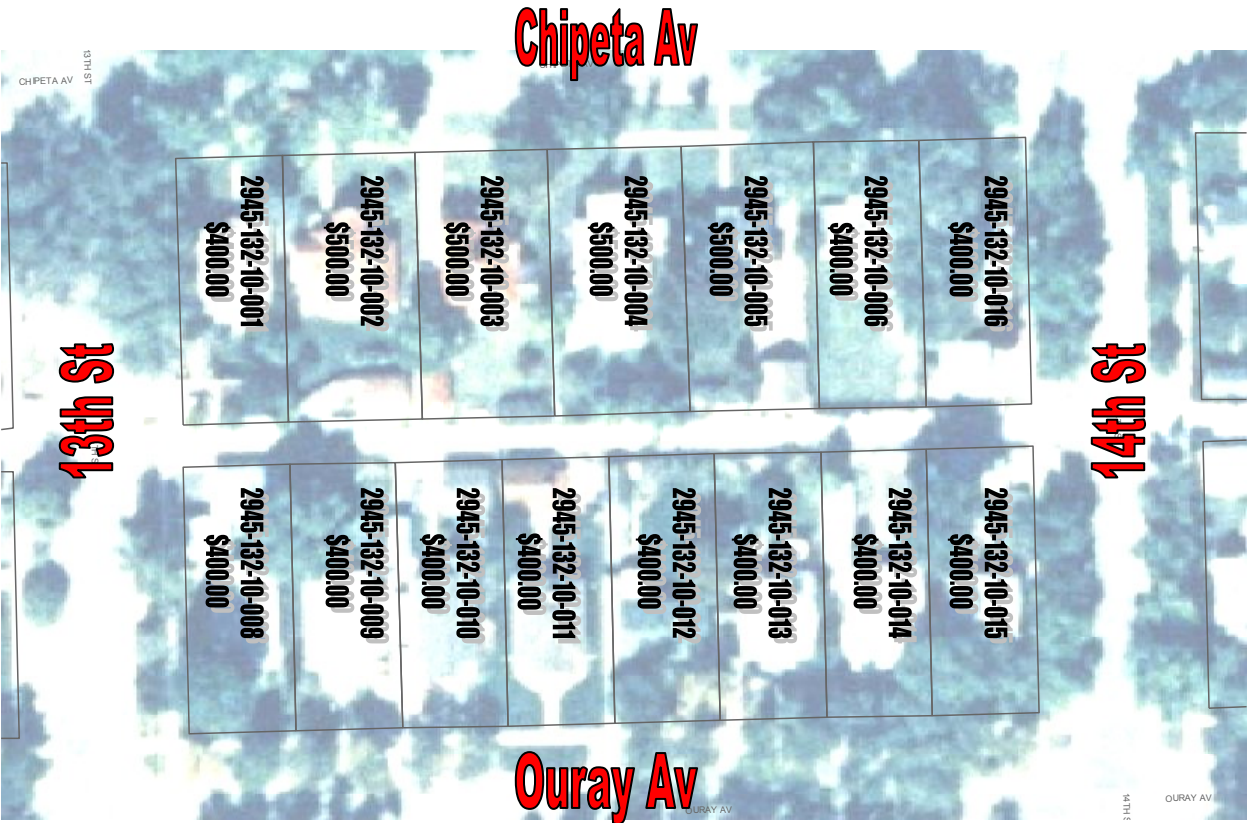
**13th St**

**Colorado Av**

2945-133-14-013 \$400.00	2945-133-14-008 \$400.00
2945-133-14-016 \$400.00	2945-133-14-007 \$400.00
2945-133-14-015 \$400.00	2945-133-14-006 \$400.00
2945-133-14-014 \$400.00	2945-133-14-005 \$400.00
2945-133-14-012 \$400.00	2945-133-14-004 \$400.00
2945-133-14-011 \$400.00	2945-133-14-003 \$400.00
2945-133-14-010 \$400.00	2945-133-14-002 \$400.00
2945-133-14-009 \$400.00	2945-133-14-001 \$400.00

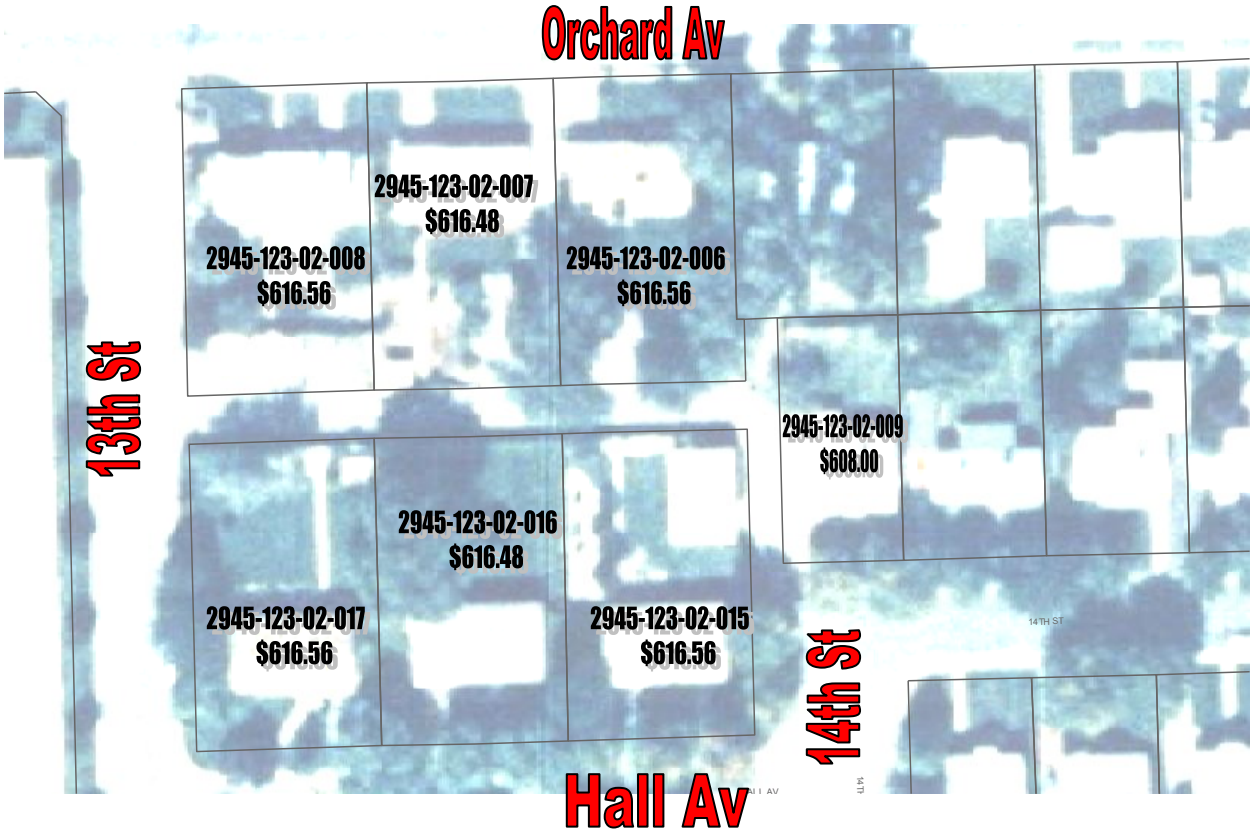
13th St  
COLORADO AV  
COLORADO AV

# 13th to 14th, Chipeta to Ouray

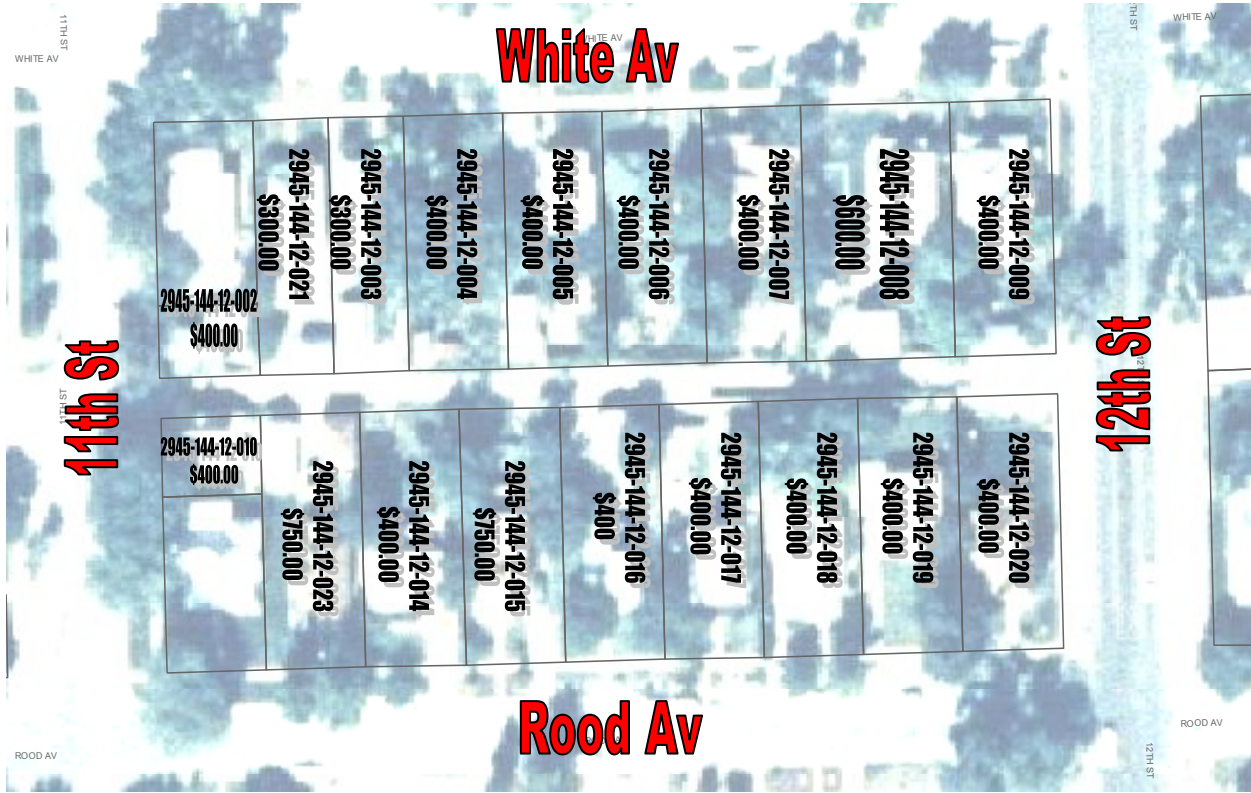




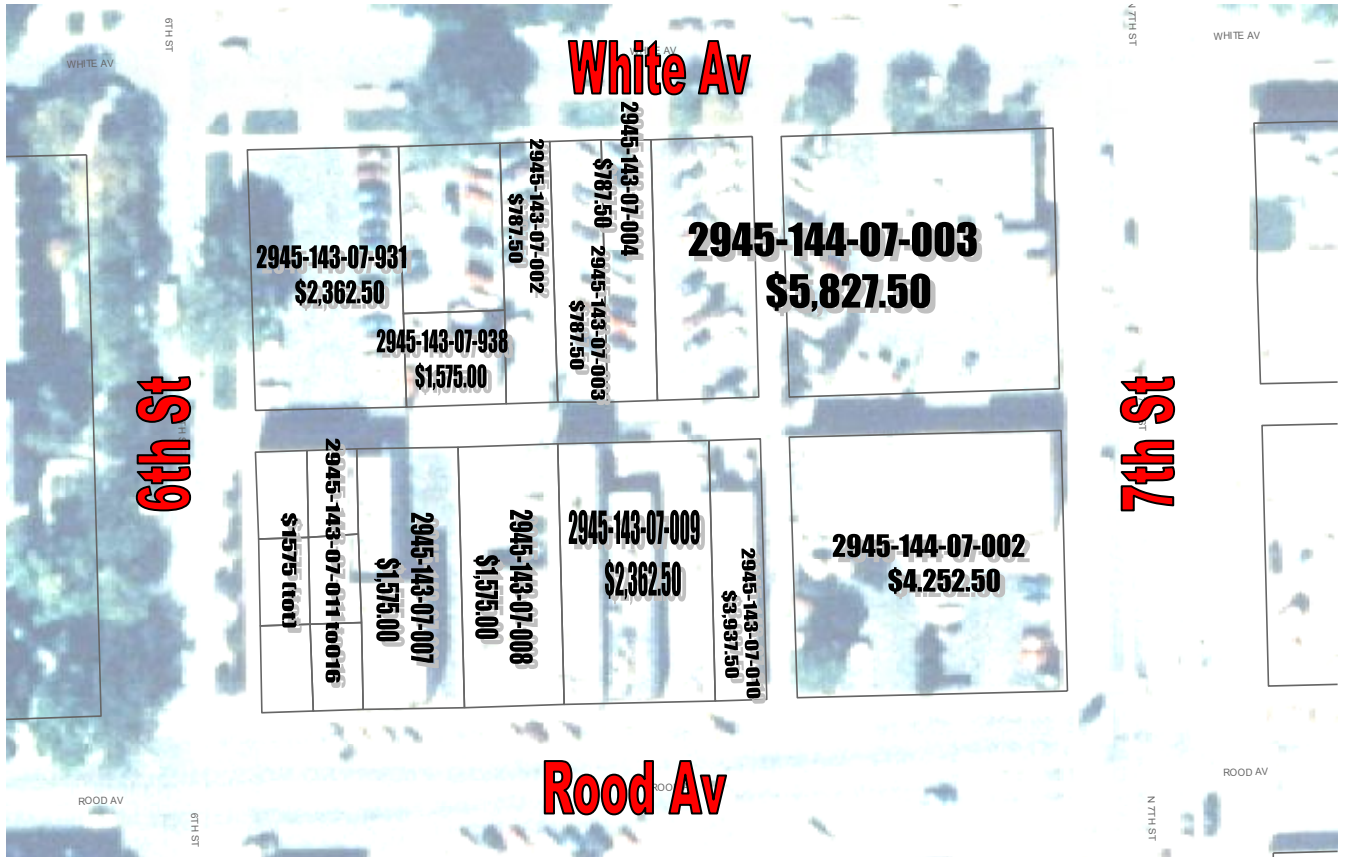
# 13th to 14th, Hall to Orchard



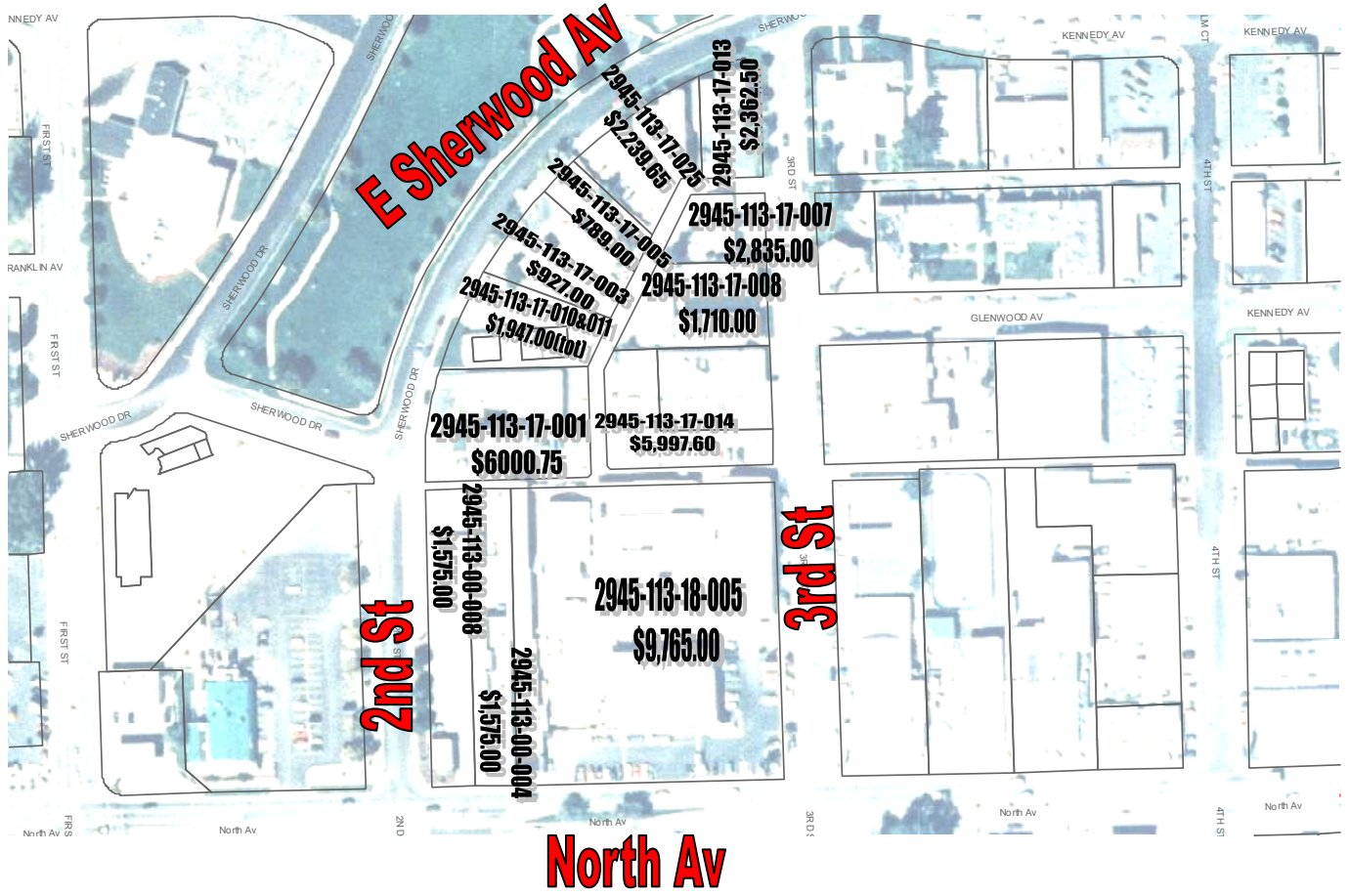
# 11th to 12th, Rood to White



# 6th to 7th, Rood to White



# 2nd to 3rd, E Sherwood to North



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

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-03 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT**

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-03 in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-03 and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of lands known as Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on December 19th, 2003, and the last publication thereof appearing on December 21st, 2003); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the City Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the City Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-03 duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-03 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$95,543.52; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

**6<sup>TH</sup> STREET TO 7<sup>TH</sup> STREET, ROOD AVE TO WHITE AVE**

TAX SCHEDULE NO.: 2945-143-07-002 LEGAL DESCRIPTION: LOT 6, BLOCK 94,  
CITY OF GRAND JUNCTION  
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-003 LEGAL DESCRIPTION: LOT 7, BLOCK 94,  
CITY OF GRAND JUNCTION  
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-004 LEGAL DESCRIPTION: LOT 8, BLOCK 94,  
CITY OF GRAND JUNCTION  
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-007 LEGAL DESCRIPTION: LOTS 27 & 28,  
BLOCK 94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-143-07-008 LEGAL DESCRIPTION: LOTS 25 & 26,  
BLOCK 94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-143-07-009 LEGAL DESCRIPTION: LOTS 22, 23, AND  
24, INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$2504.25

TAX SCHEDULE NO.: 2945-143-07-010 LEGAL DESCRIPTION: LOT 21, BLOCK  
94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$4173.75

TAX SCHEDULE NO.: 2945-143-07-931 LEGAL DESCRIPTION: LOTS 1 TO 3  
INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$2504.25

TAX SCHEDULE NO.: 2945-143-07-938 LEGAL DESCRIPTION: S 45FT OF LOTS 4  
& 5, BLOCK 94, CITY OF GRAND JUNCTION S 14 1S 1W  
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-144-07-002 LEGAL DESCRIPTION: LOTS 16  
THROUGH 20, INCLUSIVE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$4507.65

TAX SCHEDULE NO.: 2945-144-07-003 LEGAL DESCRIPTION: LOTS 9 THROUGH  
15, INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$6177.15

TAX SCHEDULE NO.: 2945-143-07-011 LEGAL DESCRIPTION: UNIT 1  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-012 LEGAL DESCRIPTION: UNIT 2  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-013 LEGAL DESCRIPTION: UNIT 3  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-014 LEGAL DESCRIPTION: UNIT 4  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-015 LEGAL DESCRIPTION: UNIT 5  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-016 LEGAL DESCRIPTION: UNIT 6  
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON  
ELEMENTS  
ASSESSMENT.....\$278.25

**2ND STREET TO 3RD STREET, NORTH AVENUE TO E. SHERWOOD DRIVE**

TAX SCHEDULE NO.: 2945-113-00-004 LEGAL DESCRIPTION: BEG 470 FT E OF  
SW COR S11 1S 1W; N 390 FT; E 50 FT; S 390 FT; W TO BEG; EXC S 50 FT FOR  
RD PER B-1451 P530 MESA COUNTY RECORDS  
ASSESSMENT.....\$1,669.50

TAX SCHEDULE NO.: 2945-113-00-008 LEGAL DESCRIPTION: BEG 420 FT E OF  
SW COR S11 1S 1W; N 390 FT; E 50 FT; S 390 FT; W TO BEG; EXC S 50 FT FOR  
RD PER B-1451 P-530 MESA COUNTY RECORDS  
ASSESSMENT.....\$1,669.50

TAX SCHEDULE NO.: 2945-113-17-001 LEGAL DESCRIPTION: LOT 1, BLOCK 13,  
SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, CITY OF  
GRAND JUNCTION



ASSESSMENT.....\$6,360.80

TAX SCHEDULE NO.: 2945-113-17-003 LEGAL DESCRIPTION: ALL THAT PART OF LOT 2, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, N OF A LINE EXTENDING FROM MIDPOINT ON WESTERLY BOUNDARY TO MIDPOINT OF EASTERLY BOUNDARY OF LOT, CITY OF GRAND JUNCTION

ASSESSMENT.....\$982.62

TAX SCHEDULE NO.: 2945-113-17-005 LEGAL DESCRIPTION: BEG AT INTERSECTION OF SOUTHWESTERLY LINE OF LOT 3, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, WITH SOUTHEASTERLY ROW OF E SHERWOOD DR.; NELY ALONG E. SHERWOOD DR. 50 FT; S43DEG 36MIN E 126.24 FT TO ALLEY; S 28DEG W ALONG ALLEY 52.65 FT TO SWLY LINE LOT 3; N 43DEG 36MIN W ALONG SOUTHWESTERLY LINE LOT 3 143.35 TO BEG, CITY OF GRAND JUNCTION

ASSESSMENT.....\$836.34

TAX SCHEDULE NO.: 2945-113-17-007 LEGAL DESCRIPTION: N 80 FT OF LOT 5, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, CITY OF GRAND JUNCTION

ASSESSMENT.....\$3,005.10

TAX SCHEDULE NO.: 2945-113-17-008 LEGAL DESCRIPTION: S 100 FT OF LOT 5, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, CITY OF GRAND JUNCTION

ASSESSMENT.....\$1,812.60

TAX SCHEDULE NO.: 2945-113-17-010 LEGAL DESCRIPTION: UNIT 1 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS, SHERWOOD PARK CONDOMINIUM, AS RECORDED RECEPTION NO. 1014611, CITY OF GRAND JUNCTION

ASSESSMENT.....\$1,031.75

TAX SCHEDULE NO.: 2945-113-17-011 LEGAL DESCRIPTION: UNIT 2 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS, SHERWOOD PARK CONDOMINIUM, AS RECORDED RECEPTION NO. 1014611, CITY OF GRAND JUNCTION

ASSESSMENT.....\$1,031.75

TAX SCHEDULE NO.: 2945-113-17-013 LEGAL DESCRIPTION: A PORTION OF LOT 4, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, SEC 11 1S 1W, DESC. AS FOLLOWS; BEG AT SE COR SAID LOT 4; N 89DEG 42MIN W 75 FT; N 0DEG 13MIN W 119.05 FT; ALONG A CURVE TO THE RIGHT 51.5 FT, WHOSE RAD IS 583.3 FT AND CHORD BEARS N 68DEG 39MIN 08SEC E 51.48FT; ALONG A CURVE TO THE RIGHT 38.68 FT, WHOSE RAD IS 20 FT AND

CHORD BEARS S 55DEG 24MIN 13SEC E 32.86 FT; S 0DEG 13MIN E 119.53 FT TO  
BEG, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$2,504.25

TAX SCHEDULE NO.: 2945-113-17-014 LEGAL DESCRIPTION: BEG S 0DEG  
13MIN E 97 FT FROM NE COR LOT 6, BLOCK 13, SHERWOOD ADDITION,  
AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, SEC 11 1S 1W; S 0DEG 13MIN E 43  
FT; N 89DEG 36MIN 30SEC W 190.53 FT; N 44DEG 54MIN 45SEC W 7.11 FT; N  
0DEG 13MIN W 112.16 FT; N 28DEG 08MIN E 25.81 FT; S 89DEG 36MIN 30SEC E  
51.78 FT; S 0DEG 13MIN E 97 FT; S 89DEG 36MIN 30SEC E 131.5 FT TO BEG,  
CITY OF GRAND JUNCTION.  
ASSESSMENT.....\$6,357.46

