

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

WEDNESDAY, AUGUST 4, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Howard Hays, First Church of the Nazarene

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE URBAN TRAILS COMMITTEE

CITIZEN COMMENTS

***** CONSENT CALENDAR ***[®]**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the July 19, 2004 Additional Workshop, Summary of the July 19, 2004 Workshop and the Minutes of the July 21, 2004 Regular Meeting

2. **Revocable Permit for the 7th Street Townhomes Located at the Southeast Corner of 7th Street and Teller Avenue at 838 N. 7th Street** [File # RVP-2004-156]

[Attach 2](#)

Request to allow an encroachment of the brick pillar and associated fence along the 7th Street and Teller Avenue street frontage right-of-ways.

Resolution No. 67-04 – A Resolution Concerning the Issuance of a Revocable Permit to Cache Townhomes LLC

®Action: *Adopt Resolution No. 67-04*

*** Indicates New Item

[®] Requires Roll Call Vote

Staff presentation: Lisa E. Cox, Senior Planner

3. **Setting a Hearing on Zoning the Flint Ridge III Annexation to RMF-8, Located at 2946 and 2952 D Road** [File # ANX-2004-101] [Attach 3](#)

Introduction of a proposed zoning ordinance to zone the Flint Ridge III Annexation, located at 2946 and 2952 D Road to RMF-8.

Proposed Ordinance Zoning the Flint Ridge III Annexation to the RMF-8 Zone District Located at 2946 and 2952 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for August 18, 2004

Staff presentation: Lisa E. Cox, Senior Planner

4. **Setting a Hearing on Zoning the Haremza Annexation, Located at 2126 Hwy 6 & 50, to I-1 (Light Industrial)** [File # ANX-2004-121] [Attach 4](#)

Introduction of a proposed zoning ordinance to zone the Haremza Annexation I-1 (Light Industrial), located at 2126 Hwy 6 & 50.

Proposed Ordinance Zoning the Haremza Annexation to I-1 (Light Industrial) Located at 2126 Hwy 6 & 50

Action: Introduction of Proposed Ordinance and Set a Hearing for August 18, 2004

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing for a Right-of-Way Vacation Located Near the Northwest Corner of G Road and Horizon Drive Intersection** [File # VR-2004-131] [Attach 5](#)

The City of Grand Junction along with two co-applicants propose to vacate approximately 11,307 square feet of public right-of-way near the northwest corner of the intersection of G Road and Horizon Drive, while reserving the entire area as a multi-purpose easement due to the numerous underground utilities that exist within the subject area. The Planning Commission recommended approval of the right-of-way vacation on July 27, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Proposed Ordinance Vacating Right-of-Way Located at the Northwest Corner of G Road and Horizon Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 18, 2004

Staff presentation: Ronnie Edwards, Associate Planner

6. **Vacate a Multi-Purpose and Pedestrian Access Easement Located at 1914 Palmer Street** [File #VE-2003-196] [Attach 6](#)

The applicant proposes to vacate a specific area of an existing 25' multi-purpose easement and an 80' utility and pedestrian access easement, which equates to the area of an existing residential encroachment that occurred in 2003 with the placement of a new modular. The Planning Commission recommended approval of the easement vacation on July 13, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 68-04 – A Resolution Vacating a Specific Area of a Multi-Purpose Easement and a Utility and Pedestrian Access Easement Equating to the Area of a Residential Encroachment Located at 1914 Palmer Street

®Action: Adopt Resolution No. 68-04

Staff presentation: Ronnie Edwards, Associate Planner

7. **Setting a Hearing for the Rezone of 0.37 Acres from RMF-24 to RO at 1215 N. 1st Street** [File # RZ-2004-129] [Attach 7](#)

The petitioner, John C. Bratton, is requesting approval to rezone property located at 1215 N. 1st Street from Residential Multi-Family 24 units/acre (RMF-24) to Residential Office (RO). The property totals 0.37 acres. The Planning Commission recommended approval at its July 27th, 2004 meeting.

Proposed Ordinance Rezoning the Property Known as the Bratton Rezone to RO, Residential Office, Located at 1215 North 1st Street

Action: Introduction of Proposed Ordinance and Set a Hearing for August 18, 2004

Staff presentation: Scott D. Peterson, Associate Planner

8. **Setting a Hearing for the Barker Annexation Located at 172 Lantzer Avenue, 2934 Highway 50, and 2937 Jon Hall Drive** [File # ANX-2004-127]

[Attach 8](#)

The Barker Annexation is a serial annexation. The developable area is comprised of 8.89 acres, located at 172 Lantzer Avenue, 2934 Highway 50, and 2937 Jon Hall Drive. The annexation area includes portions of 29 ½ Road; Lantzer Avenue; Jon Hall Drive and Highway 50 rights-of-way. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

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

Resolution No. 69-04 – 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, Barker Annexations, No. 1 and 2 Located at 2934 Highway 50; 172 Lantzer Avenue; 2937 Jon Hall Drive

®Action: *Adopt Resolution No. 69-04*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Barker Annexation No. 1, Approximately 0.16 Acres Located Along a Portion of 29 ½ Road and Highway 50 Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Barker Annexation No. 2, Approximately 10.72 Acres Located at 172 Lantzer Avenue; 2934 Highway 50 and 2937 Jon Hall Drive

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 15, 2004*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

9. **Engineering and Construction Contracts** (a. and b. may be approved in one motion)

a. **Construction Contract for 2004 Curb, Gutter, and Sidewalk Replacement**

[Attach 9](#)

The project consists of replacing sections of deteriorated curb, gutter, and sidewalk at various locations throughout the City. Four bids were received on July 20, 2004 with the low bid being from G & G Paving Construction, Inc. in the amount of \$89,919.00.

Action: Authorize the City Manager to Sign a Construction Contract for the 2004 Curb, Gutter, and Sidewalk Replacement Project to G & G Paving Construction, Inc. in the Amount of \$89,919.00

Staff presentation: Mark Relph, Public Works and Utilities Director

b. **Amendment #2 of Engineering Services Contract with Carter & Burgess for Riverside Parkway**

[Attach 10](#)

This amendment is the second of three planned amendments to the existing contract with the engineering firm of Carter and Burgess. This scope of services covers the preparation of the documents to procure a design/build team to construct the Riverside Parkway, labor to acquire right of way within the 1601 study area in lower downtown and Phase I and Phase II environmental investigations.

Action: Authorize the City Manager to Approve Amendment #2 to the Existing Contract with Carter & Burgess in the Amount of \$1,483,627.00, for a Total Fee of \$5,485,239.00

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Public Hearing – DDA Tax Increment Funding Extension**

[Attach 11](#)

State authorization of TIF funding for DDA's is limited to twenty-five years unless extended. The DDA is requesting Council approval to extend its TIF funding for capital improvements by five years, as authorized by the legislature in 2002, pending local approval.

Ordinance No. 3653 – An Ordinance Submitting to a Vote the Question of Modifying the Purposes of the Grand Junction Downtown Development Authority, Extending the Life Thereof in Accordance with State Law, Authorizing an Increase in Maximum Incurred Debt and Including the Enstrom Property into the Boundary of the District

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3653

Staff presentation: Harold Stalf, DDA Executive Director

11. **NON-SCHEDULED CITIZENS & VISITORS**
12. **OTHER BUSINESS**
13. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

July 19, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, July 19, 2004 at 11:46 a.m. at the Grand Junction Police Department Training Room, 625 Ute Avenue to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Summaries and action on the following topics:

1. **PRESENTATION OF GRAND JUNCTION POLICING, TRANSIENT UPDATE AND BUILDING TOUR BY POLICE CHIEF GREG MORRISON:** Police Chief Greg Morrison first reviewed how he has related the City Council Strategic Plan to his Department's policing. He identified day to day priorities for the Police Department as being auto theft, graffiti, burglaries, theft from autos, traffic enforcement and the transient issue. He related his customer service philosophy and how he explains that to new personnel by the use of the restaurant model and the health care model. The community policing philosophy is now called Policing Grand Junction Style and he recognized Lt. Bob Russell's work on the scheduling and organizational design and Lt. Amy Clymer's work on the neighborhood assignments. This was all part of the presentation he made at the Innovative Governments Conference in Reno a few months ago.

Chief Morrison then updated the City Council on the transient issue. Reports do indicate that the transient population is increasing and incidents relating to transients have gone up from last year. He talked about what other communities are doing and Grand Junction's new campaign to discourage residents from giving panhandlers cash and instead donate to some of the charitable organizations that provide shelter and food to the homeless/need. He stressed that meals and shelter are available so those that are "flying the sign" asking for money are really professional panhandlers. He discussed how the Police Department efforts relate to the City Council's Strategic Plan, i.e., providing adequate shelter and addressing community concerns. Chief Morrison advised that Grand Junction has a national reputation for being a good place for transients due to the weather, the river and the social programs available. City Manager Arnold directed Chief Morrison to continue to survey newcomers and find out why they continue to come to Grand Junction.

Chief Morrison concluded his presentation and invited anyone interested to tour the Police Department facilities.

Action summary: Councilmember Spehar questioned if the transient issue truly warrants additional efforts as there are other more serious issues where resources should be focused. City Manager Arnold advised that unless Council requests another update or more information, the transient issue will not be brought back to them.

The meeting adjourned at 1:05 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY**

JULY 19, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, July 19, 2004 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Summaries and action on the following topics:

1. **INFILL/REDEVELOPMENT POLICY:** Community Development Director Bob Blanchard reviewed the history of the project, including definitions, the maps identifying infill areas and the evaluation criteria. He then explained how City staff can implement the adopted policy and he provided information on how Council can proceed to formal adoption.

Mr. Blanchard recommended that two incentives being proposed by the consultant – City assemblage of lands and the authority to charge an additional sales tax – not be used initially. Councilmember Spehar advised that the City has already assembled land for redevelopment, i.e., the Jarvis Property. It was argued that there may be other tools, simpler ones, to be used initially. City Council felt that just because there is a particular tool available does not mean that Council will have to use that tool, but wanted to have all available.

Mr. Blanchard advised that two of the incentives are process-based and should be automatic. They are expedited development review process and assistance with City agency review, which means there is a point of contact that can work as a liaison with any review agency. Other incentives may be fee deferrals, density bonuses, and proactive City improvements. Any request for these incentives will be reviewed by a review team which will include the City Manager's Office, the Community Development Department, the Public Works & Utilities Department and the Administrative Services Department. The review body will make a recommendation to Council who will make the decision.

Potential issues of the program may be the fiscal impact, workload impacts and legal issues. The workload impacts may not be just with the City departments – there are outside agencies involved that may be impacted.

Mr. Blanchard proposed a timeline for adoption. Public review has already occurred. He proposed a resolution to Council for review and consideration on August 18, 2004.

Councilmember Spehar confirmed that anything other than the automatic incentives would come to Council. He asked how the density bonuses would be applied. Mr. Blanchard said they will develop some criteria for that. City Attorney Shaver added that is why they are recommending the adoption be by resolution at first to formulate specifics and criteria. Then Staff will bring those specifics back in the form of an ordinance.

Councilmember Kirtland asked if the neighborhood meetings will still be required in the expedited process. Mr. Blanchard said that is tied to the specific zoning so if the zoning requires it, it will be required. Councilmember Kirtland advised then the incentive request should be up front so that those reviewing the density/zoning request will know about the possibility of an incentive. Mr. Blanchard agreed that for the projects that request such things as density bonuses as an incentive, that will be known up front. City Attorney Shaver advised that all the Code requirements are still applicable.

Council President Hill asked about the workload issue. City Manager Arnold advised it is anticipated that Council's workload will go up with this new program.

Councilmember Kirtland voiced concerns how Staff will deal with a poor project that meets the criteria and requests incentives. Councilmember Spehar expressed that will be how Council will formulate the criteria by seeing what comes forward, noting there will be financial limitations.

Councilmember Palmer asked what is meant by financial participation. Mr. Blanchard gave the example of Grand Mesa Center who asked for \$250,000 to offset the cost of internal road alignment and traffic signal placement.

Councilmember Spehar pointed out that how things develop on the Jarvis property might help them in their development of criteria. He agreed with adoption by resolution and then filling in the details as they go.

City Manager Arnold clarified that the incentive negotiations are open to the public. City Attorney Shaver confirmed that is true. Councilmember Palmer voiced concern that addressing these requests on a case by case basis will lead to inconsistency. Councilmember Spehar advised that incentive requests should contain a community benefit piece to be considered. City Manager Arnold said they can go back to the definitions when evaluating requests as they are good guidance.

Councilmember Kirtland asked about the sequence where Planning Commission is concerned. City Manager Arnold said he foresees the

developer will have to have the zoning in place before an incentive can be considered. City Attorney Shaver concurred, noting that may be something that the Assistant to the City Manager Sheryl Trent can be looking at.

Action summary: The City Council directed Staff to proceed with the drafting of the resolution and having adoption consideration scheduled for August 18, 2004.

2. **STRATEGIC PLAN UPDATE:** Assistant City Manager David Varley reviewed the update on Strategic Plan progress. This step, 11A, was put off until Step 13 was completed and the data could be used to draft this feasibility report. The entire report is available for Council review. Mr. Varley reviewed the West Metro Study and how that identified the 29 Road interchange on I-70 as the recommendation. In the I-70B Corridor Optimization Study, the consultant analyzed four additional future interchanges. The analysis concluded that the 29 Road interchange is the only one worth building.

Councilmember Kirtland noted that there may be some City interconnectivity that would help move traffic, for example extending some N/S corridors to H Road and to the Airport/Horizon Drive. Councilmember Spehar said at the very least there should be a connection from the 29 Road interchange to the Airport.

Mr. Varley asked about Council's participation in neighborhood meetings for the Strategic Plan meetings as a change was made to accommodate Councilmember Spehar's conflict with the original schedule. Councilmember Palmer asked that there be agendas and handouts for these meetings. Mr. Varley reviewed what Council targeted to discuss but asked for a meeting to reaffirm the list. A response form is also suggested. Councilmember Spehar urged Staff to make sure the meetings stay informal. Council President Hill said the group discussions were favored by the folks he heard from.

Action summary: City Council agreed with Mr. Varley's suggestion on reviewing the list of times and the handouts to be available. Council asked that the new schedule be distributed to them.

The meeting adjourned at 8:42 p.m.

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

July 21, 2004

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

Council President Hill called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Eldon Coffey, Central Orchard Mesa Community Church.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING JULY 24, 2004 AS "CELEBRATE THE AMERICANS WITH DISABILITIES ACT DAY" IN THE CITY OF GRAND JUNCTION AND MESA COUNTY

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE RIVERFRONT COMMISSION

Marianne Tilden, Dennis Pretti, Deb McCoy, and David Ludlam were present to receive their certificates.

TO URBAN TRAILS COMMITTEE

Robert Tallarico, Lydia Reynolds, Paul Darr, and Judy Craddock were present to receive their certificates.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Councilmember Palmer read a statement into the record which outlined his connections to the Grand Mesa Little League and to avoid any appearance of a conflict of interest, he will refrain from any discussion or participation in the item relative to the appeal on the Colorado West Mental Health Facility.

It was moved by Councilmember Kirtland, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #4 with Councilmember Palmer abstaining from item #3.

Patricia Cookson, an attorney representing the Grand Mesa Little League, asked if there was a possibility that the hearing date could be moved out further to allow for her to prepare, if oral argument will be heard at the hearing, and asked if the written and video record is available.

President of the Council Hill advised Ms. Cookson that the record is a public record and available. Regarding oral argument, the Council would have that option, but they do not have to hear oral argument. The hearing may be a review of the record only. City Attorney Shaver concurred that it is the City Council's option. The date has been set for August 18, 2004. City Attorney Shaver advised that the record has not yet been certified but once it has been and it is available, it will be available to Ms. Cookson.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the July 7, 2004 Regular Meeting

2. **Setting a Hearing on DDA Tax Increment Funding Extension**

State authorization of TIF funding for DDA's is limited to twenty-five years unless extended. The DDA is requesting Council approval to extend its TIF funding for capital improvements by five years, as authorized by the legislature in 2002, pending local approval.

Proposed Ordinance Submitting to a Vote the Question of Modifying the Purposes of the Grand Junction Downtown Development Authority, Extending the Life Thereof in Accordance with State Law, Authorizing an Increase in Maximum Incurred Debt and Including the Enstrom Property into the Boundary of the District

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

3. **Setting a Hearing to Appeal a Planning Commission Decision Regarding the Approval of a Conditional Use Permit for an Unlimited Group Living Facility for Colorado West Mental Health Located at 515 28 ¾ Road [File # CUP-2004-019]**

The City received three (3) letters of appeal from various interested parties regarding the Planning Commission's decision to approve a Conditional Use Permit (CUP) for an Unlimited Group Living Facility for Colorado West Mental

Health, which is proposed to be located at 515 28 ¾ Road. The appellants wish to set a hearing date to appeal the Planning Commission's decision regarding the approval of the Conditional Use Permit. On July 13th, the Planning Commission also denied one (1) of the appellant's request for a rehearing on the matter. A Conditional Use Permit is required in a C-1, Light Commercial Zoning District for an Unlimited Group Living Facility which is defined in the Zoning & Development Code as a "residence of 12 or more unrelated persons, exclusive of staff." Per Section 2.18 E. 4. g. of the Zoning & Development Code, the appeal shall be scheduled within forty-five (45) calendar days of receipt of the appeal.

Action: Set a Hearing Date for the Appeal to August 18, 2004

4. **Grand Valley Circulation Plan Periodic Updates** [File # PLN-2004-029]

Amending the Grand Valley Circulation Plan by changing the classification of various roads in the Urban Area. This proposed update amendment to the Grand Valley Circulation Plan reflects changes in the following categories:

- a. Updating "Proposed" roadways to "Existing" reflecting actual construction progress
- b. Modifying roadway classifications based on changing development patterns, updates to transportation models, and better technical information
- c. Clerical/drafting errors
- d. Reflecting changes in previous approved district maps/amendments
- e. Changes requested by Mesa County Staff outside of the 201 boundary

Resolution No. 65-04 – A Resolution Amending the Grand Valley Circulation Plan by Changing the Classification of Various Roads in the Urban Area

Action: Adopt Resolution No. 65-04

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

West Nile Virus Update from Mesa County

Dr. Michael Aduddell, Mesa County Health Department, will update City Council on the status of the West Nile Virus and the County's plan for aerial spraying.

Tim Moore, Public Works Manager, introduced this item. Dr. Michael Aduddell reviewed the history of the mosquito that carries this virus. He then reviewed West Nile Virus occurrences in 2003. Dr. Aduddell showed what cases have been reported this year. So far the storm sewer catch basins have been heavily treated. Dr. Steve DeFeyer,

Environmental Director for Mesa County Health Department, stated that every storm sewer around the City Hall building had the larvae present. Looking at the Rosevale test site, the storm sewer catch basin treatment is working for one species. Now, the Health Department is proposing an aerial program. Dr. Aduddell updated the number of cases currently reported in Mesa County. The numbers of bird and horse cases are the highest in the State. Mesa County's rate is higher than many areas were at the end of the season in 2003. Permethrin is the pesticide being proposed to be sprayed. It can be found in many household insecticides. The pesticide will be sprayed in the evening, people should stay indoors and turn swamp coolers off. Dr. DeFeyter said, although they have been tracking mosquitoes for ten years, they have only had one trap in the past. The cases are showing up about six weeks early, which is their concern. The new trap sites are showing up positive. Mesa County met with the aerial applicators and is getting proposals. They will then gauge how much they can afford. The package will be presented to the County Commissioners on Monday. The pesticide to be applied is not petroleum-based. No spraying will be proposed over any crops or orchards. It is toxic to insects and fish so no spraying will be done within 100 feet of any waterway. The spraying will occur early evening when the mosquitoes are active and when the winds are calm. Additional treatments may be requested in August if there is another peak. Dr. DeFeyter assured the Council and the audience of the safeness of the pesticide, due to the small concentration, the fact the droplets will evaporate before reaching the ground and that many insects and animals will not be out at the time the spraying occurs.

The City Council appreciated the information.

Construction Contract for Redlands Parkway Trail Replacement Phase 1

This is the first phase of a project that will replace the existing asphalt trail along Redlands Parkway starting at South Broadway to the Junior Service League Park located on the north side of the Colorado River. The City received five bids for the Redlands Parkway Trail Replacement, Phase 1. Vista Paving Corporation, Grand Junction, was the low bidder in the amount of \$99,893.94.

Tim Moore, Public Works Manager, reviewed this item. The project will pick up from where the approved contract two weeks ago left off. One piece of this trail which is currently asphalt will be replaced with concrete. The rest of the trail, which is currently asphalt, along Redland Parkway, will be replaced with asphalt because the ground still moves some and asphalt is more flexible. There are many obstacles along the first section which will be dealt with.

Councilmember Palmer moved to authorize the City Manager to sign a construction contract for the Redlands Parkway Trail Replacement, Phase 1 with Vista Paving Corporation in the amount of \$99,893.94. Councilmember McCurry seconded the motion. Motion carried.

Purchase of 1% for the Arts Sculpture for Wingate Park

The Commission on Arts and Culture recommends to the City Council commissioning a bronze turtle sculpture by Mary Zimmerman for the new Wingate Park through the 1% for the Arts Program.

Allison Sarmo, Cultural Arts Coordinator, introduced the Arts Commission Chair Doug McClary and Commission member Lora Quesenberry. She then reviewed the request. Mr. McClary stated the City is getting this large bronze piece for a good price and the selection is appropriate for this park. The installation will take place close to the completion of the park and it will be mounted onto a concrete pad.

Councilmember Kirtland moved to authorize the City Manager, City Attorney, and the Commission on Arts and Culture to negotiate a contract with Mary Zimmerman for the purchase and installation of a 55" Bronze Sculpture entitled "Turtle". Councilmember Enos-Martinez seconded the motion. Motion carried.

Mesa State College Contract for Police Services

This contract is to continue with providing policing services to Mesa State College. Under the agreement, the Grand Junction Police Department provides three officers and one supervisor to Mesa State. In return Mesa State pays 75% of the personnel costs associated with the positions and provides in-kind services such as office space and equipment. During the summer months the employees are available to the Department for deployment as needed throughout the City.

Greg Morrison, Chief of Police, reviewed this item. He explained the exchange of services with the College and the cost of the contract is \$261,298.

Councilmember Spehar asked what the officers do when college is not in session. Chief Morrison said they are placed back into patrol during peak times. These officers can also be pulled from the campus patrol during emergencies. They are also assigned a neighborhood beat in the surrounding neighborhoods.

City Manager Arnold advised that the new college president will be evaluating the program, along with others, prior to the expiration of this contract.

Councilmember Palmer moved to authorize the City Manager to sign a contract with Mesa State College for Police Services on Campus. Councilmember McCurry seconded the motion. Motion carried.

Council President Hill called for a recess at 8:54 p.m. The meeting reconvened at 9:00 p.m.

Public Hearing – Red Tail Ridge II Annexation and Zoning Located South and West of Buena Vista Drive on Orchard Mesa [File #ANX-2004-094]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Red Tail Ridge II Annexation, located south and west of Buena Vista Dr. on Orchard Mesa. The 19.7655 acre annexation consists of 2 parcels of land. The applicant is requesting RSF-4 zoning.

The public hearing was opened at 9:00 p.m.

The Council permitted a combined hearing for both annexation and zoning.

Senta Costello, Associate Planner, reviewed this item. She described the site, the surrounding densities (Growth Plan designations), and the current and surrounding zoning. She briefly reviewed the proposed preliminary plan. Planning Commission did recommend approval of the requesting zoning.

Councilmember Butler inquired as to the number of lots in Red Tail Ridge I. Ms. Costello said 37 lots.

Council President Hill asked why the current proposal did not come in at the same time as Red Tail Ridge I. Ms. Costello said it was not prepared at that time.

Councilmember Palmer voiced concerns regarding the street design. He asked if any issues will be addressed. City Attorney Shaver said they are working on those matters. Ms. Costello said the Fire Department had no objections to the annexation or zoning.

Ted Ciavonne, Ciavonne & Associates, representing the applicant, clarified the differentiation between Red Tail Ridge I and Red Tail Ridge II. He assured the Council on the road completions. The surrounding zoning is RSF-4. The Growth Plan recommends 2 to 4 units per acre. Red Tail Ridge I was 36 lots. Red Tail Ridge II will be less than 3 units per acre due to topographical constraints. The applicant is seeking RSF-4 as that is the closest zoning. This project meets the Orchard Mesa Plan in that areas south of Hwy 50 should have an average of 3.5 units per acre.

There were no public comments.

The public hearing was closed at 9:11 p.m.

Councilmember Kirtland noted that one can see how things are changing in that area, i.e., urbanization. Council will need to make sure that they work closely with the current residents and CDOT to ensure traffic safety out there. As development occurs, there will be access issues to address. He supports the application.

Councilmember Butler said his concern is with traffic in and out, and he is not in favor of the proposed zoning.

a. Accepting Petition

Resolution No. 66-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Red Tail Ridge II Annexation Located South and West of Buena Vista Drive on Orchard Mesa is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3651 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge II Annexation, Approximately 19.7655 Acres Located South and West of Buena Vista Drive

c. Zoning Ordinance

Ordinance No. 3652 – An Ordinance Zoning the Red Tail Ridge II Annexation to RSF-4 Located South and West of Buena Vista Dr. on Orchard Mesa

Councilmember Kirtland moved to adopt Resolution No. 66-04, Ordinances No. 3651 and No. 3652 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmember Butler voting NO.

Intergovernmental Agreement with Mesa County School District 51 for Parking Lot Construction at Pomona School

In conjunction with the reconstruction of 25 ½ Road, the School District and the City have determined that parking lots at Pomona School are inadequate and additional parking is required. The intergovernmental agreement sets forth the terms by which the City and School District will work together to construct said parking lot.

Kelly Arnold, City Manager, reviewed this item. He explained why this item is being brought before Council late and after the construction project for 25 ½ Road had begun. The hope is to complete the parking lot, at least mostly, by the time school starts.

The parking lot will displace much of the on-street parking being used for drop off and pickup and will displace a park shelter which will be relocated to the southeast corner of the new parking lot.

City Manager Arnold reviewed the financial terms of the agreement, that is, the School District's participation by way of initial payment and reimbursement. Mr. Arnold cautioned Council that the timing is very tight with school starting but he is confident that the parking lot will be complete within a week of the date that school starts.

City Attorney Shaver advised that there is a clause in the contract that does not financially obligate the School District past this fiscal year, as provided by law. The School District has already paid for the engineering and design work.

Council President Hill asked if there is a drop off area designed in the parking lot. Tim Moore, Public Works Manager stated there is.

Councilmember Kirtland applauded the efforts and the cooperation accomplished between the two entities to resolve the problem.

Councilmember Spehar noted the value of using a contractor on-site. It is a worthwhile project.

Councilmember Spehar moved to authorize the City Manager to sign the Intergovernmental Agreement with Mesa County School District 51 for parking lot construction at Pomona School. Councilmember Palmer seconded the motion. Motion carried.

Change Order to 25 ½ Road Reconstruction Phase II Streets Project

This change order is to construct the Pomona School parking lot for School District #51. M. A. Concrete Construction, Inc. has agreed to construct the improvements for \$179,997.00. A second change order will be brought forward at a later time for the irrigation, landscaping, and lighting to be constructed.

City Manager Kelly Arnold reviewed this item and its' relation to the previous item. Since M.A. Concrete is on-site, the City was able to negotiate the same unit price for this change order to construct the aforesaid parking lot. He noted that this is the parking lot, but does not include landscaping, lighting and irrigation. It does include moving the shelter. Another change order will be brought to Council, probably at the next meeting, for those remaining items.

Councilmember Palmer moved to authorize the City Manager to sign a change order for the 25 ½ Road Reconstruction Phase II Streets Project to M. A. Concrete Construction, Inc. in the amount of \$179,997.00. Councilmember Kirtland seconded the motion.

Councilmember Spehar noted that the City has every intention of completing those items as required by Code.

Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:37 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Revocable Permit for the 7th Street Townhomes
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Revocable permit for the 7 th Street Townhomes located at the southeast corner of 7 th Street and Teller Avenue at 838 N. 7 th Street					
Meeting Date	August 4, 2004					
Date Prepared	July 26, 2004				File # RVP-2004-156	
Author	Lisa E. Cox, AICP		Senior Planner			
Presenter Name	same		same			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Request to allow an encroachment of the brick pillar and associated fence along the 7th Street and Teller Avenue street frontage right-of-ways.

Budget: N/A

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

Background Information: Please see attached Staff report

Attachments:

1. Staff report/Background information
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. Resolution with Revocable Permit and Agreement

BACKGROUND INFORMATION					
Location:		838 N. 7 th Street			
Applicant:		Sid Squirrell			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RMF-8			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	B-1			
	South	RMF-8			
	East	RMF-8			
	West	RMF-8			
Growth Plan Designation:		Residential Medium, 4-8 du/ac			
Zoning within density range?		X	Yes		No

Project Analysis:

1. Background

The applicant recently completed construction of the residential units for the 7th Street Townhomes project which was approved under a separate application. As a part of that project a fence was proposed along the street frontages of 7th Street and Teller Avenue. Upon completion of the fence it was noted that the brick pillars are located right behind the existing concrete sidewalk which is approximately 6 inches inside the public right-of-way.

The applicant has requested a Revocable Permit to allow the fence and pillars to remain with an approximate 6 inch encroachment into the public right-of-way. Section 2.17, Revocable Permit, of the Zoning and Development Code states that the review and approval of revocable permits for landscaping (which includes walls and fences) can be approved at the staff level, however a policy exists for City Council to review permits that involve fences.

Staff has reviewed the applicant's request and recommends approval of the Revocable Permit.