TAX SCHEDULE NO.: 2945-113-17-025 LEGAL DESCRIPTION: UNITS 101  
THROUGH 105 INCLUSIVE & UNITS 201-202-204 & 205 SHERWOOD PARK PLAZA,  
RECEPTION NO. 1274960 DECL RECD B-1343 P-570 THRU P-600 MESA CO.  
RECORDS & COMMON ELEMENTS, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$2,374.03

TAX SCHEDULE NO.: 2945-113-18-005 LEGAL DESCRIPTION: LOTS 1,2&3,  
BLOCK 4 SHAFROTH RODGERS ADDITION SEC 11 1S 1W & BEG 520FT E OFSW  
COR SAID SEC 11; N 400FT; E 50FT; S 400FT; W TO BEG, & THAT PT OF W 10FT  
OF VAC ROW OF 3RD ST ADJACENT ON E PER CITY ORD. DESC IN B-1704 P-  
668, EXC N 10FT FOR ALLEY AS DESC IN B-1020 P-965 MESA CO. RECORDS,  
CITY OF GRAND JUNCTION  
ASSESSMENT.....\$10,350.90

**11<sup>TH</sup> STREET TO 12<sup>TH</sup> STREET, ROOD AVENUE TO WHITE AVENUE**

TAX SCHEDULE NO.: 2945-144-12-002 LEGAL DESCRIPTION: SOUTH 39.45 FT  
OF LOTS 1 & 2, BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-021 LEGAL DESCRIPTION: LOT 3 AND THE  
WEST HALF OF LOT 4, BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$318.00

TAX SCHEDULE NO.: 2945-144-12-003 LEGAL DESCRIPTION: EAST HALF OF  
LOT 4 AND ALL OF LOT 5, BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$318.00

TAX SCHEDULE NO.: 2945-144-12-004 LEGAL DESCRIPTION: LOTS 6 & 7,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-005 LEGAL DESCRIPTION: LOTS 8 & 9,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-006 LEGAL DESCRIPTION: LOTS 10 & 11,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-007 LEGAL DESCRIPTION: LOTS 12 & 13,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-008 LEGAL DESCRIPTION: LOTS 14, 15 & 16,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-144-12-009 LEGAL DESCRIPTION: LOT 17, BLOCK  
89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-010 LEGAL DESCRIPTION: NORTH 39 FT OF  
LOTS 33 & 34, BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-023 LEGAL DESCRIPTION: LOTS 31 & 32,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-144-12-014 LEGAL DESCRIPTION: LOTS 29 & 30,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-015 LEGAL DESCRIPTION: LOTS 27 & 28,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-144-12-016 LEGAL DESCRIPTION: LOTS 25 & 26,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-017 LEGAL DESCRIPTION: LOTS 23 & 24,  
BLOCK 89, CITY OF GRAND JUNCTION

ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-018 LEGAL DESCRIPTION: LOTS 21 & 22,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-019 LEGAL DESCRIPTION: LOTS 19 & 20,  
BLOCK 89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-020 LEGAL DESCRIPTION: LOT 18, BLOCK  
89, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

**13<sup>TH</sup> ST TO 14<sup>TH</sup> STREET, COLORADO AVENUE TO MAIN STREET**

TAX SCHEDULE NO.: 2945-133-14-001 LEGAL DESCRIPTION: LOTS 31 & 32,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-002 LEGAL DESCRIPTION: LOTS 29 & 30,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-003 LEGAL DESCRIPTION: LOTS 27 & 28,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-004 LEGAL DESCRIPTION: LOTS 25 & 26,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-005 LEGAL DESCRIPTION: LOTS 23 & 24,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-006 LEGAL DESCRIPTION: LOTS 21 & 22,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-007 LEGAL DESCRIPTION: LOTS 19 & 20,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-008 LEGAL DESCRIPTION: LOTS 17 & 18,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-009 LEGAL DESCRIPTION: LOTS 1 & 2,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-010 LEGAL DESCRIPTION: LOTS 3 & 4,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-011 LEGAL DESCRIPTION: LOTS 5 & 6,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-012 LEGAL DESCRIPTION: LOTS 7 & 8,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-013 LEGAL DESCRIPTION: LOTS 15 & 16,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-014 LEGAL DESCRIPTION: LOTS 9 & 10,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-015 LEGAL DESCRIPTION: LOTS 11 & 12,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-016 LEGAL DESCRIPTION: LOTS 13 & 14,  
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

**13<sup>TH</sup> STREET TO 14<sup>TH</sup> STREET, HALL AVENUE TO ORCHARD AVENUE**

TAX SCHEDULE NO.: 2945-123-02-008 LEGAL DESCRIPTION: LOT 1 & THE  
WEST 19.27 FT OF LOT 2, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF  
GRAND JUNCTION  
ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-007 LEGAL DESCRIPTION: EAST 38.53 FT OF  
LOT 2 & THE WEST 38.53 FT OF LOT 3, BLOCK 1, EASTHOLME-IN-GRANDVIEW  
SUB, CITY OF GRAND JUNCTION

ASSESSMENT.....\$653.47

TAX SCHEDULE NO.: 2945-123-02-006 LEGAL DESCRIPTION: EAST 19.27 FT OF LOT 3 & ALL OF LOT 4, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, EXCEPT THE EAST 3 FT OF THE NORTH 101.5 FT OF LOT 4, CITY OF GRAND JUNCTION ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-009 LEGAL DESCRIPTION: LOT 16, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION ASSESSMENT.....\$644.48

TAX SCHEDULE NO.: 2945-123-02-015 LEGAL DESCRIPTION: LOT 17 & THE EAST 19.27 FT OF LOT 18, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-016 LEGAL DESCRIPTION: WEST 38.53 FT OF LOT 18 & THE EAST 38.53 FT OF LOT 19, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION ASSESSMENT.....\$653.47

TAX SCHEDULE NO.: 2945-123-02-017 LEGAL DESCRIPTION: WEST 19.27 FT OF LOT 19 & ALL OF LOT 20, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION ASSESSMENT.....\$653.55

**13<sup>TH</sup> STREET TO 14<sup>TH</sup> STREET, CHIPETA AVENUE TO OURAY AVENUE**

TAX SCHEDULE NO.: 2945-132-10-001 LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-002 LEGAL DESCRIPTION: LOTS 3 & 4 AND THE WEST HALF OF LOT 5, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-003 LEGAL DESCRIPTION: EAST HALF OF LOT 5 AND ALL OF LOTS 6 & 7, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-004 LEGAL DESCRIPTION: LOTS 8 & 9 AND THE WEST HALF OF LOT 10, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-005 LEGAL DESCRIPTION: EAST HALF OF LOT 10 AND ALL OF LOTS 11 & 12, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-006 LEGAL DESCRIPTION: LOTS 13 & 14, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-008 LEGAL DESCRIPTION: LOTS 31 & 32, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-009 LEGAL DESCRIPTION: LOTS 29 & 30, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-010 LEGAL DESCRIPTION: LOTS 27 & 28, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-011 LEGAL DESCRIPTION: LOTS 25 & 26, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-012 LEGAL DESCRIPTION: LOTS 23 & 24, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-013 LEGAL DESCRIPTION: LOTS 21 & 22, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-014 LEGAL DESCRIPTION: LOTS 19 & 20, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-015 LEGAL DESCRIPTION: LOTS 17 & 18, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-016 LEGAL DESCRIPTION: LOTS 15 & 16, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION  
ASSESSMENT.....\$424.00

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.



Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-03 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-03, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading, shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

**INTRODUCED** and **ORDERED PUBLISHED** this \_\_\_\_\_ day of February, 2004.

Passed and Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2004

Attest:

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

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

**Attach 9  
Public Hearing – Rezoning the Tom Foster Property  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from PD to RSF-4							
<b>Meeting Date</b>		February 4, 2004							
<b>Date Prepared</b>		January 26, 2004			<b>File #</b> RZ-2003-231				
<b>Author</b>		Lisa E. Cox, AICP		Senior Planner					
<b>Presenter Name</b>		same			same				
<b>Report results back to Council</b>		X	No		Yes	When			
<b>Citizen Presentation</b>			Yes	X	No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

**Budget:** N/A

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

**Background Information:** See attached staff report

**Attachments:**

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Rezoning Ordinance

BACKGROUND INFORMATION					
Location:		515 and 517 Kansas Avenue			
Applicants:		Tom Foster			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Vacant			
	East	Residential			
	West	Residential			
Existing Zoning:		Planned Development (PD)			
Proposed Zoning:		Residential Single Family-4 (RSF-4)			
Surrounding Zoning:	North	PD (residential)			
	South	CSR			
	East	PD (residential)			
	West	CSR			
Growth Plan Designation:		Residential Medium Low, 2-4 du/ac			
Zoning within density range?		X	Yes		No

**PROJECT DESCRIPTION:** The two parcels (a total of 1.28 acres) to be rezoned currently have a single family residence and a triplex located on them. The request to rezone property located at 515 and 517 Kansas Avenue from Planned Development (PD) to Residential Single Family-4 (RSF-4) is made to allow the applicant to subdivide the property for single family detached dwelling units.

**RECOMMENDATION:** Recommend approval.

## ANALYSIS:

### 1. Background

The subject property was annexed into the City on Oct. 22, 1995 and was fully developed at that time. The zoning in Mesa County was Planned Development, based on approximately 4 dwelling units per acre (RSF-4). When the property was annexed, the PD zoning was maintained in the City.

The property, which consists of two parcels, is developed with a single family detached residence and a triplex. The applicant wishes to remove the triplex, adjust lot lines between the two parcels, and construct detached dwelling units on the new lots.

When property zoned PD is annexed from Mesa County, the City does not receive any information about the final plan, allowable uses, or development standards which provided the basis for the PD zoning. Because this information is not available, it is necessary to rezone property to a straight zone at the time of redevelopment. As such, the applicant has requested a rezone from PD to RSF-4 to redevelop the subject property.

### 2. Consistency with the Growth Plan

The Growth Plan land use classification for this property is Residential Medium Low, 2-4 dwelling units per acre. The RSF-4 implements the Residential Medium Low classification and is within the allowable density range.

### 3. Section 2.6.A of the Zoning and Development Code

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

1. The existing zoning was in error at the time of adoption. *The PD zoning of the property was retained through the annexation process, so there was no error in zoning. The rezone application is made to allow redevelopment of the property and to clarify the allowable uses and development standards for subject property.*
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. *Because the annexation area, including subject property, was developed at the time of annexation, there has not been an appreciable change in the character of the neighborhood. The neighborhood has developed in the manner directed by the Growth Plan.*
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network,

parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances

The proposed rezone to RSF-4 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-4 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 rezone is consistent with the goals and policies of the Growth Plan and is in keeping with the allowable densities of the Residential Medium Low land use classification.*

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-4 zone district.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *The subject property is developed at this time. The rezone is being proposed to allow redevelopment.*

7. The community or neighborhood will benefit from the proposed zone. *The community will benefit from continued use of existing infrastructure.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Foster Rezone application, RZ-2003-231, requesting a rezone from PD to RSF-4, the Planning Commission made the following findings of fact and conclusions:

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

## PLANNING COMMISSION RECOMMENDATION:

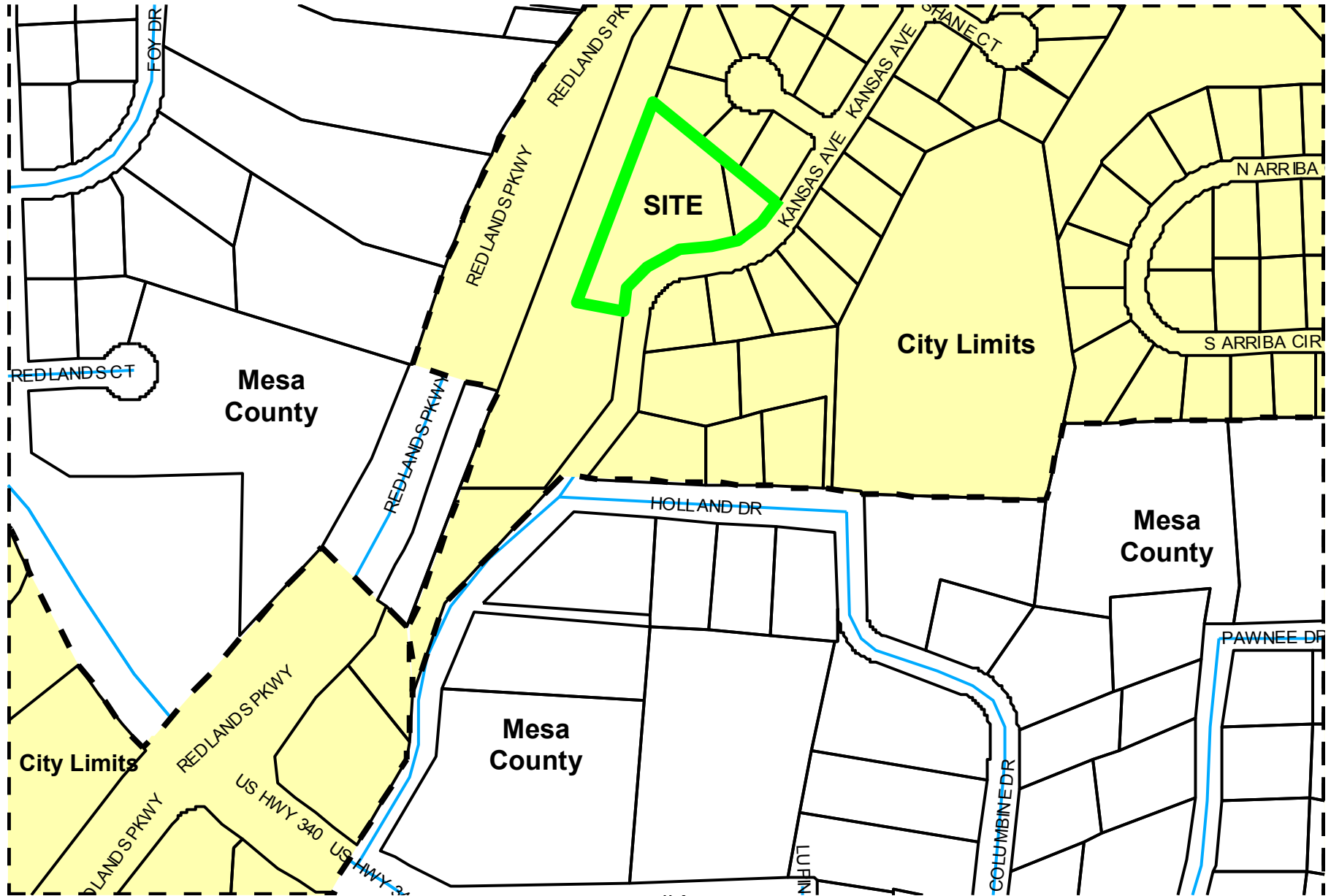
On item RZ-2003-231, request to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from PD to RSF-4, the Planning Commission moved to forward a recommendation of approval to City Council, with the finding that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

### Attachments:

1. Figure 1: Site Location Map
2. Figure 2: Aerial Photo Map
3. Figure 3: Future Land Use Map
4. Figure 4: Existing City and County Zoning Map
5. Rezone Ordinance

# Site Location Map

Figure 1



# Aerial Photo Map

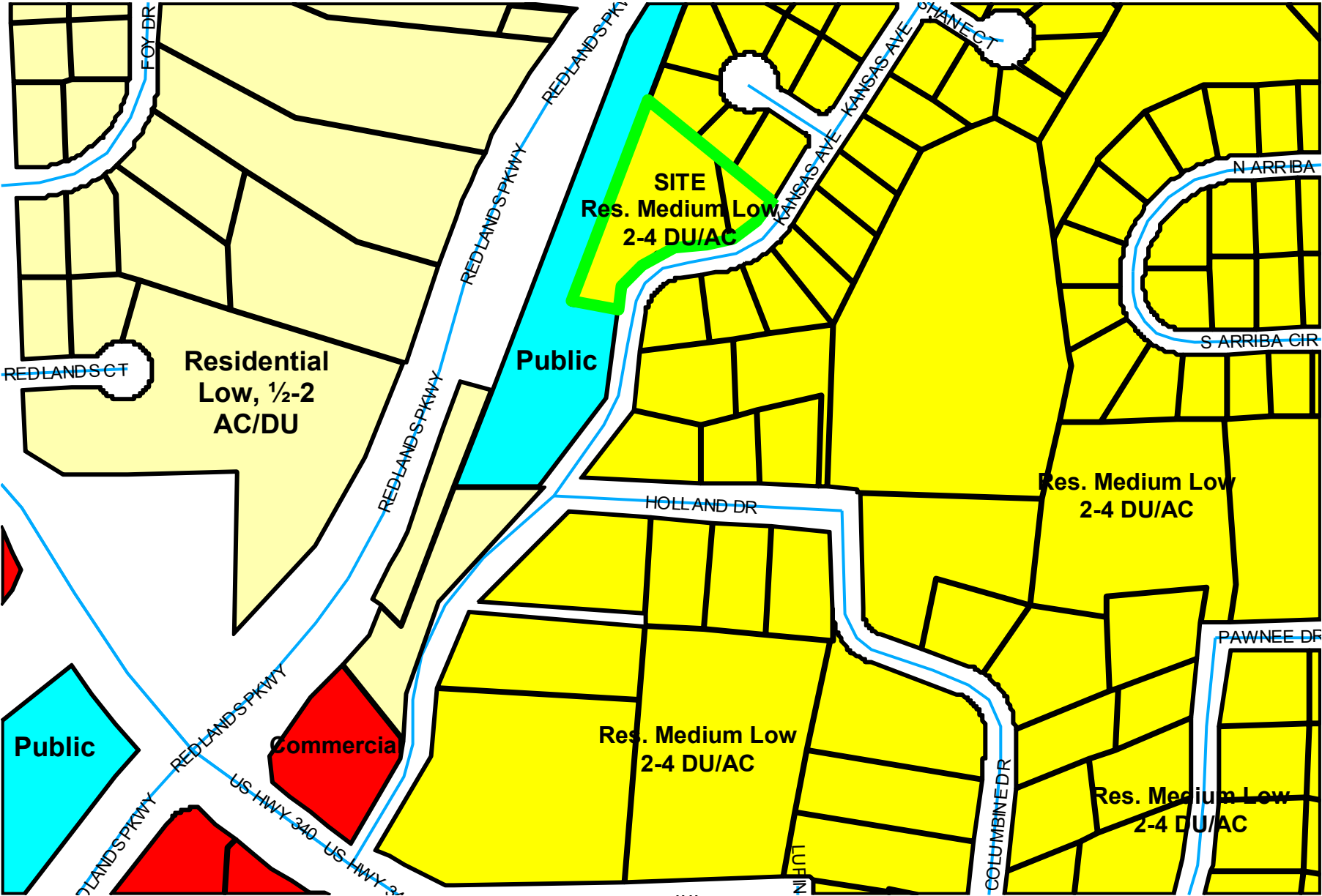
Figure 2





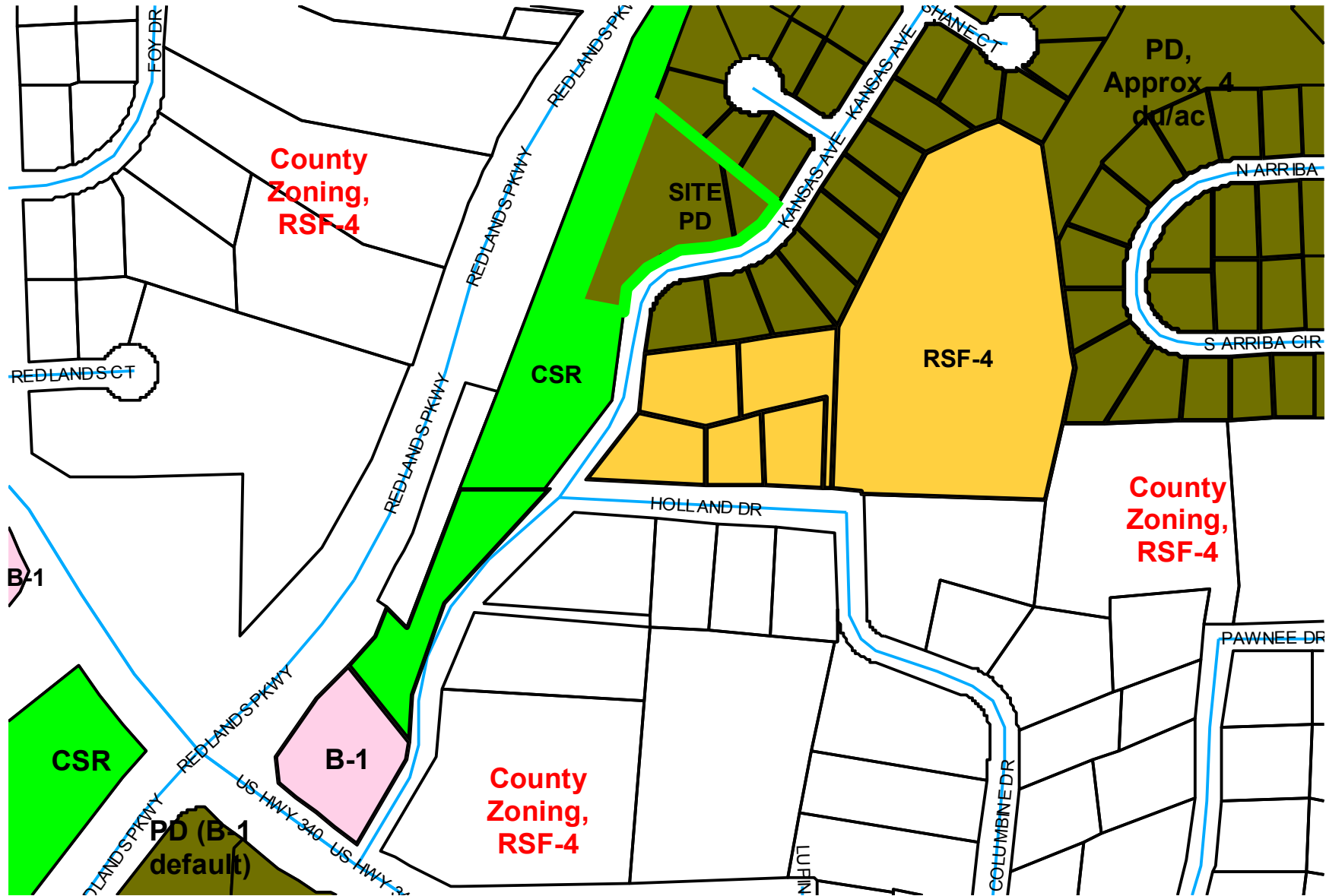
# Future Land Use Map

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 Rezoning the Tom Foster property,  
located at 515 and 517 Kansas Avenue,  
from Planned Development (PD)  
to Residential Single Family-4 (RSF-4)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Tom Foster property, located 515 and 517 Kansas Avenue, from the from Planned Development (PD) to Residential Single Family-4 (RSF-4), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

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

The Planning Commission and City Council find that the Residential Single Family-4 (RSF-4) zoning is in conformance with the stated criteria of Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Residential Single Family-4 (RSF-4) zone district:

Lots 1 and 2 in Tom Foster Minor Subdivision.

Introduced on first reading this 21st day of January, 2004.

PASSED and ADOPTED on second reading this \_\_\_\_ day of February, 2004.

---

Mayor

ATTEST:

---

City Clerk

**Attach 10**  
**Public Hearing – Vacate a 10' Strip of Right-of-Way**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Vacate a 10' strip of right-of-way, located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision							
<b>Meeting Date</b>		February 4, 2004							
<b>Date Prepared</b>		January 26, 2004				<b>File #</b> VR-2002-121			
<b>Author</b>		Lisa E. Cox, AICP			Senior Planner				
<b>Presenter Name</b>		same			same				
<b>Report results back to Council</b>		X	No		Yes	When			
<b>Citizen Presentation</b>			Yes	X	No	Name			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of second reading 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. Vacation Ordinance

BACKGROUND INFORMATION					
Location:		Eastern 10' Lot 16, Bookcliff Heights Subd.			
Applicant:		St. Mary's Hospital			
Existing Land Use:		Park			
Proposed Land Use:		Park			
Surrounding Land Use:	North	Medical			
	South	Residential			
	East	Medical/Residential			
	West	Park/Open Space			
Existing Zoning:		PD with B-1 default			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	PD (St. Mary's Hospital)			
	South	RMF-5			
	East	PD/RO			
	West	PD (St. Mary's Hospital)			
Growth Plan Designation:		Public			
Zoning within density range?		X	Yes		No

**PROJECT DESCRIPTION:** The applicant has requested that a 10' wide right-of-way strip located between the park/open space of St. Mary's west hospital campus, the Marillac Clinic and the Villa Del Orro condominiums be vacated to allow for future expansion of the St. Mary's campus.

**RECOMMENDATION:** Staff recommends approval.

## ANALYSIS

### 1. Background

The 10' right-of-way strip is located along the eastern side of Lot 16 of the Bookcliff Heights Subdivision. Lot 16 is owned by St. Mary's Hospital and is used as a park for open space. The 10' strip affects the hospital's future plans for expansion of the west campus, specifically the plans for the Marillac Clinic and potentially may impact the future parking garage.

St. Mary's has requested that the 10' strip be vacated to allow for the future expansion. The 10' strip was originally dedicated from the Bookcliff Heights Subdivision. Because St. Mary's owns Lot 16 in its entirety, it is anticipated that the vacated right-of-way will revert back to St. Mary's ownership.

In reviewing the request to vacate, the Public Works department has requested that any utilities currently located in the ROW (to be vacated) which are not in a utility easement, have an easement dedicated concurrent with the recordation of the vacation ordinance. When the expansion for the Marillac Clinic was approved, St. Mary's Hospital dedicated a new multi-purpose easement, utility easement and additional right-of-way. There is a portion of an existing storm drainage line that diagonally crosses a portion of the 10' right-of-way strip. This small area may require dedication of an additional easement upon vacation of the 10' right-of-way strip.

### 2. Consistency with the Growth Plan

The request to vacate the 10' right-of-way is consistent with the Growth Plan.

### 3. Section 2.11.c of the Zoning and Development Code

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

- a. The Growth Plan, major street plan and other adopted plans and policies of the City. *The 10' strip is not intended for use as a street.*
- b. No parcel shall be landlocked as a result of the vacation. *There will not be any landlocked parcels as a result of the vacation request.*
- 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. *The request to vacate shall not interfere with access to other parcels.*
- 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 are no anticipated adverse impacts to the community as a result of the request to vacate.*

- 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. *Public facilities and services will not be inhibited by the request to vacate. Any necessary utility easements will be dedicated concurrently with the recordation of the vacation ordinance.*
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *St. Mary's will continue maintenance of the 10' strip to be vacated where it is not needed to accommodate future expansion on the west campus of St. Mary's Hospital.*

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the St. Mary's Hospital ROW Vacation application, VR-2002-121, for the vacation of a 10' right-of-way strip, the Planning Commission made the following findings of fact and conclusions:

- 3. The requested vacation is consistent with the goals and policies of the Growth Plan.
- 4. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
  - 3. Any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

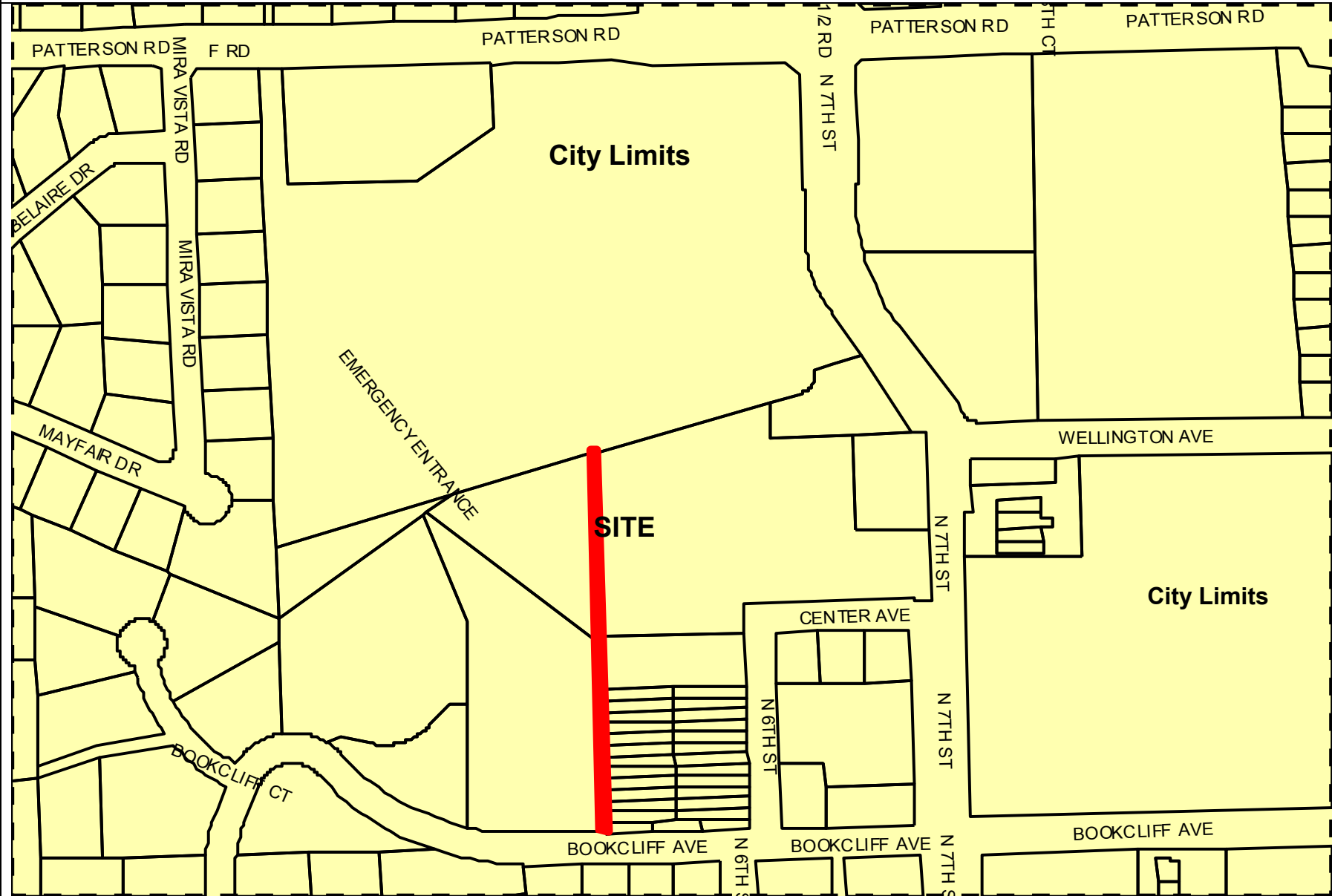
#### PLANNING COMMISSION RECOMMENDATION:

On item VR-2002-121, St. Mary's Hospital request to vacate Right-of-Way, the Planning Commission adopted a motion to forward a recommendation of approval to the City Council with the findings that the request satisfies the goals and policies of the Growth Plan and Section 2.11.C of the Zoning and Development Code, subject to the condition that any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.



# Site Location Map

Figure 1



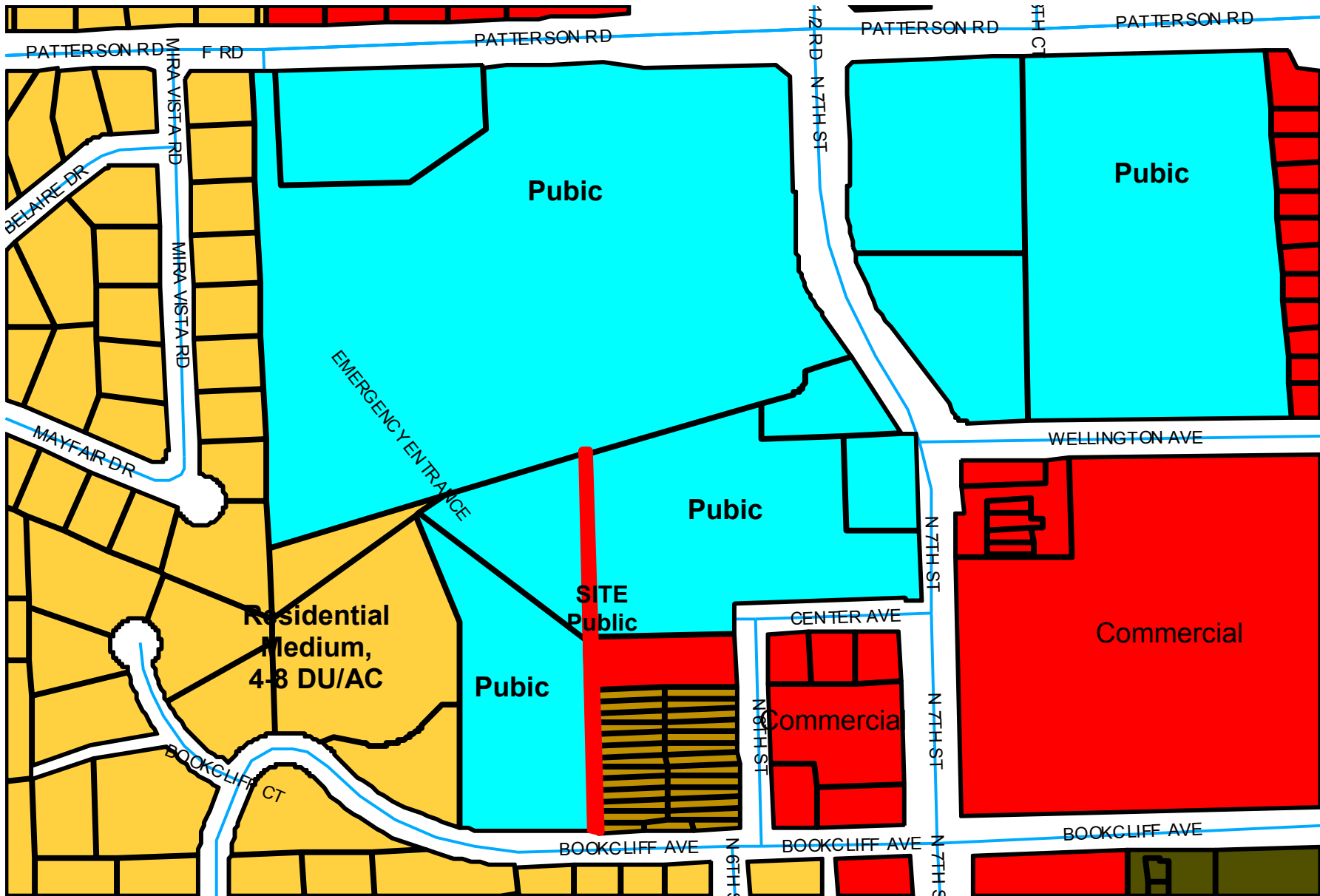
# Aerial Photo Map

Figure 2



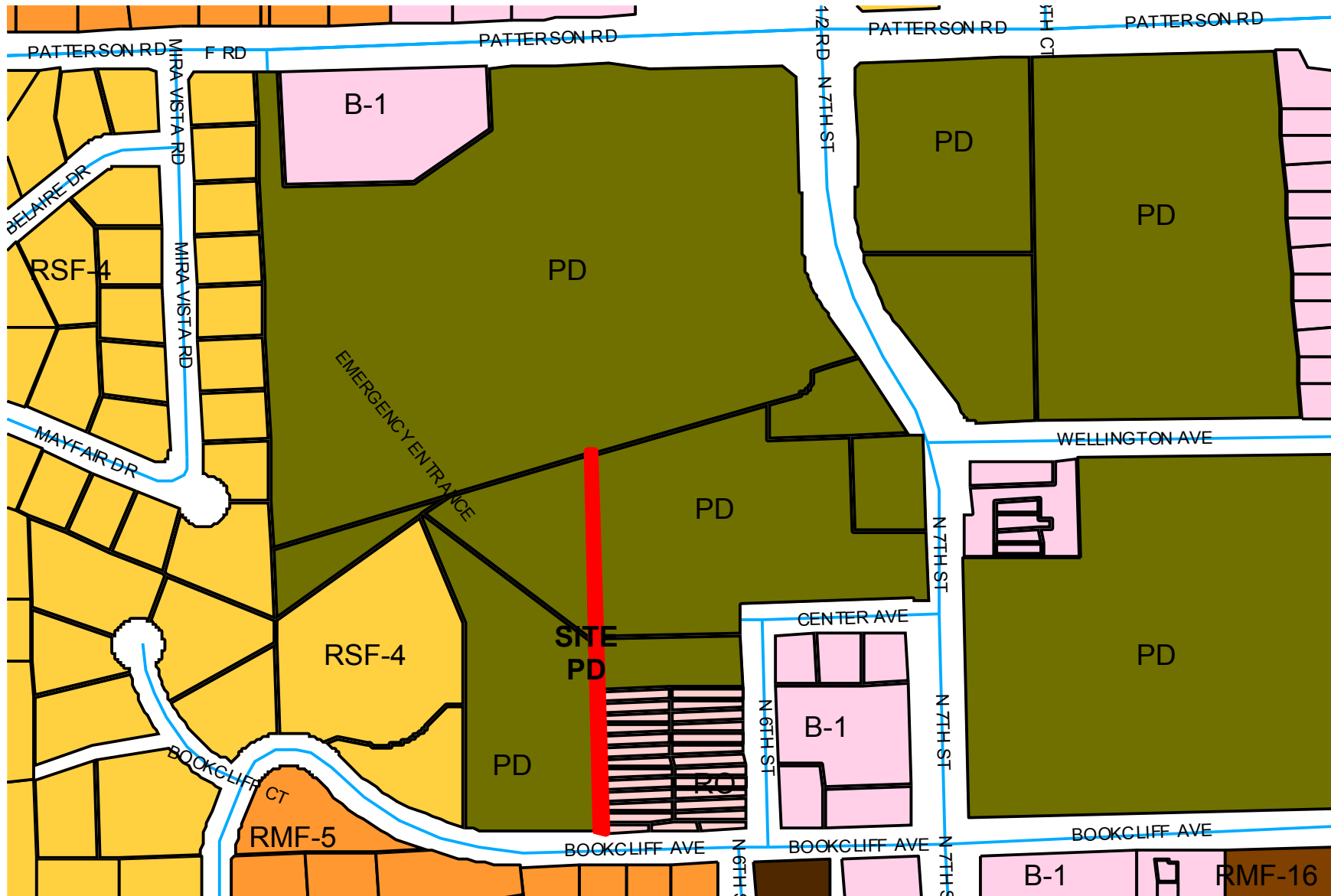
# Future Land Use Map

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 10' strip of Right-of-Way  
LOCATED along the eastern 10' of Lot 16, Bookcliff Heights Subdivision**

RECITALS:

A request to vacate a 10' strip of right-of-way located on the eastern 10' of Lot 16 of the Bookcliff Heights Subdivision has been submitted by St. Mary's Hospital.

The 10' strip of right-of-way was not intended for vehicular traffic and is not needed by St. Mary's Hospital. The request to vacate is made to allow expansion on the western campus of St. Mary's Hospital.

The City Council finds that the request to vacate the 10' right-of-way 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 be approved as requested subject to the condition that any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

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

The following described dedicated right-of-way 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. Any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

The following right-of-way is shown on "Right-of-Way Vacation Site Plan" as part of this vacation of description.

Dedicated right-of-way to be vacated:

That 10' wide strip as shown on Bookcliff Heights (Plat Bk 7 Pg 72) lying east of the east line of Lot 16 of said Bookcliff Heights Sub.

Introduced for first reading on this 21st day of January, 2004

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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



NOT TO SCALE

**LEGEND**



ALLEY TO BE VACATED

**ST. MARY'S  
HOSPITAL**

10'

**CENTER AVENUE**

MESA PARK CENTER  
(PLAT BOOK 9 PAGE 174)

BOOKCLIFF HEIGHTS  
PLAT BOOK 7 PAGE 72)  
LOT 16

**NORTH  
SIXTH STREET**

VILLA DEL ORO CONDOMINIUMS  
RECEPTION NO. 1209969

**BOOKCLIFF AVENUE**

**NORTH  
SIXTH STREET**

v

	File Name: D:\1119\LEGDOC\ROWEXHBT.DWG			
	<b>RIGHT-OF-WAY VACATION SITE PLAN</b>			
Designed KTS	Checked RAM	Drawn JTC	Proj 1119	Sheet 2
Drawn	Date 4/18/02			Of 2

D:\1119\LEGDOC\ROWEXHBT.DWG F:\1 Apr 19 12:48:52 2002



**Attach 11**  
**Public Hearing – Tomkins Annexation**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>	Tomkins Annexation located at 2835 and 2837 D Road							
<b>Meeting Date</b>	February 4, 2004							
<b>Date Prepared</b>	January 26, 2004				File #ANX-2003-235			
<b>Author</b>	Lori V. Bowers			Senior Planner				
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner				
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Acceptance of the petition for annexation and hold a Public Hearing and Consider Final Passage of the annexation ordinance for the Tomkins Annexation, consisting of 13.360 acres on 2 parcels of land. A petition for annexation was presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County.

**Budget:** N/A

**Action Requested/Recommendation:** Acceptance of the Tomkins Annexation petition and hold a public hearing for to Consider Final Passage of the Tomkins Annexation Ordinance

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

**Attachments:**

9. Staff report/Background information
10. General Location Map
11. Aerial Photo
12. Growth Plan Map
13. Zoning Map
14. Annexation map
15. Resolution Accepting the Petition
16. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		<b>2835 &amp; 2837 D Road</b>		
<b>Applicants:</b>		Kathleen Dee Tomkins, owner		
<b>Existing Land Use:</b>		<b>2 single family residences and vacant land</b>		
<b>Proposed Land Use:</b>		<b>Residential subdivision</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Department of Institutions</b>		
	<b>South</b>	Large lot residential		
	<b>East</b>	Large lot residential		
	<b>West</b>	Commercial		
<b>Existing Zoning:</b>		RSF-R (County)		
<b>Proposed Zoning:</b>		RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>Public (Mesa County)</b>		
	<b>South</b>	RSF-R (Mesa County)		
	<b>East</b>	RSF-R (Mesa County)		
	<b>West</b>	<b>Commercial (Mesa County)</b>		
<b>Growth Plan Designation:</b>		Residential medium 4 to 8 dwelling units per acre		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

The annexation area consists of 13.360 acres of land and is comprised of 2 parcels. The property owner has requested annexation into the City as the result of a request to create a residential subdivision. Under the 1998 Persigo Agreement all requests for a major subdivision 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 Tomkins 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>	
12-17-03	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
01-13-04	Planning Commission considers Zone of Annexation
01-21-04	Introduction Of A Proposed Ordinance on Zoning by City Council
02-04-04	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
03-07-04	Effective date of Annexation and Zoning

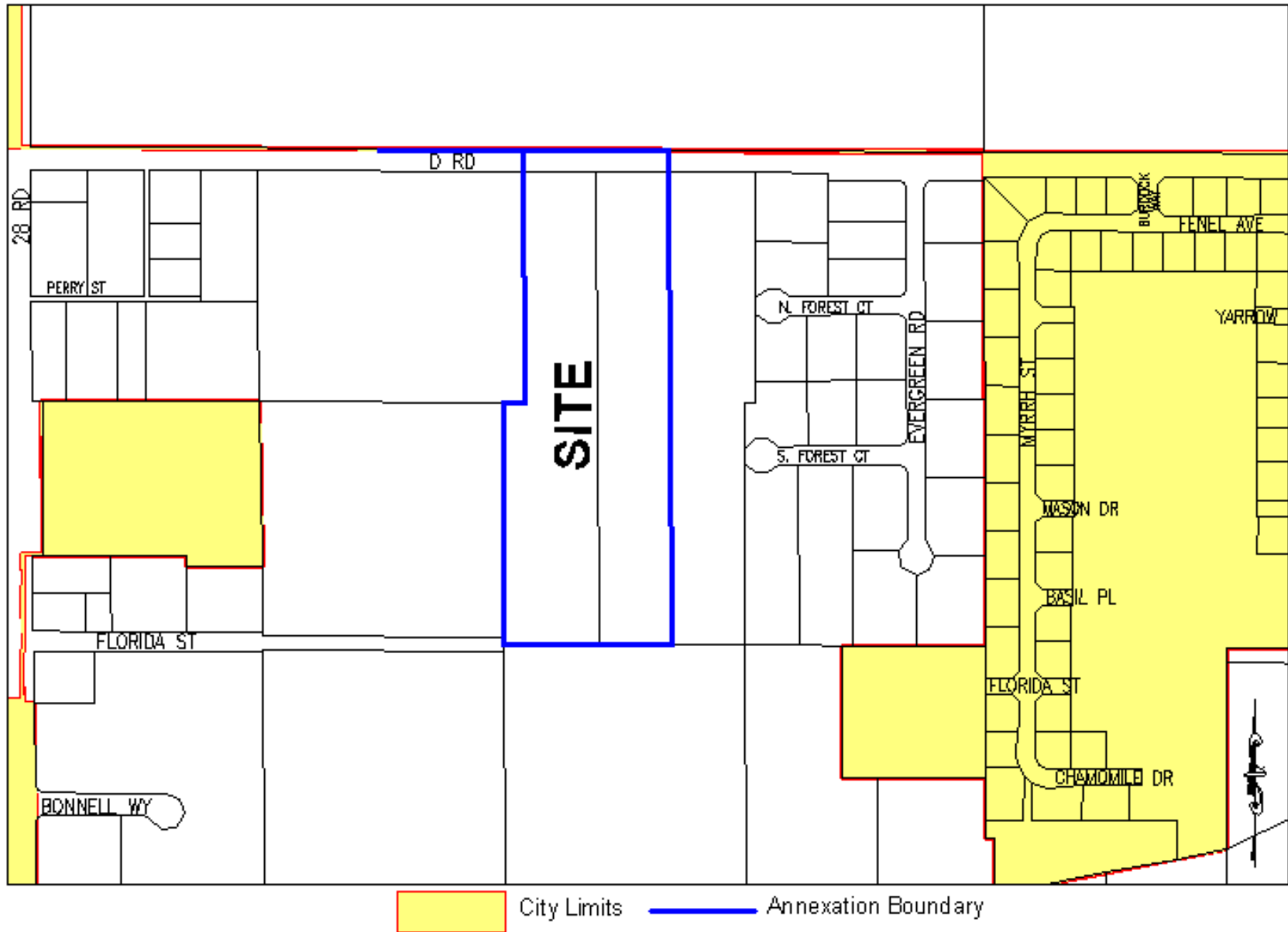
## TOMKINS ANNEXATION SUMMARY

<b>File Number:</b>		ANX-2003-235
<b>Location:</b>		2835 & 2837 D Road
<b>Tax ID Number:</b>		2943-192-00-163 & 2943-192-00-164
<b>Parcels:</b>		2
<b>Estimated Population:</b>		
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		2
<b>Acres land annexed:</b>		13.360 acres
<b>Developable Acres Remaining:</b>		13.360 acres
<b>Right-of-way in Annexation:</b>		Existing D Road right-of-way
<b>Previous County Zoning:</b>		RSF-R
<b>Proposed City Zoning:</b>		RMF-8
<b>Current Land Use:</b>		Vacant land, 2 single family residences
<b>Future Land Use:</b>		Residential subdivision
<b>Values:</b>	<b>Assessed:</b>	\$1,380
	<b>Actual:</b>	\$4,760
<b>Census Tract:</b>		
<b>Address Ranges:</b>		N/A
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Grand Junction Rural Fire
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	None



# Tomkins 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 4<sup>th</sup> of February, 2003, the following Resolution was adopted:



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_04**

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

**THE TOMKINS ANNEXATION**

**IS ELIGIBLE FOR ANNEXATION**

**LOCATED at 2835 and 2837 D ROAD**

WHEREAS, on the 17<sup>th</sup> day of December, 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:

**TOMKINS ANNEXATION  
PERIMETER BOUNDARY LEGAL DESCRIPTION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 19, Township 1 South, Range 1 East and the Southwest Quarter (SW 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the North Quarter (N 1/4) corner of said Section 19, and assuming the North line of the NW 1/4 of said Section 19 bears N 89°39'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'17" W along the North line of the NW 1/4 of said Section 19, a distance of 866.64 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'43" W a distance of 1324.51 feet, more or less, to a point on the South line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19; thence N 89° 39'45" W along said South line, a distance of 460.60 feet, more or less, to a point being the Southwest corner of the NE 1/4 NW 1/4 of said Section 19; thence N 00°06'43" E along the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 662.39 feet; thence S 89°33'30" E a distance of 60.60 feet; thence N 00°06'43" E along a line 60.60 feet East of and parallel to, the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 688.28 feet, more or less, to a point on a line 26.00 feet North of and parallel to, the North line of the NW 1/4 of said Section 19; thence N 89°39'17" W along said line, a distance of 400.01 feet; thence N 00°20'43" E a distance of 2.0 feet; thence S 89°39'17" E along a line 28.00 feet North of and parallel to, the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of

800.00 feet; thence S 00°06'43" W a distance of 28.00 feet, more or less, to the Point of Beginning.

CONTAINING 13.360 Acres (581,951 Sq. Ft.), more or less, as described.