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

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

- a. There will be benefits derived by the community or area by granting the proposed revocable permit. *A uniform brick and wrought iron fence has been constructed on the street frontage to improve the landscaped yards along 7th Street and Teller Avenue.*
- b. There is a community need for the private development use proposed for the City property. *The fence and pillars are located immediately behind the existing concrete sidewalk, approximately 6 inches in the public right-of-way.*
- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property. *No other uses are anticipated for the approximately 6 inch encroachment.*
- d. The proposed use shall be compatible with the adjacent land uses. *The proposed use is complimentary to the new landscaping installed on the private portion of the property, and in the right-of-way along 7th Street and Teller Avenue by the applicant.*
- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas. *There are no negative impacts anticipated.*
- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies. *The applicant's request does not conflict with the furtherance of the goals and policies of the Growth Plan or other adopted plans and policies of the City.*
- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual. *The applicant has complied with all applicable codes and requirements.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the 7th Street Townhome application, RVP-2004-156 for the issuance of a revocable permit to allow an approximate 6 inch encroachment into public right-of-way for brick pillars and wrought iron fencing, staff makes the following findings of fact and conclusions:

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

STAFF RECOMMENDATION:

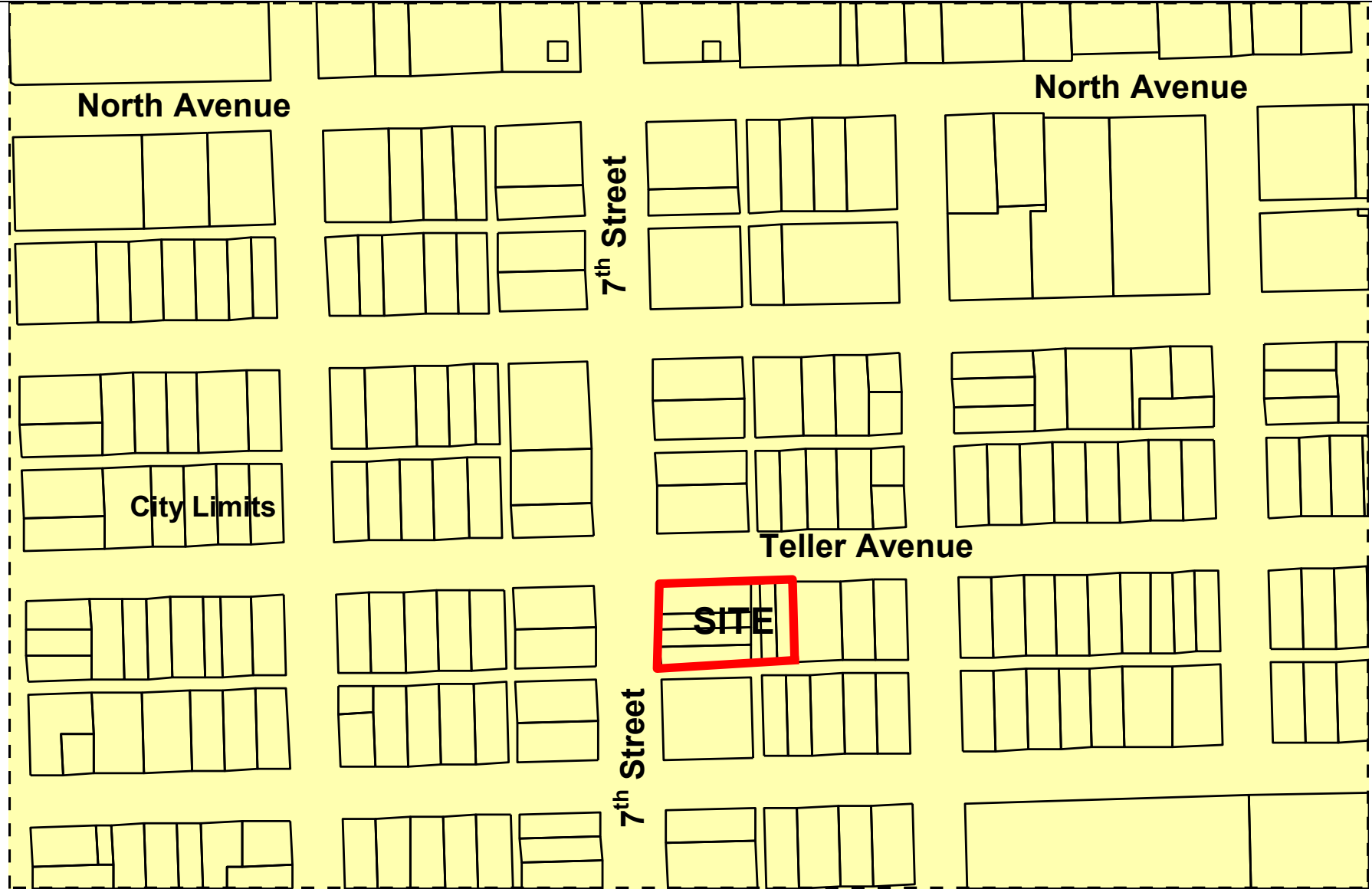
Staff recommends that the City Council approve the requested revocable permit for the 7th Street Townhomes, RVP-2004-156.

Attachments:

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

Site Location Map

Figure 1



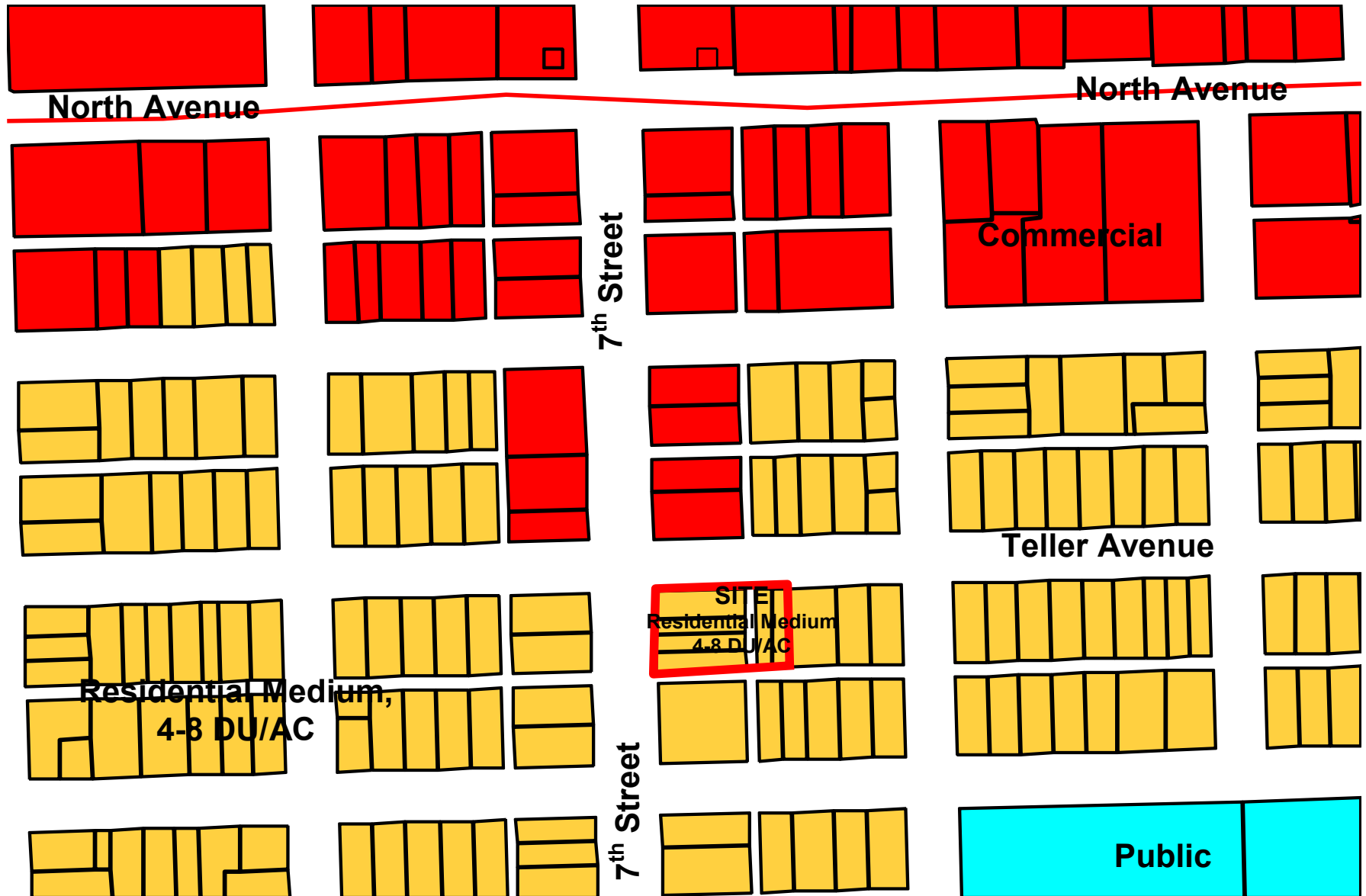
Aerial Photo Map

Figure 2



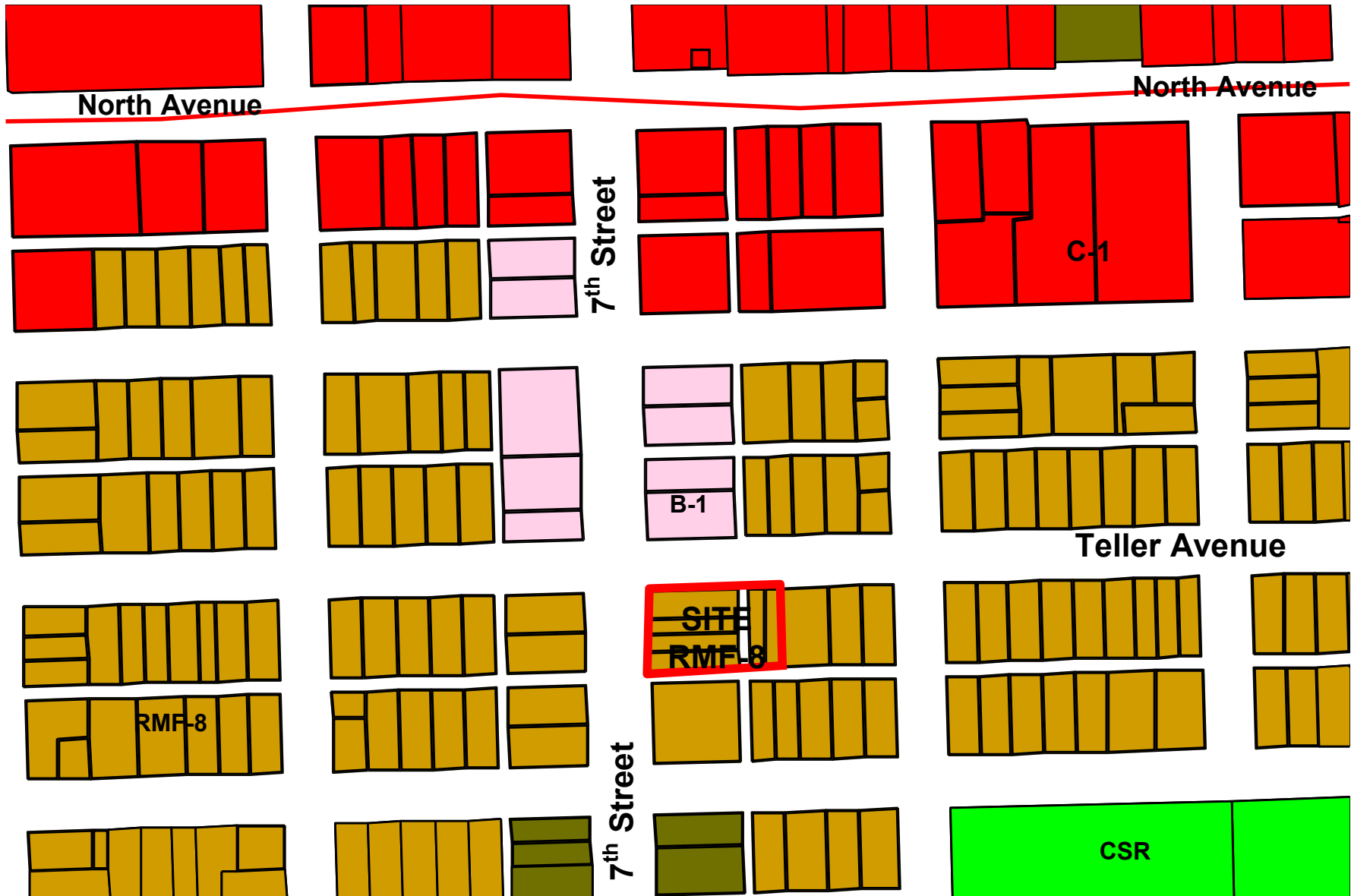
Future Land Use Map

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."

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
CACHE TOWNHOMES LLC**

Recitals.

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

Lots 1 through 4, Seventh Street Townhomes, situate in the NW ¼ of the NE ¼ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, also known as 826 North 7th Street, 830 North 7th Street, 838 North 7th Street and 846 North 7th Street and identified by Mesa County Tax Schedule Numbers 2945-141-53-001, 2945-141-53-002, 2945-141-53-003 and 2945-141-53-004.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair wrought iron fencing with gates and masonry pillars within the following described public right-of-way:

Beginning at the Southwest corner of Lot 1, Plat of SEVENTH STREET TOWNHOMES, A Replat of Lots 6 thru 12 in Block 27 of the City of Grand Junction, situate in the NW ¼ of the NE ¼ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 19 at Page 385 in the office of the Mesa County Clerk and Recorder, and considering the City Monument Line between the City Monument at the intersection of North 7th Street and Hill Avenue and the City Monument at the intersection of North 7th Street and Teller Avenue to bear
N 00°01'45" E with all other bearings contained herein being relative thereto;
thence S 89°55'51" E along the South boundary line of Line 1 of said SEVENTH STREET TOWNHOMES a distance of 55.0 feet;
thence leaving the South boundary line of said Lot 1, S 00°01'45" W a distance of 2.0 feet to a point on the North edge of the existing concrete paving for the East-West public alley located in Block 27 of the City of Grand Junction;
thence N 89°55'51" W along the North edge of said existing concrete paving a distance of 56.0 feet to a point on the East edge of the existing concrete sidewalk located on the East side of North 7th Street;
thence N 00°01'45" E along the East edge of said existing concrete sidewalk a distance of 130.26 feet to a point on the South edge of the existing concrete sidewalk located on the South side of Teller Avenue;

thence S 89°55'24" E along the South edge of said existing concrete sidewalk a distance of 56.0 feet;
thence leaving the South edge of said existing concrete sidewalk, S 00°01'45" W a distance of 3.0 feet to a point on the North boundary line of Lot 4 of said SEVENTH STREET TOWNHOMES;
thence N 89°55'24" W along the North boundary line of said Lot 4 a distance of 55.0 feet to the Northwest corner of said Lot 4;
thence along the West boundary lines of Lots 4, 3, 2 and 1 of said SEVENTH STREET TOWNHOMES, S 00°01'45" W a distance of 125.26 feet to the Point of Beginning,
containing 405.26 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2004-156 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

PASSED and ADOPTED this 4th day of August, 2004.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

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

Lots 1 through 4, Seventh Street Townhomes, situate in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, also known as 826 North 7th Street, 830 North 7th Street, 838 North 7th Street and 846 North 7th Street and identified by Mesa County Tax Schedule Numbers 2945-141-53-001, 2945-141-53-002, 2945-141-53-003 and 2945-141-53-004.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair wrought iron fencing with gates and masonry pillars within the following described public right-of-way:

Beginning at the Southwest corner of Lot 1, Plat of SEVENTH STREET TOWNHOMES, A Replat of Lots 6 thru 12 in Block 27 of the City of Grand Junction, situate in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 19 at Page 385 in the office of the Mesa County Clerk and Recorder, and considering the City Monument Line between the City Monument at the intersection of North 7th Street and Hill Avenue and the City Monument at the intersection of North 7th Street and Teller Avenue to bear

N 00°01'45" E with all other bearings contained herein being relative thereto;
thence S 89°55'51" E along the South boundary line of Line 1 of said SEVENTH STREET TOWNHOMES a distance of 55.0 feet;
thence leaving the South boundary line of said Lot 1, S 00°01'45" W a distance of 2.0 feet to a point on the North edge of the existing concrete paving for the East-West public alley located in Block 27 of the City of Grand Junction;
thence N 89°55'51" W along the North edge of said existing concrete paving a distance of 56.0 feet to a point on the East edge of the existing concrete sidewalk located on the East side of North 7th Street;
thence N 00°01'45" E along the East edge of said existing concrete sidewalk a distance of 130.26 feet to a point on the South edge of the existing concrete sidewalk located on the South side of Teller Avenue;
thence S 89°55'24" E along the South edge of said existing concrete sidewalk a distance of 56.0 feet;

thence leaving the South edge of said existing concrete sidewalk, S 00°01'45" W a distance of 3.0 feet to a point on the North boundary line of Lot 4 of said SEVENTH STREET TOWNHOMES;
thence N 89°55'24" W along the North boundary line of said Lot 4 a distance of 55.0 feet to the Northwest corner of said Lot 4;
thence along the West boundary lines of Lots 4, 3, 2 and 1 of said SEVENTH STREET TOWNHOMES, S 00°01'45" W a distance of 125.26 feet to the Point of Beginning,
containing 405.26 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2004-156 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

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

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

Dated this _____ day of _____, 2004.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Sidney Squirrell, Managing Member of
Cache Townhomes LLC,
a Colorado limited liability company

Attach 3
Setting a Hearing on Zoning the Flint Ridge III Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Flint Ridge III Annexation, located at 2946 and 2952 D Road to RMF-8						
Meeting Date	August 4, 2004						
Date Prepared	July 29, 2004				File #ANX-2004-101		
Author	Lisa E. Cox, AICP			Senior Planner			
Presenter Name	As Above			As Above			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Flint Ridge III Annexation, located at 2946 and 2952 D Road to RMF-8.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for August 18, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

7. Staff report/Background information
8. Site Location Map (Figure 1)
9. Aerial Photo Map (Figure 2)
10. Future Land Use Map (Figure 3)
11. Existing City and County Zoning Map (Figure 4)
12. Annexation Map (Figure 5)
13. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2946 and 2952 D Road		
Applicants:		Don Balerio, Phyllis Galvan, Miguel and Bertha Flores		
Existing Land Use:		Residential/Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential/Agricultural		
	South	Mining/Residential		
	East	Agricultural		
	West	Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RMF-8		
Surrounding Zoning:	North	County PD and RSF-R		
	South	County RSF-R/City RSF-R		
	East	City RMF-8		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium, 4-8 DU/AC		
Zoning within density range?		X	Yes	No

Staff Analysis:

Rezoning: The requested zone of annexation to the RMF-8 zone district is consistent with the Growth Plan land use classification 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:

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

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

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

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

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

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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

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

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

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

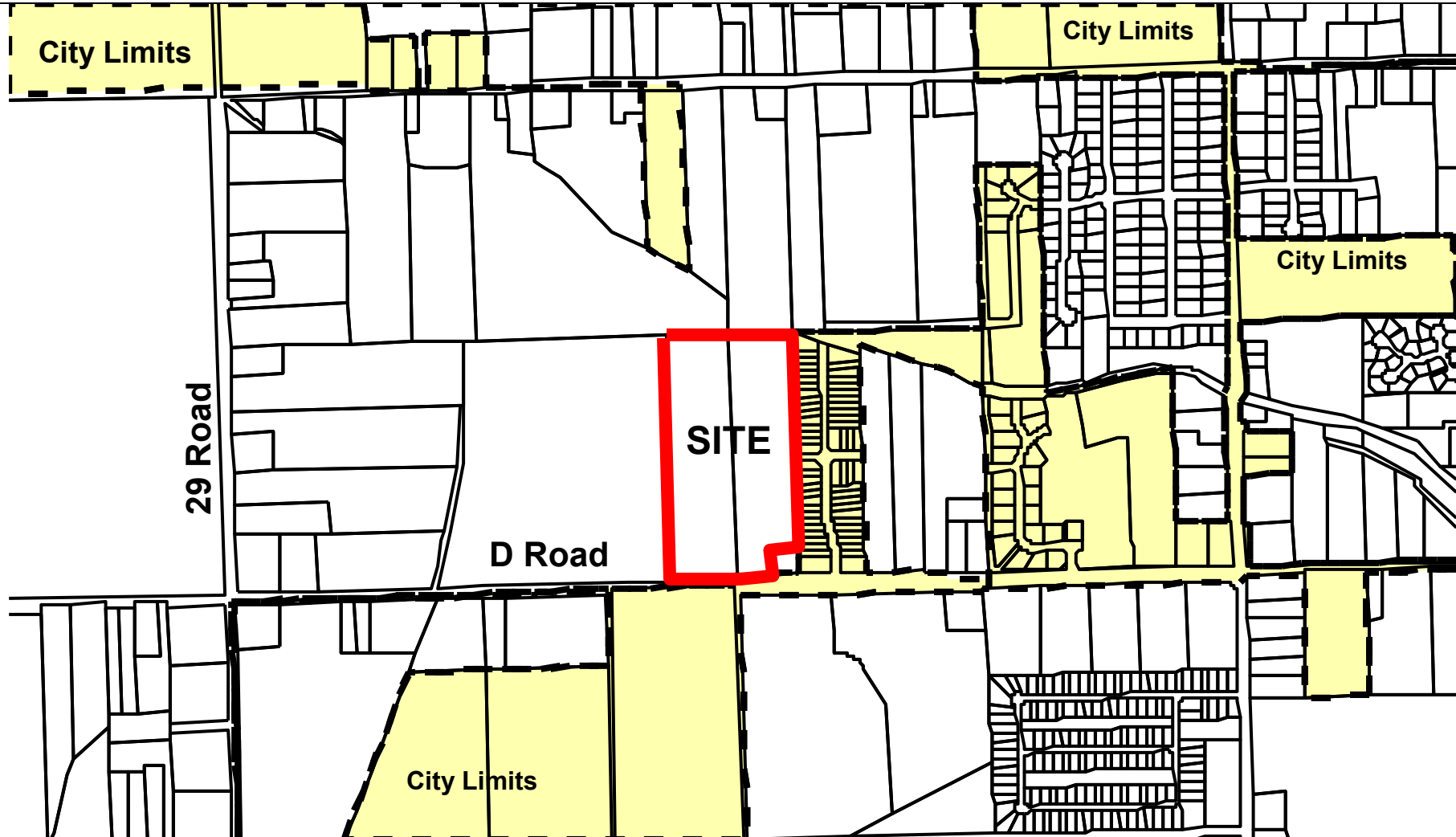
7. The community or neighborhood will benefit from the proposed zone.

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

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 zone district to be consistent with the goals and policies of the Growth Plan and Future Land Use Map, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



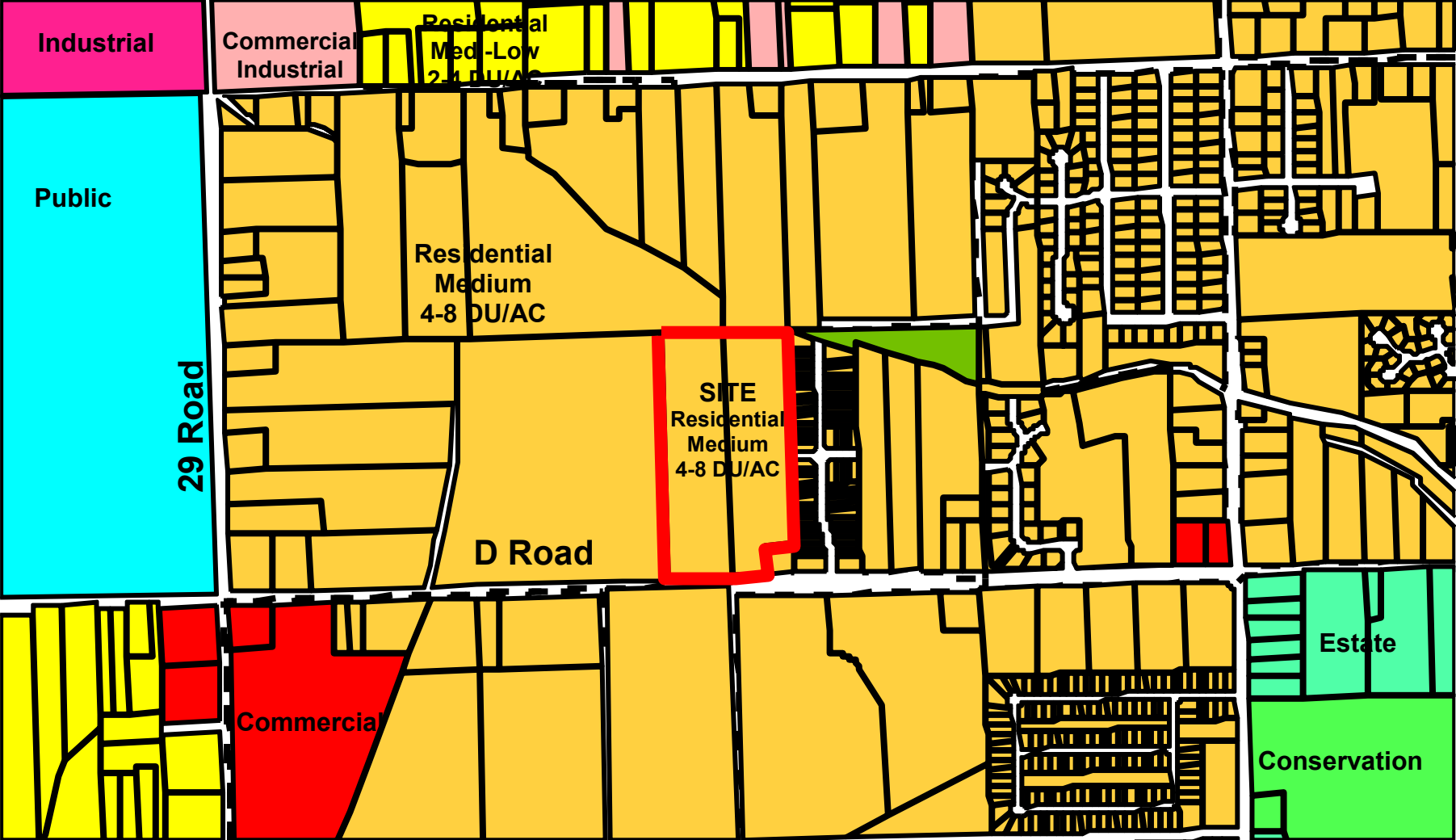
Aerial Photo Map

Figure 2



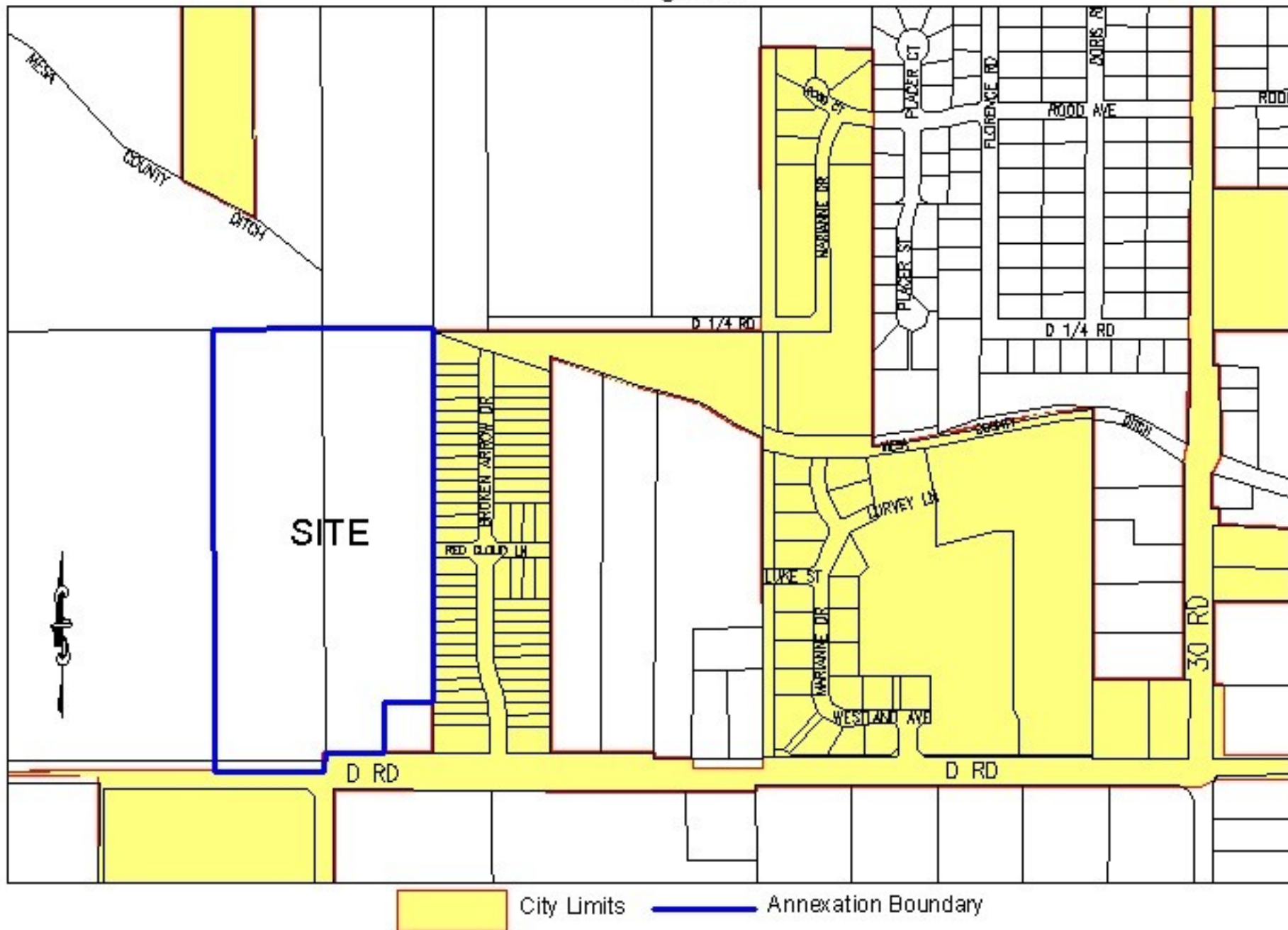
Future Land Use Map

Figure 3



Flint Ridge III Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FLINT RIDGE III ANNEXATION
TO THE RMF-8 ZONE DISTRICT**

LOCATED AT 2946 and 2952 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 Flint Ridge III 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.

FLINT RIDGE III ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, 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 South Quarter (S 1/4) corner of said Section 17 and assuming the East line of the SE 1/4 SW 1/4 of said Section 17 bears N 00°15'44" W with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 00°15'44" W along the East line of the SE 1/4 SW 1/4 of said Section 17, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'45" W along a line 5.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 17, a distance of 329.39 feet; thence N 00°18'52" W along the West line of the East Quarter (E 1/4) of the SE 1/4 SW 1/4 of said Section 17, a distance of 1315.68 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section 17; thence N 89°59'36" E along the North line of the SE 1/4 SW 1/4 of said Section 17, a distance of 330.59 feet to a point being the Northeast corner of the SE 1/4 SW 1/4 of said Section 17; thence N 89°59'36" E along the North line of the SW 1/4 SE 1/4 of said Section 17, a distance of 334.59 feet to a point being the Northwest corner of Flint Ridge Subdivision Filing No. 2, as same is recorded in Plat Book 19, Pages 231 and 232, Public Records of Mesa County, Colorado; thence S 00°02'31" E along the West line of said Flint Ridge Subdivision Filing No. 2 and the West line of Flint Ridge Subdivision Filing No. 1, as same is recorded in Plat Book 18, Pages 266 and 267, Public Records of Mesa County, Colorado, a distance of 1120.50 feet; thence S 89°58'45" W along a line 200.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 153.00 feet; thence S 00°02'31" E a distance of 150.00 feet; thence S 89°58'45" W along a line 50.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 17, a distance of 176.70 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 17; thence S 00°15'44" E along said East line, a distance of 45.00 feet, more or less, to the Point of Beginning.

CONTAINING 19.1275 Acres (833,193.3 Sq. Ft.), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-8 zone district.

Introduced on first reading August 4, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

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

CITY COUNCIL AGENDA						
Subject	Zoning the Haremza Annexation, located at 2126 Hwy 6 & 50, to I-1 (Light Industrial).					
Meeting Date	August 10, 2004					
Date Prepared	July 27, 2004				File #ANX-2004-121	
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Haremza Annexation I-1 (Light Industrial), located at 2126 Hwy 6 & 50.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for August 18, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

- 14. Staff report/Background information
- 15. General Location Map
- 16. Aerial Photo
- 17. Growth Plan Map
- 18. Zoning Map
- 19. Annexation map
- 20. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2126 Hwy 6 & 50		
Applicants:		Owner - Jim Haremza		
Existing Land Use:		Vacant		
Proposed Land Use:		Future Light Industrial		
Surrounding Land Use:	North	Commercial/Industrial Outdoor Storage; Single Family Residential		
	South	Persigo WWTF		
	East	Vacant Industrial		
	West	Commercial/Industrial Uses		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	County RSF-R		
	South	City I-1		
	East	County RSF-R / City I-1		
	West	County C-2		
Growth Plan Designation:		Commercial / Industrial		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the **I-1** district is consistent with the Growth Plan intensity of Commercial / Industrial. 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 zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

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

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

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

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

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

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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

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

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

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

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

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

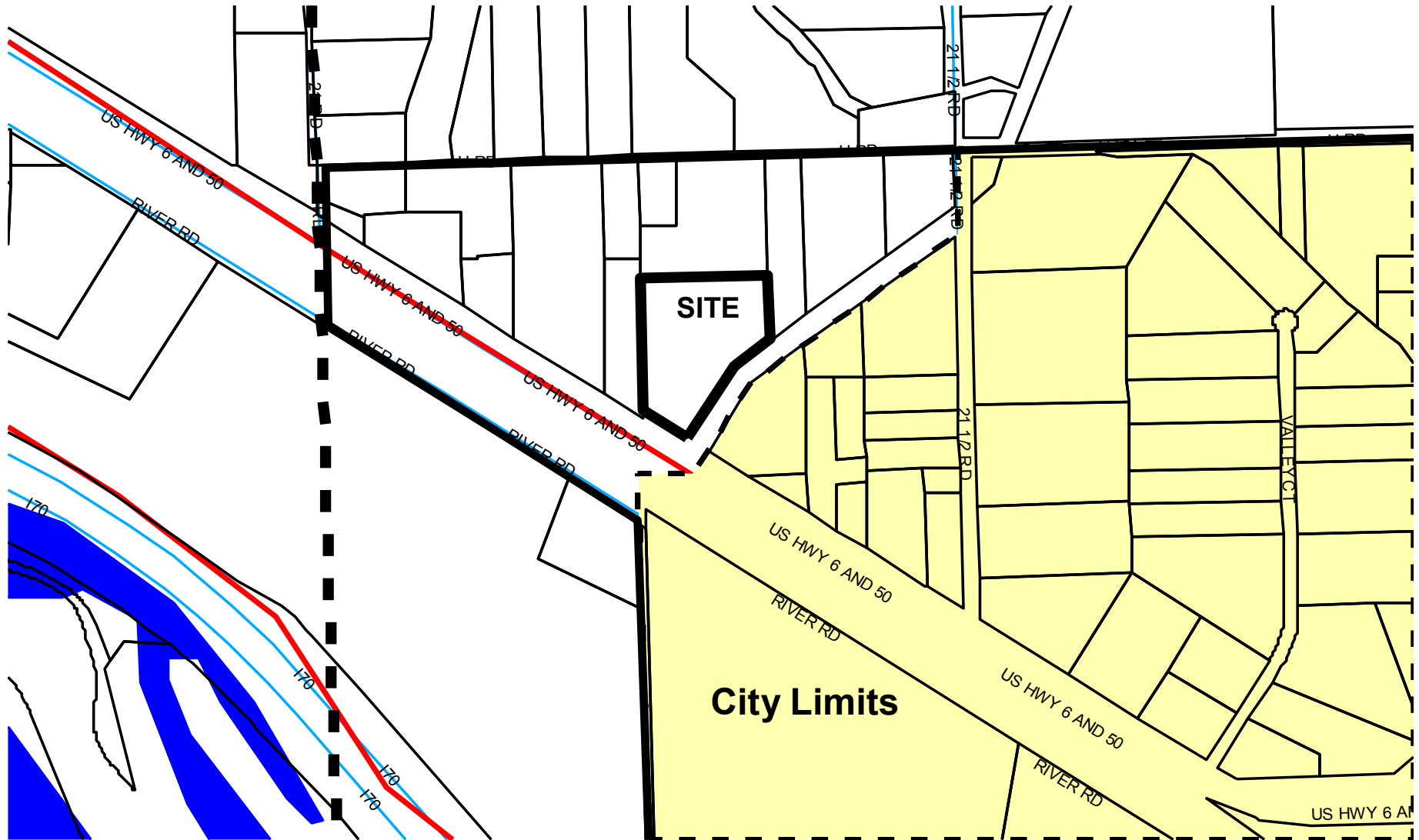
STAFF RECOMMENDATION

Staff recommends approval of the I-1 (Light Industrial) 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 recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 (Light Industrial) 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



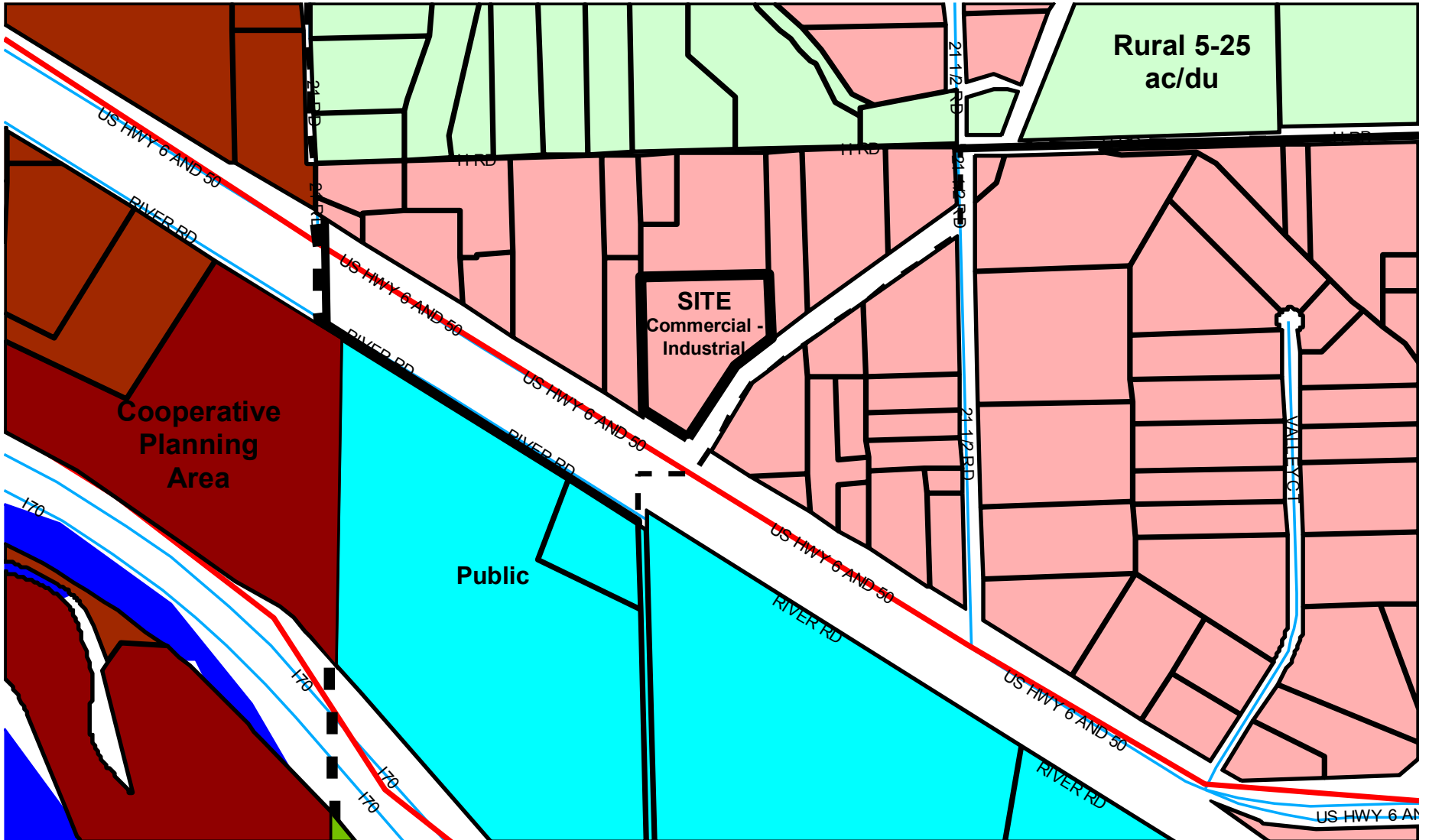
Aerial Photo Map

Figure 2



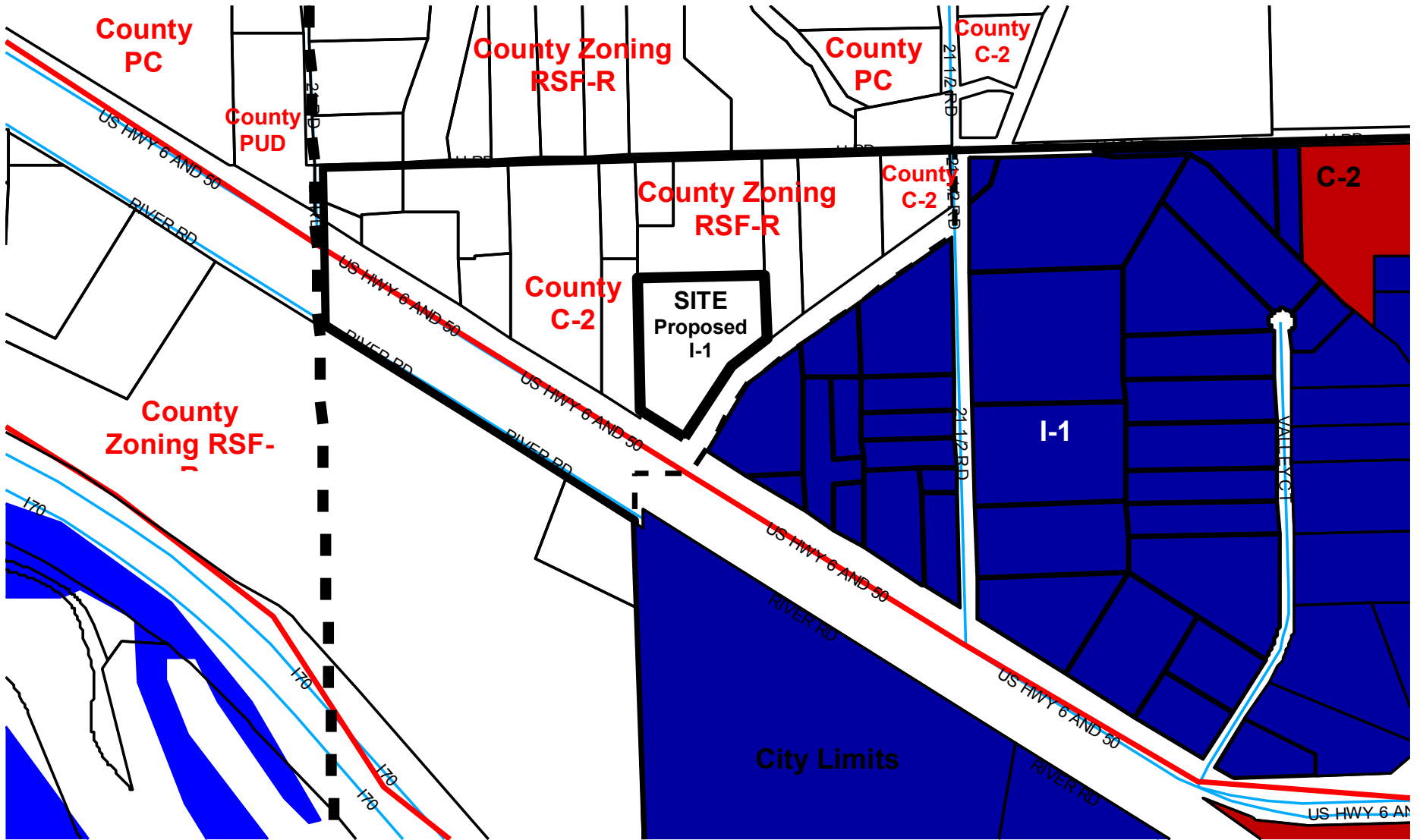
Future Land Use Map

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."

Haremza Annexation

Figure 5



 City Limits  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HAREMZA ANNEXATION TO
I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 2126 HWY 6 & 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 Haremza Annexation to the I-1 (Light Industrial) 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 I-1 (Light Industrial) zone district be established.

The Planning Commission and City Council find that the I-1 (Light Industrial) zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned I-1 (Light Industrial).

HAREMZA ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 of said Section 36 and assuming the North line of the NW 1/4 of said Section 36 bears N 89°52'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°52'49" W along the North line of the NW 1/4 of said Section 36 a distance of 812.40 feet; thence S 00°04'11" W a distance of 509.95 feet, more or

less, to a point being the Northeast corner of that certain parcel of land described in Book 1820, Page 181, Public Records of Mesa County, Colorado and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°04'11" W along the East line (and its Southerly projection) of said parcel of land, a distance of 393.67 feet to its intersection with the South line of the Pritchard Wash, as same is described in Book 228, Page 27 and Book 230, Page 12, Public Records of Mesa County, Colorado and also being the North line of Persigo Annexation No. 2 as same is recorded in Book 1876, Page 346 through 349, inclusive, Public Records of Mesa County, Colorado, with City of Grand Junction Ordinance Number 2556; thence S 55°23'23" W along the South line of said Pritchard Wash, a distance of 144.66 feet; thence continuing along said South line and the North line of said Persigo Annexation No. 2, S 33°15'11" W a distance of 476.29 feet; thence continuing along the North line of said Persigo Annexation No. 2, N 89°58'33" W a distance of 132.67 feet, more or less, to its intersection with the Southerly projection of the West line of said parcel of land described in said Book 1820, Page 181; thence N 00°04'21" E along said West line, a distance of 875.16 feet, more or less, to a point being the Northwest corner of that parcel of land described in said Book 1820, Page 181, thence N 89°52'49" W along the North line of that parcel of land described in said Book 1820, Page 181, a distance of 512.27 feet to the Point of Beginning.

CONTAINING 7.895 Acres (343,903 Sq. Ft.), more or less, as described.

Introduced on first reading this 4th day of **August**, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 5
Setting a Hearing for a Right-of-Way Vacation
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject	Right-of-Way Vacation – Northwest corner of G Road and Horizon Drive intersection						
Meeting Date	August 4, 2004						
Date Prepared	July 8, 2004				File #VR-2004-131		
Author	Ronnie Edwards		Associate Planner				
Presenter Name	Ronnie Edwards		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The City of Grand Junction along with two co-applicants propose to vacate approximately 11,307 square feet of public right-of-way near the northwest corner of the intersection of G Road and Horizon Drive, while reserving the entire area as a multi-purpose easement due to the numerous underground utilities that exist within the subject area. The Planning Commission recommended approval of the right-of-way vacation on July 27, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

Action Requested/Recommendation: It is recommended that the City Council conduct the first reading of the ordinance to vacate the right-of-way, and schedule a public hearing for formal action on the ordinance. The Planning Commission recommends that the City Council approve the ordinance vacating the requested right-of-way, reserving the area as a multi-purpose easement.

Attachments:

1. Vicinity Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing Zoning Map
5. Ordinance and Exhibit Map

Background Information: See attached

BACKGROUND INFORMATION				
Location:		Northwest corner of the G Road and Horizon Drive intersection		
Applicants:		City of Grand Junction, GS and PD Living Trust, and McGovern Enterprises		
Existing Land Use:		Vacant		
Proposed Land Use:		Multi-purpose/Parking Lot		
Surrounding Land Use:	North	Restaurant		
	South	Relocated G Road/Vacant		
	East	Vacant		
	West	Bookcliff Country Club		
Existing Zoning:		C-1		
Proposed Zoning:		C-1		
Surrounding Zoning:	North	Commercial		
	South	PD		
	East	PD & C-1		
	West	C-1 & CSR		
Growth Plan Designation:		Commercial		
Zoning within density range?		N/A	Yes	No

PROJECT DESCRIPTION: The proposal is to vacate approximately 11,307 square feet of public right-of-way near the northwest corner of the intersection of G Road and Horizon Drive, reserving the area as a multi-purpose easement due to numerous underground utilities.

ANALYSIS:

1. Background:

The subject right-of-way was cleared of all street improvements when the City relocated the G Road and Horizon Drive intersection to connect with the realignment of 27 ½ Road on the east side of Horizon Drive. The area is currently a vacant dirt lot. Because numerous underground utilities still exist within the subject right-of-way, the vacation will be subject to the City reserving a multi-purpose easement over the entire area.

Title to the vacated right-of-way will vest in the owners of the abutting property located at 705 Horizon Drive. The abutting property is owned by GS and PD Living Trust and leased by McGovern Enterprises, which

operates a Pizza Hut Restaurant on subject property. The owner and lessee both desire to improve portions of the right-of-way with parking lot improvements and associated landscaping, which will be a separate submittal application.

Fiscal Information:

The Real Estate Department has determined the following information regarding the right-of-way. The total area is 11,307 square feet and is valued at 50% of its value, as this area is being retained as multi-purpose easement. This area equates to a monetary value of \$50,880.00.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

By allowing this subject area to be vacated, a proposed parking lot with landscaping will aesthetically improve what is now a vacant dirt lot and will not affect the individual neighborhoods.

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

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

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

Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City. It will help utilize an area that was created by street relocation by the City.

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

No parcel will be landlocked by the requested vacation and the entire area will be retained by the City as a perpetual multi-purpose easement.

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

Access to any parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any property.

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

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

- 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.

Provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of the Code.

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

This proposal provides a benefit to the City as the vacated area will be the responsibility of the owner of the abutting property to maintain and keep the area clear of weeds, while the City retains the benefit of use of the property with the multi-purpose.

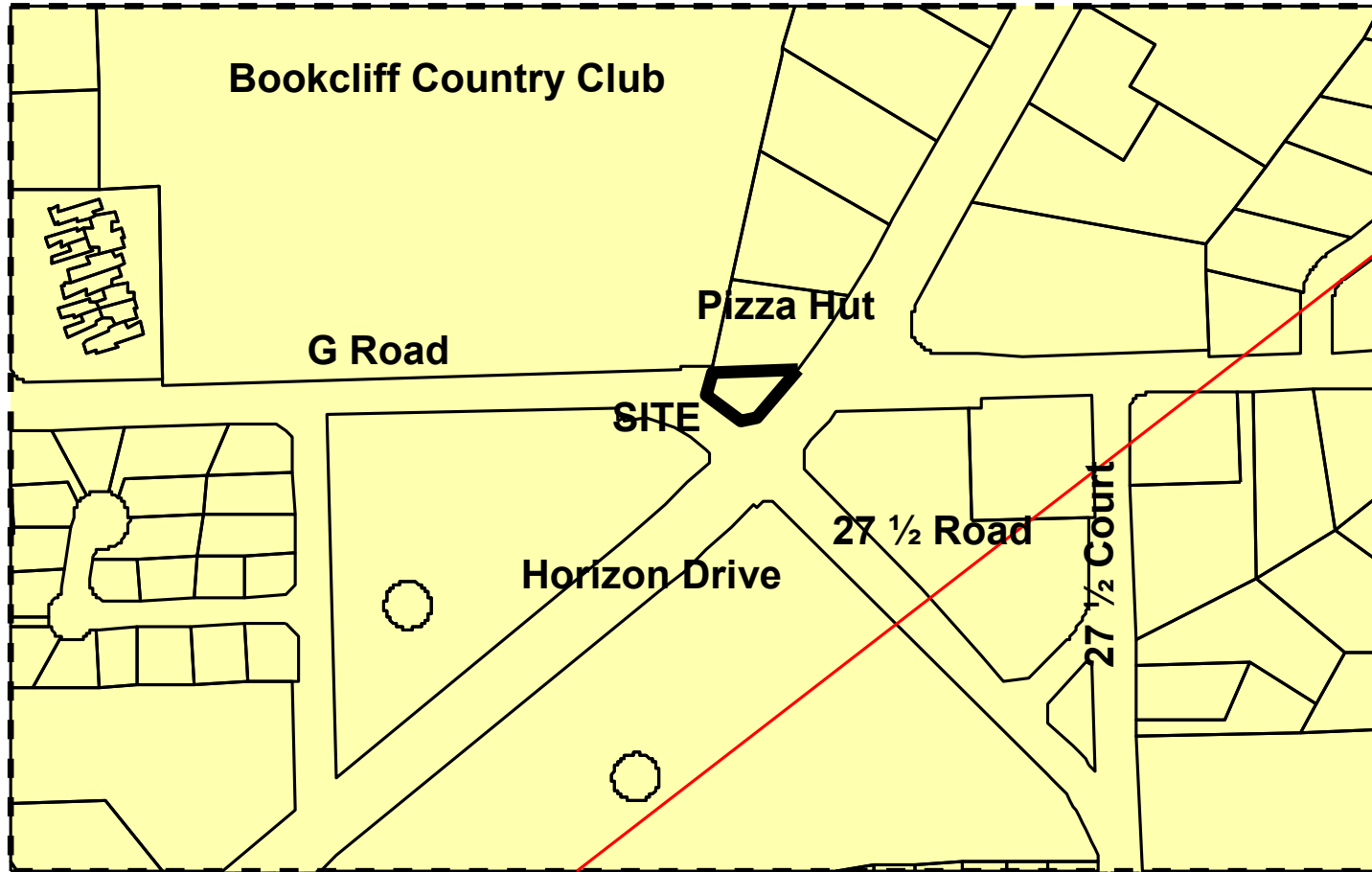
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Right-of-Way Vacation application, VR-2004-131, for the vacation of right-of-way adjacent to the northwest corner of G Road and Horizon Drive, City Council makes the following findings of fact and conclusions:

- The requested right-of-way vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

Site Location Map

Figure 1



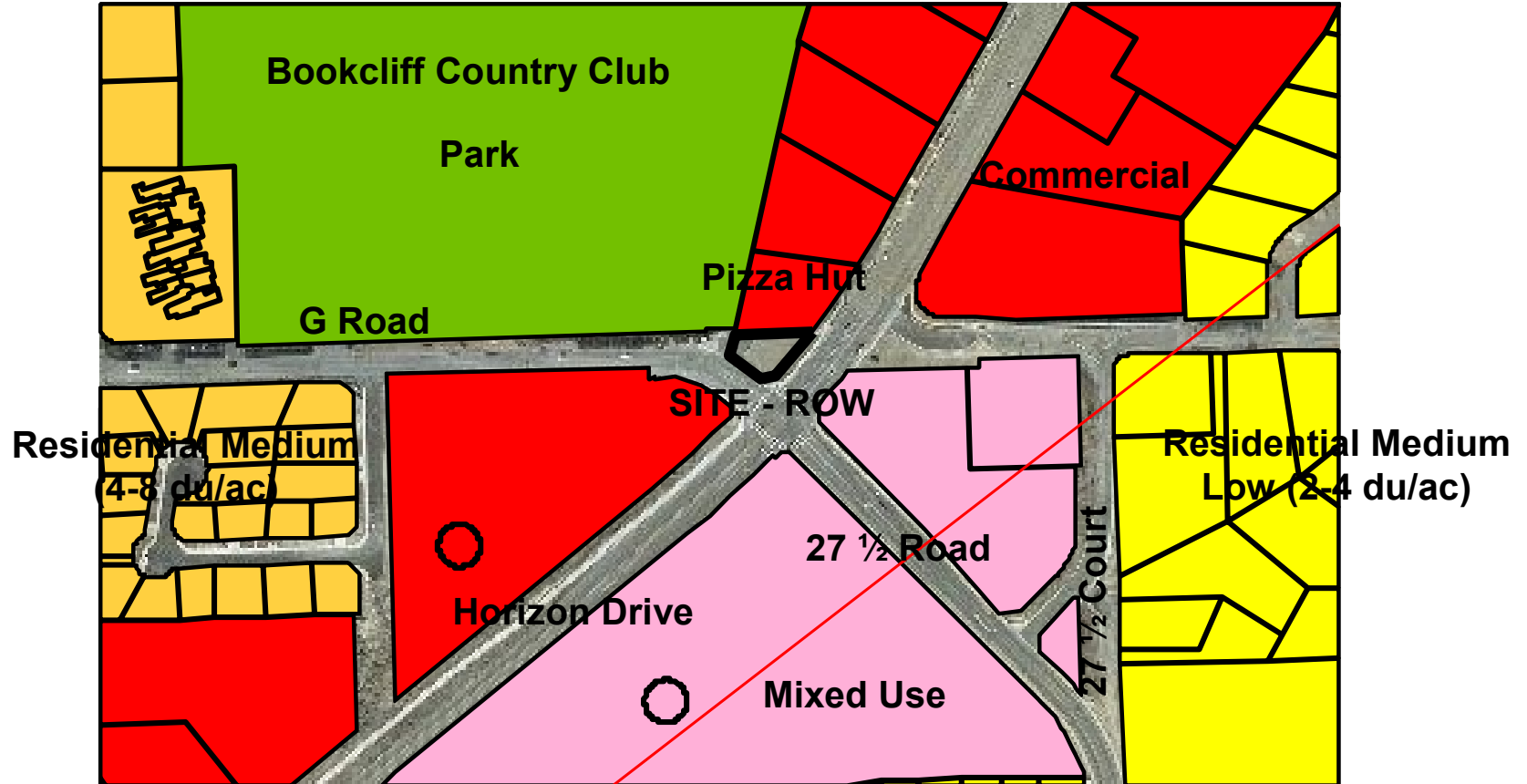
Aerial Photo Map

Figure 2



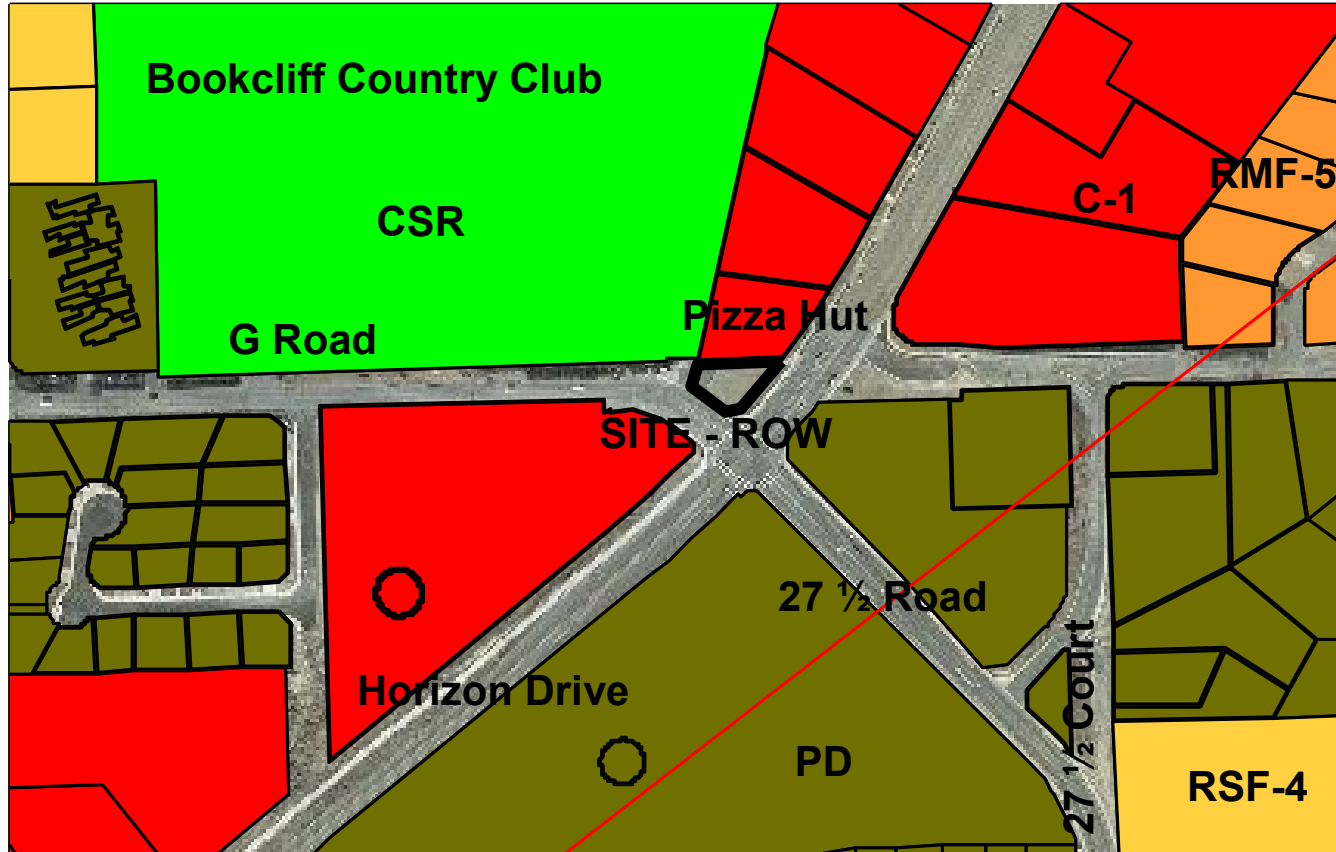
Future Land Use Map

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 Right-of-Way Located at the
Northwest Corner of G Road and Horizon Drive**

Recitals:

A request to vacate a portion of the public right-of-way at the Northwest corner of the intersection of G Road and Horizon Drive has been submitted by the City of Grand Junction. The City will reserve and retain a Perpetual Multi-Purpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth 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 the City shall reserve and retain a Perpetual Multi-Purpose Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-way.