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 4<sup>th</sup> day of February, 2004; and

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

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

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

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

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**

**TOMKINS ANNEXATION**

**APPROXIMATELY 13.360 ACRES**

**LOCATED AT 2835 AND 2837 D ROAD**

**WHEREAS**, on the 17<sup>th</sup> day of December, 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 4<sup>th</sup> day of February, 2004; 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:

**TOMKINS ANNEXATION  
PERIMETER BOUNDARY LEGAL DESCRIPTION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 19, Township 1 South, Range 1 East and the Southwest Quarter (SW 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the North Quarter (N 1/4) corner of said Section 19, and assuming the North line of the NW 1/4 of said Section 19 bears N 89°39'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'17" W along the North line of the NW 1/4 of said Section 19,

a distance of 866.64 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'43" W a distance of 1324.51 feet, more or less, to a point on the South line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19; thence N 89° 39'45" W along said South line, a distance of 460.60 feet, more or less, to a point being the Southwest corner of the NE 1/4 NW 1/4 of said Section 19; thence N 00°06'43" E along the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 662.39 feet; thence S 89°33'30" E a distance of 60.60 feet; thence N 00°06'43" E along a line 60.60 feet East of and parallel to, the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 688.28 feet, more or less, to a point on a line 26.00 feet North of and parallel to, the North line of the NW 1/4 of said Section 19; thence N 89°39'17" W along said line, a distance of 400.01 feet; thence N 00°20'43" E a distance of 2.0 feet; thence S 89°39'17" E along a line 28.00 feet North of and parallel to, the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 800.00 feet; thence S 00°06'43" W a distance of 28.00 feet, more of less, to the Point of Beginning.

CONTAINING 13.360 Acres (581,951 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 17<sup>th</sup> day of December, 2003 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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President of the Council

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City Clerk

**Attach 12**  
**Public Hearing – Zoning the Tomkins Annexation**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>	Zoning the Tomkins Annexation, located at 2835 and 2837 D Road.							
<b>Meeting Date</b>	February 4, 2004							
<b>Date Prepared</b>	January 26, 2004				File #ANX-2003-235			
<b>Author</b>	Lori V. Bowers			Senior Planner				
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Tomkins annexation; request for RMF-8 zoning; located at 2835 and 2837 D Road.

**Budget:** N/A

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

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

**Attachments:**

- 17. Staff report/Background information
- 18. Letters of opposition
- 19. Minutes of the Planning Commission meeting
- 20. General Location Map
- 21. Aerial Photo
- 22. Growth Plan Map
- 23. Zoning Map
- 24. Annexation map
- 25. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		<b>2835 and 2837 D Road</b>		
<b>Applicants:</b>		Darter LLC, Developer; Kathy Tomkins, owner; Jeff Crane, representative		
<b>Existing Land Use:</b>		<b>Single family residential on large lot</b>		
<b>Proposed Land Use:</b>		<b>Medium density single-family residential</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Public, State Home and Training School and Veteran's Cemetery</b>		
	<b>South</b>	Single-family residential, vacant land		
	<b>East</b>	Single-family residential, vacant land		
	<b>West</b>	Commercial property		
<b>Existing Zoning:</b>		Mesa County RSF-R		
<b>Proposed Zoning:</b>		RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>Public</b>		
	<b>South</b>	RSF-R (County)		
	<b>East</b>	RSF-R (County)		
	<b>West</b>	<b>Commercial (County)</b>		
<b>Growth Plan Designation:</b>		Residential Medium 4 to 8 dwelling units per acre		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

1. **Background** – The property is currently in the annexation process, known as the Tomkins Annexation. A petition for annexation was presented on December 17<sup>th</sup>, 2003. The properties obtain access from D Road, which currently is classified as a minor arterial. A neighborhood meeting was held on December 2, 2003. Seven people signed the attendance list. At the Public Hearing held before the Planning Commission on January 13, 2004, several nearby residents spoke up against the requested zoning of RMF-8. Two letters were also presented to the Planning Commission protesting the proposed zoning. Copies of those letters are included in this staff report. The minutes from that meeting are also included.
2. **Consistency with the Growth Plan** – The subject property went through the Growth Plan Amendment process in 2003. It was changed from the Commercial designation to the residential medium category of 4 to 8 dwelling units per acre. The current County zoning is RSF-R, which is not consistent with the Growth Plan. The

applicants request the zoning designation of RMF-8, which is consistent with the Growth Plan, but is at the upper most end of the scale. RMF-8 zoning allows for attached and detached single-family dwellings; duplex, townhouse and other types of multi-family units. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. The property to the west is currently zoned commercial in the County and the growth plan indicates that this property should remain as commercial upon annexation. Public land exists to the north and shall remain public as the uses are the Veteran's Cemetery and the State Rehabilitation Center.

3. Zoning: The requested zone of annexation to the RMF-8 zoning district is consistent with the Growth Plan density of Residential Medium. The existing County zoning is RSF-R. 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:

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

Staff response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criteria is not applicable.

Applicant's response: The existing zoning was determined as a part of Mesa County. The annexation will require a new zoning consistent with the growth plan for the City of Grand Junction. RMF-8 zoning would be consistent with 4 to 8 du/ac as recommended in the Growth Plan.

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

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: The character of the area has changed from undeveloped agricultural property to medium density single-family residential uses. Flint Ridge is zoned at RMF-8 while others are zoned at RSF-4.

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

Response: The zoning request is compatible with the neighborhood and adjacent zoning due to the nature of the RMF-8 zonings purpose. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. Property to the west is currently zoned as commercial, although there are existing single family residences in this area. Future improvements to facilities will occur if the preliminary plan goes forward. The proposed rezone to RMF-8 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 RMF-8 zone district, therefore this criterion is met.

Applicant's response: The proposed rezone is compatible with the neighborhood. The extension of C  $\frac{3}{4}$  Road will alleviate congestion on D Road will not create adverse impacts to traffic. The proposed development will safely divert storm water east to Indian Wash and there will be no generated air or water pollution.

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

Staff response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

Applicant's response: This project is consistent with the goals of the growth plan to gain a fiscally responsible growth pattern by ensuring land use compatibility, maintaining more compact development patterns, and ensuring adequate public facilities.

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

Staff response: Adequate public facilities are available or will be supplied at the time of further development of the property consistent with the RMF-8 zone district.



Applicant's response: All necessary utility infrastructure is already in place at the site and includes domestic water, sanitary sewer, storm sewer, irrigation water, electricity, telephone, gas, and cable.

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

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: There is a large and growing market for affordable housing in Grand Junction and very few areas currently zoned RMF-8. RSF-4 zoning does not provide the density needed to truly create affordable single-family housing. It is currently very difficult to find parcels of land this size that can accommodate this type of affordable residential development.

The community or neighborhood will benefit from the proposed zone.

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: The proposed amendment will meet the goals and policies of the growth plan thereby benefiting the community with improved infrastructure, traffic circulation and an expanded tax base.

#### STAFF RECOMMENDATION

Staff recommends approval of the RMF-8 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission, at their regularly scheduled meeting of January 13, 2004, recommended approval of the requested zone of annexation to the City Council, by a vote of 5 to 1, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

ROBERT J. SMITH  
378 Evergreen Rd.  
Grand Junction, CO 81501-4723  
(970) 241-6362

January 13, 2004

Attn: Lori Bowers  
Grand Junction Community Development Dept.  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

re: Tomkins Annexation  
2835 & 2837 D Rd.

Friends:

I was not able to attend the hearing, so I send this letter for your consideration.

I am a homeowner in the Pine Estates Subdivision. Our subdivision has been a quiet and controlled neighborhood for nearly 30 years. Those of us who live here came because of its unique qualities.

We realize that development will take place around us and we are not necessarily concerned about a subdivision going in to our west.

However, there are two major concerns that we have with the present design:

- (1) We see no reason whatsoever to tie the new subdivision streets into our present streets. For such a small subdivision, access directly to D road will be adequate as our singular entrance has been adequate for 30 years. To tie it in will destroy the quality and quietness of our subdivision. I believe we are, or should be considered grandfathered in on that matter.
- (2) Since the area around us is now zoned for large single family lots and not conducive to multiple family units, and since White Willows was asked to put larger lots along our East border, and they kindly complied, we ask that these developers show us the same consideration and put larger lots to our west. We request zoning remain RSFR,

We will be firm in our request for these considerations.

Thank you kindly.

  
Robert J. Smith

To: Planning Commission

Subject: ANX-2003-235- Tomkins Annexation-  
2835 and 2837 D Road  
RMF-8 (Residential Multi-Family-8 units/acre) and; 2) develop 82 single Family lots  
PP-2003-239- Glen Meadows Subdivision

My name is Julian Cordova and I live with my wife at 2843 N. Forest Ct. in Pine Estate, a subdivision neighboring the property development/rezoning this hearing is for. We can not be at this hearing but wanted to let you know we are **against** the proposal.

The zoning plan for the 8 homes per acre will impact the value and serenity of the existing properties in the Pine Estate Subdivision. Our property is zoned 2 units/acre.

The development of the 8 units/acre will bring about our streets, N. Forest Ct. and S. Forest Ct. becoming egress and ingress of traffic to that subdivision. The way our streets are set up now gives accessibility to our children and the physically disabled living here a safe place to walk, pushed in wheelchairs, ride bikes, skateboards, etc. This construction will not be in harmony with the existing neighboring subdivisions, thus diminishing the value and continuity of our neighborhoods.

What we need in our area is a park for our children, the elderly and the disabled, not more traffic and people. Also we feel the traffic on D Road is congested enough as it is without the addition of the additional traffic that would result from the proposed sub division.

*Julian J. Cordova*  
1/13/04

*Adam Cordova*

**RECEIVED**  
JAN 13 2004  
COMMUNITY DEVELOPMENT  
DEPT.

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 13, 2004 MINUTES**

**7:00 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium. In attendance, representing the City Planning Commission, were Roland Cole (Vice-Chairman), John Evans, William Putnam, Bill Pitts, John Redifer and John Paulson. Chairman Paul Dibble and Richard Blosser were absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), and Senta Costello (Associate Planner).

Also present were John Shaver (Assistant City Attorney) and Eric Hahn, Rick Dorris, and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 48 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the November 25, 2003 meeting.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the November 25th minutes as presented."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Paulson abstaining.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat—Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), ANX-2003-235 (Zone of Annexation--Tomkins Annexation) and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update). At citizen request, item ANX-2003-235 was removed from Consent and placed on the Full Hearing Agenda.

Jeff Cook (564 22 1/2 Road, Grand Junction) came forward and asked if the Zone of Annexation pertaining to

ANX-2003-254 would affect his property, to which Vice-Chairman Cole responded negatively.

A late letter of opposition was received from Tim Partsch (570 22 1/2 Road, Grand Junction) on item ANX-2003-254. He felt that approval of the request would open the door to additional unwanted development in the area.

Senta Costello corrected the agenda on ANX-2003-254. Ms. Costello said that the proposed zoning is RSF-2.

The staff report accurately reflected the correct RSF-2 zone.

1/13/04 Grand Junction Planning Commission Hearing

2

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the Consent Agenda, as amended, for items 1, 2, 3, 4 as amended, and item 6 [RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-**

**2002-054 (Preliminary Plat—Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update)]."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

**IV. FULL HEARING**

**ANX-2003-235 ZONE OF ANNEXATION--TOMKINS ANNEXATION**

**A request for approval to zone 13.360 acres RMF-8 (Residential Multi-Family, 8 units/acre).**

**Petitioner: Kathleen Tomkins**

**Location: 2835, 2837 D Road**

**PETITIONER'S PRESENTATION**

Jeff Crane, representing the petitioner, said that the request met Code requirements and was consistent with Growth Plan recommendations. Mr. Crane said that the area was in transition from agricultural to urban and all urban services and infrastructure are present. He added that the community is in need of affordable housing and both the size of the parcel and an RMF-8 zone would accommodate such development.

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Lori Bowers offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; and 3) a Future Land Use Map. Primary access to the site was available via D Road; however, the possible extension of C 3/4 Road would provide a secondary access point. Ms. Bowers said that it is her understanding that the petitioner intends on developing the site to a density at the upper end of the RMF-8 zone district. A letter of opposition had been received from Julian and Ida Cordova (2843 North Forest Court, Grand Junction), too late to have been included in planning commissioner packets. Ms. Bowers reported that the Cordovas were primarily opposed to the higher densities that would be permitted within an RMF-8 zone. Staff concurred that the request met both Code and Growth Plan criteria and recommended approval of the request subject to the findings and conclusions outlined in the January 13, 2004 staff report.

**QUESTIONS**

Vice-Chairman Cole asked if the adjacent commercial/industrial area was located within the City. Ms. Bowers said that the parcel was located and zoned within the County. She noted the few single-family residential uses present within the Commercial/Industrial zoned area.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Pete Weidman (386 Evergreen Road, Grand Junction) said that Mr. Crane had held a neighborhood meeting and all those attending had expressed their opposition to the RMF-8 zone. He noted that the petitioner's design included the extension and ultimate connection of both North and South Forest Courts to the site, which he and other residents in the Pine Estates Subdivision strongly opposed. Mr. Weidman said that homes in Pine Estates Subdivision were valued at over \$200K. The development of low-income housing, he said, would not represent a compatible use and would likely result in the devaluation of present homes. The proposed density, he maintained, was incompatible with the surrounding area and high-density development would adversely impact the character of the area.

1/13/04 Grand Junction Planning Commission Hearing

Bill Meyers (391 Evergreen Street, Grand Junction) agreed with Mr. Weidman's statements and added his voice in opposition to the request.

Brent Whitman (2839 North Forest Court, Grand Junction) also expressed concerns over density, traffic, and the safety of pedestrians walking along the Pine Estates streets. Given the lack of sidewalks and other infrastructure in the subdivision, routing so much additional traffic through that established 30-year-old neighborhood would pose safety hazards for their children and for the residents of the nearby Regional Center, who often took walks along those streets. Robert Smith (378 Evergreen Street, Grand Junction) also expressed opposition to both the RMF-8 zone and to the connection of the site via North and South Forest Courts in Pine Estates.

James Cooper (no address given) said that his property directly abutted the subject site. While not opposed to development of the site, per se, he also believed that the proposed density was too high. Mr. Cooper said that there are only eight shares of water available to the petitioner's property, insufficient to support the number of people who would be living there. He expected that either there would be a lack of landscaping on the site or that whatever was planted would die due to a lack of available irrigation water. He feared that the development would become another Clifton Village. Traffic along D Road was already bad, he said, and it was difficult for him to get out of his driveway during certain times of the day. So much additional traffic from such a high-density development would only exacerbate the problem.

Janice Curtis (2840 North Forest Court, Grand Junction) said it appeared from the staff's Site Plan that the petitioner's property boundaries were different from those presented to area residents. She noted the presence of a group home in the neighborhood and expressed concern about the safety of those residents. She felt that traffic from the proposed development should be diverted away from Pine Estates; there should be no connection to the site via North and South Forest Courts.

Pam Weidman (386 Evergreen Drive, Grand Junction) agreed with the comments made by her neighbors. This was the first time she'd heard about the lack of irrigation water available to the site but felt that the deficiency posed a real problem. Ms. Weidman believed that impacts to the area and existing neighborhoods and streets from the higher-density development would be too great; she urged denial of the request.

Ken Campean (2842 South Forest Court, Grand Junction) said that emergency service vehicles would have a difficult time getting to the subdivision via 9th Street because of the existing train crossing. Higher density and lower-income developments tended to attract crime and other undesirable elements.

#### **PETITIONER'S REBUTTAL**

Mr. Crane said that following the neighborhood meeting the plan had been reworked to reflect a density of 5.7 units/acre and would include only single-family homes. He reiterated that the zone met both Code and Growth Plan criteria and the RMF-8 district would permit design flexibility. He said that the homes would be quality-constructed and priced between \$100K and \$130K, a price range similar to that of nearby White Willows Subdivision. The development would provide a good transition from the commercial property on the west to the lower-density residential uses located directly east. He observed that the City's beltway, once completed, would alleviate much of the existing traffic congestion along D Road. He was also working with property owners to the south to exchange additional buffering for permission to extend C 3/4 Road to the site. The eight shares of water available for the site, he felt, would be sufficient because lots in the development would be smaller. He would continue working with the

neighbors to mitigate concerns and a more detailed plan would be brought before residents, staff and the Planning Commission during the Preliminary Plan stage.

## **DISCUSSION**

1/13/04 Grand Junction Planning Commission Hearing

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When asked by Vice-Chairman Cole about the recommendation alternatives available to the Planning Commission, Mr. Blanchard said that planning commissioners could consider the request as submitted or consider applying either an RSF-4 or RMF-5 zone district to the site. Mr. Shaver added that from a legal perspective, the requested RMF-8 zone district was defensible. Mr. Shaver advised that if a denial or alternate zone district were recommended, planning commissioners would need to find that the request did not meet legal criteria for the proposed zone. He agreed that there was indeed more design and density flexibility associated with an RMF-8 zone district (4-8 units/acre). An RSF-4 zone would permit a maximum of only 4 units/acre while an RMF-5 zone would restrict the density to no more than 5 units/acre.

Commissioner Pitts cited 2.6.A.7 of the review criteria, which asked if the rezone would provide a community or neighborhood benefit. In his opinion it would not and therefore the request failed to meet legal criteria.

Given the lower residential densities in the area, he felt that the site's density should be limited to a maximum 4 units/acre.

Commissioner Putnam expressed his discomfort assigning a different zone district to the property. In his opinion, the request should be either approved as submitted or denied.

Acknowledging the arguments for both, he was unsure how he would ultimately vote.

Commissioner Redifer felt that the request did comply with the City's legal requirements. He noted that only the zoning was under current consideration; further scrutiny of the plan would come later. The RMF-8 zone permitted densities as low as 4 units/acre and it was clear that the petitioner had no intention of developing the site to the maximum density allowed. He said that there was a negligible difference between the 5 units/acre of an RMF-5 zone and the 5.7 units/acre proposed by the petitioner in the requested RMF-8 zone.

Commissioner Paulson agreed with Commissioner Redifer's comments, adding that the provision of affordable housing would benefit the entire community.

Mr. Shaver asked staff to provide clarification on an apparent discrepancy in the site's location as questioned by Ms. Curtis. Ms. Bowers was unsure to which map Ms. Curtis was referring because the one presented before the Planning Commission was accurate. She said that the property lines were actually present under the site's computer-generated outline.

Vice-Chairman Cole also concurred with Commissioners Redifer and Paulson. The request met legal criteria and just because the zone district permitted a density of 8 units/acre, it didn't mean that the site would be developed to that density. He encouraged Mr. Crane to keep communicating with the neighbors and be receptive to mitigating their concerns.

**MOTION: (Commissioner Paulson) "Mr. Chairman, on item #ANX-2003-235, a request for the Zone of Annexation to RMF-8, I move that the Planning Commission recommend to the City Council approval of the zoning designation of RMF-8 (Residential Multi-Family, not to exceed 8 units per acre) for the Tomkins Annexation, located at 2835 and 2837 D Road, with the findings of fact and conclusions listed above in the staff report."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Pitts opposing.

Vice-Chairman Cole reminded citizens that a separate hearing would be held on the development design and he encouraged neighbors to participate in that process as well.

## **GRAND JUNCTION PLANNING COMMISSION**

### **JANUARY 13, 2004 MINUTES**

#### **7:00 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), and Senta Costello (Associate Planner).

Also present were John Shaver (Assistant City Attorney) and Eric Hahn, Rick Dorris, and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 48 interested citizens present during the course of the hearing.

#### **I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the November 25, 2003 meeting.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the November 25th minutes as presented."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Paulson abstaining.

#### **II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

#### **III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat—Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), ANX-2003-235 (Zone of Annexation--Tomkins Annexation) and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update). At citizen request, item ANX-2003-235 was removed from Consent and placed on the Full Hearing Agenda.

Jeff Cook (564 22 1/2 Road, Grand Junction) came forward and asked if the Zone of Annexation pertaining to ANX-2003-254 would affect his property, to which Vice-Chairman Cole responded negatively.

A late letter of opposition was received from Tim Partsch (570 22 1/2 Road, Grand Junction) on item ANX-2003-254. He felt that approval of the request would open the door to additional unwanted development in the area.

Senta Costello corrected the agenda on ANX-2003-254. Ms. Costello said that the proposed zoning is RSF-2.

The staff report accurately reflected the correct RSF-2 zone.

1/13/04 Grand Junction Planning Commission Hearing

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**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the Consent Agenda, as amended, for items 1, 2, 3, 4 as amended, and item 6 [RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat—Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), and TAC-2003-01.04 (Text**



**Amendment--SSIDs Manual Update)]."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

**IV. FULL HEARING**

**ANX-2003-235 ZONE OF ANNEXATION--TOMKINS ANNEXATION**

**A request for approval to zone 13.360 acres RMF-8 (Residential Multi-Family, 8 units/acre).**

**Petitioner: Kathleen Tomkins**

**Location: 2835, 2837 D Road**

**PETITIONER'S PRESENTATION**

Jeff Crane, representing the petitioner, said that the request met Code requirements and was consistent with Growth Plan recommendations. Mr. Crane said that the area was in transition from agricultural to urban and all urban services and infrastructure are present. He added that the community is in need of affordable housing and both the size of the parcel and an RMF-8 zone would accommodate such development.

**STAFF'S PRESENTATION**

Lori Bowers offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; and 3) a Future Land Use Map. Primary access to the site was available via D Road; however, the possible extension of C 3/4 Road would provide a secondary access point. Ms. Bowers said that it is her understanding that the petitioner intends on developing the site to a density at the upper end of the RMF-8 zone district. A letter of opposition had been received from Julian and Ida Cordova (2843 North Forest Court, Grand Junction), too late to have been included in planning commissioner packets. Ms. Bowers reported that the Cordovas were primarily opposed to the higher densities that would be permitted within an RMF-8 zone. Staff concurred that the request met both Code and Growth Plan criteria and recommended approval of the request subject to the findings and conclusions outlined in the January 13, 2004 staff report.

**QUESTIONS**

Vice-Chairman Cole asked if the adjacent commercial/industrial area was located within the City. Ms. Bowers said that the parcel was located and zoned within the County. She noted the few single-family residential uses present within the Commercial/Industrial zoned area.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Pete Weidman (386 Evergreen Road, Grand Junction) said that Mr. Crane had held a neighborhood meeting and all those attending had expressed their opposition to the RMF-8 zone. He noted that the petitioner's design included the extension and ultimate connection of both North and South Forest Courts to the site, which he and other residents in the Pine Estates Subdivision strongly opposed. Mr. Weidman said that homes in Pine Estates Subdivision were valued at over \$200K. The development of low-income housing, he said, would not represent a compatible use and would likely result in the devaluation of present homes. The proposed density, he maintained, was incompatible with the surrounding area and high-density development would adversely impact the character of the area.