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

1. The following described right-of-way is hereby vacated:

Beginning at the Southwest Corner of Lot 1 of Northside Park, a subdivision situate in the Southwest $\frac{1}{4}$ of Section 36, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 11 at Page 279 in the office of the Mesa County Clerk and Recorder, and considering the South line of the Southwest $\frac{1}{4}$ of said Section 36 to bear N $89^{\circ}57'30''$ W with all bearings contained herein being relative thereto; thence N $14^{\circ}06'44''$ E along the Westerly boundary line of said Lot 1 a distance of 10.86 feet to the Northwesterly corner of that certain parcel of land conveyed to the City of Grand Junction by instrument recorded in Book 1431 at Page 525 in the office of the Mesa County Clerk and Recorder; thence along the Northerly and Easterly boundary of said parcel of land the following three (3) courses:

1. S $89^{\circ}57'30''$ E a distance of 142.55 feet;
2. N $63^{\circ}58'24''$ E a distance of 10.78 feet;
3. S $37^{\circ}54'18''$ W a distance of 19.34 feet to the Southeast Corner of said Lot 1;

thence S 41°39'58" E a distance of 9.84 feet; thence 104.74 feet along the arc of a non-tangent curve concave to the Northwest, having a radius of 1839.02 feet, a central angle of 03°15'48", and a long chord bearing S 41°41'06" W a distance of 104.73 feet; thence N 82°53'10" W a distance of 29.53 feet; thence N 46°09'45" W a distance of 8.17 feet; thence S 43°01'09" W a distance of 6.00 feet; thence 82.14 feet along the arc of a non-tangent curve concave to the Southwest, having a radius of 280.00 feet, a central angle of 16°48'28", and a long chord bearing N 55°23'05" W a distance of 81.84 feet;

thence N 37°59'39" E a distance of 43.45 feet to the Point of Beginning, containing 11,307 square feet, more or less (0.260 acres, more or less), as described herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by reference.

2. The City hereby reserves and retains a Perpetual Multi-Purpose Easement on, along, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Perpetual Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

3. Title to the above-described right-of-way, subject to the reserved Multi-Purpose Easement, shall vest in the owners of the abutting property located at 705 Horizon Drive and identified by Mesa County Tax Schedule Number 2701-363-27-001. The present and future owners of the above described right-of-way shall not burden or overburden said right-of-way by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the existing or future facilities of the City and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the reserved Perpetual Multi-Purpose Easement.

Introduced for first reading on this ____ day of _____, 2004.

PASSED and ADOPTED this ____ day of _____, 2004.

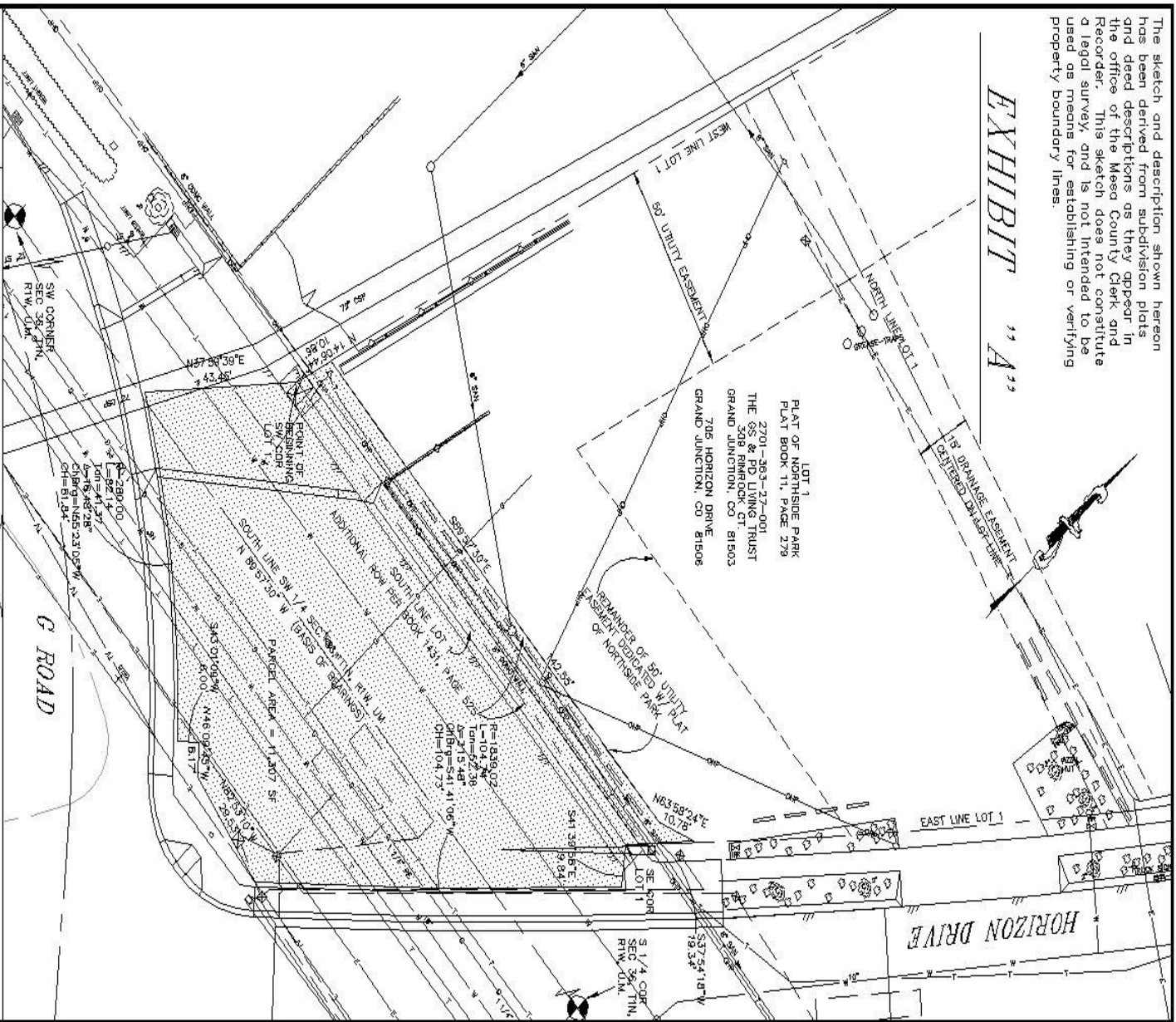
ATTEST:

President of City Council

City Clerk

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as means for establishing or verifying property boundary lines.

EXHIBIT "A"



LOT 1
 PLAT OF NORTHSIDE PARK
 PLAT BOOK 11, PAGE 279
 THE 6500 & 700 LIVING TRUST
 GRAND JUNCTION, CO. 81503
 705 HORIZON DRIVE
 GRAND JUNCTION, CO. 81506

DRAWN BY: JCS
 DATE: 10-10-2001
 SCALE: 1" = 30'
 APPR. BY: JW
 FILE NO. PHRENEAWE3

HORIZON DRIVE AND G ROAD
 RIGHT-OF-WAY VACATION MAP

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

Attach 6

Vacate a Multi-Purpose and Pedestrian Access Easement at 1914 Palmer Street

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Easement Vacation – 1914 Palmer					
Meeting Date	August 4, 2004					
Date Prepared	July 7, 2004				File #VE-2003-196	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The applicant proposes to vacate a specific area of an existing 25' multi-purpose easement and an 80' utility and pedestrian access easement, which equates to the area of an existing residential encroachment that occurred in 2003 with the placement of a new modular. The Planning Commission recommended approval of the easement vacation on July 13, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the resolution vacating the requested easement vacation.

Attachments:

1. Vicinity Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing Zoning Map
5. Jordan Subdivision Plat
6. Sanitary Sewer As-Built Exhibit Map
7. Resolution with exhibit maps

Background Information: See attached

BACKGROUND INFORMATION

Location:		1914 Palmer Street		
Applicants:		Donald Hays		
Existing Land Use:		Single family residence		
Proposed Land Use:		Single family residence		
Surrounding Land Use:	North	Single family residence		
	South	Single family residence		
	East	Duplex		
	West	Truck repair and service facility		
Existing Zoning:		RMF-8		
Proposed Zoning:		RMF-8		
Surrounding Zoning:	North	RMF-8		
	South	RMF-8		
	East	RMF-8		
	West	C-1		
Growth Plan Designation:		Residential Medium (4 – 8 du/ac)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Applicant is requesting approval to vacate a specific area of an existing 25’ multi-purpose easement and an 80’ utility and pedestrian access easement to rectify an existing residential encroachment that occurred in 2003 with the placement of a new modular.

ANALYSIS:

1. Background:

The subject property was vacant due to constraints by an irrigation ditch on the north and front yard setback requirements on the south property

line, which was located adjacent to the future extension of Glenwood Avenue right-of-way. In 1994 the property owners requested that Glenwood Avenue be vacated between Palmer Street and Palisade Street making the property developable and offer more site plan flexibility. This right-of-way vacation was approved on second reading by City Council on October 5, 1994 subject to the reservation of the entire right-of-way as utility easement and pedestrian access easement.

With the transference of ownership on this property and the adjacent lots to the north and the south, a new petitioner requested approval of a three lot subdivision in 2001 called the Jordan Subdivision. The plat was recorded with a 25' multi-purpose & pedestrian easement crossing Lot 1 and Lot 2 within the 80' wide easement and depicted two shaded areas on the north and south side of the 25' to be vacated per this plat. The reference to the shaded areas was that those portions of the utility and pedestrian access easement reserved in 1994 by Ordinance No. 2705 were being vacated. An easement cannot be vacated by a note on a plat and the proper means to vacate these easement portions were never taken.

A modular was placed on Lot 1 in 2003 with a site plan depicting the 25' easement and showed no encroachment. When the Improvements Location Certificate was completed for the title company and mortgage lender, it was discovered the home had not been placed as shown on the previous site plan and was now encroaching into the 25' multi-purpose easement. Upon the application submittal to request to vacate the area of encroachment, it was discovered that the remaining areas of the original reserved 80' easement had never been vacated and the residence was placed within both easements.

The Utility Coordinating Committee (UCC) has discussed vacating these portions of the easement. The UCC has specifically approved the vacation of that portion of the 25' multi-purpose easement. The portion of the 80' pedestrian access and utility easement has been discussed, each utility company has been questioned and no objections have been made, but the UCC will meet on July 14, 2004 and requested to formally object and/or approve.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

By allowing this specific area of the subject easements to be vacated, an existing structure will come into conformance and will not affect the individual neighborhood.

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

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

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

Granting the easement vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with this vacation. The subject and adjacent properties have access off of Palmer Street.

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

Access to any parcel is not restricted. The proposed vacation is only affecting the applicant's parcel and is correcting a construction error.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation. The remaining area of the easements will be retained until such time as correction is required as there is an underground sanitary sewer line approximately 10 feet north of the structure.

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

Provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of the Code.

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

Proposal provides a benefit to the City by correcting the residential encroachment, which is a result of improper site placement without the owner's knowledge.

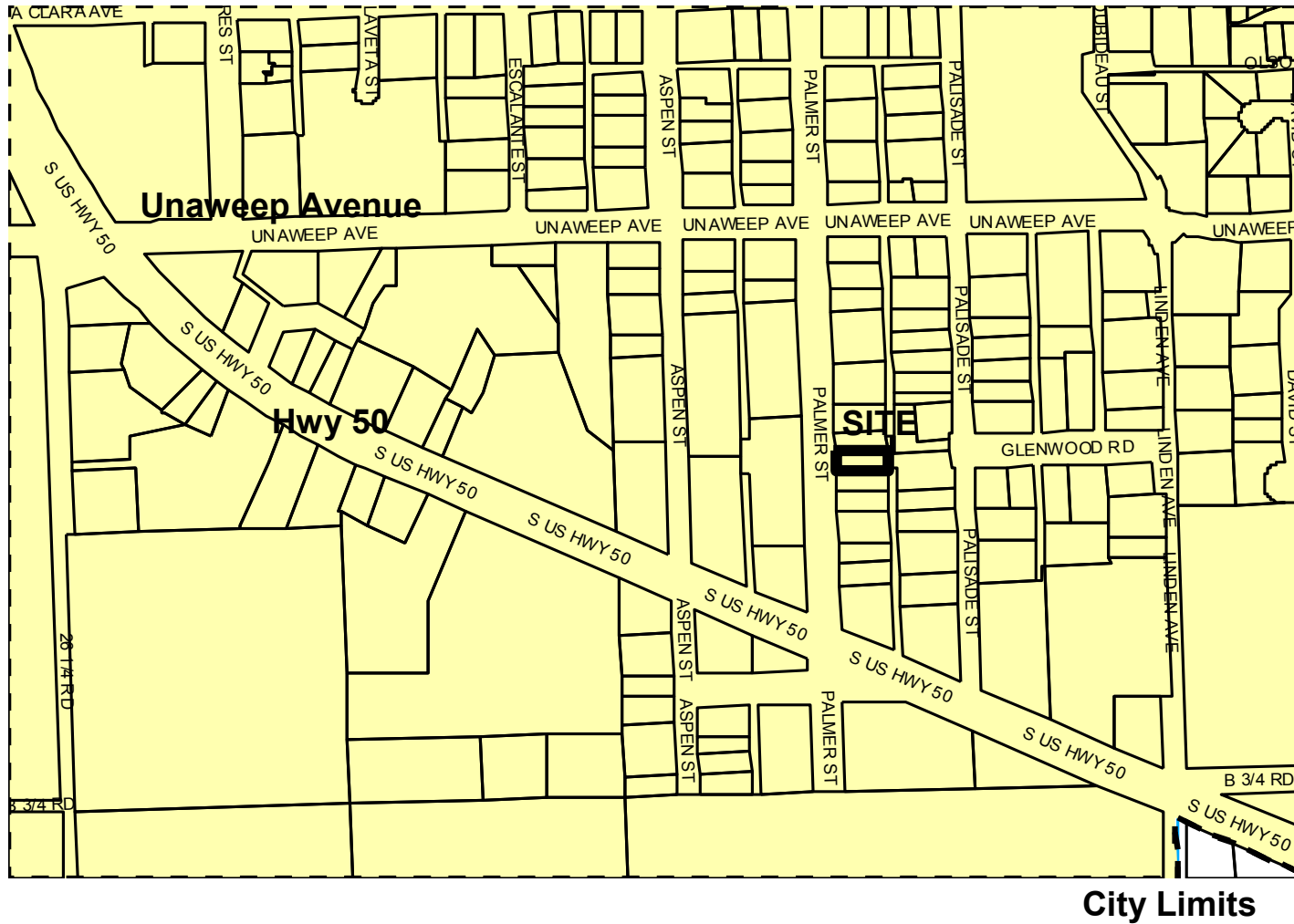
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Easement Vacation application, VE-2003-196, City Council makes the following findings of fact and conclusions:

- The requested easement vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

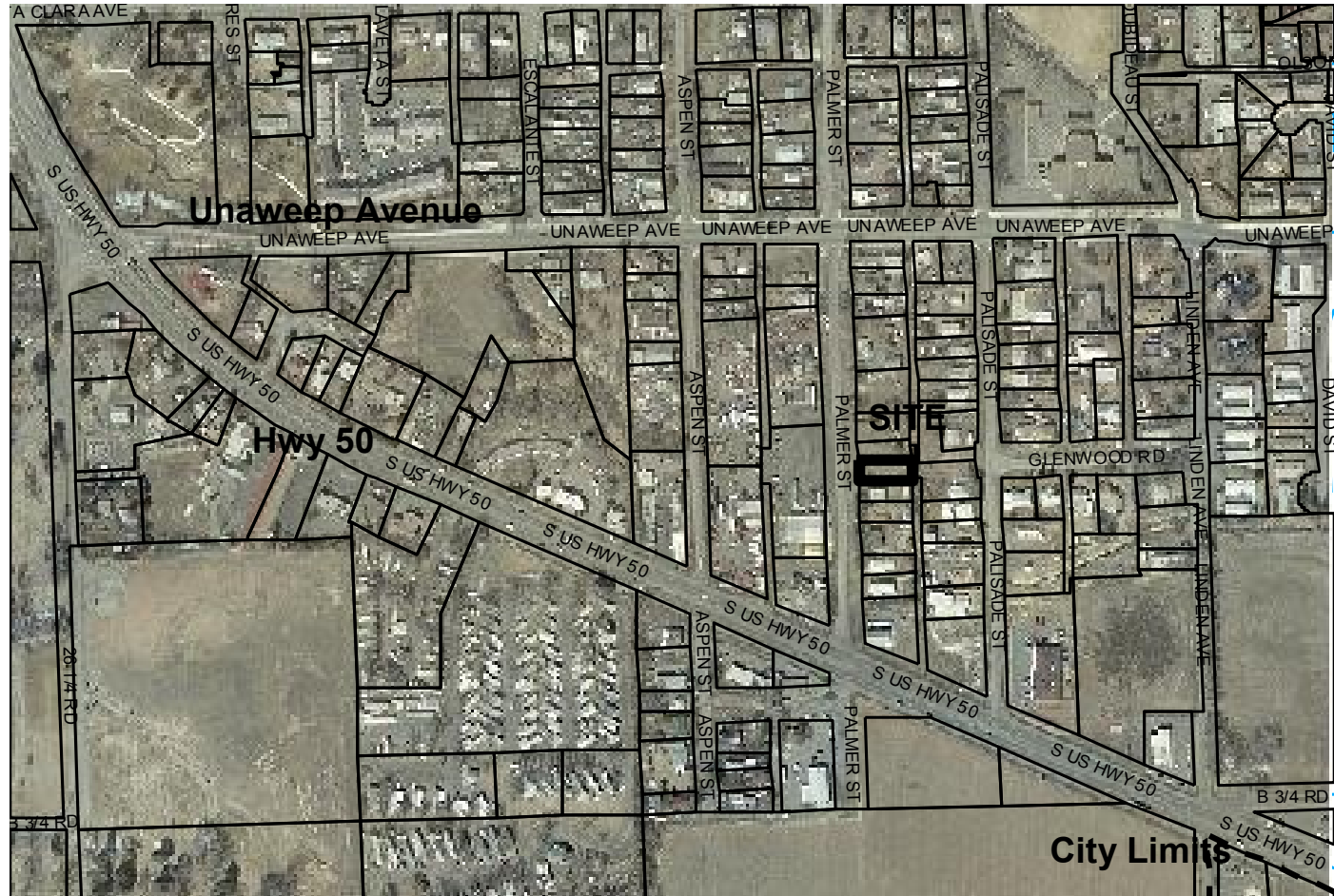
Site Location Map

Figure 1



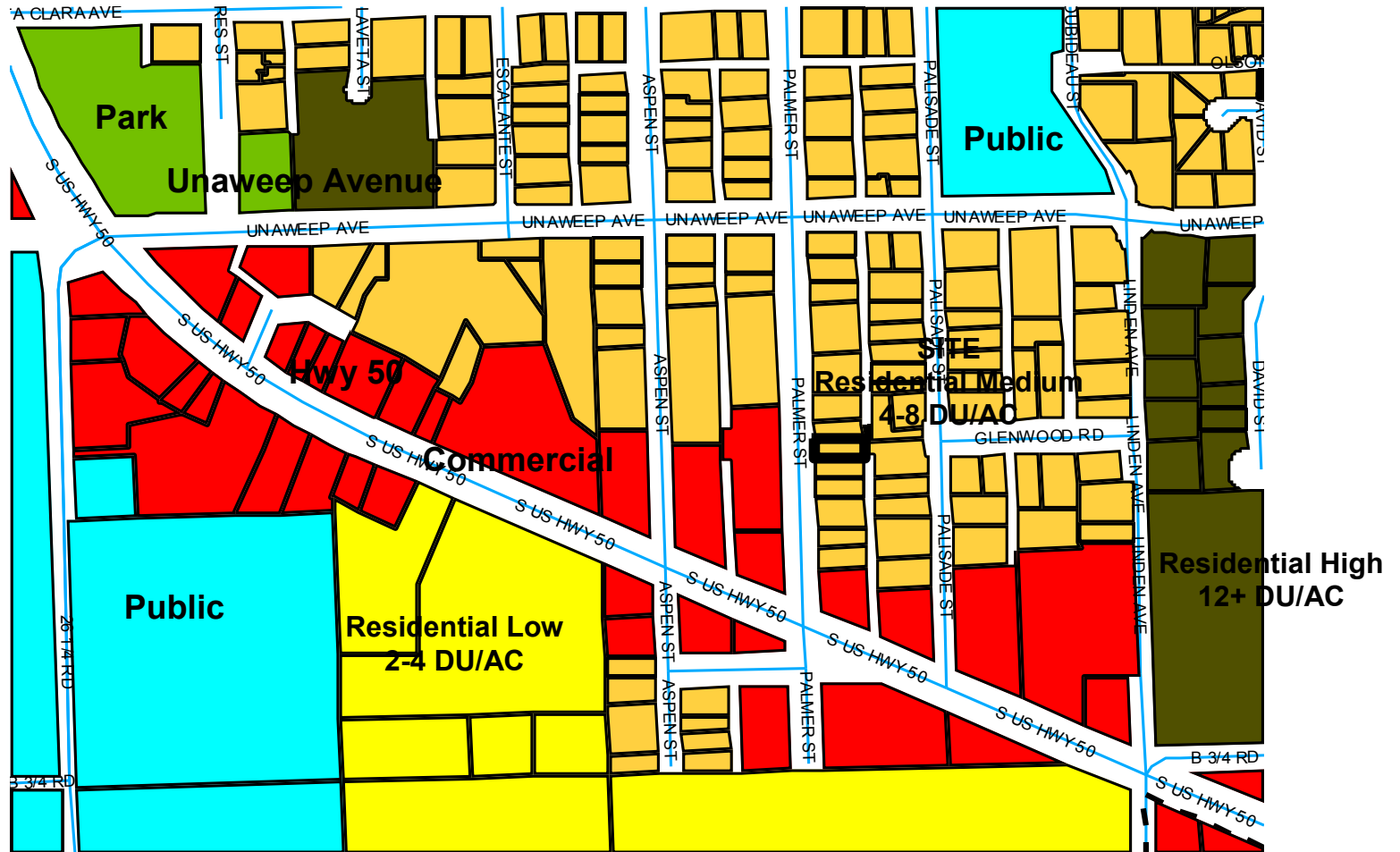
Aerial Photo Map

Figure 2



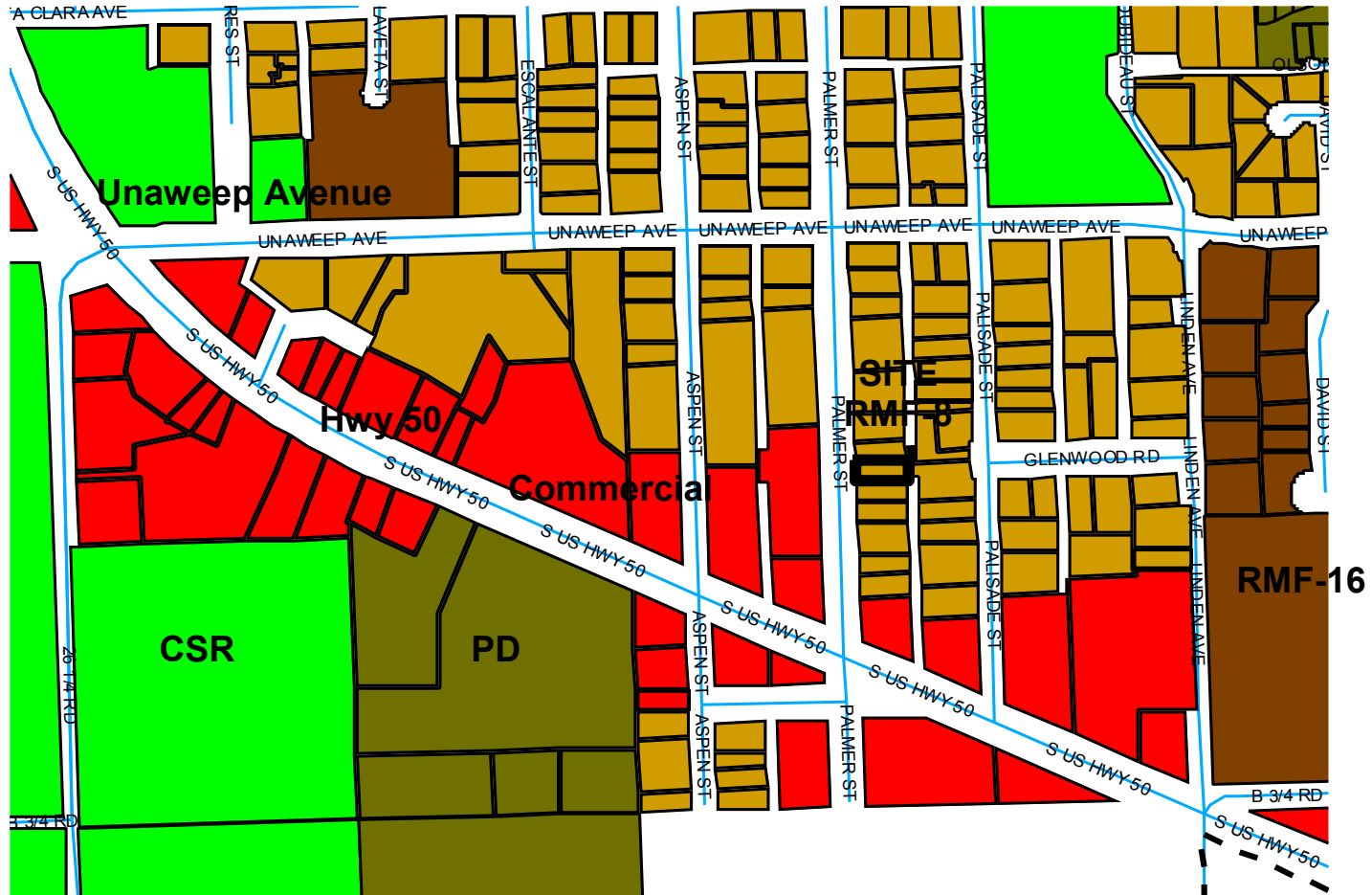
Future Land Use Map

Figure 3

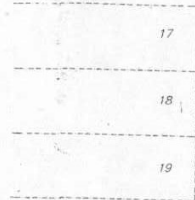


Existing City and County Zoning

Figure 4

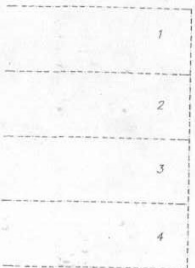


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

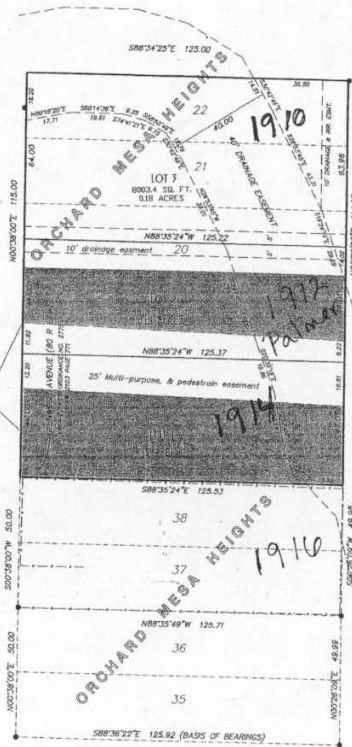


GLENWOOD AVENUE

NOTE: Shaded areas indicate that part of easements mentioned in Book 2103 of Page 771 being vacated per this plot.



PALMER STREET



ALLEY

SS-2001-184
RMF-8
SIF 292.00
TCP 0
T 80
C 13

GLENWOOD AVENUE

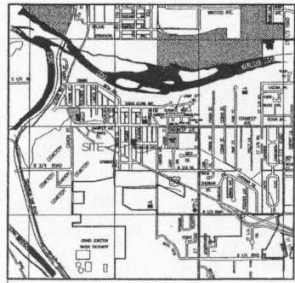
LEGEND

- ◆ FOUND MESA COUNTY SURVEY MARKER AS DESCRIBED
- FOUND SURVEY MONUMENT AS DESCRIBED
- SET NO.5 REDBAR W/CAP L.S. 16413 (PERMETER SET IN CONCRETE)
- SET NO.6 REDBAR W/CAP ALUMINUM CAP L.S. 16413

BASES OF BEARINGS STATEMENT:

Bearings are based on the ASSUMED bearing between monuments set for the SW corner and the SE corner of Lot 35 ORCHARD MESA HEIGHTS, as shown on the Boundary Survey, prepared by D.H. Surveys Inc., for the Habitat for Humanity, and deposited with the Mesa County, Land Survey Deposits on March 3, 1995, in Book 1 of Page 32, Reception No. 1170-95.

The bearing between said monuments is N89°36'22"W.



Vicinity Map
(NOT TO SCALE)

AREA SUMMARY

LOTS = 0.45 ACRES = 100.00%
TOTAL = 0.45 ACRES = 100%

JORDAN SUBDIVISION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, LLOYD W. JORDAN and EMOGENE B. JORDAN, are the owners of that real property situated in the County of Mesa, State of Colorado, and is described in Book 2103 of Page 771 of the Mesa County Clerk and Recorder's Office, and being also the NE 1/4 of Section 26, Township 1 South, Range 1 West, of the 10th Meridian, Mesa County, Colorado as shown on the said real property being described as follows:

The vacated portion of Glenwood Avenue adjoining Lot 38 in Block 21 of ORCHARD MESA HEIGHTS on the North side of Lot 38, vacated by Ordinance No. 2775 recorded October 7, 1994 in Book 2103 of Page 771, Mesa County, Colorado.

AND:

LOTS 20 THROUGH 22 in BLOCK 18 of ORCHARD MESA HEIGHTS, TOGETHER WITH vacated Glenwood Avenue adjoining said land as vacated by Ordinance No. 2775 recorded October 7, 1994 in Book 2103 of Page 771, Mesa County, Colorado.

That said owners have caused the said real property to be laid out and surveyed as JORDAN SUBDIVISION, a subdivision of a part of the City of Grand Junction, State of Colorado.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the City of Grand Junction for the use of the public forever, and hereby dedicates to the Public Utilities those portions of said real property which are labeled as Multi-purpose easements for the installation and maintenance of public utilities, irrigation and drainage facilities, including but not limited to electric lines, gas lines, telephone lines and sewer lines; together with the right to install interfering lines and brack; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and rights shall be utilized in a reasonable and prudent manner.

That all expenses for street paving or improvements shall be furnished by the seller or purchaser, not the City of Grand Junction.

IN WITNESS WHEREOF, said owners have caused their names to be hereunto subscribed this 11th day of November, A.D. 2001.

LLOYD W. JORDAN EMOGENE B. JORDAN

STATE OF COLORADO } S.S.
COUNTY OF MESA }

The foregoing instrument was acknowledged before me this 5th day of Nov, A.D. 2001, by Lloyd W. Jordan, and Emogene B. Jordan.

My commission expires: Notary Public

ENCUMBRANCES RATIFICATION AND APPROVAL

The undersigned holds a first deed of trust on the herein described real property, and hereby ratifies and approves this plat of JORDAN SUBDIVISION.

STATE OF COLORADO } S.S.
COUNTY OF MESA }

The foregoing Encumbrancer's Ratification and Approval was acknowledged before me this 5th day of November, A.D. 2001, by

My commission expires: Notary Public

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO } S.S.
COUNTY OF MESA }

I hereby certify that this instrument was filed in my office at 10:34 o'clock A.M. this 13th day of November, A.D., 2001, and is duly recorded in Plat Book No. 18, Page 268. Reception No. 2024471. Drawer No. LL-52. Fee \$10.00.

CLERK AND RECORDER BY DEPUTY

CITY APPROVAL

This plat of JORDAN SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, and State of Colorado was approved and accepted this 10th day of November, A.D. 2001.

City Manager

SURVEYOR'S CERTIFICATE

I, Max E. Morris, certify that the accompanying plat of JORDAN SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado has been prepared under my direct supervision and accurately represents a field survey of same. I further certify that this plat conforms to all applicable requirements of the Zoning and Development Code of the City of Grand Junction and all applicable state laws and regulations.

Max E. Morris, O.E.D. Surveying Systems Inc. Colorado Registered Professional Land Surveyor L.S. 16413. Date: 11/9/2001

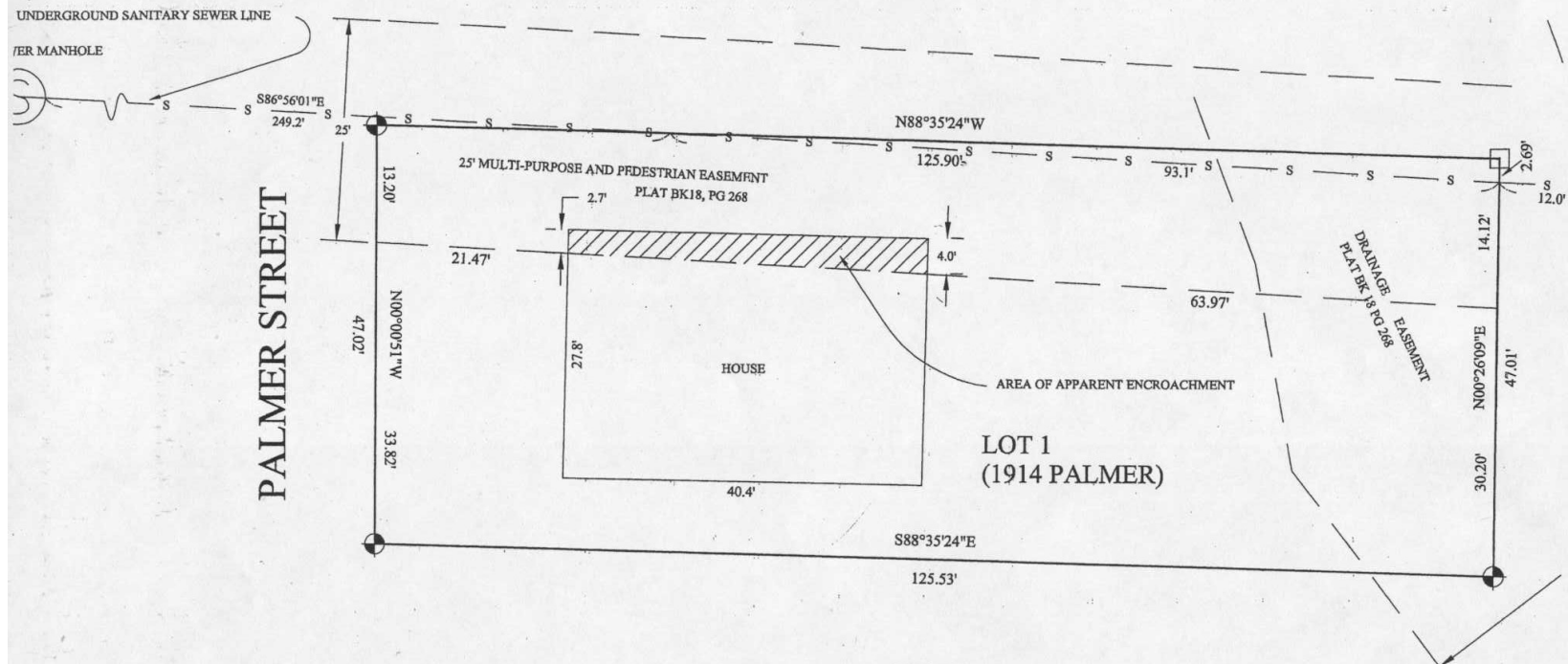
JORDAN SUBDIVISION

FINAL PLAT

SITUATED IN THE SW 1/4 NW 1/4 SECTION 16, T15, R1E OF THE



FOR: Jordan	Surveying System: National Plane 1983
ACAD ID: JORDANW	QED SURVEYING SYSTEMS, INC. 1018 Colorado Ave. Grand Junction, CO 81501-2521 (970) 241-2370 Fax: 241-7025
SCALE: 1"=20'	DATE: 8/28/2001

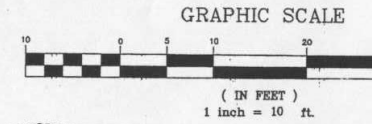
VE-2003-196



PALMER STREET

LEGEND

-  FOUND LOT CORNER
REBAR & CAP LS16413
-  CALCULATED LOT CORNER
NOTHING FOUND OR SET



NOTE: THIS IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. IT'S SOLE PURPOSE IS TO SHOW THE LOCATION OF THE SANITARY SEWER LINE AS EVIDENCED BY THE MANHOLES SHOWN HEREON RELATIVE TO THE HOUSE AND SUBDIVISION LOT CORNERS ALSO SHOWN HEREON. ALL EASEMENTS SHOWN ARE FROM THE PLAT OF THE JORDAN SUBDIVISION, RECEPTION #2024471, IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER. NO OTHER TITLE WORK OR EASEMENT SEARCH WAS DONE FOR THIS EXHIBIT.



AS-BUILT EX
SANITARY SEW
LOT 1, JORDAN S
GRAND JUNCTION
ROBERT J. LEVINE, I
1477 O ROAD, LOMA, COLOR
DATE: MARCH 18, 2004

CITY OF GRAND JUNCTION

RESOLUTION NO. _____

**A RESOLUTION VACATING A SPECIFIC AREA OF A MULTI-PURPOSE EASEMENT
AND A UTILITY AND PEDESTRIAN ACCESS EASEMENT
EQUATING TO THE AREA OF A RESIDENTIAL ENCROACHMENT LOCATED AT 1914
PALMER STREET**

RECITALS:

The applicant proposes to vacate a specific area of a 25' multi-purpose easement dedicated by plat in Plat Book 18 Page 268 and a specific area of an 80' utility & pedestrian access easement described in Book 2103 Page 771. The described easements cross Lot 1 of the Jordan Subdivision. There are no utilities in the area requested to be vacated.

At its July 13, 2004 hearing the Grand Junction Planning Commission found that the request satisfies the review criteria set forth in Section 2.11.C of the Zoning and Development Code and recommended approval conditioned upon the approval of the Utility Coordinating Committee (UCC) for that portion of the 80' utility and pedestrian access easement. The UCC gave its approval on July 14, 2004.

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

The City Council finds that the vacation request meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described areas of the easements are hereby vacated:

Multi-Purpose Easement Vacation

Legal Description

The following described portion of that certain Multi-Purpose Easement, as depicted, located upon Lot 1 of Jordan Subdivision, situate in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ ("NW $\frac{1}{4}$ NE $\frac{1}{4}$ ") of Section 26, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 18 at Page 268 in the office of the Mesa County Clerk and Recorder, being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 of Jordan Subdivision, and considering the South boundary line of Lot 35, Block 21 of Orchard Mesa Heights, as recorded in Plat Book 1 at Page 16 in the office of the Mesa County Clerk and Recorder, to bear N 88°36'22" W as shown on that certain Boundary Survey prepared by DH Surveys Inc., and deposited with the office of the Mesa County Surveyor on March 28, 1995, in Book 1 at Page 32, Reception No. 1170-95, with all other bearings contained herein being relative thereto; thence N 00°38'00" E along the West boundary line of Lot 1 of said Jordan Subdivision a

distance of 33.80 feet to the intersection of the West boundary line of said Lot 1 with the Southerly boundary line of an existing Multi-Purpose Easement as dedicated with the recorded Plat of said Jordan Subdivision; thence leaving the West boundary line of said Lot 1 and along the Southerly boundary line of said existing Multi-Purpose Easement, S 86°56'33" E a distance of 21.02 feet to the True Point of Beginning; thence leaving the Southerly boundary line of said existing Multi-Purpose Easement, N 00°00'38" E a distance of 2.60 feet; thence along a line which is parallel with and 11.20 feet South of the North boundary line of said Lot 1, S 88°35'24" E a distance of 40.30 feet; thence S 00°00'38" W a distance of 3.76 feet to a point on the Southerly boundary line of said existing Multi-Purpose Easement; thence N 86°56'33" W along the Southerly boundary line of said existing Multi Purpose Easement a distance of 40.33 feet to the Point of Beginning, containing 128.15 square feet, more or less, as described.

Utility Easement and Pedestrian Access Vacation

Legal Description

The following described portion of that certain Utility Easement and Pedestrian Access created by City of Grand Junction Ordinance No. 2775, as depicted on Exhibit B, recorded in Book 2103 at Page 771 in the office of the Mesa County Clerk and Recorder, located upon Lot 1 of Jordan Subdivision, situate in the Northwest ¼ of the Northeast ¼ ("NW ¼ NE ¼") of Section 26, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 18 at Page 268 in the office of the Mesa County Clerk and Recorder, being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 of Jordan Subdivision, and considering the South boundary line of Lot 35, Block 21 of Orchard Mesa Heights, as recorded in Plat Book 1 at Page 16 in the office of the Mesa County Clerk and Recorder, to bear N 88°36'22" W as shown on that certain Boundary Survey prepared by DH Surveys Inc., and deposited with the office of the Mesa County Surveyor on March 28, 1995, in Book 1 at Page 32, Reception No. 1170-95, with all other bearings contained herein being relative thereto; thence N 00°38'00" E along the West boundary line of Lot 1 of said Jordan Subdivision a distance of 8.00 feet; thence leaving the West boundary line of said Lot 1 and along a line which is parallel with and 8.0 feet North of the South boundary line of said Lot 1, S 88°35'24" E a distance of 21.00 feet to the True Point of Beginning; thence along a line which is parallel with and 21.00 feet East of the West boundary line of said Lot 1, N 00°38'00" E a distance of 27.80 feet; thence along a line which is parallel with and 11.20 feet South of the North boundary line of said Lot 1, S 88°35'24" E a distance of 40.30 feet; thence leaving said line, S 00°38'00" W a distance of 27.80 feet; thence along a line which is parallel with and 8.0 feet North of the South boundary line of said Lot 1, N 88°35'24" W a distance of 40.3 feet to the Point of Beginning, containing 1,120.23 square feet, more or less, as described.

PASSED and ADOPTED this _____ day of _____, 2004.

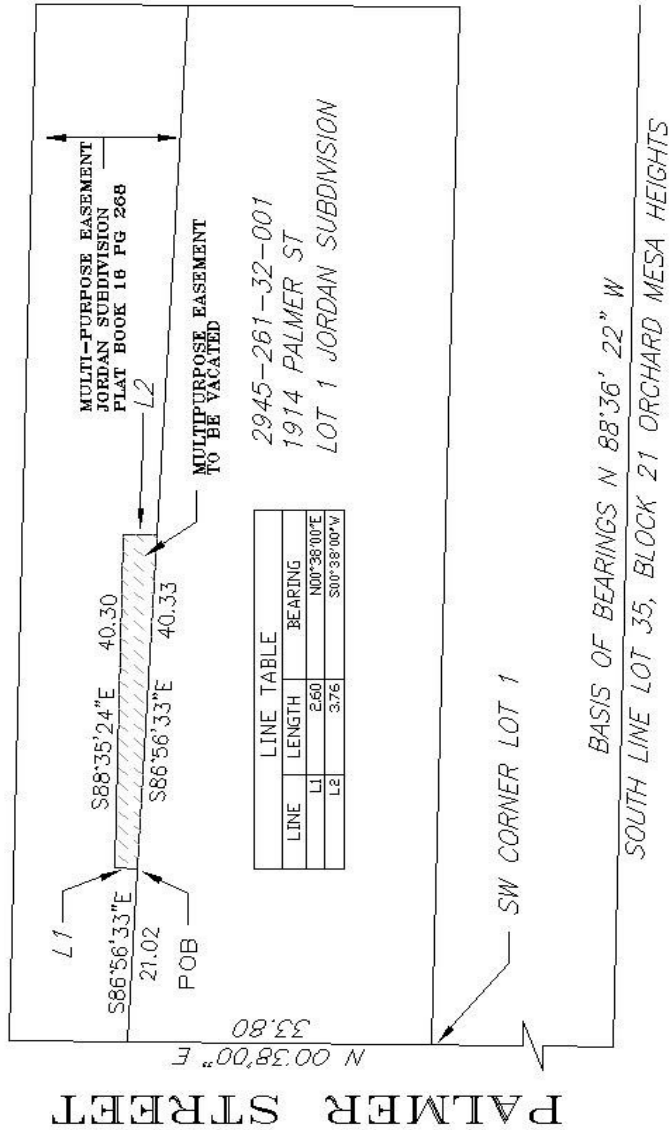
ATTEST:

City Clerk

President of City Council

EXHIBIT "A"

AREA = 128 SF MORE OR LESS



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: M.G.
 DATE: 07-08-2004
 SCALE: 1" = 20'
 APPR. BY: IW

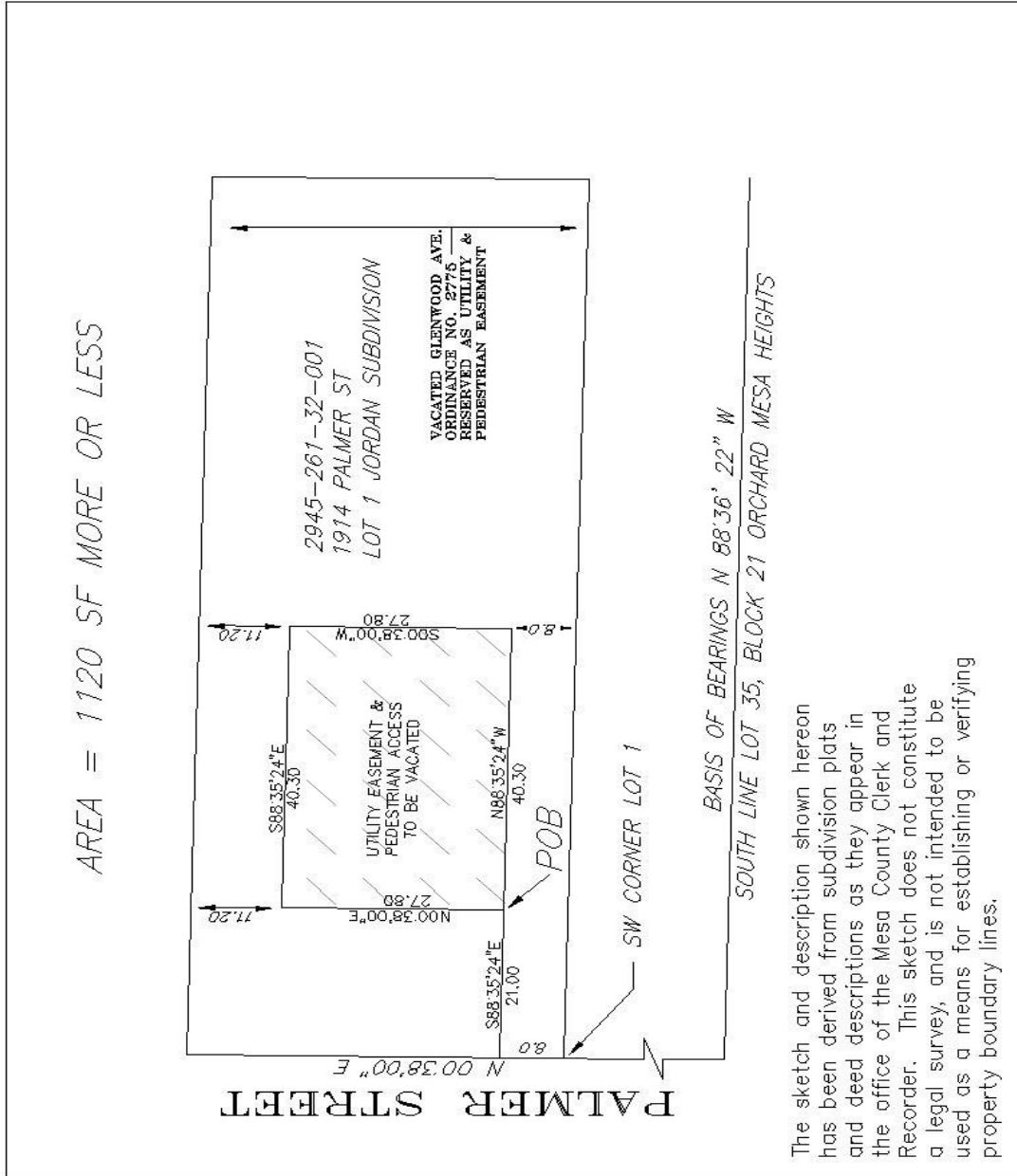
MULTIPURPOSE EASEMENT
 VACATION

2945-261-32-001

CITY OF
grand junction
 COLORADO

-serving the community together

EXHIBIT "B"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: M.G.
DATE: 07-08-2004
SCALE: 1" = 20'
APPR. BY: JW

UTILITY EASEMENT AND PEDESTRIAN ACCESS VACATION

2945-261-32-001

CITY OF
grand junction
COLORADO

serving the community together

Attach 7

**Setting a Hearing for the Rezone of 0.37 Acres at 1215 N. 1st Street
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Setting a Hearing for the rezone of 0.37 acres from RMF-24 (Residential Multi-Family – 24 units/acre) to RO, (Residential Office) – 1215 N. 1 st Street						
Meeting Date	August 4, 2004						
Date Prepared	July 28, 2004				File # RZ-2004-129		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The petitioner, John C. Bratton, is requesting approval to rezone property located at 1215 N. 1st Street from Residential Multi-Family 24 units/acre (RMF-24) to Residential Office (RO). The property totals 0.37 acres. The Planning Commission recommended approval at its July 27th, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance and set hearing for August 18, 2004.

Background Information: See attached Staff Report/Background Information.

Attachments:

- 21. Staff Report/Background information
- 22. Site Location Map
- 23. Aerial Photo
- 24. Growth Plan Map
- 25. Existing Zoning Map
- 26. Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		1215 N. 1 st Street	
Applicant:		John C. Bratton, Owner	
Existing Land Use:		Single-Family Home/Home Occupation – Office	
Proposed Land Use:		Office	
Surrounding Land Use:	North	Residential Condominiums (Franklin Park)	
	South	Commercial Office/Retail	
	East	Commercial Office/Retail (Sherwood Plaza)	
	West	Residential Condominiums (Franklin Park)	
Existing Zoning:		RMF-24, Residential Multi-Family – 24 units/acre	
Proposed Zoning:		RO, Residential Office	
Surrounding Zoning:	North	RMF-24, Residential Multi-Family – 24 units/acre	
	South	C-1, Light Commercial	
	East	B-1, Neighborhood Business	
	West	RMF-24, Residential Multi-Family – 24 units/acre	
Growth Plan Designation:		Residential High (12+ DU/Acre)	
Zoning within density range?	X	Yes	No

Staff Analysis:

The petitioner, John C. Bratton, is requesting to rezone his property located at 1215 N. 1st Street to RO, Residential Office. The current site contains an existing single-family home that has recently been remodeled to have an office under the Home Occupation permit requirements. To operate a Home Occupation, one (1) of the conditions is that no more than 25% of the gross floor area of the residence can be utilized for the office. The petitioner's intent with this requested zoning change is to develop the entire property for use as a construction business office.

The RO District was established in 2000 to provide low intensity, non-retail, neighborhood service and office uses that would be compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

Consistency with the Growth Plan:

The property is currently identified as Residential High (12+ DU/Acre) on the Growth Plan Land Use Map and would implement the RO, Residential Office Zoning District. The RO District was developed in 2000 as a new zoning district to be utilized adjacent to residential neighborhoods to provide low intensity, non-retail, neighborhood and office uses that are compatible to adjacent residential developments. To the north and west of this parcel is the Franklin Park Condominiums.

Section 2.6 A. of the Zoning & Development Code:

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

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

The existing zone district of RMF-24 supports the current land use of a single-family home with a Home Occupation office, however, the RO District was not available until the year 2000 with the adoption of the new Zoning Code and does provide a transitional land use along corridors between residential districts and more intense commercial land uses.

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

The area surrounding the proposed rezoning request consists of a residential condominium development to the north and west and associated commercial office/retail developments to the south and east. The areas surrounding major intersections in the community, in this case N. 1st Street and North Avenue have become more commercialized with fewer housing developments over time. The City's enactment in 2000 to adopt the RO, Residential Office Zoning District was intended to provide a compatible buffer for areas such as this for near-by existing residential development.

- 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 RO, Residential Office, 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. The Planning Commission has determined that public infrastructure can address the impacts of any development consistent with the RO zoning district, therefore this criterion is met. Access to the site will probably be limited to right-in, right-out only. The City is currently reviewing the Site Plan for this project but review of this application should not have any bearing on the proposed rezoning request.

- 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 Planning Commission's recommendation of the RO, Residential Office Zoning District will conform with and further the goals and policies of the Growth Plan and other City Codes and policies by providing compatible land uses adjacent to existing residential neighborhoods.

- 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 RO zoning district.

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

At this time, all the parcels of land in this immediate area are all developed. However, the RO zoning district is located in the immediate vicinity, only one (1) block away along N. 1st Street.

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

The Planning Commission's recommendation of the RO zoning district will benefit the area as it would not allow more intense commercial land uses adjacent to a residential condominium development as what could be allowed under B-1 zoning. The RO

District also has regulations and performance standards designed to make buildings and properties complementary in scale and appearance to a residential environment.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Bratton Rezone application, RZ-2004-129 for a rezone, the Planning Commission at their July 27th, 2004 meeting made the following findings of fact and conclusions:

2. The requested rezone to RO, Residential Office is consistent with the Growth Plan.
3. The review criteria in Section 2.6 A. of the Zoning and Development Code have all been met for the RO, Residential Office Zoning District.

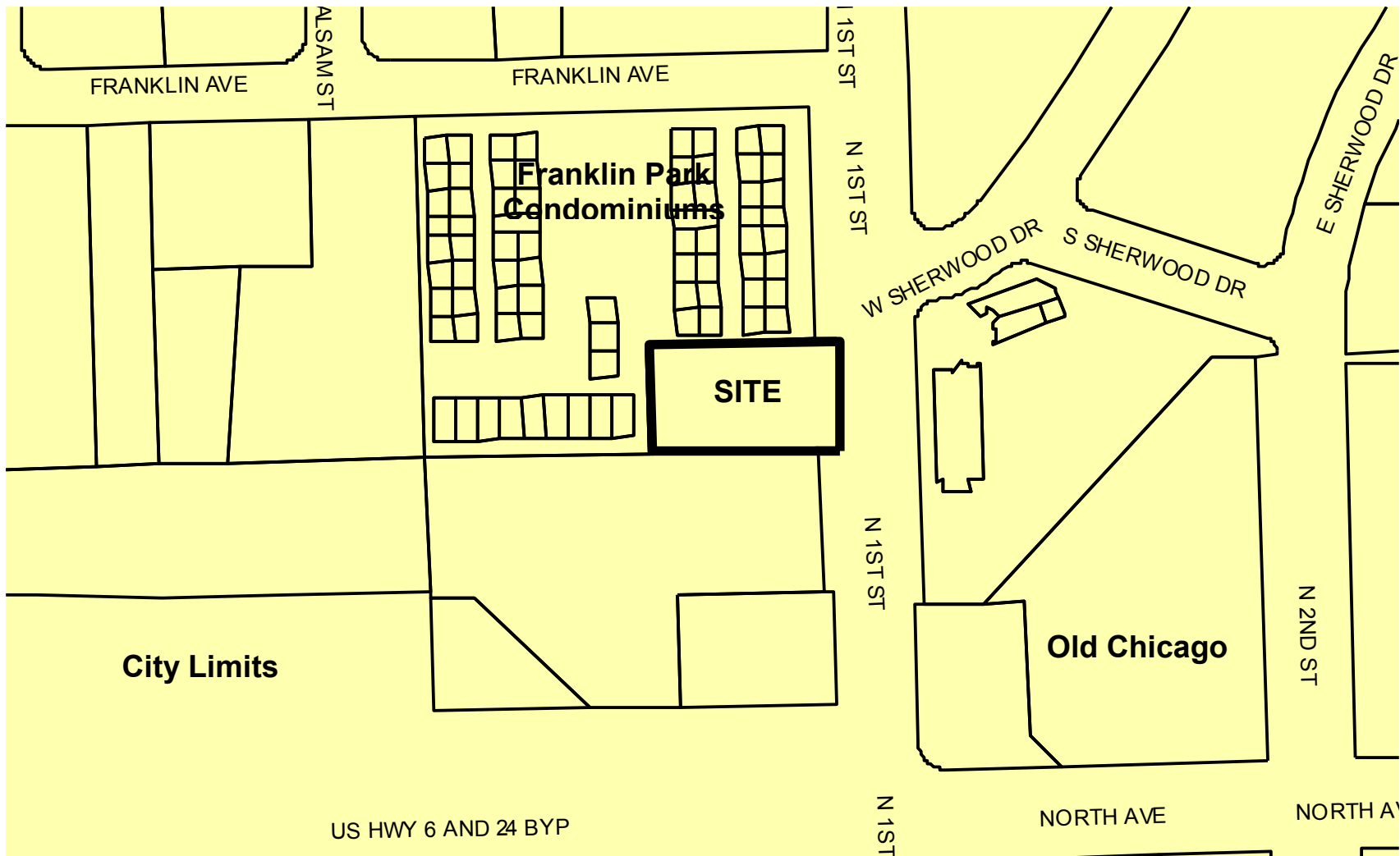
Action Requested/Recommendation: Recommend First Reading of the Ordinance for the rezone of 0.37 acres from RMF-24 (Residential Multi-Family – 24 units per acre) to RO, (Residential Office) – 1215 N. 1st Street, finding the request consistent with the Growth Plan and Section 2.6 A. of the Zoning & Development Code.