1/13/04 Grand Junction Planning Commission Hearing

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1/13/04 Grand Junction Planning Commission Hearing

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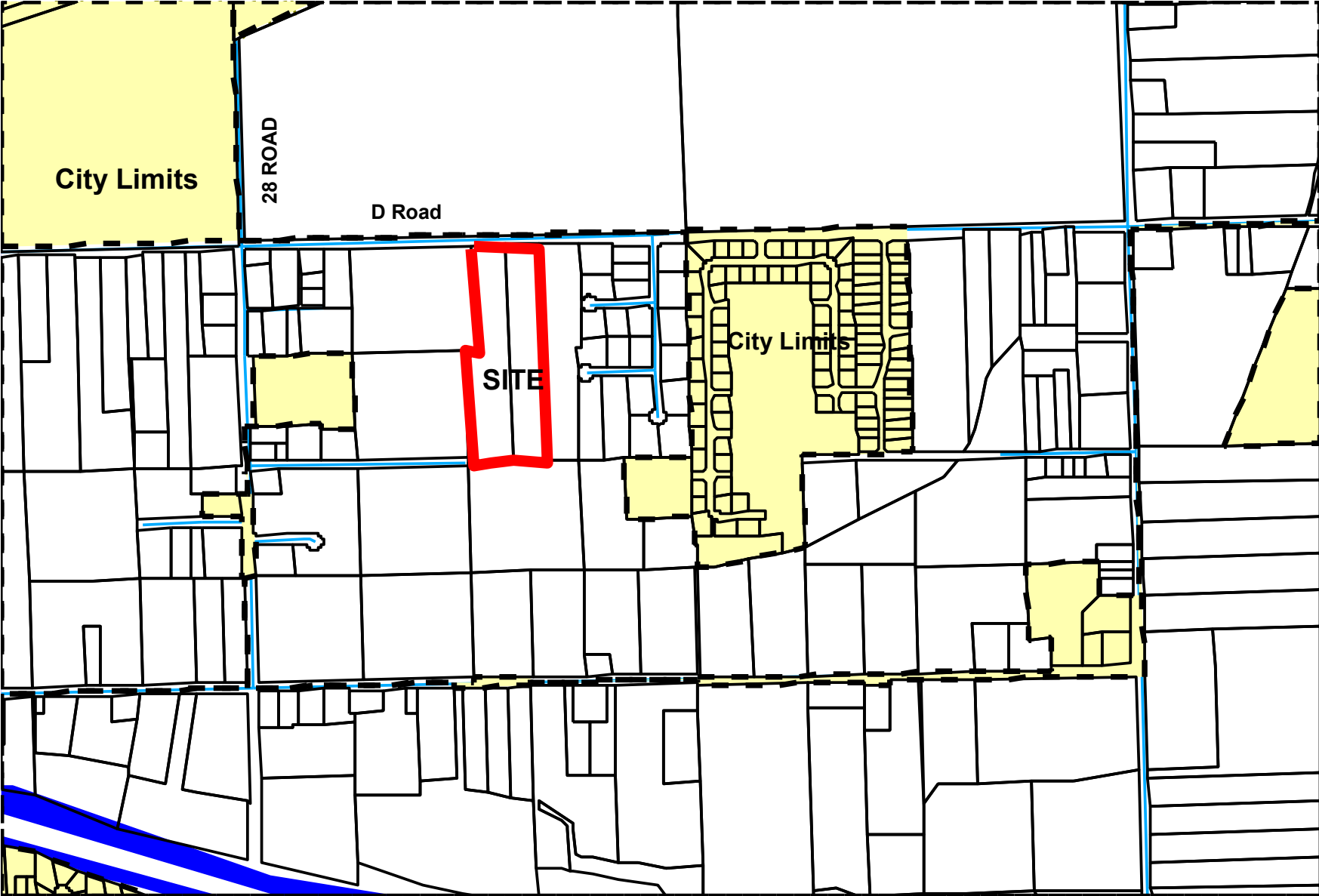
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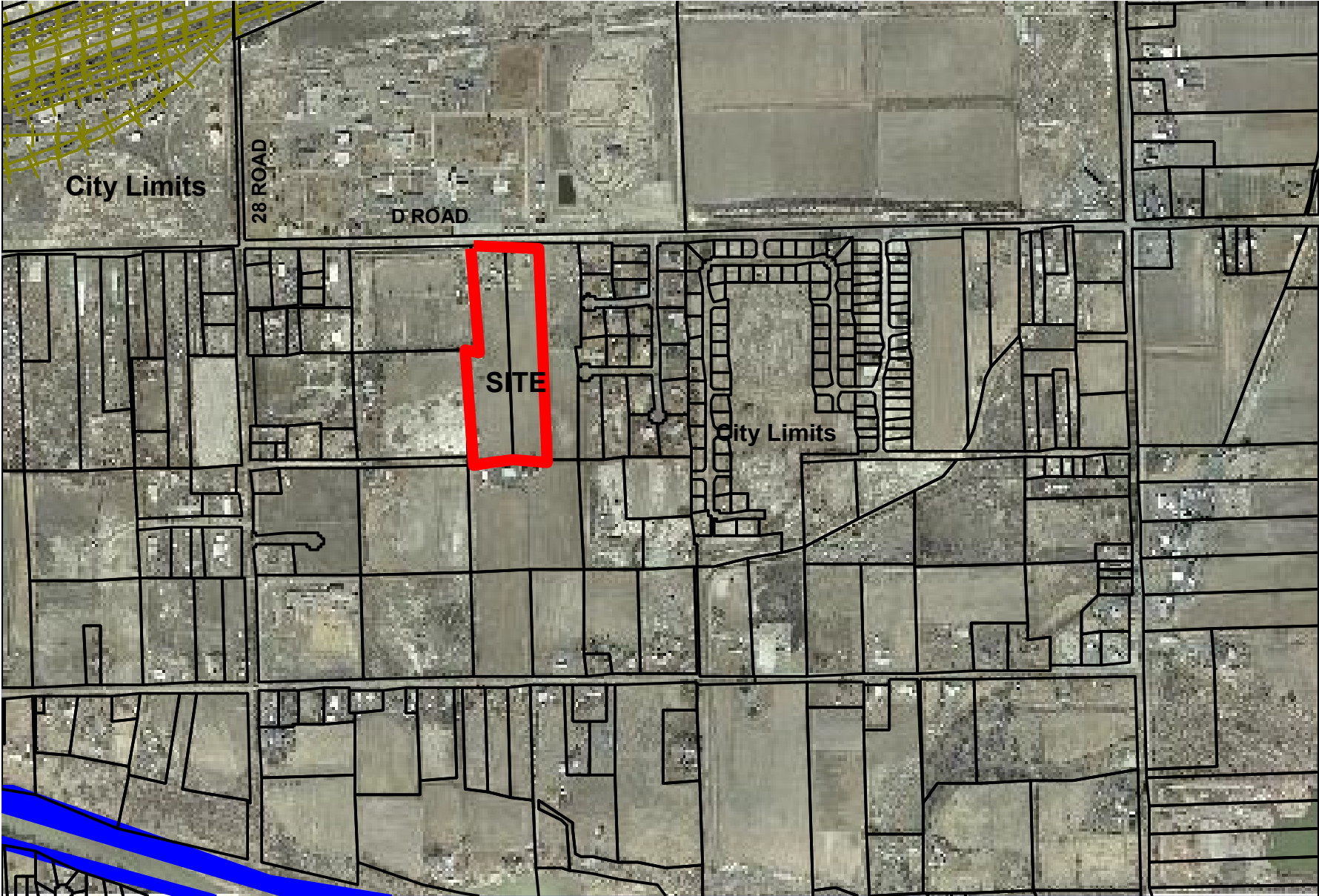
# Site Location Map

Figure 1



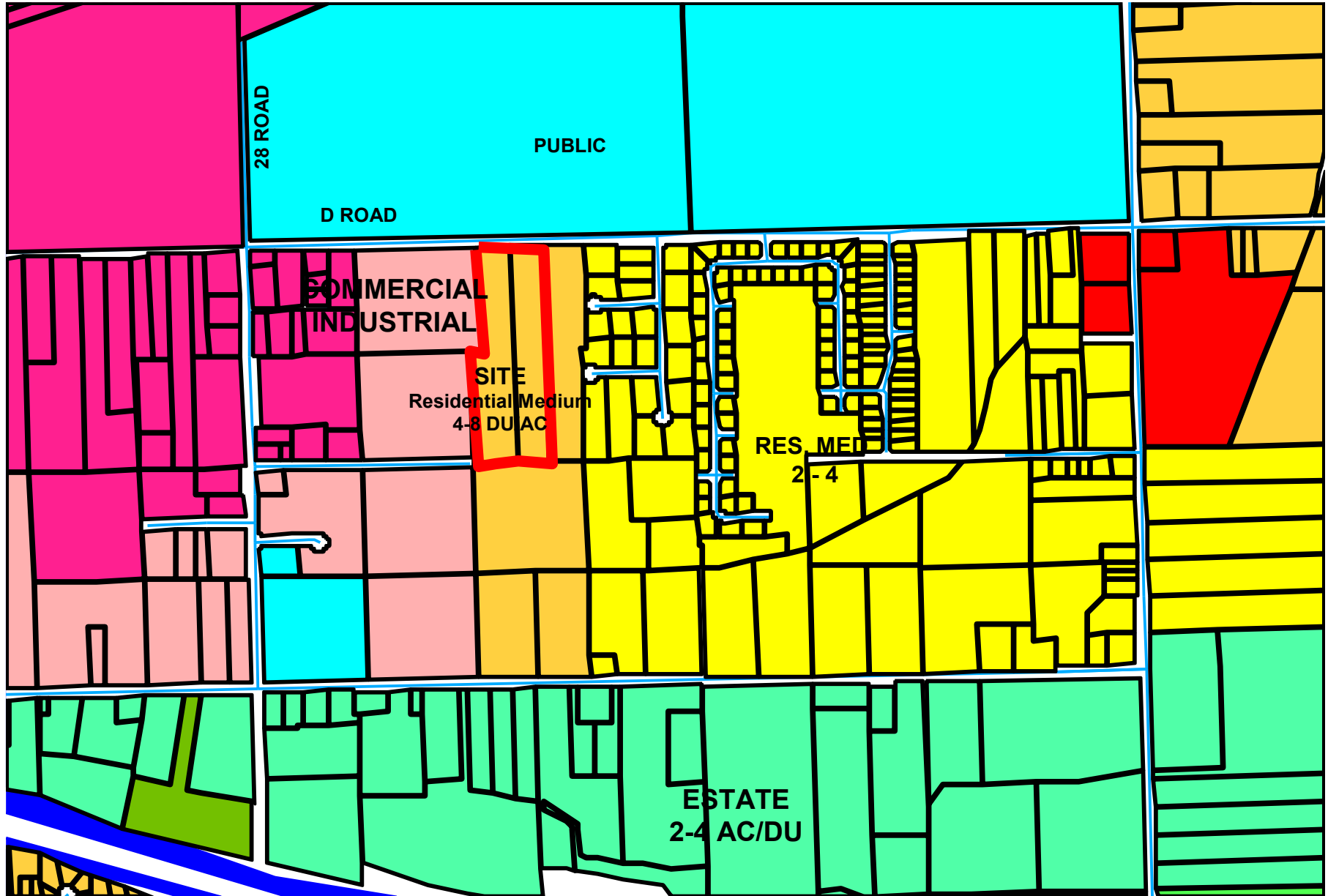
# Aerial Photo Map

Figure 2



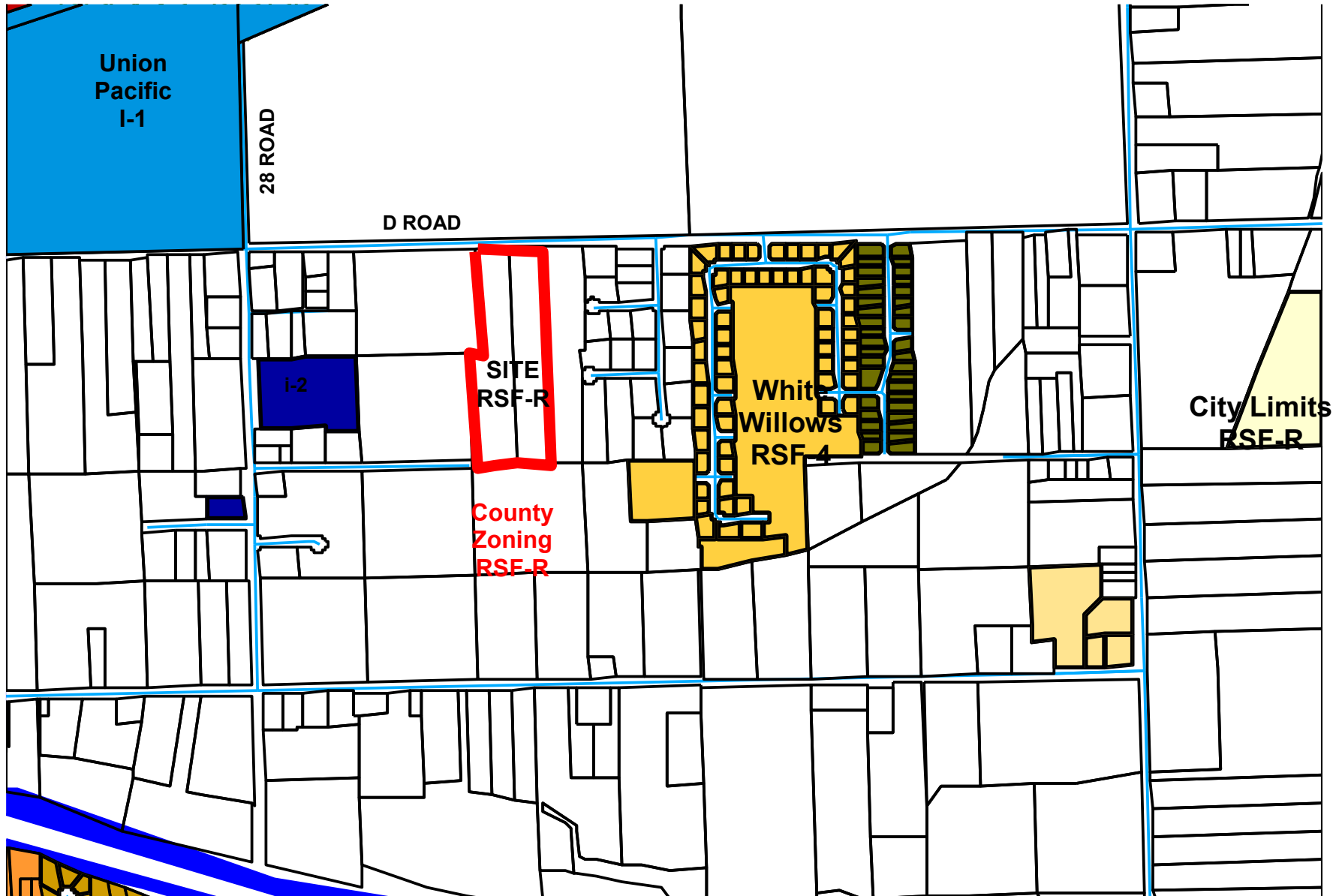
# Future Land Use Map

Figure 3



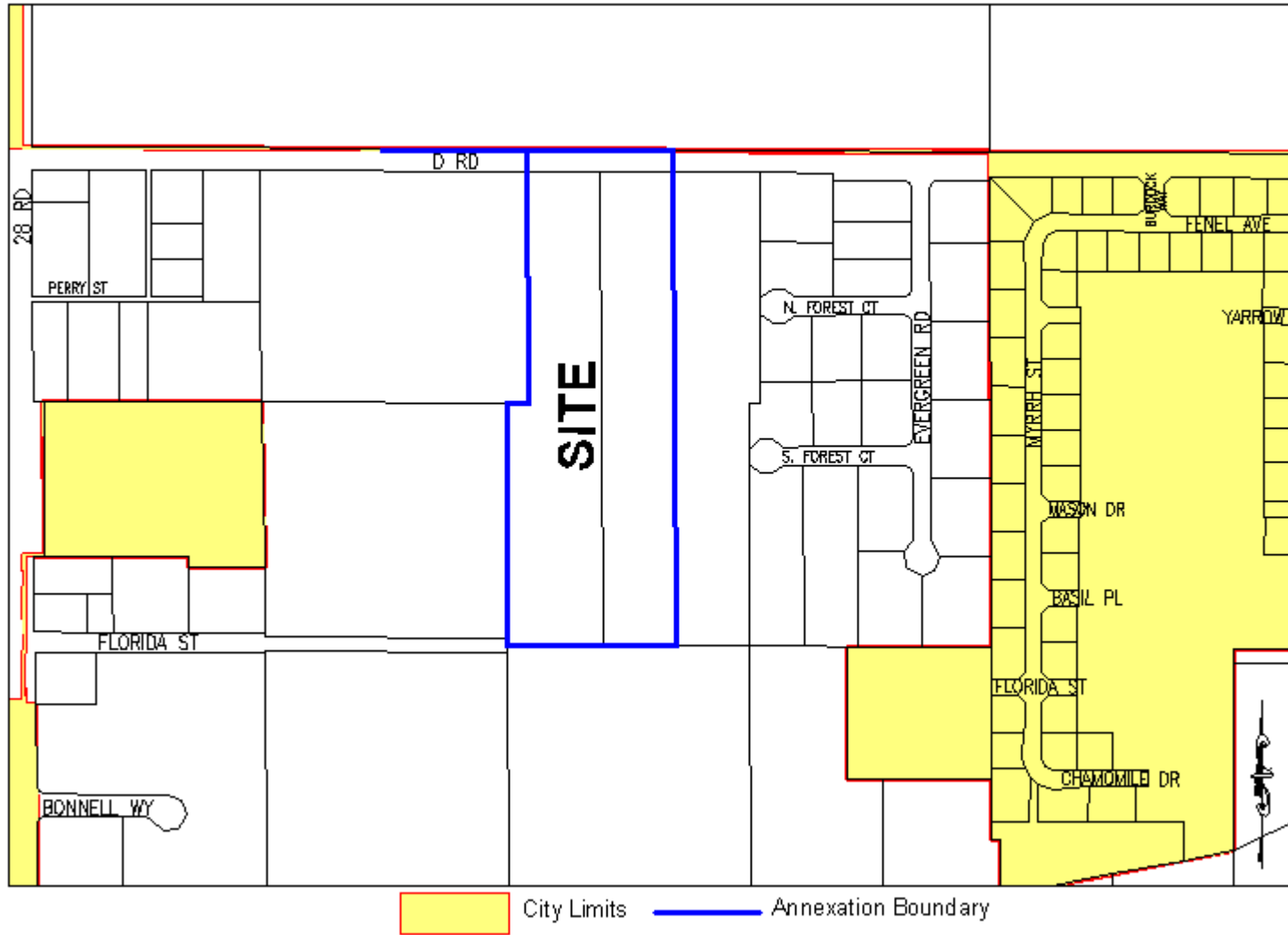
# Existing City and County Zoning

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."

Tomkins Annexation  
Figure 5





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE TOMKINS ANNEXATION TO  
RMF-8**

**LOCATED AT 2835 and 2837 D Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Tomkins Annexation to the RMF-8 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-8 with a density not to exceed 8 dwelling units per acre.

**TOMKINS ANNEXATION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 19, Township 1 South, Range 1 East and the Southwest Quarter (SW 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the North Quarter (N 1/4) corner of said Section 19, and assuming the North line of the NW 1/4 of said Section 19 bears N 89°39'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'17" W along the North line of the NW 1/4 of said Section 19, a distance of 866.64 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'43" W a distance of 1324.51 feet, more or less, to a point on the South line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19; thence N 89° 39'45" W along said South line, a distance of 460.60 feet, more or less, to a point being the Southwest corner of the NE 1/4 NW 1/4 of said Section 19; thence N 00°06'43" E along the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 662.39 feet; thence S 89°33'30" E a distance of 60.60 feet; thence N 00°06'43" E along a line 60.60 feet East of and parallel to, the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 688.28 feet, more or less, to a point on a line 26.00 feet North of and parallel to, the North line of the NW 1/4 of said Section 19; thence N 89°39'17" W along said line, a distance of 400.01 feet; thence N 00°20'43" E a distance of 2.0 feet; thence S 89°39'17" E along a line 28.00 feet North of and parallel to, the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 800.00 feet; thence S 00°06'43" W a distance of 28.00 feet, more of less, to the Point of Beginning.

CONTAINING 13.360 Acres (581,951 Sq. Ft.), more or less, as described.

Introduced on first reading this 21<sup>st</sup> day of January, 2004 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 13**  
**Public Hearing – Bogart Annexation**  
**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>									
<b>Subject</b>		Bogart Annexation located at 563 22 ½ Rd							
<b>Meeting Date</b>		February 4, 2004							
<b>Date Prepared</b>		January 26, 2004				File #ANX-2003-254			
<b>Author</b>		Senta Costello			Associate Planner				
<b>Presenter Name</b>		Senta Costello			Associate Planner				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>		
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input type="checkbox"/>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Bogart Annexation, located at 563 22 ½ Road. The 1.409 acre annexation consists of 1 parcel of land.

**Budget:** N/A

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

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

**Attachments:**

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

<b>STAFF REPORT/BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>563 22 ½ Road</b>	
<b>Applicants:</b>		Jack Bogart	
<b>Existing Land Use:</b>		<b>1 single family house</b>	
<b>Proposed Land Use:</b>		<b>Simple subdivision to build 1 additional house</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Residential 1 du/1.33 ac avg. +/-</b>	
	<b>South</b>	2 single family homes on 2 lots totaling 4.75 ac +/-	
	<b>East</b>	Single Family Residential 1 du/1.25 ac avg. +/-	
	<b>West</b>	Single Family Residential ½ ac lots avg. +/-	
<b>Existing Zoning:</b>		RSF-4 (Mesa County)	
<b>Proposed Zoning:</b>		RSF-2 (City)	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-4 (Mesa County)</b>	
	<b>South</b>	RSF-4 (Mesa County)	
	<b>East</b>	RSF-4 (Mesa County)	
	<b>West</b>	<b>RSF-4 (Mesa County)</b>	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.791 acres and is comprised of a 1.409 acre parcel and 3.382 acres within right-of way. The property owners have requested annexation into the City as the result of wanting to subdivide the property creating 1 additional lot. Under the 1998 Persigo Agreement all subdivisions 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 Bogart 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.

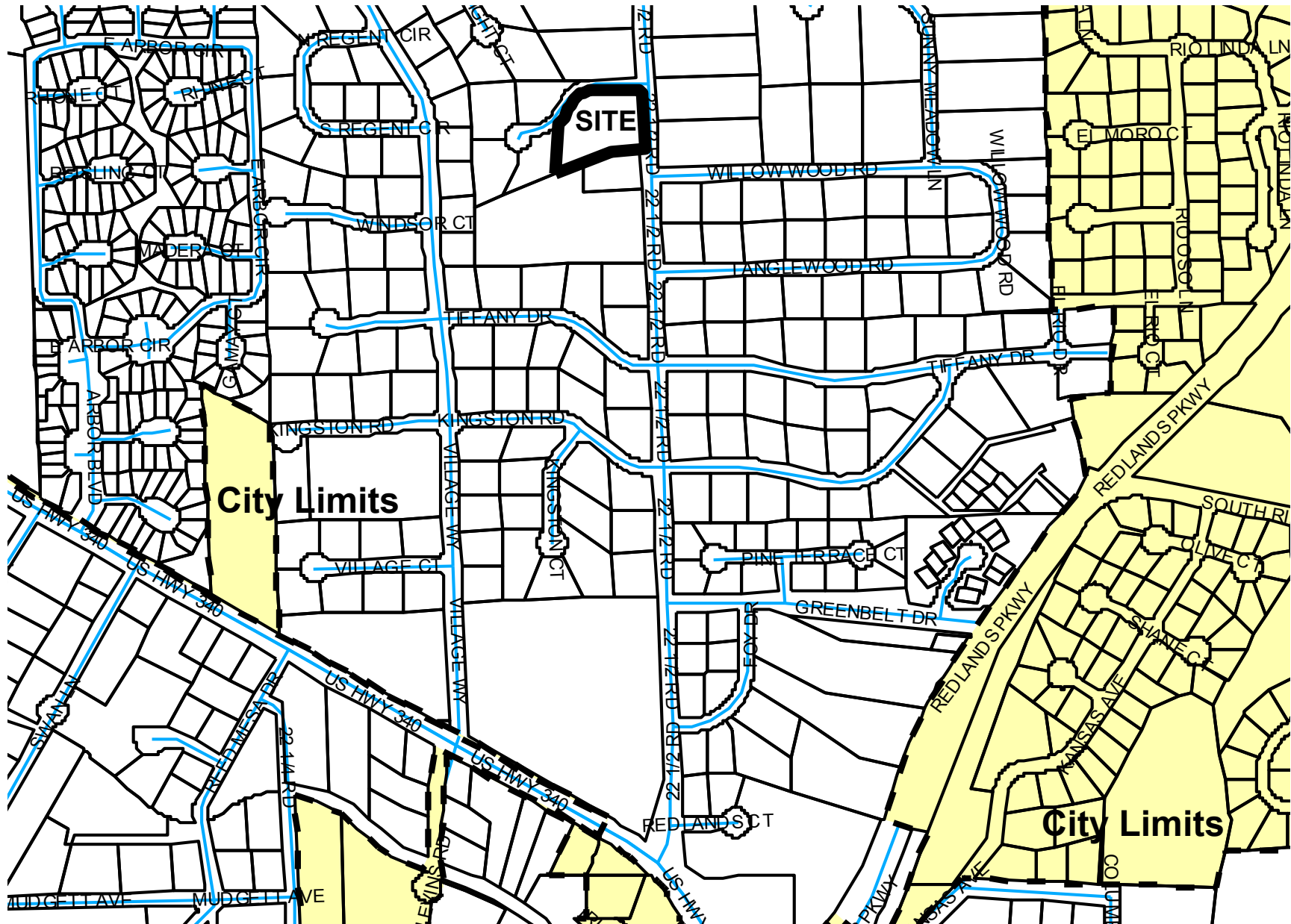
<i>ANNEXATION SCHEDULE</i>	
<b>December 17, 2003</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>January 13, 2004</b>	Planning Commission considers Zone of Annexation
<b>January 21, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
<b>February 4, 2004</b>	Zoning by City Council
<b>March 7, 2004</b>	Effective date of Annexation and Zoning

## <NAME> ANNEXATION SUMMARY

<b>File Number:</b>		ANX-2003-254
<b>Location:</b>		563 22 ½ Rd
<b>Tax ID Number:</b>		2945-072-20-011
<b>Parcels:</b>		1
<b>Estimated Population:</b>		2
<b># of Parcels (owner occupied):</b>		1
<b># of Dwelling Units:</b>		1
<b>Acres land annexed:</b>		1.409
<b>Developable Acres Remaining:</b>		1 acres +/-
<b>Right-of-way in Annexation:</b>		3.382 acres
<b>Previous County Zoning:</b>		RSF-4
<b>Proposed City Zoning:</b>		RSF-4
<b>Current Land Use:</b>		1 single family house
<b>Future Land Use:</b>		Residential Medium Low 2-4 du/ac
<b>Values:</b>	<b>Assessed:</b>	= \$22,290
	<b>Actual:</b>	= \$280,110
<b>Address Ranges:</b>		563 22 ½ Rd
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation/Drainage:</b>	Redlands Water & Power
	<b>School:</b>	Mesa County School District #51