Attachments:

1. Site Location Map
2. Aerial Photo
3. Growth Plan Map
4. Existing Zoning Map
5. Ordinance

Site Location Map – 1215 N. 1st Street

Figure 1



Aerial Photo Map – 1215 N. 1st Street

Figure 2



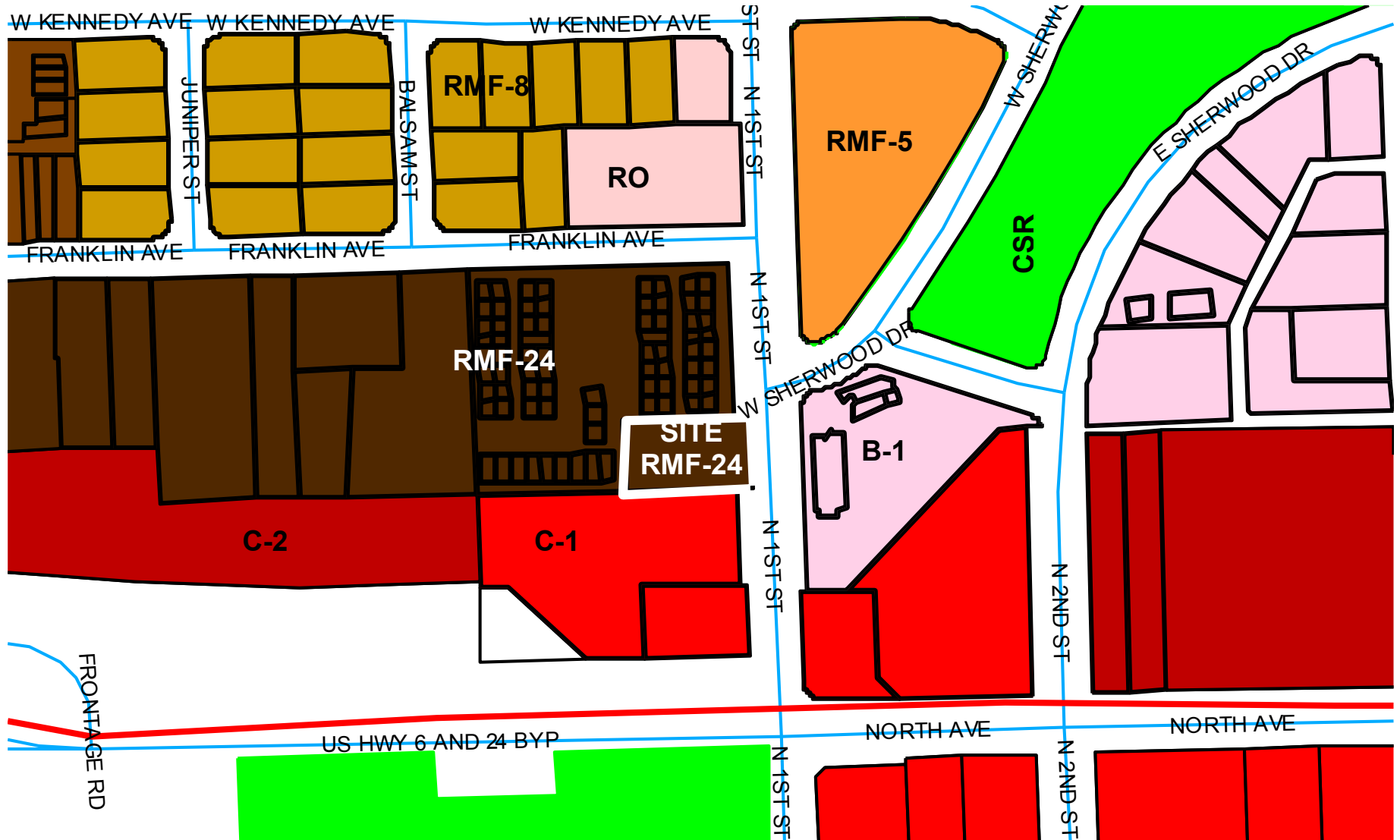
Future Land Use Map – 1215 N. 1st Street

Figure 3



Existing City Zoning – 1215 N. 1st Street

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS
THE BRATTON REZONE
TO RO, RESIDENTIAL OFFICE**

LOCATED AT 1215 North 1st Street

RECITALS:

The Grand Junction Planning Commission, at its July 27th, 2004 public hearing, recommended approval of the rezone request from RMF-24, (Residential Multi-Family – 24 units per acre), to RO, (Residential Office) Zoning District.

A rezone from the RMF-24, (Residential Multi-Family – 24 units per acre), to RO, (Residential Office) Zoning District, has been requested for the property located at 1215 North 1st Street. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (Residential High (12+ DU/Acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning & Development Code have all been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RO (RESIDENTIAL OFFICE) ZONING DISTRICT:

Includes the following tax parcel: 2945-104-00-053 (1215 North 1st Street)

E 200 FT of S 97 FT of N2S2SE4SE4 Sec 10 1S 1W

The East 200 FT of the South 97 FT of the N1/2 S1/2 of the SE1/4 SE1/4 of Section 10, Township 1 South, Range 1 West of the Ute Meridian; Together with an easement for a sewer as now constructed over a strip of land 5 FT in width. The approximate line of which is described as follows: Beginning 200 FT West and 50 FT North of the SE Corner of the N1/2 of S1/2 of SE1/4 of SE1/4 of said Section 10, thence South 81° 45' West 202 FT, which is an easement in common with others, Mesa County, Colorado.

CONTAINING 0.37 Acres, more or less, as described.

Introduced on first reading this 4th day of August, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

Attach 8
Setting a Hearing for the Barker Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Barker Annexation Referring a Petition for Annexation; Introduction of Proposed Ordinances and Exercising Land Use Jurisdiction						
Meeting Date	August 4, 2004						
Date Prepared	July 26, 2004				File #ANX-2004-127		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The Barker Annexation is a serial annexation. The developable area is comprised of 8.89 acres, located at 172 Lantzer Avenue, 2934 Highway 50, and 2937 Jon Hall Drive. The annexation area includes portions of 29 ½ Road; Lantzer Avenue; Jon Hall Drive and Highway 50 rights-of-way. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Barker Annexation petition and introduce the proposed Barker Annexation Ordinances, exercise land use jurisdiction immediately and set a hearing for September 15, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		2934 Hwy 50; 172 Lantzer Avenue and 2937 Jon Hall Drive		
Applicants:		MJB Construction, owner and developer; John Galloway, representative		
Existing Land Use:		Single family residence and vacant lots		
Proposed Land Use:		Single-family residential subdivision		
Surrounding Land Use:	North	Residential		
	South	Highway 50 & residential		
	East	Single-family residence w/ large lot		
	West	Residential		
Existing Zoning:		County RSF-4 & RSF-R		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	County RSF-4		
	South	(Highway 50)		
	East	County RSF-R		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium Low - 2 to 4 DU/AC		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.88 acres of land and is comprised of two parcels. The property owners have requested annexation into the City as the result of their wish to rezone the property and create a residential subdivision. 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 Barker 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.

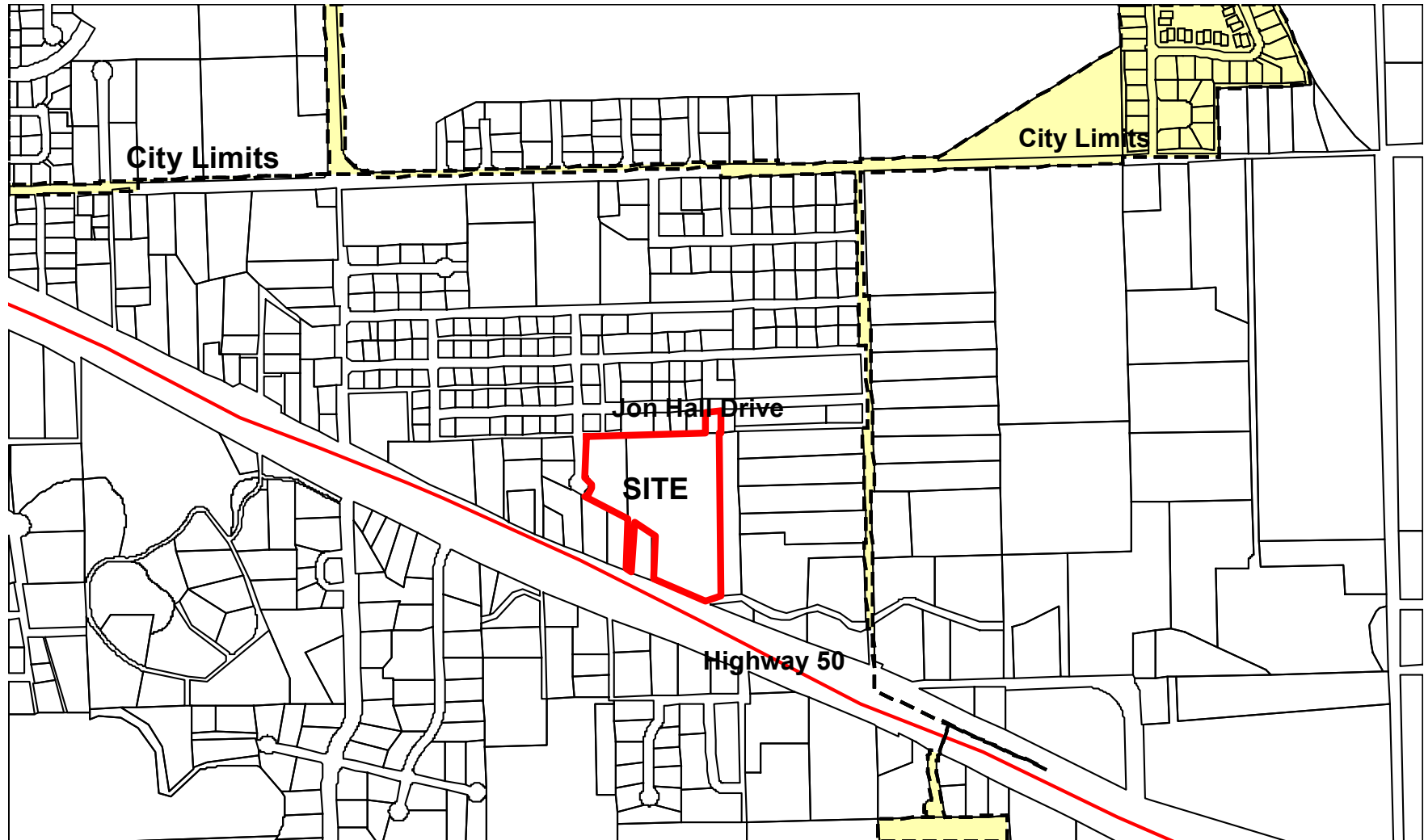
<i>ANNEXATION SCHEDULE</i>	
Aug 4	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Aug 24	Planning Commission considers Zone of Annexation
Sept 1	Introduction Of A Proposed Ordinance on Zoning by City Council
Sept 15	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
Oct 17	Effective date of Annexation and Zoning

BARKER ANNEXATION SUMMARY

File Number:	ANX-2004-127
Location:	2934 Highway 50; 172 Lantzer Avenue; 2937 Jon Hall Drive
Tax ID Numbers:	2943-322-00-130 & 038
Parcels:	3
Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	1
Acres land annexed:	10.88
Developable Acres Remaining:	9.55
Right-of-way in Annexation:	Portions of Highway 50; Lantzer Avenue; Jon Hall Drive and 29 ½ Road
Previous County Zoning:	RSF-4 and RSF-R
Proposed City Zoning:	RSF-4
Current Land Use:	Single family residential
Future Land Use:	Residential subdivision
Values:	Assessed: \$27,110
	Actual: \$266,590
Address Ranges:	2934 Hwy 50; 170-174 Lantzer (even only) 2937 Jon Hall Street
Special Districts:	Water: Ute
	Sewer: Orchard Mesa Sanitation
	Fire: Grand Junction Rural Fire
	Irrigation/ Drainage: Orchard Mesa Irrigation
	School: School District 51
	Pest: N/A

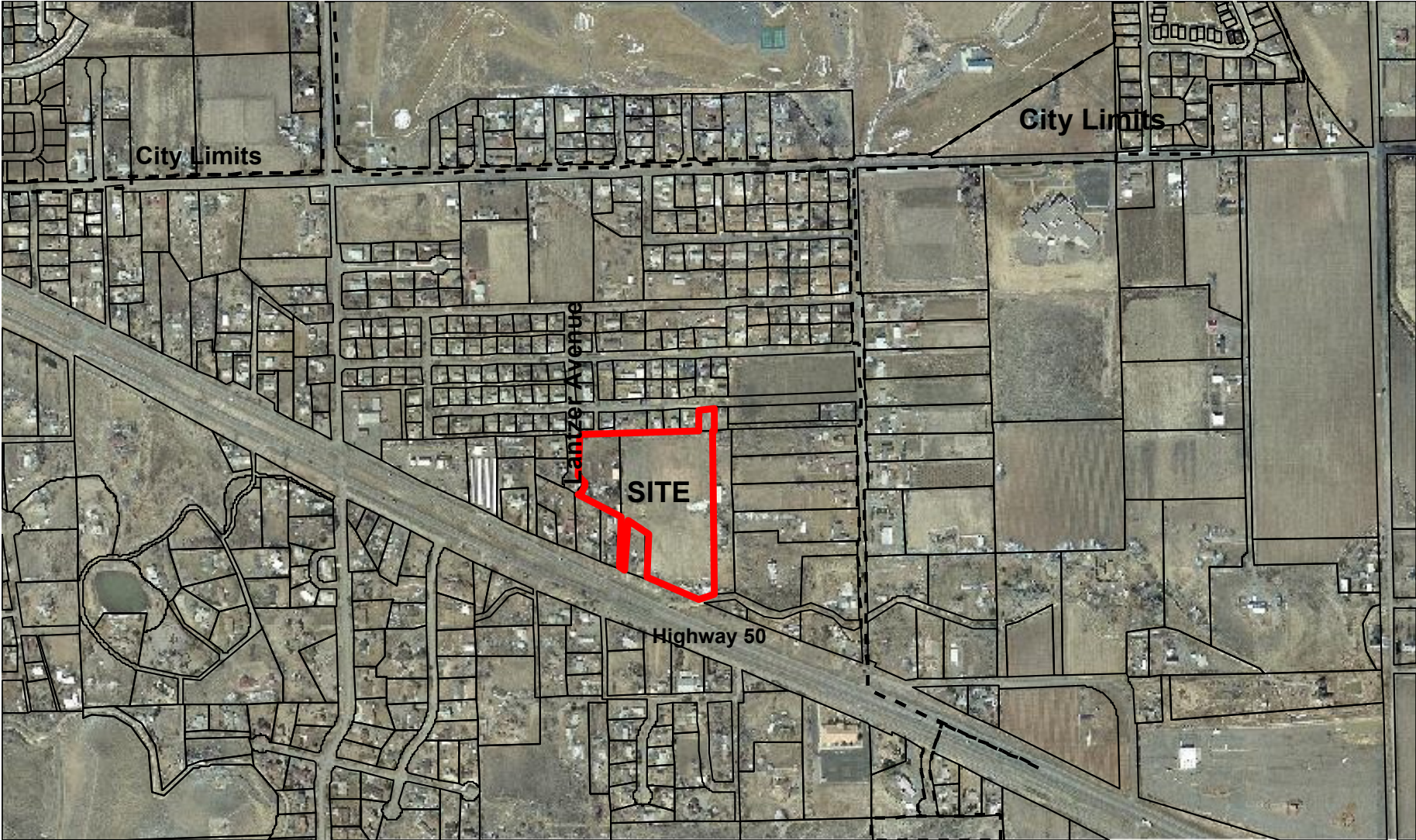
Site Location Map

Barker Annexation / City Limits



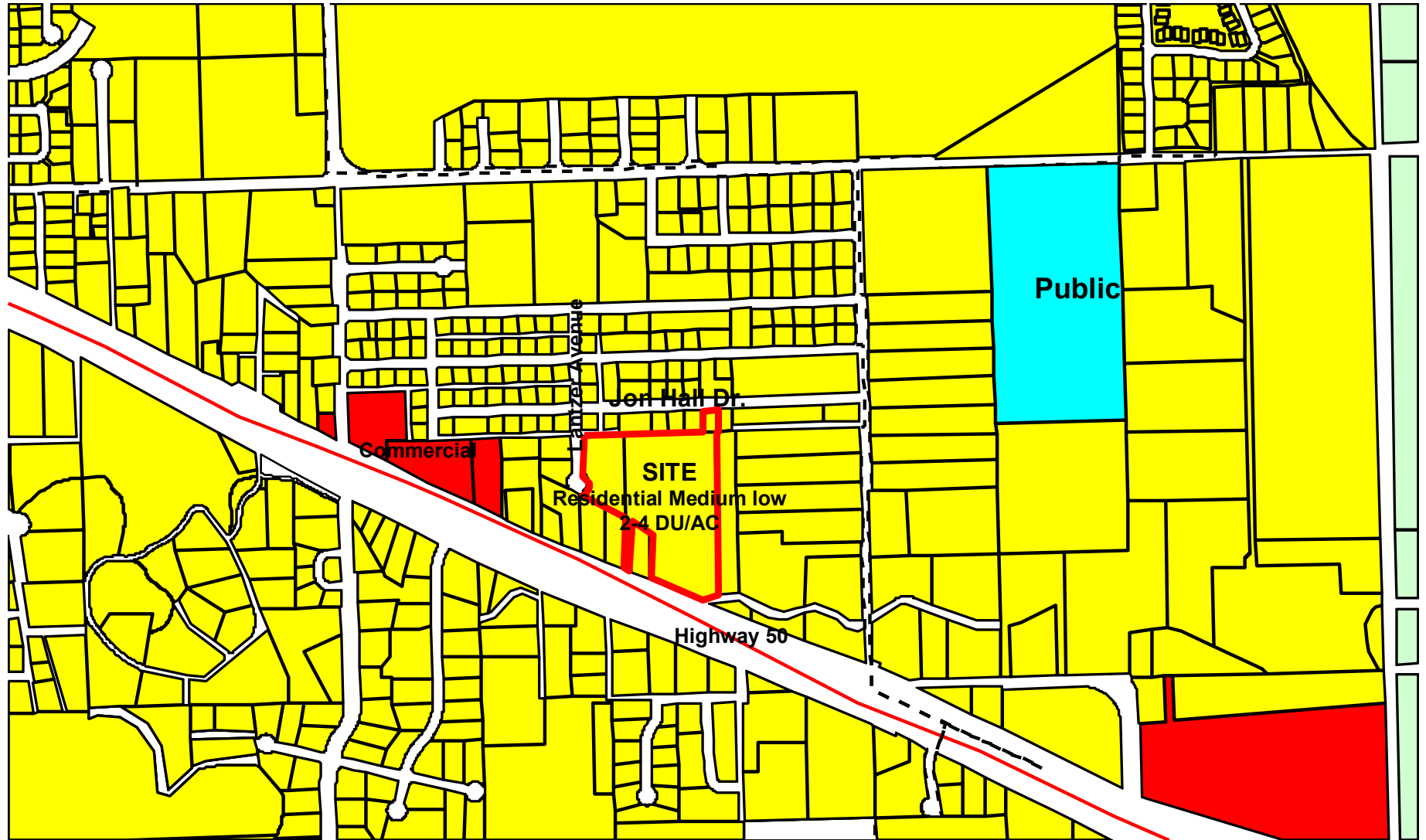
Aerial Photo Map

Barker Annexation



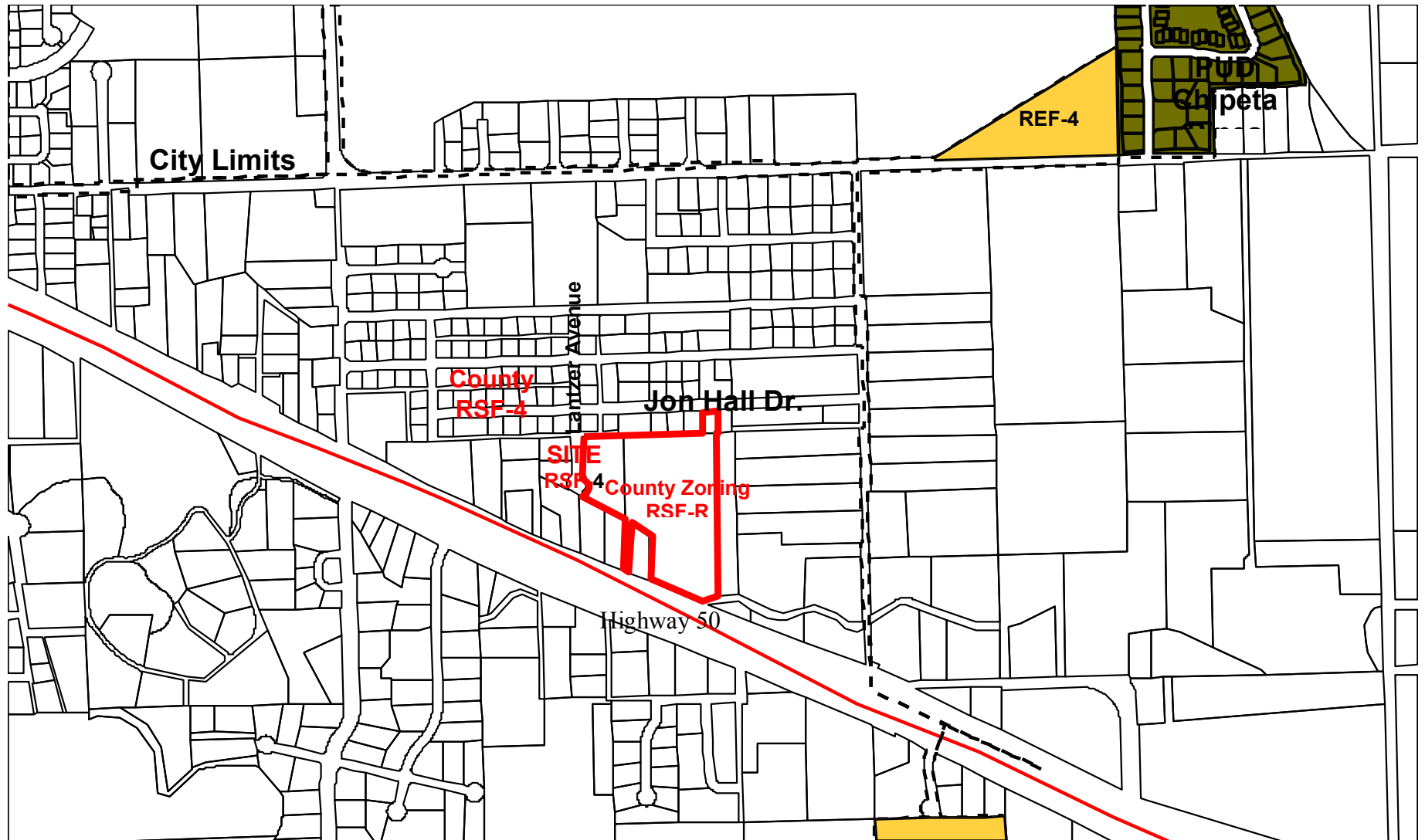
Future Land Use Map

Barker Annexation



Existing City and County Zoning

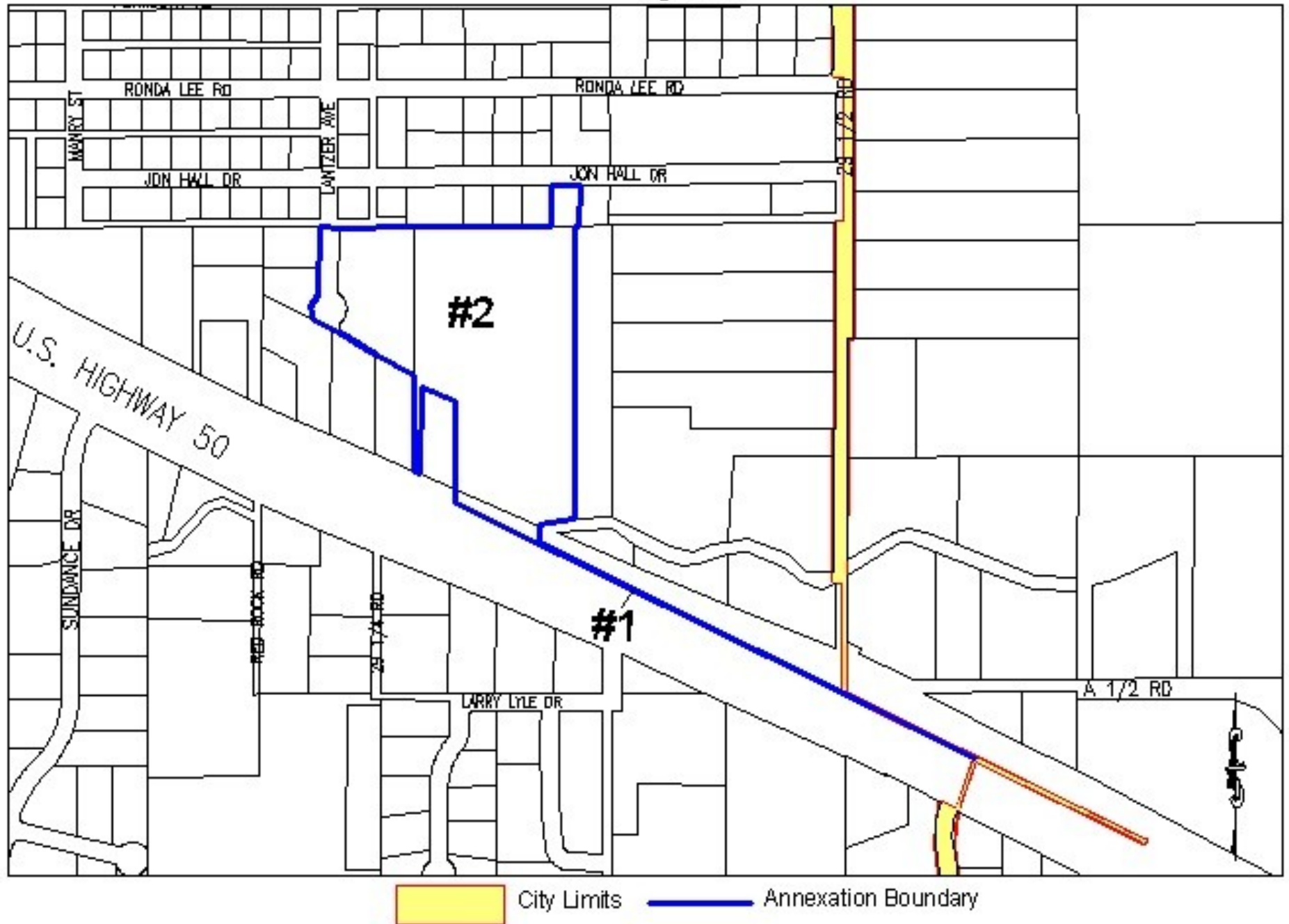
Barker Annexation



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."

Barker Annexation No. 1 and 2

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 15th day of September, 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**

BARKER ANNEXATIONS, NO. 1 AND 2

LOCATED AT 2934 HIGHWAY 50; 172 LANTZER AVENUE; 2937 JON HALL DRIVE

WHEREAS, on the 4th day of August, 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:

PERIMETER BOUNDARY LEGAL DESCRIPTION

A serial Annexation comprising Barker Annexation No. 1 and Barker Annexation No. 2

BARKER ANNEXATION NO. 1

A certain parcel of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, State of Colorado, County of Mesa and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 2, Replat of Lot 5 Country Home Estates, as same is recorded in Plat Book 13, Page 522, Public Records of Mesa County, Colorado and assuming the East Line of the Northwest Quarter (NW 1/4) of said Section 32 bears S 00°02'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'17" E a distance of 31.00 feet; thence S 00°02'43" E along a line 2.00 feet West of and parallel with, the East line of the NW 1/4 of said Section 32, a distance of 331.24 feet; thence S 63°44'41" E a distance of 2.23 feet; thence S 00°05'43" E a distance of 2.23 feet; thence S 63°44'41" E a distance of 415.51 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1374.64 feet; thence N 00°00'00" E a distance of 4.46 feet; thence S 63°44'41" E a distance of 953.86 feet; thence N 00°02'43" E along a line 6.00 feet West of and parallel with, the East line of the NW 1/4 of said Section 32, a distance of 327.50 feet; thence S 89°57'17" W a distance of 27.00 feet; thence N 00°02'43" W a distance of 4.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.16 Acres (6,944 Sq. Ft.), more or less, as described.

BARKER ANNEXATION NO. 2

A certain parcel of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, State of Colorado, County of Mesa and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32 and assuming the North line of the SE 1/4 NW 1/4 of said Section 32 bears N 89°51'18" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°51'18" E along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 494.71 feet to a point being the Southwest corner of Lot 2, Sunset Park, as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado; thence N 00°08'57" W along the West line of said Lot 2, a distance of 160.06 feet, more or less, to a point on the North right of way for Jon Hall Drive, as same is shown on said Sunset Park; thence N 89°51'27" E along said North right of way, a distance of 82.00 feet; thence S 00°08'57" E along the East line of said Lot 2, a distance of 160.06 feet, more or less, to the Southeast corner of said Lot 2; thence S 89°51'18" W along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 15.94 feet to a point being the Northeast corner of that certain parcel of land described in Book 2276, Pages 610 and 611, Public Records of Mesa County, Colorado; thence S 00°42'37" E along the East line of said described parcel, a distance of 829.00 feet; thence S 83°04'23" W a distance of 116.60 feet, more or less, to a point on the North right of way for Highway 50; thence S 00°00'00" E a distance of 59.07 feet; thence S 63°44'41" E a distance of 1374.64 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1636.81 feet; thence N 00°22'37" W along the East line, and the Southerly projection thereof, of that certain parcel of land described in Book 2736, Page 236, Public Records of Mesa County, Colorado, a distance of 241.53 feet; thence N 62°34'37" W, along the North line of said described parcel, a distance of 110.00 feet; thence S 00°22'37" E a distance of 200.48 feet, more or less, to a point on the North right of way for Highway 50; thence N 66°35'00" W, along said North right of way, a distance of 16.45 feet; thence N 00°12'09" W a distance of 273.21 feet; thence N 26°21'53" W a distance of 294.96 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 01°16'42" E with a long chord length of 87.50 feet; thence 106.55 feet Northerly along the arc of said curve, through a central angle of 122°06'00", said line being the West right of way for Lantzer Avenue, as same is shown on Neff Subdivision, as same is recorded in Plat Book 9, Page 133, Public Records of Mesa County, Colorado; thence N 00°13'42" W, along said West right of way, a distance of 192.16 feet, more or less, to a point on the North line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32; thence N 89°47'10" E, along said North line, a distance of 159.10 feet, more or less, to the Point of Beginning.

CONTAINING 10.72 Acres (466,963 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 15th day of September, 2004, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 4th day of August, 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>DATES PUBLISHED</i>
August 6, 2004
August 13, 2004
August 20, 2004
September 3, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BARKER ANNEXATION NO. 1

APPROXIMATELY 0.16 ACRES

**LOCATED ALONG A PORTION OF 29 ½ ROAD AND HIGHWAY 50
RIGHTS-OF-WAY**

WHEREAS, on the 4th day of August, 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 15th day of September, 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:

BARKER ANNEXATION NO. 1

A certain parcel of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, State of Colorado, County of Mesa and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 2, Replat of Lot 5 Country Home Estates, as same is recorded in Plat Book 13, Page 522, Public Records of Mesa County, Colorado and assuming the East Line of the Northwest Quarter (NW 1/4) of said Section 32 bears S 00°02'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'17" E a distance of 31.00 feet; thence S 00°02'43" E along a line 2.00 feet West of and parallel with, the East line of the NW 1/4 of said Section 32, a distance of 331.24 feet; thence S 63°44'41" E a

distance of 2.23 feet; thence S 00°05'43" E a distance of 2.23 feet; thence S 63°44'41" E a distance of 415.51 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1374.64 feet; thence N 00°00'00" E a distance of 4.46 feet; thence S 63°44 '41" E a distance of 953.86 feet; thence N 00°02'43" E along a line 6.00 feet West of and parallel with, the East line of the NW 1/4 of said Section 32, a distance of 327.50 feet; thence S 89°57'17 " W a distance of 27.00 feet; thence N 00°02'43" W a distance of 4.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.16 Acres (6,944 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 4th day of August, 2004 and ordered published.