# Site Location Map

Figure 1



# Aerial Photo Map

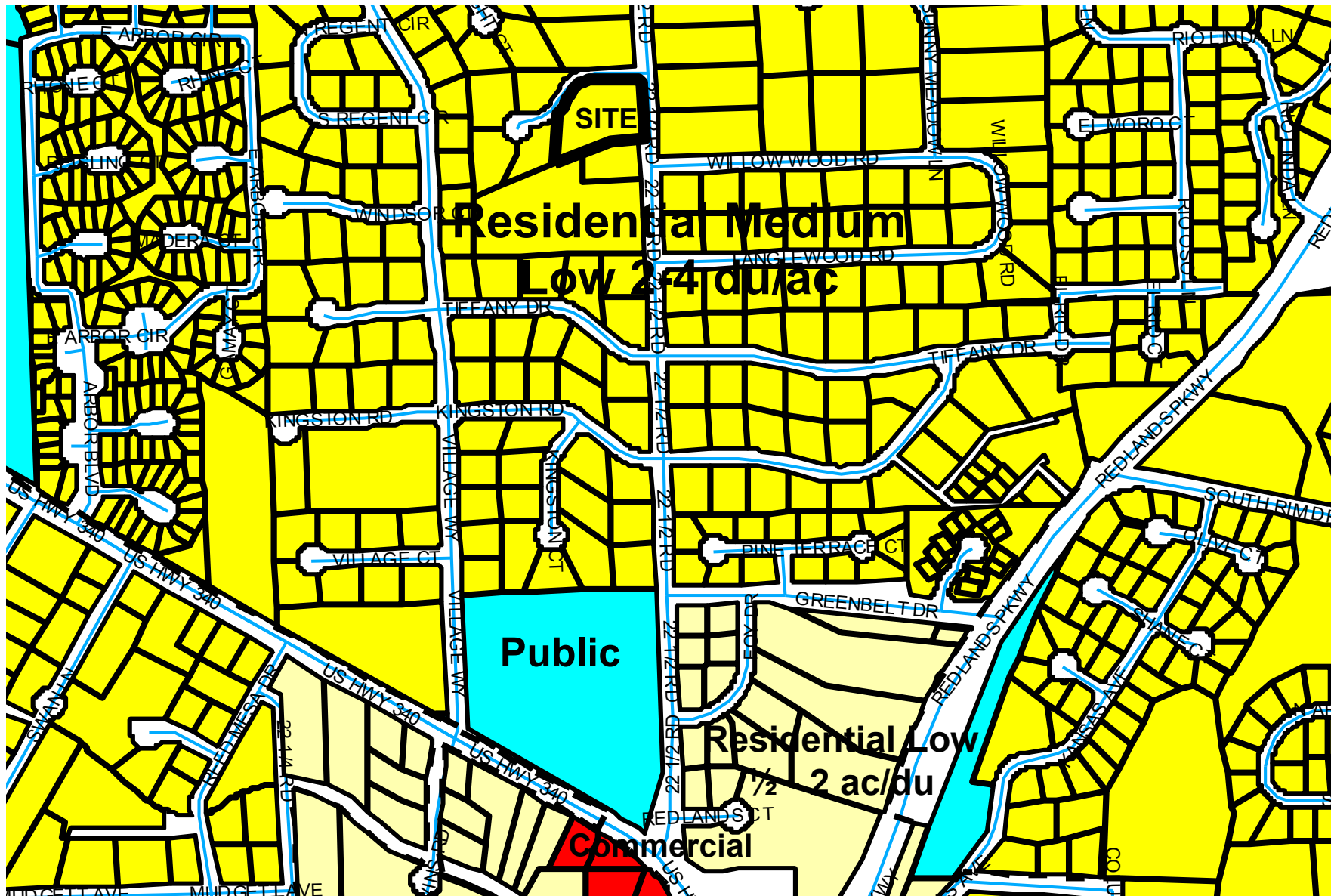
Figure 2





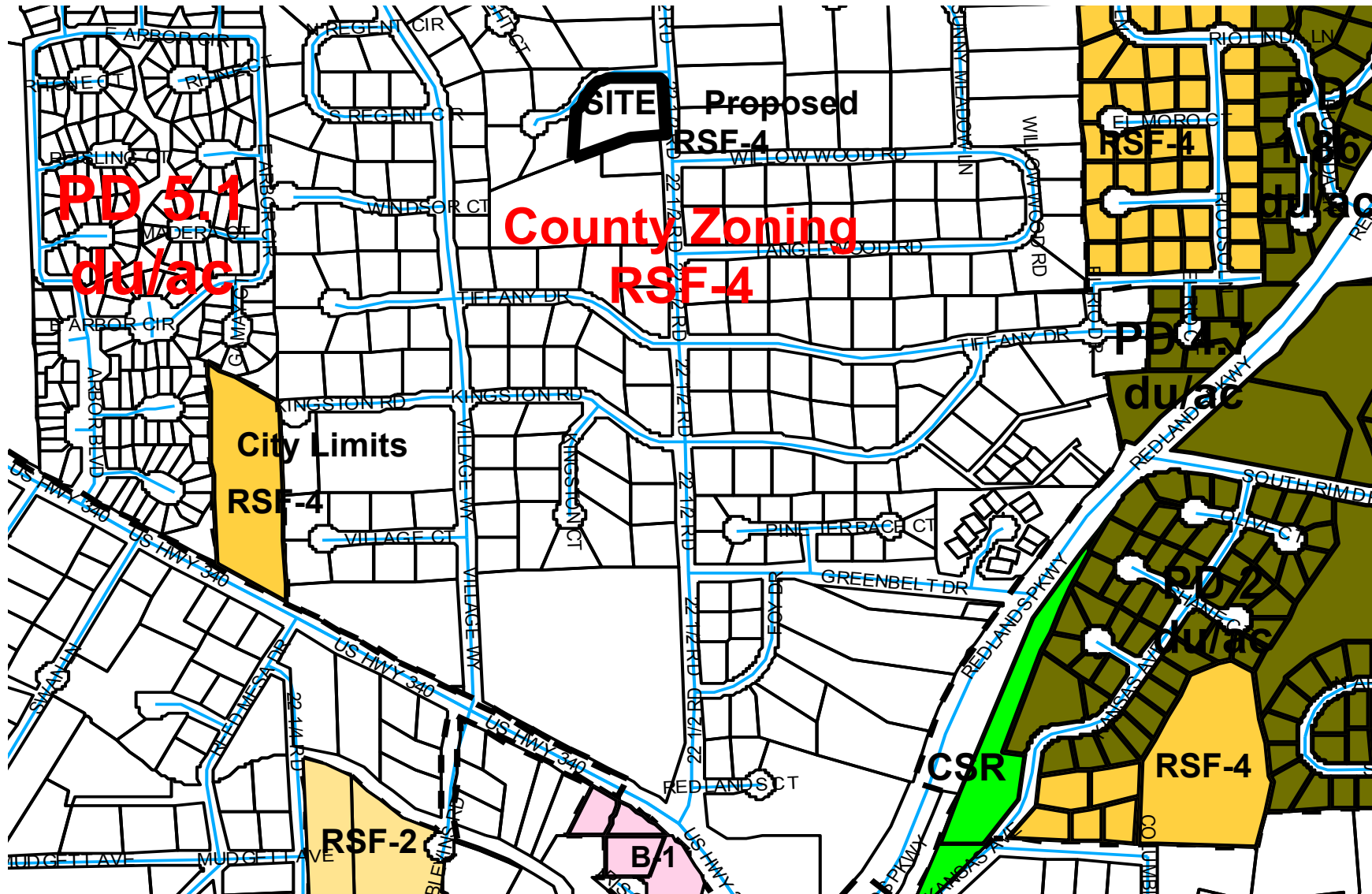
# Future Land Use Map

Figure 3



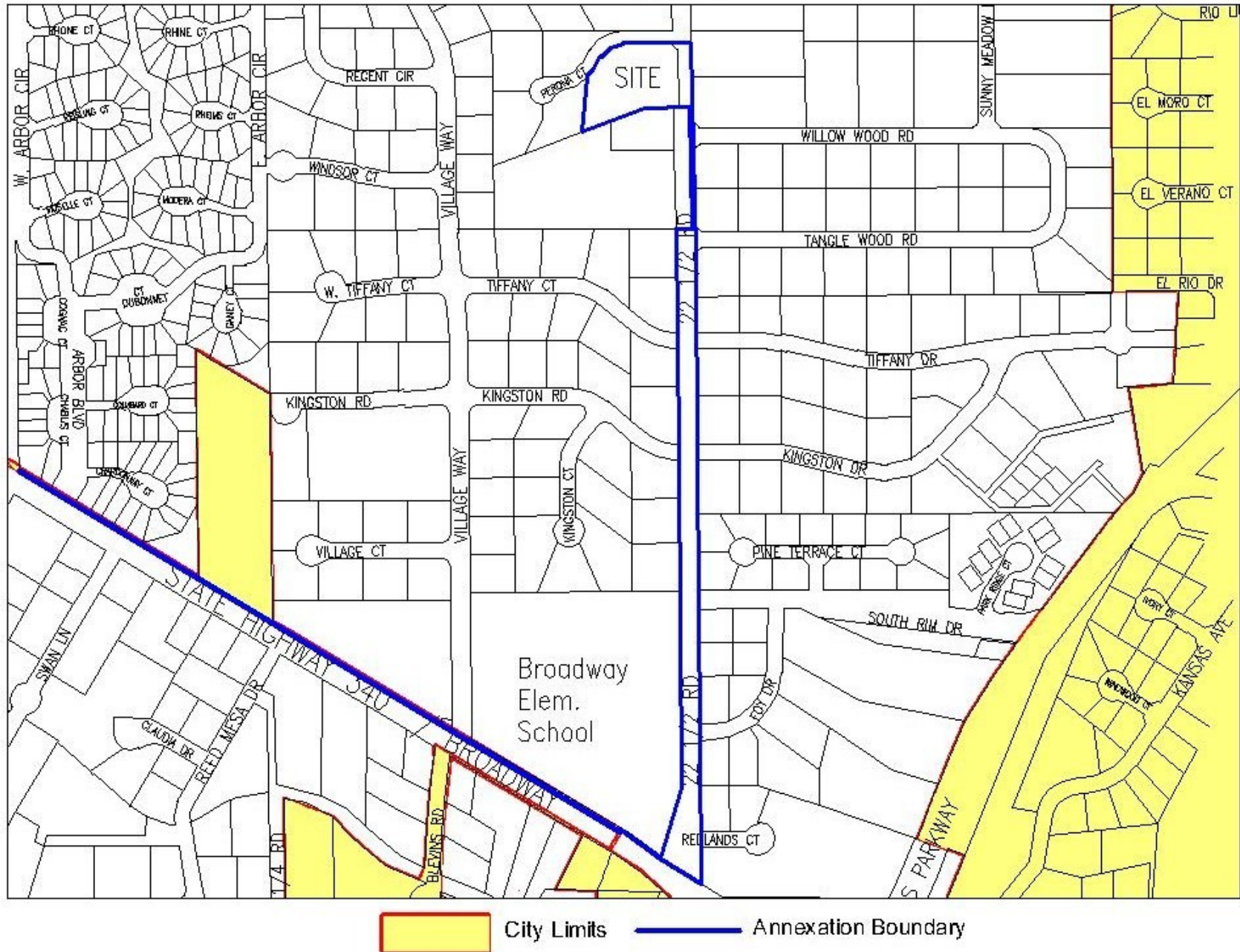
# Existing City and County Zoning

Figure 4



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

# Bogart Annexation Figure 5



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

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

**BOGART ANNEXATION**

**LOCATED at 563 22 ½ ROAD AND INCLUDING A PORTION OF THE 22 ½ ROAD  
AND HWY 340 RIGHTS-OF-WAY**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 17<sup>th</sup> day of December, 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:

**BOGART ANNEXATION**

A certain parcel of land lying in Section 7, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 2, Block 5, Plat of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County, Colorado, and assuming the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 7 bears N 00°48'00" W with all other bearings contained herein being referenced thereto; thence from said Point of Commencement, S 00°43'52" E along a line being the Southerly extension of the West line of said Vineyard Filing No. One, a distance of 9.40 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 59°01'04" E along a line 8.00 feet South of and parallel to, 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), a distance of 2207.87 feet; thence N 30°58'56" E, a distance of 8.00 feet to a point on the Northerly right of way for said Highway 340 (Broadway), being the beginning of a 820.65 foot radius curve, concave Southwest, whose long chord bears S 54°54'34" E with a long chord length of 153.73 feet; thence Southeasterly 153.96 feet along the arc of said curve, through a central angle of 10°44'56"; thence N 16°41'00" E along the West right of way for 22-1/2 Road, a distance of 220.95 feet; thence N 00°28'40" W along a line 50.00 feet West of and parallel to, the East line of the Southwest Quarter (SW 1/4) of said Section 7, being the West right of way for said 22 1/2 Road, a distance of 1757.35 feet, more or less, to a

point being the Northeast corner of Lot 2, Block 3, Redlands Village Filing No. 1, as same is recorded in Plat Book 9, Page 205, Public Records of Mesa County, Colorado; thence N 89°59'00" E, a distance of 50.00 feet to a point on the East line of the Northwest Quarter (NW 1/4) of said Section 7; thence N 00°28'40" W along said East line, a distance of 383.00 feet to a point on the Easterly extension of the South line of Lot 5, Plat of Mountain Acres, as same is recorded in Plat Book 13, Page 22, Public Records of Mesa County, Colorado; thence S 89°59'00" W along the South line of said Lot 5, a distance of 140.00 feet; thence S 69°35'00" W along said South line, a distance of 210.64 feet, more or less, to a point being the Southwest corner of said Lot 5; thence N 06°00'00" E along the West line of said Lot 5, a distance of 171.55 feet to a point on the South right of way for Perona Court, being the beginning of a 120.00 foot radius curve, concave Northwest, whose long chord bears N 37°00'16" E with a long chord length of 27.62 feet; thence Northeasterly 27.68 feet along the arc of said curve, through a central angle of 13°12'57"; thence N 30°23'47" E along said South right of way, a distance of 52.00 feet to a point being the beginning of a 80.00 foot radius curve, concave Southeast, whose long chord bears N 60°23'47" E with a long chord length of 80.00 feet; thence Northeasterly 83.78 feet along the arc of said curve, through a central angle of 60°00'00"; thence S 89°36'13" E along the North line of said Lot 5, being the South right of way for said Perona Court, a distance of 215.31 feet to a point on the East right of way for said 22-1/2 Road; thence S 00°28'40" E, along the East right of way for said 22-1/2 Road, being a line 10.00 feet East of and parallel to, the East line of the NW 1/4 and SW 1/4 of said Section 7, a distance of 2630.60 feet to a point on the Northerly right of way for said Colorado Highway 340 (Broadway), as same is described in Book 2548, Page 562, Public Records of Mesa County, Colorado; thence N 59°27'15" W, a distance of 147.62 feet to a point being the beginning of a 818.65 foot radius curve, concave Southwest, whose long chord bears N 54°50'28" W with a long chord length of 151.41 feet; thence Northwesterly 151.63 feet along the arc of said curve, through a central angle of 10°36'43"; thence S 30°58'56" W, a distance of 8.04 feet; thence N 59°01'04" W, along a line 10.00 feet South of and parallel to, the Northerly right of way for said Colorado Highway 340 (Broadway), a distance of 2208.64 feet; thence N 00°43'52" W, a distance of 2.35 feet, more or less, to the Point of Beginning.

CONTAINING 4.791 Acres (208,715 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4<sup>th</sup> day of February, 2004; 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 4<sup>th</sup> day of February, 2004.

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**

**BOGART ANNEXATION**

**APPROXIMATELY 4.791 ACRES**

**LOCATED AT 563 22 ½ ROAD AND INCLUDING A PORTION OF THE 22 ½ ROAD  
AND HWY 340 RIGHTS-OF-WAY**

**WHEREAS**, on the 17<sup>th</sup> day of December, 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 4<sup>th</sup> day of February, 2004; 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:

**BOGART ANNEXATION**

A certain parcel of land lying in Section 7, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 2, Block 5, Plat of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County, Colorado, and assuming the East line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 7 bears N 00°48'00" W with all other bearings contained herein being referenced thereto; thence from said Point of

Commencement, S 00°43'52" E along a line being the Southerly extension of the West line of said Vineyard Filing No. One, a distance of 9.40 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 59°01'04" E along a line 8.00 feet South of and parallel to, 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), a distance of 2207.87 feet; thence N 30°58'56" E, a distance of 8.00 feet to a point on the Northerly right of way for said Highway 340 (Broadway), being the beginning of a 820.65 foot radius curve, concave Southwest, whose long chord bears S 54°54'34" E with a long chord length of 153.73 feet; thence Southeasterly 153.96 feet along the arc of said curve, through a central angle of 10°44'56"; thence N 16°41'00" E along the West right of way for 22-1/2 Road, a distance of 220.95 feet; thence N 00°28'40" W along a line 50.00 feet West of and parallel to, the East line of the Southwest Quarter (SW 1/4) of said Section 7, being the West right of way for said 22 1/2 Road, a distance of 1757.35 feet, more or less, to a point being the Northeast corner of Lot 2, Block 3, Redlands Village Filing No. 1, as same is recorded in Plat Book 9, Page 205, Public Records of Mesa County, Colorado; thence N 89°59'00" E, a distance of 50.00 feet to a point on the East line of the Northwest Quarter (NW 1/4) of said Section 7; thence N 00°28'40" W along said East line, a distance of 383.00 feet to a point on the Easterly extension of the South line of Lot 5, Plat of Mountain Acres, as same is recorded in Plat Book 13, Page 22, Public Records of Mesa County, Colorado; thence S 89°59'00" W along the South line of said Lot 5, a distance of 140.00 feet; thence S 69°35'00" W along said South line, a distance of 210.64 feet, more or less, to a point being the Southwest corner of said Lot 5; thence N 06°00'00" E along the West line of said Lot 5, a distance of 171.55 feet to a point on the South right of way for Perona Court, being the beginning of a 120.00 foot radius curve, concave Northwest, whose long chord bears N 37°00'16" E with a long chord length of 27.62 feet; thence Northeasterly 27.68 feet along the arc of said curve, through a central angle of 13°12'57"; thence N 30°23'47" E along said South right of way, a distance of 52.00 feet to a point being the beginning of a 80.00 foot radius curve, concave Southeast, whose long chord bears N 60°23'47" E with a long chord length of 80.00 feet; thence Northeasterly 83.78 feet along the arc of said curve, through a central angle of 60°00'00"; thence S 89°36'13" E along the North line of said Lot 5, being the South right of way for said Perona Court, a distance of 215.31 feet to a point on the East right of way for said 22-1/2 Road; thence S 00°28'40" E, along the East right of way for said 22-1/2 Road, being a line 10.00 feet East of and parallel to, the East line of the NW 1/4 and SW 1/4 of said Section 7, a distance of 2630.60 feet to a point on the Northerly right of way for said Colorado Highway 340 (Broadway), as same is described in Book 2548, Page 562, Public Records of Mesa County, Colorado; thence N 59°27'15" W, a distance of 147.62 feet to a point being the beginning of a 818.65 foot radius curve, concave Southwest, whose long chord bears N 54°50'28" W with a long chord length of 151.41 feet; thence Northwesterly 151.63 feet along the arc of said curve, through a central angle of 10°36'43"; thence S 30°58'56" W, a distance of 8.04 feet; thence N 59°01'04" W, along a line 10.00 feet South of and parallel to, the



Northerly right of way for said Colorado Highway 340 (Broadway), a distance of 2208.64 feet; thence N 00°43'52" W, a distance of 2.35 feet, more or less, to the Point of Beginning.

CONTAINING 4.791 Acres (208,715 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 17<sup>th</sup> day of December, 2003 and ordered published.

**ADOPTED** on second reading this 4<sup>th</sup> day of February, 2004.

Attest:

---

President of the Council

---

City Clerk

**Attach 14**  
**Public Hearing – Zoning the Bogart Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Zoning the Bogart Annexation, located at 563 22 ½ Road.							
<b>Meeting Date</b>		February 4, 2004							
<b>Date Prepared</b>		January 26, 2004				File #ANX-2003-254			
<b>Author</b>		Senta Costello			Associate Planner				
<b>Presenter Name</b>		Senta Costello			Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a public hearing and consider final passage of the Zoning ordinance to zone the Bogart Annexation to RSF-2 located at 563 22 ½ Road. The property consists of 1.409 acres and is requesting annexation in conjunction with a request for a Simple Subdivision.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the zoning ordinance.

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

**Attachments:**

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

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>563 22 ½ Road</b>	
<b>Applicants:</b>		Jack Bogart	
<b>Existing Land Use:</b>		<b>1 single family house</b>	
<b>Proposed Land Use:</b>		<b>Simple subdivision to build 1 additional house</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Residential 1 du/1.33 ac avg. +/-</b>	
	<b>South</b>	2 single family homes on 2 lots totaling 4.75 ac +/-	
	<b>East</b>	Single Family Residential 1 du/1.25 ac avg. +/-	
	<b>West</b>	Single Family Residential ½ ac lots avg. +/-	
<b>Existing Zoning:</b>		RSF-4 (Mesa County)	
<b>Proposed Zoning:</b>		RSF-2 (City)	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-4 (Mesa County)</b>	
	<b>South</b>	RSF-4 (Mesa County)	
	<b>East</b>	RSF-4 (Mesa County)	
	<b>West</b>	<b>RSF-4 (Mesa County)</b>	
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criteria is not applicable.

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

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

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

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

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

The community or neighborhood will benefit from the proposed zone.

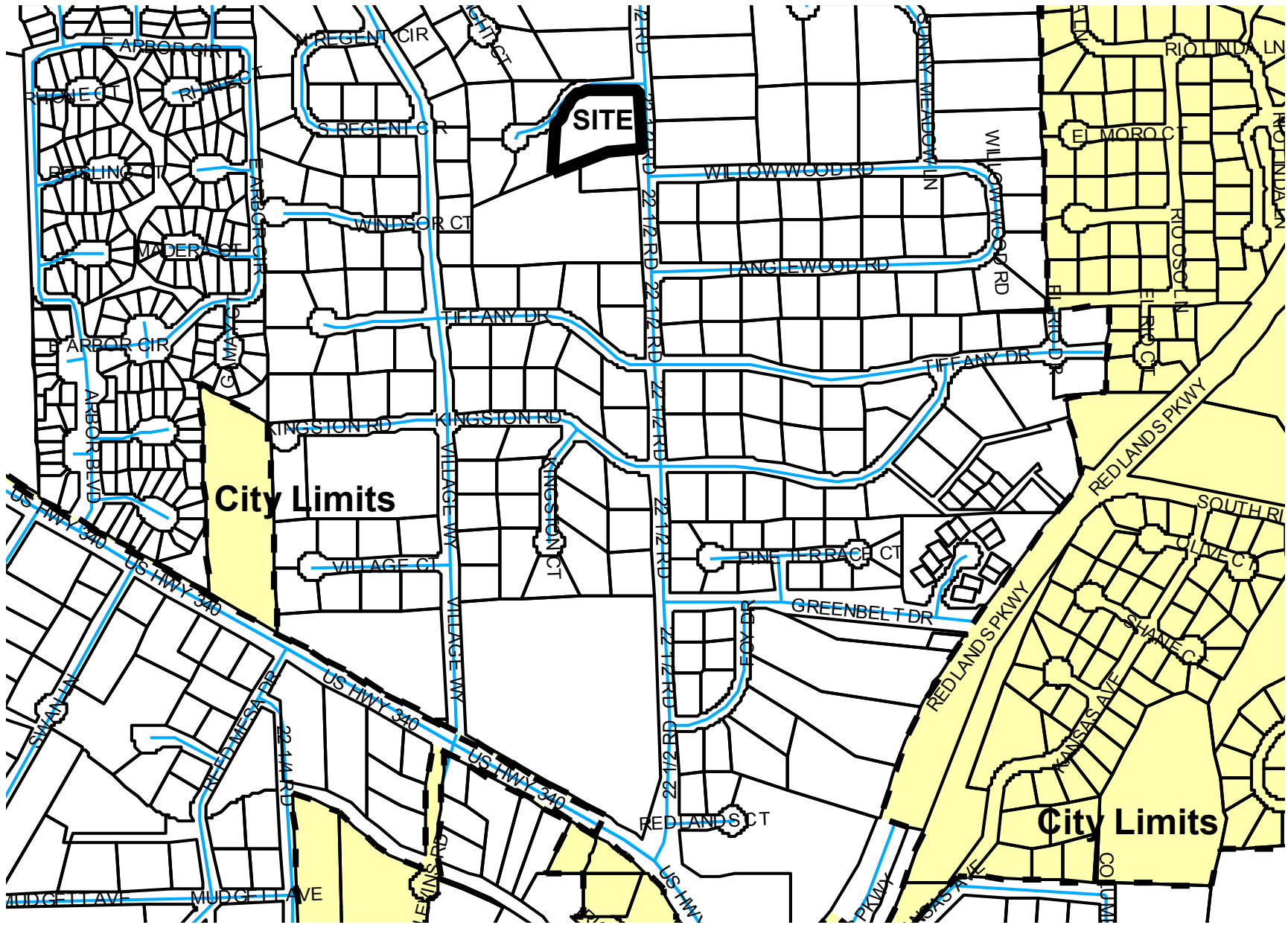
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-2 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

Figure 1



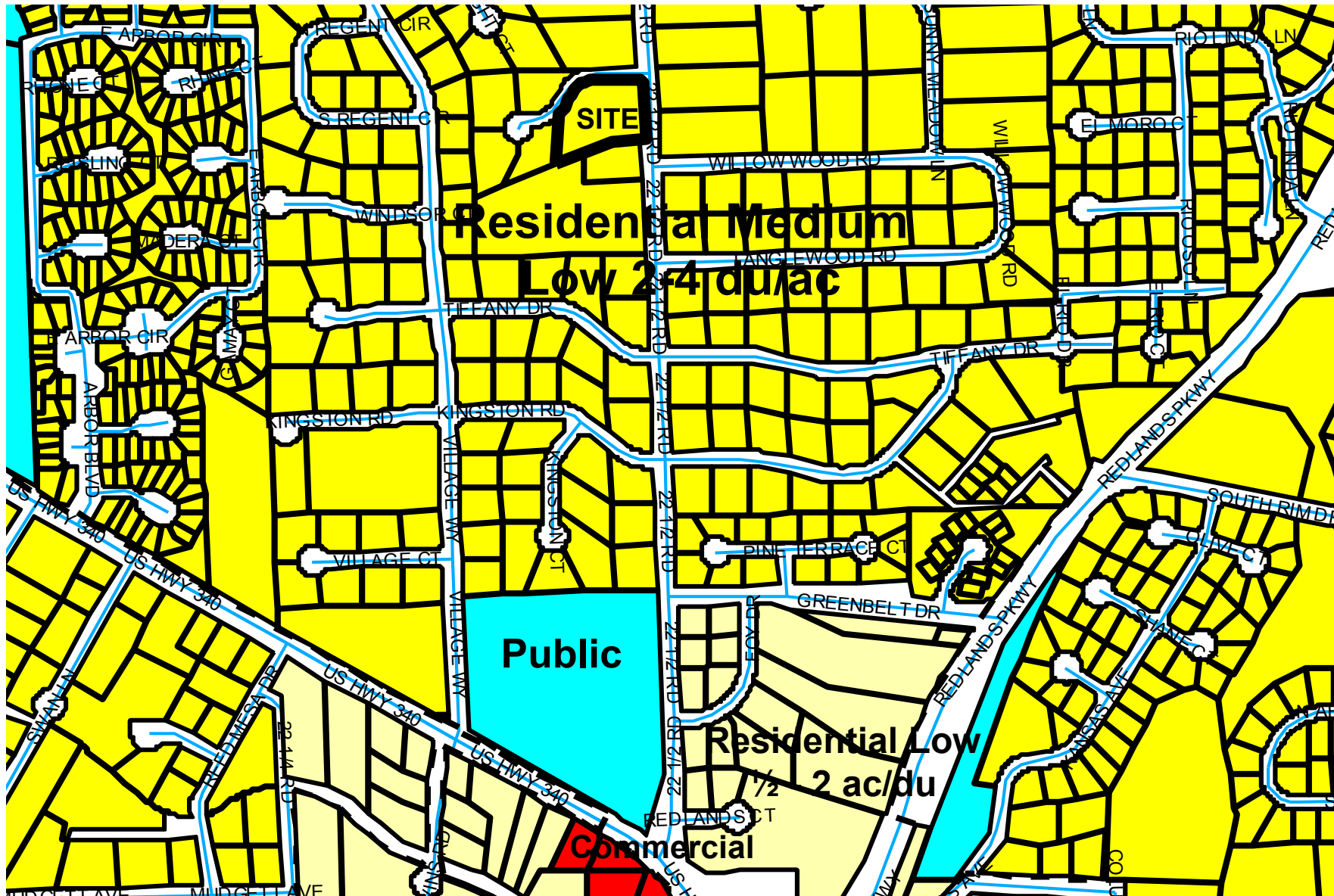
# Aerial Photo Map

Figure 2



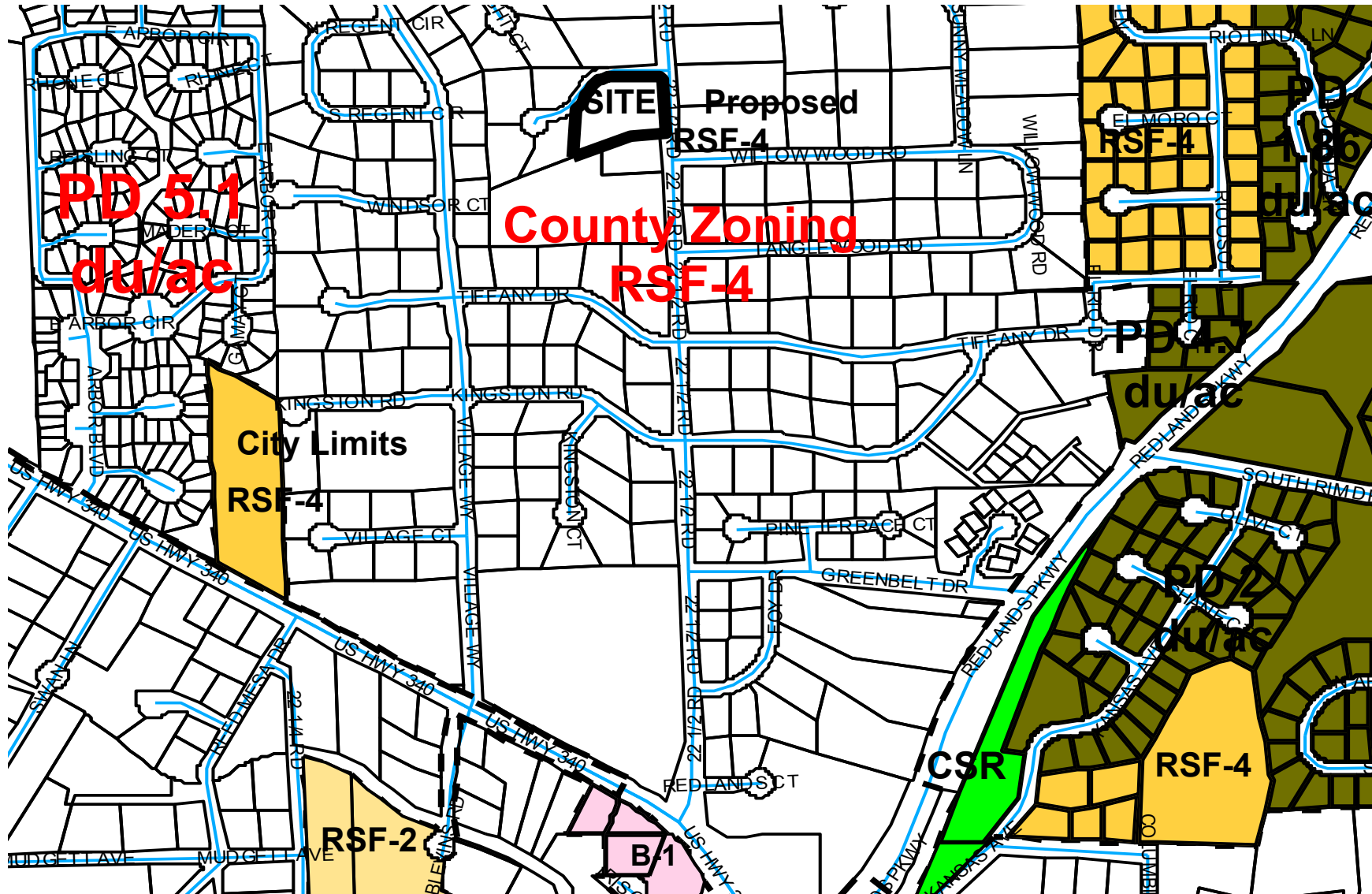
# Future Land Use Map

Figure 3



# Existing City and County Zoning

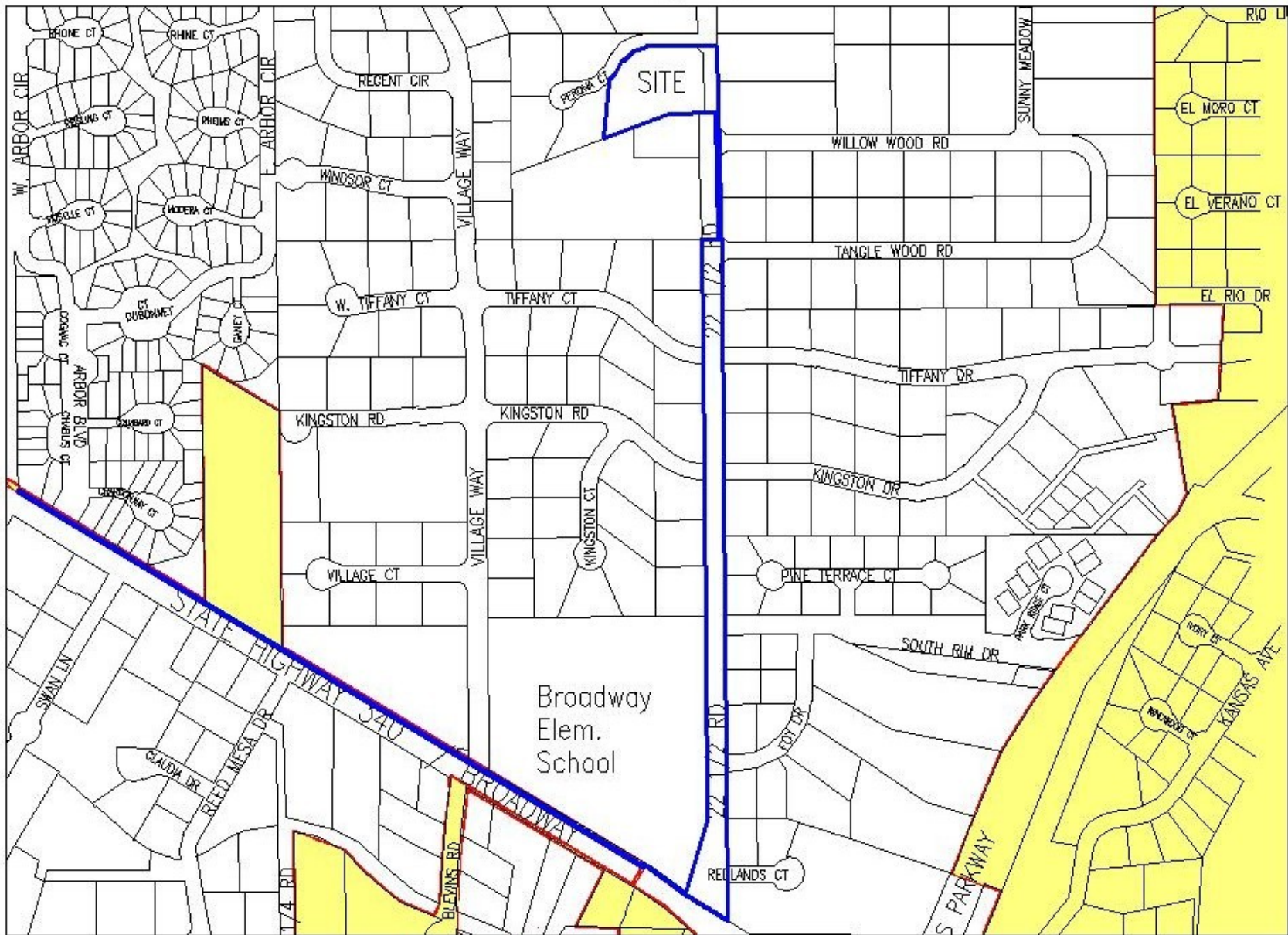
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof." 13



# Bogart Annexation Figure 5



 City Limits  Annexation Boundary

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE BOGART ANNEXATION TO  
RSF-2**

**LOCATED AT 563 22 ½ ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Bogart Annexation to the 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 the public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 zone district be established.

The Planning Commission and City Council find that the 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 rezoned RSF-2 with a density not to exceed 2 units per acre.

**BOGART ANNEXATION**

Lot 5 Mountain Acres, Sec 7 1S 1W

CONTAINING 1.409 Acres (61,376.04 Sq. Ft.), more or less, as described.

Introduced on first reading this 21<sup>st</sup> day of January, 2004 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 15**  
**Public Hearing – Zoning the Grand Bud Annexation**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>		Grand Bud Zone of Annexation, located at the NW corner of 28 ½ Road and Highway 50						
<b>Meeting Date</b>		February 4, 2004						
<b>Date Prepared</b>		January 26, 2004			File #GPA-2003-184			
<b>Author</b>		Kathy Portner		Planning Manager				
<b>Presenter Name</b>		Kathy Portner		Planning Manager				
<b>Report results back to Council</b>		X	No		Yes	When		
<b>Citizen Presentation</b>		X	Yes		No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Hold a Public Hearing and Consider Final Passage of an ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage of a Zoning Ordinance for the Grand Bud Annexation.

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

**Attachments:**

41. Staff report/Background information
42. General Location Map
43. Aerial Photo
44. Growth Plan Map
45. Zoning Map
46. Applicant's letter requesting RMF-8 zoning
47. Planning Commission Minutes
48. Zoning Ordinance

AGENDA TOPIC: GPA-2003-184 Grand Bud Zone of Annexation

ACTION REQUESTED: Request to zone the Grand Bud Annexation RMF-8  
(Residential Multi-family, 8 units per acre)

<i>BACKGROUND INFORMATION</i>				
Location:		NW corner of 28 ½ Road and Highway 50		
Applicants:		Grand Bud, LLC Mike Joyce, Development Concepts		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
<b>Surrounding Land Use:</b>	North	Residential Single Family		
	South	Residential Single Family		
	East	Residential Single Family		
	West	Undeveloped/Vacant		
Existing Zoning:		Mesa County RSF-4		
Proposed Zoning:		RMF-8		
<b>Surrounding Zoning:</b>	North	RMF-5		
	South	County RSF-4		
	East	County RSF-4		
	West	County C and PC		
Growth Plan Designation:		Residential Medium, 4 to 8 units per acre		
Zoning within density range?		X	Yes	No

**PROJECT DESCRIPTION:**

Request to zone the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

**RECOMMENDATION:**

Staff and Planning Commission recommend approval.

## ANALYSIS

### 1. Background

The 23.5 acre site, located at the NW corner of 28 ½ Road and Highway 50, was recently annexed to the City of Grand Junction. The owners signed an annexation petition to enable them to request a Growth Plan Amendment, in accordance with the Persigo Agreement. The property had a Mesa County zoning of RSF-4. The Future Land Use Map of the Growth Plan designates the entire property as Residential Medium (4-8 units per acre). Prior to the 2003 update to the Growth Plan, the property was designated as Public because the site was originally identified through the Orchard Mesa Neighborhood Plan as a potential site for a new high school. The School District has since determined that the site is not needed for a future school.

The owners had requested an amendment to the Growth Plan to change the Future Land Use map designation from Residential Medium to Commercial on a portion of the property. That request was denied by both the Planning Commission and the City Council.

The applicant is now requesting the City zone the property RMF-8 (Residential Multi-family, 8 units per acre).

### 2. Zoning of Annexed Properties

Section 2.14.F of the Zoning and Development Code states: “lands annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning”. The property was zoned RSF-4 prior to annexation. The applicant is requesting RMF-8, which is consistent with the Future Land Use Map designation of Residential Medium (4 – 8 units per acre).

### 3. Section 2.6 –Rezoning

Zoning map amendments must only occur if:

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

The Future Land Use map designation of Residential Medium allows for a range of residential zone district densities to be considered, including RSF-4, RMF-5 and RMF-8.

- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan.*

There have not been changes in the area that are inconsistent with the Growth Plan, but the RMF-8 zoning is one of the options that can be considered for this site.

- 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.*

RMF-8 zoning will offer more flexibility in residential design to create transitions on-site between the subdivisions to the north and east, Highway 50 to the south and the heavy commercial property to the west. 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 zone district.

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

The proposal for RMF-8 is supported by the following goals and policies of the Growth Plan:

Policy 1.3: City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

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

Public facilities and services are currently available and can address the impacts of development consistent with the RMF-8 zone district.

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

The RMF-8 zoning will allow for design flexibility to better integrate the development with the subdivision to the north and the commercial property to the west.

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

The proposed RMF-8 zoning can accommodate a variety of housing types, benefiting the community and neighborhood.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing GPA-2003-184, zoning the Grand Bud Annexation, staff makes the following findings of fact and conclusions:

5. The proposed zoning of RMF-8 is consistent with the Growth Plan.
6. The review criteria in Sections 2.14.F and 2.6.A of the Zoning and Development Code have been met.

#### **STAFF RECOMMENDATION:**

**Staff recommends approval of the RMF-8 zone district, with the findings that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.**

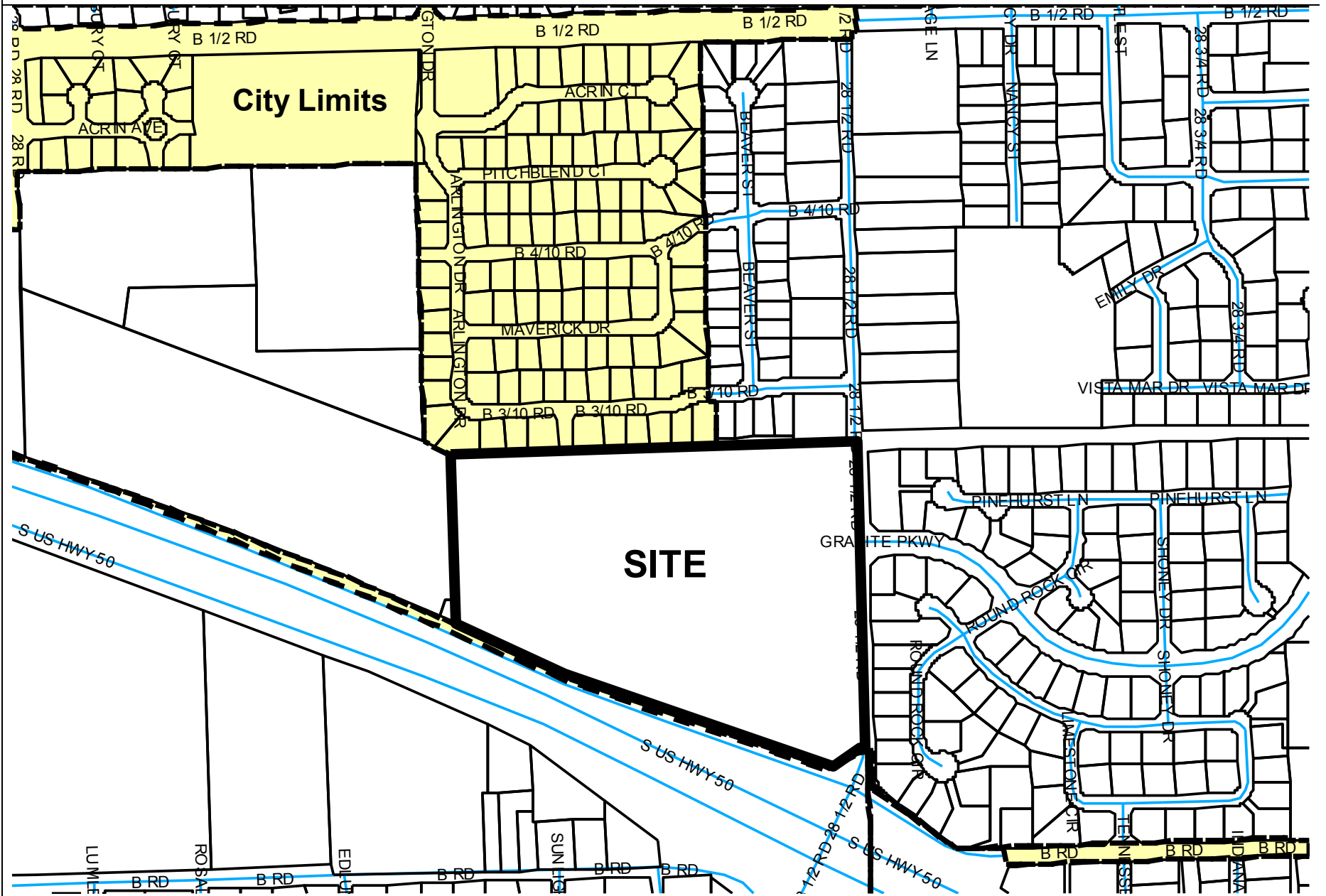
#### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.



# Site Location Map

Figure 1



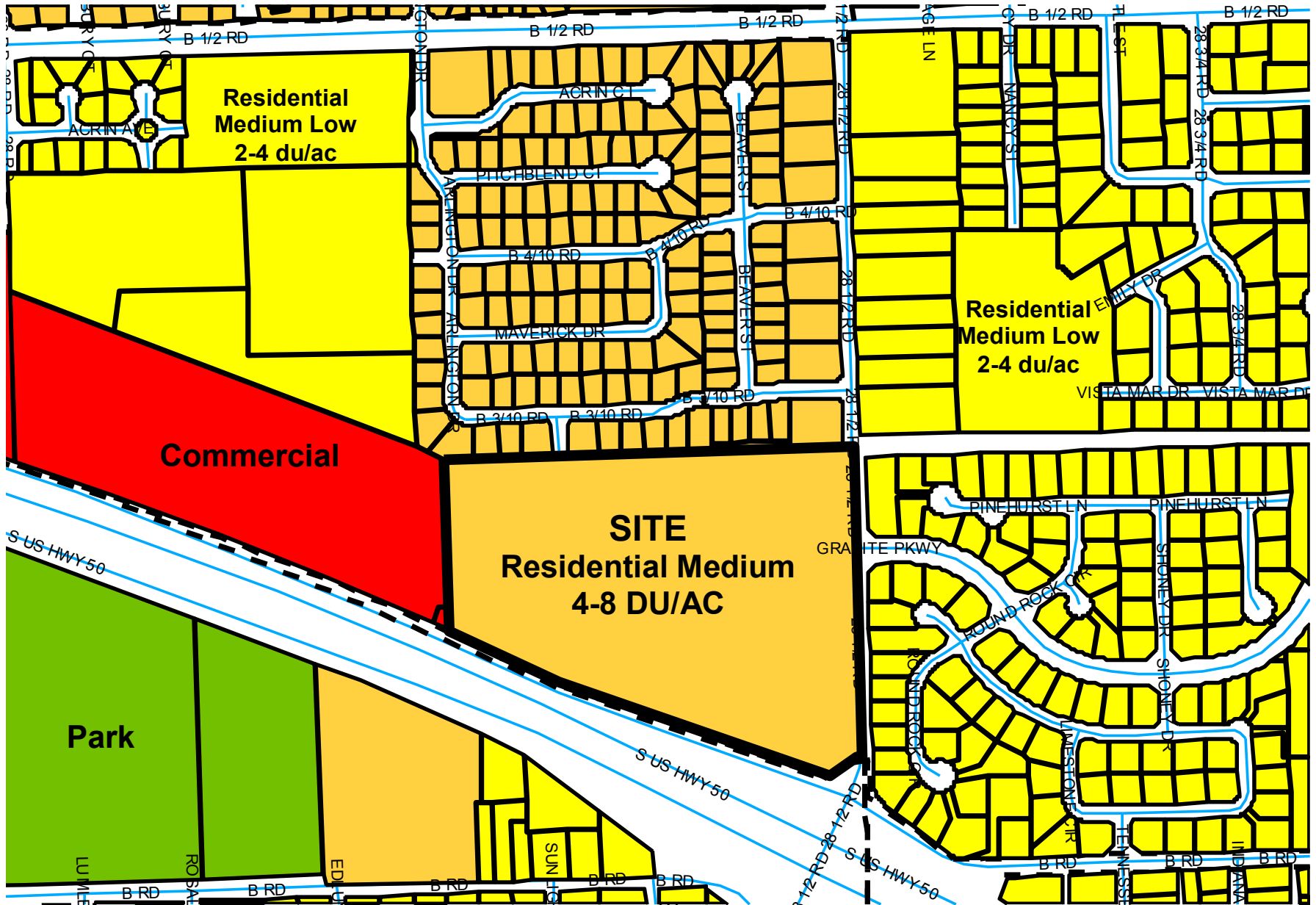
# Aerial Photo Map

Figure 2



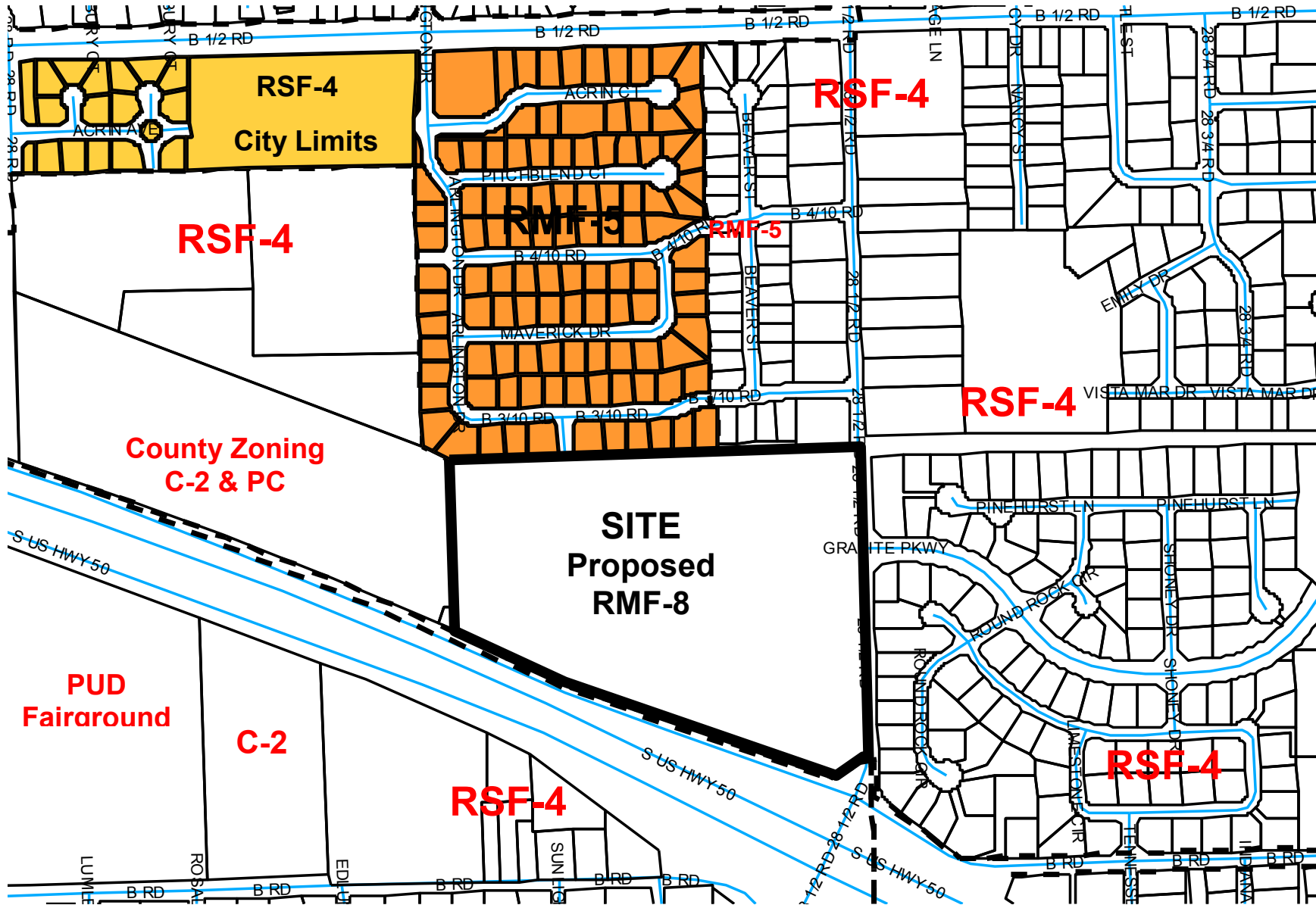
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

# HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

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December 9, 2003

Ms. Katherine M. Portner  
Planning Manager  
City of Grand Junction  
Community Development Department  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501-2668

Re: Grandbud, LLC –  
Property at Northwest Corner of 28½ Road and U.S. Highway 50

Dear Ms. Portner:

Pursuant to our telephone conversations, please accept this letter as the request of Grandbud, LLC for a zone designation for the property it owns at the northwest corner of 28½ Road and U.S. Highway 50 (Parcel No. 2943-303-00-045) ("Site") from its current zone of county residential, 4 dwelling units per acre (RSF-4) to the City's Residential Multifamily eight dwelling units per acre (RMF-8). In support of this request, please note the following:

## SITE INFORMATION

The Site consists of 23.486 acres of vacant undeveloped land situate to the west of 28½ Road and north of U.S. Highway 50 in Orchard Mesa. A copy of the full legal description is attached hereto as Exhibit 1. The Site has recently been annexed into the City of Grand Junction, but presently has a Mesa County zone designation of RSF-4. As noted above, Grandbud, LLC is requesting that the City designate the zone for the Site as RMF-8.