ADOPTED on second reading 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**

BARKER ANNEXATION NO. 2

APPROXIMATELY 10.72 ACRES

**LOCATED AT 172 LANTZER AVENUE; 2934 HIGHWAY 50 AND
2937 JON HALL DRIVE**

WHEREAS, on the 4th day of August, 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 15th day of September, 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:

BARKER ANNEXATION NO. 2

A certain parcel of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, State of Colorado, County of Mesa and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32 and assuming the North line of the SE 1/4 NW 1/4 of said Section 32 bears N 89°51'18" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°51'18" E along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 494.71 feet to a point being the Southwest corner of Lot 2, Sunset Park, as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado; thence N 00°087'57" W along the West line

of said Lot 2, a distance of 160.06 feet, more or less, to a point on the North right of way for Jon Hall Drive, as same is shown on said Sunset Park; thence N 89°51'27" E along said North right of way, a distance of 82.00 feet; thence S 00°08'57" E along the East line of said Lot 2, a distance of 160.06 feet, more or less, to the Southeast corner of said Lot 2; thence S 89°51'18" W along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 15.94 feet to a point being the Northeast corner of that certain parcel of land described in Book 2276, Pages 610 and 611, Public Records of Mesa County, Colorado; thence S 00°42'37" E along the East line of said described parcel, a distance of 829.00 feet; thence S 83°04'23" W a distance of 116.60 feet, more or less, to a point on the North right of way for Highway 50; thence S 00°00'00" E a distance of 59.07 feet; thence S 63°44'41" E a distance of 1374.64 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1636.81 feet; thence N 00°22'37" W along the East line, and the Southerly projection thereof, of that certain parcel of land described in Book 2736, Page 236, Public Records of Mesa County, Colorado, a distance of 241.53 feet; thence N 62°34'37" W, along the North line of said described parcel, a distance of 110.00 feet; thence S 00°22'37" E a distance of 200.48 feet, more or less, to a point on the North right of way for Highway 50; thence N 66°35'00" W, along said North right of way, a distance of 16.45 feet; thence N 00°12'09" W a distance of 273.21 feet; thence N 26°21'53" W a distance of 294.96 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 01°16'42" E with a long chord length of 87.50 feet; thence 106.55 feet Northerly along the arc of said curve, through a central angle of 122°06'00", said line being the West right of way for Lantzer Avenue, as same is shown on Neff Subdivision, as same is recorded in Plat Book 9, Page 133, Public Records of Mesa County, Colorado; thence N 00°13'42" W, along said West right of way, a distance of 192.16 feet, more or less, to a point on the North line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32; thence N 89°47'10" E, along said North line, a distance of 159.10 feet, more or less, to the Point of Beginning.

CONTAINING 10.72 Acres (466,963 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 4th day of August, 2004 and ordered published.

ADOPTED on second reading this <> day of <>, 2004.

Attest:

President of the Council

City Clerk

Attach 9

**Construction Contract for 2004 Curb, Gutter, and Sidewalk Replacement
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
Subject		2004 Construction Contract for Curb, Gutter, and Sidewalk Replacement							
Meeting Date		August 4, 2004							
Date Prepared		July 29, 2004				File # - N/A			
Author		D. Paul Jagim				Project Engineer			
Presenter Name		Mark Relph				Public Works and Utilities Director			
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: The project consists of replacing sections of deteriorated curb, gutter, and sidewalk at various locations throughout the City. Four bids were received on July 20, 2004 with the low bid being from G&G Paving Construction, Inc. in the amount of \$89,919.00.

Budget:

Capital Fund 2011 / F00900
 \$ 300,000.00
 Curb, Gutter, and Sidewalk Replacement
 2004 Budget

Funds obligated and
 (\$ 191,965.53)
 spent to date:

Costs for this Contract
 (\$ 89,919.00)
 Engineering & Administration (Estimate)
13,000.00)

(\$

Remaining Balance After this Contract
5,115.47

\$

The funds obligated and spent to date from the Curb, Gutter, and Sidewalk Replacement Fund were used to pay for concrete replacements built in conjunction with the following construction contracts: Concrete Repairs for Street Overlays, New Sidewalk Construction 2004, 24 ½ Road Pedestrian and Median Improvements, and Curb, Gutter, and Sidewalk Replacement 2003.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2004 Curb, Gutter, and Sidewalk Replacement** project with G&G Paving Construction, Incorporated in the amount of \$ 89,919.00.

Attachments: None

Background Information: Bids were opened on July 20, 2004. G&G Paving Construction, Incorporated submitted the low bid in the amount of \$ 89,919.00.

The following bids were received for this project:

Bidder	From	Bid Amount
G&G Paving Construction, Inc.	Grand Junction	\$ 89,919.00
Reyes Construction, Inc.	Grand Junction	\$ 97,985.20
Vista Paving Corporation	Grand Junction	\$ 98,292.55
BPS Concrete, Inc.	Grand Junction	\$ 106,699.72
Engineer's Estimate		\$ 95,440.24

Throughout the year a list of locations with concrete problems that have been reported by citizens or noted by City personnel is compiled. City personnel then apply a standard method for measuring the severity of the problem and prioritize the list accordingly. Common problems that are addressed with this project include cracked or crumbling sidewalks that pose a stumbling hazard, or curb and gutter that holds water because it has settled or broke.

This year's project will include approximately 1800 square yards of concrete curb, gutter, sidewalk, driveways, and curb ramps at 45 locations throughout the City. Work is scheduled to begin on August 23 and be completed by October 21, 2004.

CURB, GUTTER, AND SIDEWALK REPLACEMENT LOCATIONS

12th Street West / South of North Ave.	337 Gunnison Ave.	730 Mesa Ave.
122 S.8th St.	341 Gunnison Ave.	1011 Bunting Ave.
Hwy. 340 @ Viaduct (SE end of R/R Bridge)	744 Hill Ave.	12th St. East / North of North Avenue
226 Chipeta Ave.	1104 Ouray Ave.	837 Lanai

611 Nth 3rd St.	863 Colorado Ave.	1633 Crestview Dr.
306 Chipeta Ave.	3304 Music La.	3943 S. Piazza Pl.
322 Chipeta Ave.	12th Street West / North of North Avenue	2106 Orchard Ave.
331 Chipeta Ave.	1704 Juniper Ln.	1930 N 21st St.
305 Chipeta Ave.	427 Ridgewood Ln.	1929 N 21st St.
309 Chipeta Ave.	2541 Moonridge	1939 N 21st St.
315 Chipeta Ave.	550 & 560 Hall Ave.	1949 N 21st St.
325 Chipeta Ave.	500 Bookcliff Ave.	1959 N 21st St.
305 Gunnison Ave.	540 Walnut Ave	2134 N 21st St.
315 Gunnison Ave.	530 Walnut Ave.	2409 Pinyon Ave.
321 Gunnison Ave.	570 Walnut Ave.	2422 Pinyon Ave.
327 Gunnison Ave.	590 Walnut Ave.	

Attach 10

Amendment #2 of Engineering Services Contract for Riverside Parkway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Amendment #2 of Engineering Services Contract with Carter & Burgess for Riverside Parkway.							
Meeting Date		August 4, 2004							
Date Prepared		July 29, 2004			File #				
Author		Jim Shanks Trent Prall		Riverside Parkway Program Manager Riverside Parkway Project Manager					
Presenter Name		Mark Relph		Public Works and Utilities Director					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: This amendment is the second of three planned amendments to the existing contract with the engineering firm of Carter and Burgess. This scope of services covers the preparation of the documents to procure a design/build team to construct the Riverside Parkway, labor to acquire right of way within the 1601 study area in lower downtown and Phase I and Phase II environmental investigations.

Budget: The 2004 and 2005 budgets will be amended this fall to reflect the accelerated schedule for ROW acquisition within the 1601. The overall project budget is as follows:

Budget			\$ 75,000,000
Preliminary Engineering / 1601 Process / 30% plans and ROW acquisition labor area outside 1601 previously approved			\$ 4,001,612
ROW acquisition labor within 1601 area		\$ 595,831	
Design/Build Team procurement - RFQ/RFP development		\$ 691,878	
Phase I and II Environmental Investigations		\$ 195,918	
Total This Amendment		\$ 1,483,627	\$ 1,483,627
Construction Engineering			\$ 4,000,000
Construction			\$ 52,000,000
Right of Way Easements			\$ 13,000,000
Totals			\$ 74,485,239
Remaining / Contingency			\$ 514,761

This amendment:
\$1,483,627

Previously authorized: _____
\$4,001,612

Total Carter Burgess Contract:
\$5,485,239

Action Requested/Recommendation: Authorize the City Manager to approve Amendment #2 to the existing contract with Carter & Burgess in the amount of \$1,483,627, for a total fee of \$5,485,239.

Attachments: 1) Scope of Work for Amendment #2.

Background Information:

This is the second of three anticipated amendments.

The City Council approved the original contract with the engineering firm of Carter & Burgess to begin the CDOT 1601 interchange approval process for the Riverside Parkway connection at 5th Street (US-50 Hwy) in July 2003 (shown as **Task A** on table below).

In January 2004 City Council approved Amendment #1 which included:

Task B Completion of the 1601 process including preliminary engineering for the selected roadway alignment from 4th Street to 27 ½ Road including the 5th Street intersection.

Task C Preliminary engineering work for the remainder of the Riverside Parkway project from 24 Road to 4th Street and from 27 ½ Road to 29 Road.

Labor for right-of-way acquisition for properties outside of the 1601 study area.

As stated in the January City Council report, once the preliminary engineering was completed a Request for Proposals for a design-build contract for the entire project could be developed. Right of way acquisition and Phase II environmental assessments within the 1601 study area were withheld from the previous amendment as alignments were unknown at the time to accurately project a budget. This contract amendment covers the following:

Task D Right of way acquisition labor within the 1601 study area in lower downtown

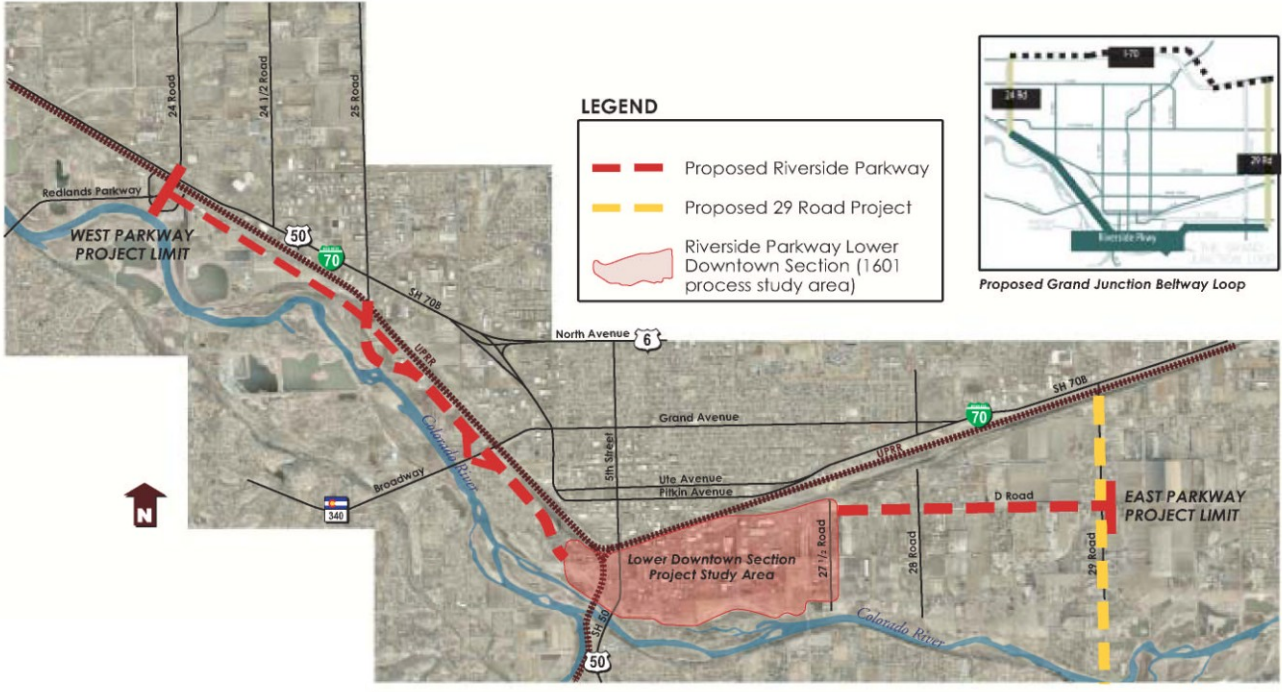
Task E Preparation of the documents to procure a design/build team to construct the Riverside Parkway and assist/participate with the City in review of the design/build proposals

Task F Phase II environmental investigations inside the 1601 area and Phase I investigations on the east and west sections outside the 1601 area

The table below identifies the tasks currently under contract with Carter Burgess, this proposed amendment, as well as potential future work that could also go to Carter Burgess.

Engineering Task		Value	Status
A.	Begin 1601, Review Kimley-Horn Alternatives Analysis and develop and evaluate 25 Rd Alternatives	\$ 300,000	Original contract approved 7/03
B.	1601 Process includes 30% plans for area.	\$ 1,115,685	Amendment #1 approved 1/21/04
C.	30% Plans <u>and ROW acquisition labor*</u> for area outside 1601	\$ 2,585,927	Amendment #1 approved 1/21/04
D.	ROW acquisition labor* for 1601 area	\$ 595,831	This contract amendment
E.	Develop RFPs and solicit and assist City in review of Design/Build Proposals.	\$ 691,878	This contract amendment
F	Phase II Environmental Assessments for lower downtown / Phase I outside 1601.	\$ 195,918	This contract amendment
G.	Project Construction Administration as City's "owners/rep" including inspection.	To be negotiated	Yet to be determined
* Does not include legal work for any condemnations.			

Proposed Riverside Parkway



November 18, 2003
Open House

Carter & Burgess

707 17th Street, Suite 2300
Denver, Colorado 80202-3404
Phone: 303.820.5240
Fax: 303.820.2402
www.c-b.com

July 26, 2004

Mr. James L. Shanks, P.E., P.L.S.
Program Manager
Riverside Parkway
Department of Public Works and Utilities
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501-2668

RE: Riverside Parkway
D/B Procurement Services
Scope of Work and Cost Proposal
Carter & Burgess Project No.: 071514.402

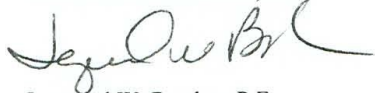
Dear Jim:

Carter & Burgess, Inc., is pleased to submit the attached Scope of Work and associated Cost Proposal to facilitate the procurement of a design-build team for the Riverside Parkway Project. The Scope of Work includes the tasks required to develop both the Request for Qualification (RFQ) and the Request for Proposal (RFP) documents. The scope also provides for development of the evaluation procedures required to short-list the RFQ respondents and to evaluate the final proposals.

In addition, the Scope of Work provides for the acquisition of the right-of-way required for the preferred alternative for the Lower Downtown Section along with preparation of a Phase II Site assessment for all three build alternatives being evaluated as part of the Lower Downtown Environmental Assessment. These two work activities were excluded from our previous scope of work and cost proposal because of the unknowns associated with the Lower Downtown Section that existed at the time of our previous submittal.

I would like to thank the City and you for the opportunity to continue to work on this very important project for Grand Junction.

Sincerely,
CARTER & BURGESS, INC.



Jaymond W. Brasher, P.E.
Senior Project Manager

SCOPE OF WORK
Riverside Parkway Design/Build Project
Procurement Services
(July 26, 2004)

PROJECT OVERVIEW

The **Riverside Parkway** is a proposed multi-modal thoroughfare to be constructed in the area between the Colorado River and the Union Pacific Railroad from 24 Road to 29 Road. The proposed roadway is approximately 6.75 mile long and includes both three lane and five lane typical roadway sections. Grade separations are proposed at 25 Road, SH-340, and SH-50 (fifth Street). Only minor modifications to the existing 24 Road /Redlands Parkway /SH 70B interchange are proposed.

The **Riverside Parkway – Lower Downtown Section** is an approximately 1.75 mile section of Riverside Parkway from a point located approximately 100 yards west of Koch Asphalt to the point located at the existing 27 ½ Road and D Road Intersection. This section of Riverside Parkway includes the proposed connection to Fifth Street (SH 50) located somewhere south of the Union Pacific Railroad Tracks and North of the Colorado River. The proposed connection to Fifth Street (SH 50) requires evaluation under the Colorado Department of Transportation Policy Directive 1601.0 (PD 1601) - Interchange Approval Process. The work required to execute PD 1601.0 is covered under a separate scope of work. The City of Grand Junction is preparing an Environmental Assessment (EA) for the Riverside Parkway - Lower Downtown Section as part of the PD 1601.0 process. The Draft EA will be completed by October, 2004, and will be circulated for review by interested parties, including state and federal agencies, citizens, and elected officials. Following completion of the EA, a Decision Document which documents the final agencies' decision will then be prepared by December, 2004.

BASIC SCOPE OF WORK

The City of Grand Junction intends to procure the services of a design-builder to design and construct the Riverside Parkway project. There are a number of benefits that can be gained by using the design-build delivery method such as:

- Single source responsibility
- Less owner resources needed for management and coordination
- Improved design and construction, control, and coordination
- Improved risk management – minimizes change orders
- Project delivery time savings
- Construction efficiencies achieved by combining the design and construction resources, thus allowing a lower overall project budget by achieving economies of scale/standardization, time value of money
- Quality – designer maximizing the strengths of the constructor while meeting the expectations of the City.

The major component of this scope of work is the design-build procurement process (the effort to select a design-builder). This scope includes the major tasks required for the design-build procurement. This scope also provides for the effort to help the City evaluate and decide on the control systems required to administer the design-build contract. The scope does not include any

Riverside Parkway D/B Procurement - SOW

effort to develop or implement the control systems nor any effort needed to administer the D/B contract once a notice-to-proceed is given to a design-builder.

This scope also provides for the acquisition of the required right-of way for the preferred alternative identified for the Riverside Parkway-Lower Downtown Section. In addition, this scope provides for Phase II Site Assessment for the three build alternatives being evaluated in the EA for the Lower Downtown Section. A Phase I MESA for the East and West Sections of Riverside Parkway is also included as part of this scope. A Phase II site assessment for the East and West Sections is being performed under a separate scope of work.

The Carter & Burgess work-hours identified for this submittal are based on the assumption that The City will provide the following full-time qualified staff working in the Project Office:

James L. Shanks, P.E. – Program Manager
Trenton Prall, P.E. – Project Manager

Any changes to this basic assumption will require reallocation of Carter & Burgess staffing and work-hour assumptions as presented herein.

TASK ONE - PROJECT MANAGEMENT

- RFQ/RFP Coordination: Provide coordination of RFQ/RFP development between the engineering disciplines. This includes regular coordination meetings on site with the project management team.
- Schedule Coordination: Oversee and communicate the program schedule so deliverable milestones are met.
- Design/Build Expertise: Provide design-build experience and investigate/compile examples from design-build projects around the country that has application to the Riverside project.
- Prepare Monthly Progress Reports: Report to Program Manager on the project's progress in the areas of schedule, cost, scope, and design-build procurement.

TASK TWO – DESIGN/BUILD PROCUREMENT

- Develop Project Goals: An executive level partnering session will be held to determine the project's goals and their priority for the project. Participants can include City Council members, the City Manager, the City's Public Works Director, and the Riverside Parkway Management team.
- Allocate Project Risk: Closely associated with various project strategies is the necessity to analyze and allocate risk for a design-build project (The City or design-builder). Shared risk is the concept of assigning risk to the party best able to manage it. This takes an analysis of the different risk/responsibility aspects while staying true to the project's goals. A risk allocation matrix will be developed and will become the framework for the RFP's contract provisions. Accessing and allocating risk will allow the project to be delivered consistent with its cost, schedule and quality goals. Carter & Burgess will coordinate developing the risk allocation matrix with input from The City and the designated legal consultant for the project.
- Determine RFQ, RFP Structure: The first step in developing the RFQ and RFP is developing their structure or outline. This will help to develop clear and concise documents that will be easy to

**Riverside Parkway
D/B Procurement - SOW**

understand. It is always important to focus on the necessity to communicate clearly to the design-builders so, in the end, the owners will get the project they want in the way they want it to be delivered. Carter & Burgess will facilitate developing the RFQ structure by researching and providing various examples from similar projects and refining them into a specific structure, which specifically matches the needs for this project.

- Participate in Information Meeting: An information meeting to be held that will communicate to the competing teams what are the important project elements. Information packets will be put together and distributed in the meeting that will provide the proposers with the project goals, general procurement strategies, financing, and the procurement schedule. The information meeting will also allow the attendees to ask questions about the project and the procurement process. Carter & Burgess will coordinate with The City to conduct the information meeting.
- Develop Pre-Qualification Criteria: The criteria that will be used to pre-qualify (develop a short-list) the design-build proposers will be developed and included in the RFQ and the pre-qualification procedures. The criteria may include requirements in the areas of past performance, organization, capacity, and experience, legal and financial status, and project approach. Carter & Burgess will facilitate determining the pre-qualification criteria based on input from The City staff and document the final determination.
- Develop Pre-Qualification Procedures: Developing detailed procedures for pre-qualification is needed to provide direction to the pre-qualification team on how it will operate and determine the pre-qualified teams. The procedures are also critical to have so that the potential of protest can be minimized or avoided. Carter & Burgess will facilitate determining the pre-qualification procedures based on input from The City staff and document the final determination.
- Develop/Compile RFQ: It is critical to develop a single point of control for the development and administration of the RFQ. This is needed to insure consistent documents and meet delivery schedules. Carter & Burgess will facilitate compiling the RFQ criteria based on input from The City/Carter & Burgess staff.
- Evaluate Statement of Qualifications (SOQ's): Once the design-build teams have formed and delivered their statements of qualifications the SOQ's will be evaluated to determine their ratings and determine pre-qualified teams. Carter & Burgess will participate in the evaluations as requested by The City.
- Manage Pre-Qualification/Selection Process: The effort to pre-qualify and select a design-builder is extensive and requires a group of individuals to manage the process. This is needed to assure that the procedures established are followed as well as the required schedules are met. The managing team will also be involved with educating the pre-qualification and selection team members so they understand the procedures as well as the philosophy behind them. Carter & Burgess will facilitate and assist The City as necessary in the management of the pre-qualification/selection process.
- Develop Selection Methodology: This is required to determine how the design-builder will be selected, what the major components of selection are and how they will be weighted and communicated to the design-build proposers. When this is determined, it will provide direction for the preparation of the performance specifications. Carter & Burgess will research examples from recent projects to assist The City and the legal consultant in determining the appropriate selection methodology for use on this project.

**Riverside Parkway
D/B Procurement - SOW**

- Develop Selection Criteria: Developing the selection criteria is tied directly to the established project goals. The selection criteria is essential to the success of the selection process and is an effort that diverges significantly from what is typically done on design-bid-build jobs. This effort also defines what technical items will be developed and delivered by the design-builders in their proposals and becomes an essential element of the design-build contract. Carter & Burgess will research examples from recent projects to assist The City and the legal consultant in determining the appropriate selection criteria for use on this project
- Develop Selection Procedures: Developing detailed procedures for the selection of the design-builder is needed to give direction to the selection team on how it will operate and determine the winning proposal. The procedures are also critical to have so that the potential of a protest can be minimized or avoided. Carter & Burgess will research examples from recent projects to assist The City and the legal consultant in determining the appropriate selection procedures for use on this project
- Coordinate/Write Contract Provisions: The RFP contract provisions will be written by the attorney/s that specialize in design-build contracts. However, this effort needs numerous decisions that will be made by the leadership of the Riverside Parkway management team. In addition, as the contract provisions are being developed, the intent of the contract needs to be understood fully by the rest of the team that is writing other sections of the RFP. This coordination effort is time consuming but is needed to develop a consistent RFP. A well coordinated, consistent, clear RFP sets the stage for successful project delivery. Carter & Burgess will also assist the Riverside Parkway management team to ensure that all information is fully understood by the entire team as they review and write other sections of the RFP.
- Develop Scope of Work: In many cases, the design-build contract will not tell the design-builder how to accomplish the work. However, it is necessary to describe clearly what the work product is and what programs the design-builder must carry out during design and construction. This section directs the design-builder on what it must perform where other sections give parameters on how it will be performed. The scope is not only the roadway facility, but also the efforts associated with QC/QA, public information, design product, scheduling, compliance monitoring, coordination with affected agencies, right-of-way responsibilities etc. Carter & Burgess will prepare this information.
- Develop Performance Specifications/Design Criteria: The development of performance specifications, along with any necessary design criteria, will allow the design-build team to take advantage of the flexibility provided to develop creative solutions that meet the project goals. The areas where performance specifications are written will, to a large degree, define the technical areas that will be evaluated during the selection process. This area is the most important technical area that will be developed as part of the RFP. In addition, this is an area where the technical staff is required to shift from solving project problems to clearly defining the desired project outcomes that meet the established goals while fostering innovation by the design-builder. Some of the areas that may have performance specifications developed are drainage, maintenance of traffic, geometrics, geotechnical, pavements, structures, systems, landscape and aesthetics. Carter and Burgess will prepare this information in conjunction with The City input/approval.
- Develop "Quality Hooks": The decision to place significant responsibility and control in the hands of the design-builder will need to be weighed against developing sufficient methods to assure a quality project. Traditionally, quality is controlled by an owner through very prescriptive specifications, detailed design reviews and extensive inspection/testing during construction. Various 'quality hooks' should be considered during the RFP development to ensure quality such as best value selection, stipends, incentives (award fee), ISO 9000 certification and long

Riverside Parkway D/B Procurement - SOW

term maintenance/warranties. Carter & Burgess will research examples from recent projects to recommend and assist The City in final owner verification.

- Develop Design and Construction QC/QA Approach: Both the design and construction QC/QA approaches need to be developed for the RFP to define what will be required of the design-builder and owner for both design and construction services. In addition, the Riverside management team's oversight role needs to be developed. Carter & Burgess will research examples from recent projects to assist The City in determining the appropriate QC/QA approach for use on this project.
- Develop Guidelines and Mandatory Programs (General Provisions): To a large extent, the RFP is comprised of documents that give the design-builder direction to develop its designs, quality programs, safety programs and other various aspects of the project. The direction given to the design-builder comes in different forms, one being guidelines another mandatory programs. A few examples of the types of documents that will be contained in the RFP are QC/QA programs for design, insurance requirements, geotechnical reports, seismic requirements, urban design and landscape guidelines, hazardous materials data, utility location information etc. Carter & Burgess will prepare and provide this information.
- Develop/Incorporate Reference Documents: Information that will be provided to the design-builder for its use as references will be included in the *Reference Documents* section of the RFP. This information may be used or modified by the design-builder. Items that may be developed or incorporated during the RFP development are plans/drawings, studies, calculations, data, reports, policies and procedures, handbooks, photographs, photo-simulations, mailing lists, aerial photography, parcel and ownership, GIS Dataset and any other information that may be useful to the design-builder. These documents, photographs, drawings, and databases will be stored for display and downloaded on the RFQ/RFP secure web-site. Databases will be updated during the life of the project as data is revised. Carter & Burgess will prepare and provide this information.
- Incorporate Standard Drawings and Specifications: It must be determined which standard drawings and specifications will be included in the RFP and will they be used as a reference or made mandatory. This will need to be clearly defined. In addition, wording and reference changes will need to be made to fit or be consistent in terminology with the design-build RFP. Carter & Burgess will research examples from recent projects to assist The City in determining the standard drawings and specifications for use on this project and modify this information for project conformance accordingly.
- Develop Scheduling Requirements/Progress Payment Processes: Schedule requirements are needed to establish the parameters in which the design-build proposers will develop their schedules and how those schedules will be evaluated. The schedule requirements also establish the framework for the baseline schedule, Monthly Plan Updates (MPU), maximum and minimum payment schedule and any milestones that may be required. The cost loaded schedule is the basis for determining the monthly progress payments and is the most important management tool that is used during the execution of the design-build contract. Carter & Burgess will research examples from recent projects to assist The City in determining the appropriate scheduling requirements/progress payment process for use on this project.
- Develop Maintenance of Traffic Criteria/Constraints: Developing the maintenance of traffic performance criteria/constraints will be the most critical technical element of the RFP from the public's viewpoint. This area will provide the design-builder with the parameters in which they will develop their overall construction phasing, MOT plan and baseline schedule. This area will

**Riverside Parkway
D/B Procurement - SOW**

also have a large effect on the design-builders project price. The criteria must be based on public input and traffic studies. These requirements will also affect how the design-builder develops its public information program. An area of emphasis should be the signing required of the design-builder. Signing most likely will be a primary source of information about the project for corridor commuters. Carter & Burgess will document the results from the public input and traffic studies to assist The City in determining the appropriate requirements for use on this project.

- Develop Environmental Elements: The RFP will describe the EA compliance requirements of the design-builder. This will include all mitigation measures required, how the design-builder will monitor these commitments, how hazardous materials will be handled etc. Carter & Burgess will provide this information.
- Obtain Permits: The RFP will need to clearly state which permits will be obtained by the Riverside Parkway management team and which will be required of the design-builder to obtain. A majority of the permits will most likely be obtained and included in the RFP. Some of those permits may include:

<u>Agency</u>	<u>Type of Approval</u>
CDPHE	NPDES
CDPHE	Section 401 Certificate
CDPHE	Section 402 Permits
CDPHE	Fugitive Dust Permit
CDOT, Mesa County	Construction Access Permits
CDOT, Mesa County	Other Local Permits (such as utility or survey)
USA COE	Section 404 Permit
City, County	Storm Sewer Crossings
City, County	Erosion Control/Grading Permits
USFWS	Migratory Bird Take Permit
UPRR	Construction Access Permit

This effort will include preparing all permit applications, conducting agency meetings, and meeting with the design-builder to discuss the conditions of each permit. Carter & Burgess will be responsible for completion of this effort.