## SURROUNDING LAND USE AND ZONING

The Site is recognized to be in an area of transition, with surrounding land use and zoning being as follows:

Ms. Katherine M. Portner

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- West – County C-2 occupied by Sorter Construction Company.
- South – Mesa County Fairgrounds, Big J RV Park mobile home park and single family homes (County RSF-4, C-1, PUD and City RSF-4).
- East – Granite Springs Subdivision (County RSF-4).
- North – Arrowhead Acres Subdivision and Orchard Villa Estates (City RMF-5 and County RMF-5).

#### SITE HISTORY AND SERVICE

From the adoption of the 1996 Growth Plan until the Growth Plan's amendment in May of 2003, the Site was designated as "Public/Institutional" consistent with the 1995 Orchard Mesa Neighborhood Plan's designation of the Site for a future high school. The May 2003 Growth Plan amendment redesignated the Site as residential medium density, RMF-5-8.

The site is served by the following:

- Xcel Energy (electric and natural gas).
- Qwest (telephone).
- Orchard Mesa Irrigation District (irrigation water).
- Bresnan Communications (cable television).
- Orchard Mesa Sanitation District (sanitary sewer).
- Ute Water Conservancy District (potable water).
- Grand Junction Fire Department (fire protection).
- Grand Junction Police (police protection).

The property is also served by adjoining transportation corridors. To the east is 28½ Road designated as a collector street. Immediately to the south is frontage road for U.S. Highway 50, and to the south of that, U.S. Highway 50 itself.

#### CODE SECTION 2.4

Section 2.4 of the City of Grand Junction's Zoning and Development Code (Code) requires a review of the proposed zoning for consistency with the Growth Plan and Future Land Use Map (collectively "Growth Plan"). The requested zone is consistent with the Growth Plan designation of RMF-5-8. The applicant is unaware of any inconsistency between the requested zoning for the Site and the Growth Plan.

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The requested zone is consistent with the applicable policies and goals of the Growth Plan identified below:

- Policy 1.3 is supported by the applicant's request for a zone consistent with the Growth Plan designation.
- Policy 1.7 is supported by the zoning request for residential uses compatible with existing residential uses to the north, east and south.
- Policy 2.3 is supported by a zoning request that will allow for a residential development that should enhance the esthetic appeal of the U.S. Highway 50 gateway to the City of Grand Junction.
- Policy 4.4 is supported because the site is served by adequate public facilities.
- Policies 4.4 and 4.5 are supported by the existence of adequate water and sanitary sewer systems as well as other public services and facilities that serve the Site including the uses proposed under the RMF-8 zone.
- Policy 5.2 is supported by the proposed zone being compatible with existing residential development to the north, east and south.
- Policy 10.1 is supported by a residential zone density compatible with adjoining neighborhoods in a transitional area consistent with the Growth Plan and with existing public facilities to support the site.
- Goal 11 and Policies 11.1 through and including 11.3 are supported by permitting a zone density that would be not only compatible with adjacent residential uses to the north, east and south, but also facilitate development of multifamily units in several residential categories.
- Policies 13.2 and 13.3 are supported by the requested zone which would allow for the development of multifamily residential units in gateway areas of high visibility, i.e. U.S. Highway 50, of the type desired by the adjoining neighbors.
- Goal 15 and Policies 15.1 through 15.4 are supported by the proposal of a per acre unit density of eight that will encourage and facilitate the use of mixed housing types and densities to provide for a variety of housing types within a development, and to facilitate the development of appropriate housing categories adjacent to adjoining U.S. Highway 50 and the commercial property to the east.

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- Goal 23 is supported inasmuch as the adjoining streets (28½ Road to the east and U.S. Highway 50 to the south) provide appropriate and adequate transportation services for the density proposed by applicant.

#### CODE SECTION 2.6

Section 2.6.A provides approval criteria for amendments to the zoning in the City, which are addressed as follows:

1. **“The existing zone was an error at the time of adoption.”** Response: It is not believed that the existing county zone RSF-4 was an error at the time of its adoption. The zone requested by this letter is believed to be consistent both with the county zone designation and the zone designation pursuant to the Growth Plan.
2. **“There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc., and such changes were not anticipated and are not consistent with the plan.”** Response: Generally speaking, the site is located in an area of transition in Orchard Mesa. Notwithstanding such transition, the Growth Plan was amended in May of 2003 to reflect a determination that the site would no longer be used for a high school site. Thus, there has been a change to that extent, which resulted in a growth plan redesignation of the site from public/institutional to RMF-5-8.
3. **“The proposed zone is compatible with the neighborhood and will not create adverse impact 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.”** Response: The rezone is compatible with existing residential development to the north, east and south. The density of RMF-8 is proposed to facilitate mixed uses to buffer the commercial properties to the west and U.S. Highway 50 to the south. The proposed zone will not adversely impact traffic, parking, storm water or drainage, water, air or noise pollution or create excessive nighttime lighting or other nuisances inasmuch as it is compatible with the adjoining residential properties and this Site’s previously identified capability of handling this intensity of use.
4. **“The proposal conforms with and furthers the goal and policies of the growth plan, other adoptive plans, and policies, the requirements of this**



Ms. Katherine M. Portner  
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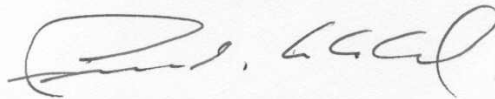
**Code and other city regulations and guidelines.”** Response: Insofar as applicant is aware, the proposals for the RMF-8 zone is not only consistent with the Growth Plan, but the adopted plans and policies of the City including the Orchard Mesa Neighborhood Plan.

5. **“Adequate public facilities and services are available or will be made available concurrent with the projected impact of the proposed development.”** Response: Adequate public facilities and services are presently in place sufficient to serve the site and any projected impacts of an RMF-8 zone.
6. **“There is not an adequate supply of land available in the neighborhood or surrounding area to accommodate the zoning community needs.”** Response: Applicant has not obtained data sufficient to respond to this statement. It is believed that the proposed zone is consistent with the desires of the surrounding neighbors, community development staff and is consistent with the Growth Plan.
7. **“The community or neighborhood will benefit from the proposed zone.”** Response: Since the proposal is consistent with the growth plan and the overwhelming desires of the neighborhood, and will present an attractive and beneficial development and gateway corridor, this zone should benefit the community and neighborhood.

I hope the foregoing adequately addresses the information you request to support the zone designation of RMF-8 for the Grandbud, LLC Site. If there is additional information you would like to have, or would like to have the existing information presented in a different format, would you please contact me immediately. Thank you for your cooperation and attention to this request.

Very truly yours,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation



FREDERICK G. ALDRICH

FGA:ecg

xc: Grandbud, LLC

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 13, 2004 MINUTES  
7:00 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), and Senta Costello (Associate Planner).

Also present were John Shaver (Assistant City Attorney) and Eric Hahn, Rick Dorris, and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 48 interested citizens present during the course of the hearing.

***I. APPROVAL OF MINUTES***

Available for consideration were the minutes from the November 25, 2003 meeting.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the November 25th minutes as presented."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Paulson abstaining.

***II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS***

There were no announcements, presentations and/or visitors.

### **III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat--Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), ANX-2003-235 (Zone of Annexation--Tomkins Annexation) and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update). At citizen request, item ANX-2003-235 was removed from Consent and placed on the Full Hearing Agenda.

Jeff Cook (564 22 1/2 Road, Grand Junction) came forward and asked if the Zone of Annexation pertaining to ANX-2003-254 would affect his property, to which Vice-Chairman Cole responded negatively.

A late letter of opposition was received from Tim Partsch (570 22 1/2 Road, Grand Junction) on item ANX-2003-254. He felt that approval of the request would open the door to additional unwanted development in the area.

Senta Costello corrected the agenda on ANX-2003-254. Ms. Costello said that the proposed zoning is RSF-2. The staff report accurately reflected the correct RSF-2 zone.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the Consent Agenda, as amended, for items 1, 2, 3, 4 as amended, and item 6 [RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat--Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update)]."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

### **IV. FULL HEARING**

#### **GPA-2003-184 ZONE OF ANNEXATION--GRAND BUD, LLC ANNEXATION**

**A request for approval to zone the Grand Bud Annexation RMF-8 (Residential Multi-Family, 8 units/acre).**

**Petitioner: Mike or Marc Cadez**

**Location: 28 1/2 Road and Highway 50**

#### **PETITIONER'S PRESENTATION**

Fred Aldrich, legal counsel representing the petitioners, provided a brief history of the site. He said that approximately three months prior, a Commercial land use designation

had been sought for the property but the request had ultimately been denied by both the Planning Commission and City Council. Mr. Aldrich offered a Powerpoint presentation containing the following slides: 1) site summary; 2) aerial photo map; 3) site history; 4) site recommendation as outlined in the 1995 Orchard Mesa Area Plan; 5) excerpt from the Growth Plan supporting the request; 6) aerial photo map showing surrounding land uses; 7) current zoning of the site and surrounding properties; 8) urban services present; 9) reasons supporting the RMF-8 zone district; 10) review criteria; and 11) compliance with Growth Plan policies and goals. Mr. Aldrich said that the property had originally been planned Public/Institutional to accommodate an expected high school. He compared that use to the current zone request, which he believed represented a much less intense use.

### **STAFF'S PRESENTATION**

Kathy Portner offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. The requested RMF-8 zone district was supported by both the Development Code's review criteria and Growth Plan recommendations. It would permit a variety of housing types and provide sufficient design flexibility to incorporate additional buffering, landscaping, ponds, etc. While no plan had yet been submitted, Ms. Portner said that approval of the zone district did not automatically guarantee approval of an 8 units/acre density. She anticipated that the petitioner would situate higher densities near the middle of the property, with less density and more buffering placed along the site's outer perimeter.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Lawrence Henderson (2855 Pinehurst, Grand Junction), resident of the adjacent Granite Springs Subdivision, said that the greatest expected impact from the site's development would be from added traffic. Such a high increase in area traffic would only make the 28 1/2 Road/Highway 50 intersection more dangerous.

John Kasper (214 Shoney Drive, Grand Junction) agreed that traffic from such a high-density development would create a number of traffic and safety problems. The density permitted by the RMF-8 zone, he said, was too high and incompatible with the surrounding area.

T.J. White (222 Shoney Drive, Grand Junction) agreed with prior comments regarding traffic impacts. There were already a significant number of accidents occurring in the area already. He was also concerned about possible adverse impacts to existing area property values.

Ann Morrow (228 28 1/2 Road, Grand Junction) said that her home had been for sale over five months. While several prospective buyers had expressed initial interest, their opinions had changed when they noticed the row of duplexes located across the street. She concluded that those homes are having a negative effect on her home's value and she's had to lower her asking price as a result. If the petitioner's property developed to a higher density, it would negatively impact others in the area whenever they tried to sell their homes. The vacant portion of Sorter Construction's property already served as an adequate buffer. She urged planning commissioners to consider an alternate zone district, one that would limit development to no more than 4-5 units/acre. Ms. Morrow also agreed with previous comments regarding traffic impacts.

Larry Sherman (2856 Pinehurst, Grand Junction) agreed that a development density of no more than 4-5 units/acre was more compatible with the surrounding area.

Sandy Burkeel (221 Shoney Drive, Grand Junction) and Earl Harris (204 Round Rock Drive, Grand Junction) concurred with previous comments regarding traffic, density, property value impacts, and a preference to limit the development density to no more than 4-5 units/acre.

### **PETITIONER'S REBUTTAL**

Mr. Aldrich remarked that there was no guarantee Sorter Construction would leave its vacant land as-is, so the requested zone district and the development design had to incorporate the presumption that at some point the Sorter parcel would build-out. This meant planning for additional buffering and varying the placement of homes and that required more design flexibility, something that could be achieved with an RMF-8 zone but not with RMF-4 or RMF-5 zones. While agreeing that traffic impacts represented a valid issue, impacts would still result from a development density of even 4-5 units/acre. Mitigation of expected impacts would be addressed during the Preliminary Plan development stage. He reiterated that the request met both Growth Plan and Code criteria and noted that the site was located within a transitional and mixed-use area.

### **DISCUSSION**

Commissioner Redifer observed that traffic always seemed to be a major issue when considering land use issues in the subject area. He asked staff to comment.

Ms. Portner said that when staff considered appropriate zone district applications, they considered whether expected impacts arising from possible development densities could be satisfactorily mitigated. With regard to the current request, staff felt that any resultant traffic impacts could be adequately mitigated through turn lanes, street upgrades, etc.

Commissioner Pitts said that the site was unique and needed the design flexibility allowed by the RMF-8 zone district to make the project a good one. The requested zone would provide a suitable transition from the Commercial use on the west, Highway 50 to the south and the lower density residential directly east. He believed that the petitioner's final design would ultimately afford the residents of Granite Falls greater protection.

Commissioner Evans agreed.

Vice-Chairman Cole said that development of the site to any density would result in traffic increases. He noted that staff and planning commissioners would review potential impacts and remedies during the Preliminary Plan stage. He expressed support for staff's recommendation of approval.

**MOTION: (Commissioner Evans) "Mr. Chairman, on item GPA-2003-184, a request to zone the Grand Bud Annexation RMF-8, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

With no further business to discuss, the public hearing was adjourned at 8:30 P.M.

**CITY OF GRAND JUNCTION, COLORADO**

**Ordinance No.**

**AN ORDINANCE ZONING THE GRAND BUD ANNEXATION TO RMF-8  
LOCATED AT THE NW CORNER OF 28 ½ ROAD AND HIGHWAY 50**

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 Grand Bud Annexation to the RMF-8 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 is 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 RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-8 with a density not to exceed 8 units per acre.

**GRAND BUD ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) and the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) 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 ¼ SW ¼ of said Section 30, and assuming the East line of the SE ¼ SW ¼ 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 ¼ SW ¼ 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 ¼ SW ¼, a distance of 534.71 feet, more or less, to a point on the North line of the SE ¼ SW ¼ of said Section 30; thence S 89°57'39" E along the North line of the SE ¼ SW ¼ of said Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE ¼ SW ¼ of said Section 30; thence S 89°57'17"E along the North line of the SW ¼ SE ¼ 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 ¼ SW ¼ of said Section 30, being the East right of way for 28 ½ Road, as shown on the Plat of Granite Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Granite 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.

Introduced on first reading this 21<sup>st</sup> day of January, 2004 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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



**Attach 16**

**Interim Update on Riverside Parkway Bonds**

**ADMINISTRATIVE SERVICES DEPARTMENT**

**MEMORANDUM**

**February 4, 2004**

**TO:           The Honorable Mayor and City Council  
              Kelly Arnold, City Manager**

**FROM:       Ron Lappi, Administrative Services and Finance Director**

**SUBJECT:   Interim Report on the Riverside Bond Issue**

As requested by the City Manager, it is my pleasure to present to you a current update on a process that has been successful and beneficial to the citizens and taxpayers of the City of Grand Junction. In June, 2003, the City Council asked us to begin a process that might lead to bonding for the Riverside Parkway to get it completed in six years instead of twenty. For a year and one-half before that Public Works had analyzed the project route, timing and expected cost; and my department had run a series of what if scenarios comparing the cost of borrowing with the cost and inflation expected from a pay as you go approach.

In June, 2003 the City Council directed us to select an Underwriter/Investment Banker through a Request for Proposal process; which was completed with the engagement in July of the two most respected and experienced firms in Colorado as co-managers. Their proposal to assist us was not the cheapest received, but we were selecting the best and most experienced individuals to provide professional services for the biggest project and most important bond issue in the City's history. The City always uses an RFP process in the selection of professional, technical and expert services; because the experience and knowledge evaluated in the process is just as important as the price of the services. We received four proposals from a total of six underwriters. Two of the proposals were joint proposals from two co-managers, which had decided to work together because of the size of this bond issue. Kirkpatrick Pettis and George K. Baum as co-managers were hired to assist the City in every aspect from the election strategy for November 2003 to the bond structure, revenue pledging, rating upgrade strategy, insurance solicitation and evaluation, to execution of a successful sales campaign and final negotiated sale of the bonds. Together these two firms are the most experienced in Colorado and the Western Slope. Their underwriting fee was all inclusive with a range of 65 basis points to 75 basis points, well within expected normal ranges but more than the others that proposed that had less experience and less services.

Why a negotiated sale versus a competitive sale approach? On the negotiated sale approach we are able to get assistance with every aspect of the bond structure, assistance with ratings, election etc. It gives the issuer much more flexibility in timing of the sale into the market over a short period of time versus a competitive sale which is done on an advance date certain and you are subject to the volatility and uncertainties of the market that selected day. Most bonds in

Page 2 of 2

Interim Report on the Riverside Bond Issue

Colorado are sold through a negotiated sale process with 84% in 2003, 90% in 2002 and 92% in 2001. The negotiated sale approach results in competitive market pricing just like a competitive sale, but it is a way to get better rates. The Library, Events Center, Ute Water and School District have engaged underwriters to assist in their proposed bond sales in similar fashion to the City.

In my opinion we were able to accomplish every goal and objective that we identified for this project from start to the finish, which is just weeks away. The accomplishments that the underwriter greatly assisted with were:

- Putting together an election campaign strategy with their political advisors and recommended slogans and literature.
- Recommended a unique structure for the bond credit, pledging the General Fund in addition to all sales and use taxes. Only seven have been done in Colorado and all by Kirkpatrick Pettis.
- Preparation of the materials and presentation for the bond rating agency and insurance companies, (Including some very unique and valuable comparisons)
- Selection of which agencies we had a better chance of being successful with on both bond ratings and insurance.
- Keeping the two phase bond issuance in line with total bonds, total debt service, and maximum annual debt service approved in the election. (Including stress testing for the second wave of bonds in 2007 to make sure capacity existed then under the worst assumptions).
- Coordination of the interviews and presentations to the agencies including mailings.
- Structuring of the proposed bond maturities to allow for the issuance of the bonds in two waves over three years apart.
- Proposing to sell the bonds overall on a premium basis to cover issuance costs with premiums and maximize the use of the voter approved limit of \$80 million.
- Assisted us in evaluating alternative bond structures including variable rate options and short term and long term strategies.

The results of their work resulted in significantly lower borrowing costs for the City of Grand Junction. Final numbers for the All In True Interest Cost will be available after closing on the bond sale shortly after March 2, 2004. However we are looking right now at an All In True Interest Cost of approximately 4.51% for this first wave of bonds, which is a present value

calculation that includes all costs of issuance. All the long bond maturities from 2014 through the year 2024 will be locked in at this time, with some of the lowest interest rates in 40 years.

So what are the specific results to date.

- The bond election passed overwhelmingly with a 73% positive Yes vote.
- The bond rating from Standard and Poors was AA- which is two steps higher than we would have gotten by simply issuing the bonds with our current GO debt rating of A+; resulting in an A issuance rate.

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Interim Report on the Riverside Bond Issue

- Insurance rates came in with a range from 52 to 26.9 basis points; with 26.9 being a very cost effective rate to get the bonds to AAA.

The overall costs of issuance included in the calculation of the 4.51% All In True Interest Cost are as follows just for this current issue. All these costs are easily covered in the bond proceeds and because of the expected sale at premiums will result in approximately \$60 million being deposited in the construction fund at closing.

Bond Underwriter Fees	\$389,776
Bond Insurance Costs	265,801
Legal and O/S	40,000
Rating Agency	20,000
Trustee, printing etc.	<u>10,000</u>
Total expected costs of Issuance	<u>\$725,577</u>

So what is left to do?

- The City Council has done everything they needed to do and no further action on the part of the City Council is required.
- The underwriters will market the bonds the latter part of February to achieve the most favorable interest rates.
- At closing, expected to be March 2, 2004, all the costs of issuance will be paid, including the bond insurance premium, underwriter's fee and other costs of issuance.
- The underwriters proposal, which was accepted by the City Manager and myself, and approved by the City Council; includes all the services outlined in this report including the final sale of the bonds, often considered the most important of the services.
- Again the underwriters proposed fees in the range of 65 to 75 basis points is very much in line with other similarly sized and rated bond issues.
  - 1) Similar bonds in Colorado in 2003 averaged 90 basis points.

- 2) Other General Fund bonds done by Kirkpatrick Pettis have averaged 100 basis points in underwriter fees, making our bond issue the lowest to date.
  - 3) Similar sized and rated bonds across the country in 2003 averaged 68 basis points.
- We have negotiated within the proposed range to pay the underwriters 68 basis points for all their services on the bond issue, which is in the lower half of their competitive proposal.

If you have any questions about his report we will try to answer them this evening or please contact us with your questions.

Thank you,

Attachment: Financial Analysis

2/3/2004

**City of Grand Junction, Colorado**  
**Financial Analysis: General Fund Revenue Bonds**  
**(\$60 Million Deposit to the Construction Fund)**

<u>PREVIOUS RATING</u>	<u>RATE</u>	<u>WITHOUT INSURANCE</u>	<u>WITH INSURANCE</u>	<u>COST OF INSURANCE</u>
1 Step Below G.O. Rating	A	\$ 101,065,500 4.72%	\$ 99,707,750 4.59%	\$ 797,662
<u>EXPECTED RATING</u>				
1 Step Increase for G.O., or G.F. Equal to G.O.	A+	\$ 100,676,250 4.69%	\$ 99,370,250 4.56%	\$ 596,222
<u>ACTUAL RESULTS</u>				
2 Step Increase for Non-G.O. 1 Step Above G.O. Rating	AA-	\$ 99,903,250 4.61%	\$ 98,810,750 4.51%	\$ 265,801
<b>SAVINGS</b>		<b>\$ 1,162,250</b>	<b>\$ 897,000</b>	<b>\$ 531,861</b>