- Develop Public Information/Involvement Criteria: Public involvement requirements will be developed that will be included in the RFP. This will establish what the design-builder will be responsible for during construction and what the Riverside Parkway management team will be involved with during project execution. Carter & Burgess will assist The City and provide support services as required.
- Obtain Agency Agreements/MOU's: It will be beneficial to the project to have obtained the agency agreements/MOU needed and include them in the RFP. This will help the design-builder understand what will be required of them as they work with the local entities. In addition, it will describe how betterments/enhancements will be handled and how responsibilities will be divided. Carter & Burgess will coordinate this effort.
- Develop Project Acceptance Criteria: The RFP will need to outline the product acceptance requirements as well as which entity will be the accepting party and when acceptance will occur. There are many ways this can be handled in a design-build contract and require a review of other design-build projects. Carter & Burgess will research examples from recent projects to assist The City in determining the appropriate acceptance criteria for use on this project.

Riverside Parkway
D/B Procurement - SOW

- Determine Warranty Requirements: Design-build provides a wide range of warranty options from traditional 1 year warranties to extended warranties to the design-builder performing long term maintenance. The warranty decisions will relate to how much control the owners decide to retain during project delivery. Carter & Burgess will research examples from recent projects to assist The City in determining the appropriate warranty applications for use on this project.
- Constructability Reviews: This review will be a fatal flaw analysis and will be based on the substantially complete data included in the RFP and the established corridor design-build budget while reviewing the construction related criteria contained in the RFP. Carter & Burgess will perform this function.
- Develop an Independent Design-Build Estimate: An independent design-build estimating team will be convened that utilizes resources experienced in similar design-build projects. Carter & Burgess will perform this function.
- Develop/Compile RFP: RFP elements will be written/developed by a number of different technical and contractual experts that will need to be brought together and made to read as if there were only one author. This is an extremely important effort associated with the RFP preparation. An electronic RFP will be developed and managed by Carter & Burgess.
- Independent RFP Review: This effort would include a review of the contract documents to minimize any ambiguities, assure that intent is clearly communicated, and to eliminate any conflicts. Carter & Burgess will facilitate this independent review process.
- Distribute Draft RFP: The draft RFP will be distributed to the design-build proposers for an industry review of the requirements set-forth in the document. A meeting will be held with each of the design build teams individually to receive comments and discuss potential modifications. Carter & Burgess will participate in the industry review meetings and will modify the RFP as determined by the Riverside Parkway Management team.
- Distribute the Final RFP: An electronic RFP will be developed and distributed by producing a CD-ROM. Carter & Burgess will manage development, production and distribute the CD-ROM's as appropriate.
- Manage Communications/Correspondence with Design-Build Proposers: During the selection process hundreds of questions, clarifications will be submitted by the design-build proposers. This requires strict communication rules and procedures so that accurate information is delivered to the appropriate design-build teams. Some questions are related to proprietary information or technical solutions that can only be given to one design-builder. Other questions, clarifications must be provided to all competing teams. This is critical so that there is no actual or perceived technical leveling or technical infusion. An audit trail will be created from the questions and responses. Management of communication is essential to successful design-build procurement. Carter & Burgess will assist the City with management of the overall communications process.
- Support Communications/Clarifications with Design-Builder Proposers: Once a list of pre-qualified design-build teams has been developed and a Draft RFP issued there will be the need to communicate the technical requirements with the design-build proposers. This will include meetings with the pre-qualified teams to discuss the technical elements as well as support the contract administrator with formal communications while the teams are developing their proposals. This effort will most likely require changes to the RFP as well. Carter & Burgess will facilitate information exchange and appropriate changes to the RFP.

- Alternative Configuration Concepts/Technical Approach: Early in the proposal process design-build teams will be allowed to submit any ACC/TA's they are thinking about including in their proposals to the Riverside Parkway Management team for an acceptance check. An ACC/TA presentation meeting will be held with each design-build team individually and confidentially. Carter & Burgess will coordinate, attend and review assist in the review of this information.
- Evaluate Proposals: The proposals will be evaluated on legal and financial strength, past performance, work plan/schedule, price, technical solutions, maintenance of traffic, project schedule, QC/QA plan, and public involvement plan. Carter & Burgess will assist The City in this element of the selection process.

TASK THREE – PROJECT CONTROL SYSTEMS

The following project controls systems are recommended to be developed and implemented prior to NTP being issued to the successful design build team. This scope of work only provides for aiding the Riverside Parkway Management team in determining the appropriate project control systems to utilize. The scope also provides for meeting with the Riverside Parkway staff to discuss ways to tailor existing Carter & Burgess developed systems to match the needs of the Riverside Parkway Project. Building and implementing the following project control systems will be accomplished under separate scope of work:

- Document Control System: The effort to build a document control system is great, needs to be completed prior to issuing the NTP to the successful design-build team and is a critical element of the project controls system. The document control system provides efficient communication, on time responses to the design-builder, tracking of responses, authoritative controls needed for scope, cost and schedule changes, successful audits, and the ability to quickly and successfully retrieve information.
- Build Financial/Budget Management Systems: To insure effective financial management of the Riverside Parkway Project and properly report cost/financial, will require the building of an integrated, financial management/cost control system. The system will be user friendly and accessed by every member of the project oversight team. The system will track the original program budget, budget amendments, and funding sources as well as providing an audit trail including approval requirements. Financial data from the design-build contractor, The City, and C&B will be entered into the program on a regular basis. Monthly reporting will include the appropriate The City documents either through electronic copy or in paper-copy. The system will be designed to exchange information with the proposed scheduling and estimating programs. This effort is complex and will require state-of-the-art tools to be able to develop and manage multiple data sources and levels of reporting.

TASK FOUR – HAZARDOUS MATERIALS

- Phase II Site Assessment (Lower Downtown Section): The Carter & Burgess Team shall perform a Phase II Environmental Site Assessment (ESA) sampling program to include collection of ballast, surface soil, subsurface soil and groundwater samples to assess the environmental condition of the three build alternatives being evaluated as part of the EA. C&B will collect surface soil samples manually using hand tools and will install soil borings and monitoring wells to collect subsurface soil samples and groundwater samples, respectively. Development of specific mitigation or remediation plans is not included as part of this Scope of Work.

**Riverside Parkway
D/B Procurement - SOW**

Objectives of Sampling/Uses of Data

- Assess whether contamination is present in surface soils, subsurface soil, or groundwater that may require additional health and safety measures for worker protection and/or special materials management or construction methods to be used on the project
 - Assess whether excavated soil or ballast may be classified as hazardous waste, or possibly contain elevated levels of radionuclides
 - Assess whether groundwater pumped from excavations or caissons may require treatment prior to discharge during dewatering activities
 - Assess whether soil and or groundwater contamination is present which would require reporting to regulatory agencies, or require remediation
- ▶ Primary field activities will include collecting, field screening, handling and shipping samples of surface soil, ballast and groundwater. Activities to be conducted by field personnel include:
- Drilling and logging soil borings.
 - Install, log, develop and sample groundwater monitoring wells.
 - Collect and ship groundwater samples under proper chain of custody procedures.
- ▶ Associated field activities include:
- Mark/stake sample locations
 - Locate underground utilities prior to drilling
 - Traffic control
 - Decontamination of drilling and sampling equipment
 - Waste handling, proper packaging of water and cuttings for disposal
 - Survey sample locations
 - Well abandonment

Carter & Burgess Personnel will assure that data quality objectives are met for precision, accuracy, representativeness and completeness.

The following laboratory analyses are recommended for these media:

Ballast	Surface Soil	Subsurface Soil	Groundwater
TPH/Fuel ID	TPH/Fuel ID	TPH/Fuel ID	VOA vials
Total RCRA Metals	Total RCRA Metals	Total RCRA Metals	Total RCRA Metals
TCLP Metals*	TCLP Metals*	VOCs	TPH/Fuel ID
	VOCs	SVOCs	SVOCs
	SVOCs	Pests/PCBs	Pests/PCBs
	Pests/PCBs		

- Phase I MESA (East and West Sections): Carter & Burgess will perform a Modified Phase I Environmental Site Assessment (MESA) for the East and West Sections of Riverside Parkway Project to include the properties to be acquired for the project.

The East section will be along D Road from just east of 15th Street to 29 Road. There are 58 parcels in this area which will be full or partial "acquisitions". The west section includes the area along River Road from 24 Road to the western edge of the Lower Downtown area, or just west of the Koch Asphalt facility. There are 36 properties in this section that are shown as full or partial "acquisitions".

**Riverside Parkway
D/B Procurement - SOW**

The study area for the Phase I MESA will be a corridor centered on River Road on the west and D Road on the east. A search of environmental databases will be conducted according to ASTM standards for Phase I Environmental Site Assessments. Historical analysis, site reconnaissance visits, interviews with knowledgeable persons and report preparation are included. The ASTM Phase I ESA process will fulfill the minimum requirements to claim the "Innocent Landowner Defense" under the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

TASK FIVE – RIGHT-OF-WAY ACQUISITION (LOWER DOWNTOWN)

- Right-of-Way Acquisition: The C&B Team (HC Peck) shall provide right-of-way acquisition services in strict compliance with the City of Grand Junction relocation policy and under the direction of the City of Grand Junction. This Scope of Work provides for acquisitions of fee land and easements from 32 property owners. In addition, this Scope of Work provides for 18 residential relocations and 10 business relocations (3-complex). This work shall include:
 - ▶ Coordinate between the City, C&B, the appraisers, and all affected owners of real property (32 ownerships).
 - ▶ Create and maintain project scheduling information of all land activities showing progress of each parcel and to estimate segment completion against established milestone schedules (32 ownerships).
 - ▶ Coordinate and review legal descriptions in preparation for negotiation (32 ownerships).
 - ▶ Prepare appraisals (32 ownerships).
 - ▶ Prepare value findings (32 ownerships).
 - ▶ Review appraisals in preparation for negotiation (32 ownerships).
 - ▶ Prepare offer letter and summary of just compensation, final offer letter, agreements, and any additional correspondence with property owners (32 ownerships).
 - ▶ Conduct negotiations with each owner for the acquisition of the property rights to be acquired based on fair market value. Maintain negotiation logs and case files on each ownership. The negotiations shall be carried out in accordance with all applicable State and City Policies.
 - ▶ Send first negotiation contact letter and prepare inventories (18 residential relocations).
 - ▶ Calculate replacement housing payments and offer relocation assistance (18 residential relocations).
 - ▶ Request payments; settle claims for moving costs (18 residential relocations).
 - ▶ Send first negotiation contact letter and prepare inventories (10 business relocations).
 - ▶ Offer relocation assistance (10 business relocations).
 - ▶ Request payments; settle claims for moving costs (10 business relocations).
 - ▶ Provide litigation support as needed if there should be a failure to reach a negotiated settlement and the City exercises its power of eminent domain.

Cost Proposal
Riverside Parkway
D/B Procurement
Date: 07/26/04

Task Description	Hours																Labor Cost					
	RFP Development /Evaluation															Total Hours						
	Randy Pience - Principal	Jay Brasher - Senior Project Manager	Matt Kinsella - Project Engineer II	John Basner - Senior Project Manager	Jeff Stapleton - Senior Project Manager	John Nicholas - Construction Engineer	Robert Ostermiller - Senior Project Manager	Dave Stevenson - Senior Project Manager	Larry Gibson - Senior Project Manager	Gary Acheson - Project Manager III	John Griffith - Senior Project Manager	Sara Flick - Engineer	Paul Brown - Project Engineer II	Steve Wilensky - Senior Project Manager	Craig Carter - Senior Environmental Scientist			Chris Hudon - Environmental Scientist	Ken Kulp - Environmental Field Technician	Matt Erker - Senior Project Manager	Shelle Pope - Document Control	Admin Assistant
2004 Hourly Rates	\$202	\$160	\$112	\$160	\$160	\$122	\$160	\$160	\$160	\$145	\$160	\$78	\$112	\$160	\$130	\$108	\$67	\$160	\$75	\$75		
Task One - Project Management and Team Coordination																						
1.1 Coordination/Meetings		180	24	80	24						24									332	\$51,968	
1.2 Monthly Progress Reports		16																	16	32	\$3,760	
Task Totals		196	24	80	24					24									16	364	\$55,728	
Task Two - Design/build Procurement																						
2.1 Develop Project Goals		12		6																18	\$2,880	
2.2 Risk Allocation Matrix		24		40																64	\$10,240	
2.3 Information Meeting		8		8																16	\$2,560	
2.4 Develop RFQ		40		60															16	116	\$17,200	
2.5 Develop Short-list Selection Procedures		24		40															12	76	\$11,140	
2.6 Evaluate SOO's		40																		40	\$6,400	
2.7 Develop Proposal Evaluation Procedures		40		80																120	\$19,200	
2.8 Develop Draft RFP	20	120	60	160	120		80	80	60	60	120	120	120	120	80					1320	\$190,260	
2.9 Develop QA/QC Approach		20		60																80	\$12,800	
2.10 Industry Review Meetings		24		24																48	\$7,680	
2.11 Prepare Final RFP	20	80		80	40		24	24		40		40	40	24						412	\$64,120	
2.12 ACC/TA Meetings		16		16	16					16				16						80	\$12,320	
2.13 Review ACC/TA		40		40	40					40	40									200	\$28,720	
2.14 Evaluate Proposals	60	160		160		160		160	120	160										980	\$150,840	
Task Totals	100	648	60	774	216	160	80	264	204	220	216	160	160	160	120				28	3570	\$536,360	
Task Three - Project Control Systems																						
3.1 Coordination w/ Parkway Staff		8								40								80	80	208	\$25,680	
Task Totals		8								40								80	80	208	\$25,680	
Task Four - Hazardous Materials																						
4.1 Phase II - Site Assessment - (Lower Downtown Section)														76	144	276			32	528	\$46,324	
4.2 Phase I - MESA - (East and West Sections)														20	80				10	110	\$11,990	
Task Totals														96	224	276			42	638	\$58,314	
Task Five - Right-of-Way Acquisition																						
5.1 Coordination		24																		24	\$3,840	
Task Totals		24																		24	\$3,840	
Totals	100	876	84	854	240	160	80	264	204	260	240	160	160	160	216	224	276	80	80	86	4804	\$680,122

Direct Expenses (See Next Page for Breakdown)	
Reproduction	\$10,000
Supplies	\$500
Postage	\$2,500
Mileage	\$7,525
Meals	\$10,920
Lodging	\$14,625
Analytical Tests (Haz-mat)(See cost breakdown next page)	\$137,604
Drilling (Haz-mat)	\$24,000
Subconsultants	
HC Peck (ROW Acquisition)	\$595,831
Subtotal Directs	\$803,505

Total - Maximum not to Exceed \$1,483,627

Cost Proposal
 Riverside Parkway
 D/B Procurement
 Date: 07/26/04

Travel Expenses									
Trip Type	Number of Migs.	Duration Days/Mig.	# of Nights / Mig.	# of People / Mig.	Cars / Mig.	Mileage \$175/Trip/Car	Meals \$40/Day	Lodging \$75/night	Subtotals
Progress Meetings (24 in person)	24	2	1	2	1	\$4,200	\$3,840	\$3,600	\$11,640
Industry Review Meetings	1	3	3	3	1	\$175	\$360	\$675	\$1,210
ACC/TAs	1	2	2	5	2	\$350	\$400	\$750	\$1,500
Proposal Evaluation (6-evaluators)	5	5	4	6	3	\$2,625	\$6,000	\$9,000	\$17,625
Proposal Evaluation (Pierce)	1	8	8	1	1	\$175	\$320	\$600	\$1,095
Totals						\$7,525	\$10,920	\$14,625	\$33,070

Cost Proposal
Riverside Parkway
D/B Procurement
Date: 07/26/04

Analytical Tests (Haz-Mat)			
Sample & Test Type	Cost	# of Samples	Test Cost
Surface Soil Samples			
Laboratory Analysis for:			
Fuel ID	\$ 110.00	10	\$ 1,100.00
Pesticides/PCBs	\$ 200.00	10	\$ 2,000.00
Total RCRA Metals	\$ 115.00	10	\$ 1,150.00
TCLP RCRA Metals	\$ 200.00	10	\$ 2,000.00
SVOCs	\$ 225.00	10	\$ 2,250.00
VOCs	\$ 175.00	10	\$ 1,750.00
		Surface Soil Total	\$ 10,250.00
Subsurface Soil Samples			
Laboratory Analysis for:	Cost	# of samples	Total
Fuel ID	\$ 110.00	74	\$ 8,140.00
Pesticides/PCBs	\$ 200.00	74	\$ 14,800.00
Total RCRA Metals	\$ 115.00	74	\$ 8,510.00
SVOCs	\$ 225.00	74	\$ 16,650.00
VOCs	\$ 175.00	74	\$ 12,950.00
		Subsurface Soil Total	\$ 61,050.00
Groundwater Samples			
Laboratory Analysis for:	Cost	# of samples	Total
Fuel ID	\$ 110.00	74	\$ 8,140.00
Pesticides/PCBs	\$ 200.00	74	\$ 14,800.00
Total CWA Metals	\$ 186.00	74	\$ 13,764.00
SVOCs	\$ 225.00	74	\$ 16,650.00
VOCs	\$ 175.00	74	\$ 12,950.00
		Groundwater Total	\$ 66,304.00
		Total Cost	\$ 137,604.00

H. C. Peck & Associates, Inc.
City of Grand Junction - Riverside Drive - Phase II (Downtown Industrial Area)
SCOPE OF SERVICES - TIME & COST ESTIMATES

This Scope of Services - Time & Cost Estimate is predicated on the following assumptions at 7/13/04 - acquisitions of fee land and easements from 32 property owners. The estimate assumes that there are 18 residential relocations and 10 business relocations (3 complex) on this phase of the project. All the following activities will be performed in strict compliance with the City of Grand Junction relocation policy, and under the direction of the City of Grand Junction .

	Principal	Project	R/W Agent	R/W Agent	R/W Agent	Total \$
	Man Hrs	III Hrs	II Hrs	I Hrs		
1	Provide coordination of tasks with: City of Grand Junction, Carter & Burgess, appraiser, and all affected owners of real property. (32 Ownerships)	32				2,550.72
2	Create and maintain project scheduling information of all land activities to show progress of each parcel and to estimate segment completion against established milestone schedules. (32 Ownerships)				64	3,352.32
3	Coordinate and review legal descriptions in preparation for negotiation. (32 ownerships)				16	1,166.08
4	Prepare appraisals (32 Ownerships)	See assumptions on Page 3				193,600.00
5	Review appraisals in preparation for negotiation. (32 Ownerships)	128				10,202.88
6	Participate in project team meetings to discuss progress, schedules and activities.	96				7,652.16
7	Prepare: offer letter and summary of just compensation, final offer letter, agreements, and any additional correspondence with property owners. (32 Ownerships)	32			96	11,223.36

RATE SCHEDULE

* Company Principal	113.87
* Lead Coordinator (Project Manager)	\$79.71
* Right-of-Way Agent III	\$72.88
* Right-of-Way Agent II	\$61.49
* Right-of-Way Agent I	\$52.38
* Support Staff	\$40.99

Direct labor and reimbursable expenses will be billed on a monthly basis. Invoices are due 30 days from receipt.

By: Lee Satterfield
H. C. Peck & Associates, Inc.

Date: 7/14/04

Attach 11
Public Hearing – DDA Tax Increment Funding Extension
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	DDA Tax Increment Funding Extension					
Meeting Date	August 4, 2004					
Date Prepared	July 27, 2004				File #	
Author	Harold Stalf			DDA Executive Director		
Presenter Name	Harold Stalf			DDA Executive Director		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes	x	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: State authorization of TIF funding for DDA’s is limited to twenty-five years unless extended. The DDA is requesting Council approval to extend its TIF funding for capital improvements by five years, as authorized by the legislature in 2002, pending local approval.

Budget: Continuation of existing TIF formula.

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication of the Ordinance

Attachments: Enstrom’s Letter of Request for entire facility to be in DDA TIF District

Letters of Support
 Ordinance / DDA Resolution

Background Information: The original TIF (Tax Increment Financing) authorization was adopted in 1981 with funding commencing in 1982. Due to the economic factors of the local economy at the time, little was realized from this program for nearly a decade. Given the “sunset” provision by the State of Colorado on this funding source at twenty-five years, an extension was ushered through the State Legislature in 2002 permitting a five year extension. Currently the TIF funding is due to expire in 2007. This ordinance will set an election of the downtown electorate for November, 2004 to consider extending the existing funding by five years. Approval will not result in a tax increase for downtown property owners, nor would disapproval result in a decrease. Rather, this is a diversion of funds to focus on downtown capital improvements through 2012.



200 SOUTH SEVENTH STREET
POST OFFICE BOX 1088 ZIP CODE 81502
GRAND JUNCTION
COLORADO
UNITED STATES OF AMERICA

July 15, 2004

Mr. Harold Stalf
Downtown Development Authority
248 S. 4th Street
Grand Junction, CO 81501

Dear Harold:

This letter is to request the addition of our new facility in its entirety to the Downtown Development Authority TIF district.

We currently occupy block number 128 in downtown Grand Junction. The property is owned by ENSIM Partnership, LLP of which Jamee and I are the only managing partners, and it is leased to Enstrom Candies, Inc.

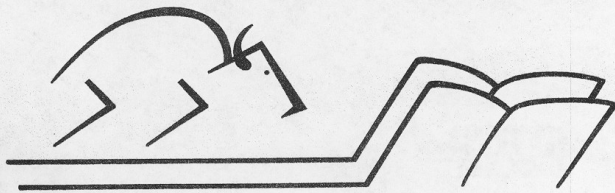
Thank you very much for your attention to this matter and please let me know if you should require any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Simons". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Douglas S. Simons
President

DSS/nb



MESA COUNTY
PUBLIC LIBRARY DISTRICT

MAIN LIBRARY

(970) 243-4783

FAX (970) 243-4744

530 Grand Avenue P.O. Box 20,000 Grand Junction, CO 81502-5019

July 12, 2004

Mr. Harold Stalf, CEO
Grand Junction Development Authority
248 S. 4th St.
Grand Junction, CO

Dear Harold:

On May 27, 2004, The Board of Trustees of Mesa County Public Library District unanimously approved a motion to fully support the DDA request for a five year TIF extension for capital improvements.

The library board believes this is a timely request for extension given the library's plan to construct a new central library on our current location. The success the DDA has already exhibited with such projects as the remodel and expansion of Two Rivers Convention Center, the Reed Building, and the Avalon Theater have done much to revitalize Grand Junctions beautiful downtown. We congratulate the DDA for past successes and look forward to continued support of these efforts.

Sincerely

Terry Pickens, Director

Clifton 434-6936
FAX: 434-7045

Collbran 487-3545
FAX: 487-3716

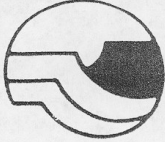
De Beque 283-5596
FAX: 283-5213

Fruita 858-7703
FAX: 858-3254

Gateway 931-2428
FAX: 931-2428

Orchard Mesa 243-0181
FAX: 241-9762

Palisade 464-7557
FAX: 464-7904



Mesa County, Colorado
BOARD OF COUNTY COMMISSIONERS

District 1 - James (Jim) R. Baughman (970) 244-1605

District 2 - Tilman "Tillie" Bishop (970) 244-1604

District 3 - Doralyn B. Genova (970) 244-1606

P.O. Box 20,000 • 544 Rood Avenue • Grand Junction, Colorado 81502-5010 • FAX (970) 244-1639

July 14, 2001

Downtown Development Authority Board
248 S. Fourth St.
Grand Junction, CO 81501

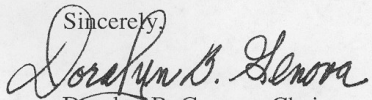
RE: Tax Increment Financing Extension

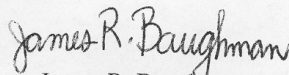
Dear Board Members:

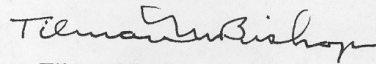
The Board of County Commissioners wishes to express its support for the extension of the Tax Increment Financing for the Downtown Development Authority which is anticipated to be presented for approval this November.

The Downtown Development Authority has a long history of advocacy and support for Downtown Grand Junction. Its recent efforts in structuring the Downtown Partnership to promote the businesses and introduce the Farmer's Market Festival have been very successful. The DDA's more traditional efforts in capital investment such as renovation of the Two Rivers Convention Center, the Historic Avalon Theatre, and Reed Building, as well as the introduction of new hotels, have been significant additions. These targeted investments of Tax Increment Financing funds are indicative of the types of future investment that is anticipated by the Downtown Development Authority, and Mesa County endorses this effort.

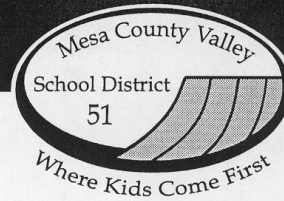
Five additional years of Tax Increment Financing directed to downtown Grand Junction is clearly in the best interest of our community reflecting the importance that a strong, vital core brings to our County.

Sincerely,

Doralyn B. Genova, Chairman
Board of Commissioners


James R. Baughman
Commissioner


Tilman M. Bishop
Commissioner

cc: Bob Jasper, County Administrator



Office of the Superintendent
970.254.5193 • Fax 970.254.5282
July 21, 2004

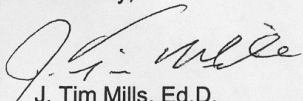
To Whom It May Concern:

The Mesa County Valley School District 51 Board of Education supports the Downtown Development Authority (DDA) and the programs that provide continued enhancement to the downtown area, which is the heart of our community.

The DDA is seeking a five-year extension of the Tax Increment Financing District (TIF) for capital improvements. The extension will allow the DDA to continue its work toward improving the downtown image and provide more opportunities for the community.

Because Colorado public school districts receive equalized funding through the state and school district funding will not be affected with this extension, the Board of Education is in support of its passage.

Sincerely,


J. Tim Mills, Ed.D.
Superintendent of Schools

ORDINANCE NO. ____

AN ORDINANCE SUBMITTING TO A VOTE THE QUESTION OF MODIFYING THE PURPOSES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY, EXTENDING THE LIFE THEREOF IN ACCORDANCE WITH STATE LAW, AUTHORIZING AN INCREASE IN MAXIMUM INCURRED DEBT AND INCLUDING THE ENSTROM PROPERTY INTO THE BOUNDARY OF THE DISTRICT

Recitals.

In 1977 the City Council of the City of Grand Junction, Colorado determined that it was necessary to establish a Downtown Development Authority (DDA) for the public health, safety, prosperity, security and welfare and to assist in preventing deterioration of property values and eliminating slum and blight in the central business district of the City. The DDA was formed in 1977 and has actively and effectively achieved its mission since that time.

By this ordinance the City, by and through the DDA, seeks to modify the purpose of the DDA and to extend the life thereof pursuant to State law and to increase the maximum authority to incur debt for DDA projects.

Furthermore, this ordinance serves to amend the boundaries of the DDA by the inclusion of the Enstrom property. The owners of the property described in the petition for inclusion having shown evidence satisfactory to the Board of their intent to annex to the District and the Board having approved the inclusion application, the City Council does hereby re-describe the District so as to include the additional property as described in the petition. From the effective date of this ordinance the included property shall be subject to any taxes imposed for the use and benefit of the DDA.

The approval of the ballot question will not create any new taxes. The DDA is principally funded by borrowing and paying the principal, interest and any premiums due in connection with issuing bonds or indebtedness. DDA projects are financed by the issuance of debt. That debt is repaid by the pledge and collection of a portion of the property taxes and City sales taxes collected in the DDA. Those taxes are known as the Tax Increment Fund.

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

1. That pursuant to Part 8 of Article 25 of Title 31, Colorado Revised Statutes, there

be submitted to the qualified electors (as that term is defined in Part 8) of the district hereinafter described at the general election to be held within the district on the 5th day of November 2004 in the City of Grand Junction, the following question:

“SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000.00 WITH A REPAYMENT COST OF \$20,000,000.00, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; AND SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW?”

YES

NO

2. That there is sufficient evidence that the owners of the property described in the petition for inclusion have shown their intent to annex to the district and the DDA Board having approved the inclusion application; the boundary of the DDA is hereby re-described to include the boundary as it existed as of the date of first reading of this ordinance together with the additional property as described in the inclusion petition.

3. That from the effective date of this ordinance the property within the boundary shall be subject to any taxes imposed for the use and benefit of the DDA.

4. That to the extent necessary or required, this ordinance shall be deemed to amend and/or repeal prior ordinances inconsistent herewith.

INTRODUCED ON FIRST READING and ORDERED PUBLISHED this 21st day of July 2004.

PASSED and ADOPTED this ____ day of July 2004.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

RESOLUTION NO. _____ -04

A RESOLUTION CALLING AN ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT A QUESTION FOR MODIFYING THE PURPOSES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY, EXTENDING THE LIFE THEREOF IN ACCORDANCE WITH STATE LAW AND AUTHORIZING AN INCREASE IN MAXIMUM INCURRED DEBT OF THE DISTRICT

RECITALS.

In 1977 the City Council of the City of Grand Junction, Colorado determined that it was necessary to establish a Downtown Development Authority (DDA) for the public health, safety, prosperity, security and welfare and to assist in preventing deterioration of property values and eliminating slum and blight in the central business district of the City. The DDA was formed in 1977 and has actively and effectively achieved its mission.

At the time the DDA was established State law established a 25 year life for such authorities. That law has subsequently been amended to allow an additional five years. The Grand Junction DDA desires to extend its operations as now allowed by law. The DDA was established with a maximum allowed debt of \$10 million dollars to be spent on pedestrian and travel improvements. That limit must be increased to allow additional borrowing and spending over the added five year life of the authority.

Furthermore, the DDA seeks to modify the purpose of the DDA to allow it to make capital expenditures for all statutorily allowed purposes.

To accomplish these purposes the DDA Board does by this resolution call for an election at which the following ballot question will be submitted to the qualified electors of the District.

The approval of the ballot question will not create any new taxes. The DDA is principally funded by borrowing and paying the principal, interest and any premiums due in connection with issuing bonds or indebtedness. DDA projects are financed by the issuance of debt. That debt is repaid by the pledge and collection of a portion of the property taxes and City sales taxes collected in the DDA. Those taxes are known as the Tax Increment Fund.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY THAT:

1. Authorization of the continued development, redevelopment and reinvestment in downtown Grand Junction by the Downtown Development Authority is an important question worthy of the qualified electors consideration.
2. An election shall be called and the following question be submitted to the qualified electors on November 2, 2004:

Ballot Question Number

"SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000.00 WITH A REPAYMENT COST OF \$20,000,000.00, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; AND SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW?"

YES

NO

Adopted this ___ day of July 2004.

Chairman of the Board

ATTEST:

Secretary