

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

WEDNESDAY, AUGUST 18, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Jim Hale, Spirit of Life Christian
Fellowship

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING AUGUST 25, 2004 AS “SENIOR NUTRITION DAY”

APPOINTMENTS

***TO THE PLANNING COMMISSION

TO THE PLANNING COMMISSION BOARD OF APPEALS

CITIZEN COMMENTS

*** CONSENT CALENDAR ***[®]

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the August 2, 2004 Additional Workshop,
Summary of the August 2, 2004 Workshop and the Minutes of the August 4, 2004
Regular Meeting*

2. **DDA TIF Extension – Intergovernmental Agreement with Mesa County
Elections and a Mail Ballot Plan with the Secretary of State to Conduct a Mail
Ballot Election November 2, 2004 for the Downtown Development Authority**

[Attach 2](#)

*** Indicates New Item

[®] Requires Roll Call Vote

The City Council has the option of conducting the DDA TIF election by mail ballot. However, State law requires that even though the City can "opt-out" of the coordinated election in favor of a mail ballot, the TABOR notice must still be coordinated with the County. An Intergovernmental Agreement is required for the County to include any TABOR comments in their TABOR issue mail out. Secondly, in order to conduct a mail ballot, the City must submit a written plan for the conduct of the election, aka a "Mail Ballot Plan", to the Secretary of State for approval.

Resolution No. 70-04 – A Resolution Approving the Written Plan for the Conduct of a Mail Ballot Election in the Grand Junction Downtown Development Authority, City of Grand Junction for the November 2, 2004 Special Election

®Action: Authorize the City Clerk as the Designated Election Official to Sign an Intergovernmental Agreement with Mesa County Elections Division to Coordinate the TABOR Notice and Adopt Resolution No. 70-04 Approving a Mail Ballot Plan for the Conduct of a Mail Ballot on November 2, 2004

Staff Presentation: Stephanie Tuin, City Clerk

3. **Setting a Hearing on Rezoning the Ice Skating Inc. Property, Located at 2515 River Road, from I-1 to CSR** [File # RZ-2004-125] [Attach 5](#)

Introduction of a proposed zoning ordinance to rezone the Ice Skating Inc property from I-1 (Light Industrial) to CSR (Community Services & Recreation), located at 2515 River Rd.

Proposed Ordinance Rezoning the Ice Skating Inc. Property to CSR (Community Services and Recreation) Located at 2515 River Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 1, 2004

Staff presentation: Senta L. Costello, Associate Planner

4. **Setting a Hearing on Zoning the Castanha Annexation 1, 2, 3 & 4 Located at 2250 Saddlehorn Road to RSF-2** [File # ANX-2004-135] [Attach 6](#)

Introduction of a proposed zoning ordinance to zone the Castanha Annexation, a serial annexation, comprised of 4.895 acres, located at 2250 Saddlehorn Road.

Proposed Ordinance Zoning the Castanha Annexation to Residential Single Family (RSF-2) Not to Exceed 2 Dwellings Units Per Acre Located at 2250 Saddlehorn Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 1, 2004

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing for the Prairie View Annexations No. 1 and 2, Located at 474 Dodge Street and 3038 Mohawk Avenue** [File # ANX-2004-141] [Attach 7](#)

Resolution referring a petition for annexation and introduction of the proposed ordinances. The 8.929 acre Prairie View Annexations No. 1 and 2 consists of 2 parcels located at 474 Dodge Street and 3038 Mohawk Avenue, and is a two part serial annexation.

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

Resolution No. 73-04 – 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, Prairie View Annexations No. 1 and 2 Located at 474 Dodge Street and 3038 Mohawk Avenue

®Action: Adopt Resolution No. 73-04

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prairie View Annexation No. 1, Approximately 4.117 Acres, Located at 474 Dodge Street

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prairie View Annexation No. 2, Approximately 4.812 Acres, Located at 3038 Mohawk Avenue

Action: Introduction of Proposed Ordinances and Set a Hearing for October 6, 2004

Staff presentation: Lisa E. Cox, Senior Planner

6. **Accepting and Approving the Improvements Connected with Sanitary Sewer Improvement District No. SS-46-04 in the Music Lane Area and Giving Notice of a Hearing** [Attach 8](#)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located west of 26 Road, between Meander Drive and F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. The first reading of a proposed assessing ordinance will be scheduled for the September 15th, 2004 Council meeting. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the October 6th, 2004 Council meeting.

Resolution No. 74-04 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-46-04 and Giving Notice of a Public Hearing

®Action: *Adopt Resolution No. 74-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

7. **Outdoor Dining Lease for Pablo's Pizza** [Attach 3](#)

A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main Street. Knaysi Enterprises, Inc. (DBA Pablo's) at 319 Main St., has submitted an application for a revocable permit for use of the public right-of-way in front of their business. This business has the required permit from the DDA for use of the sidewalk, but is required to have a revocable license from the City of Grand Junction to expand their licensed premise.

Resolution No. 71-04 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Knaysi Enterprises, Inc.

®Action: *Adopt Resolution No. 71-04*

Staff presentation: Harold Stalf, DDA Executive Director

8. **Outdoor Dining Lease for Il Bistro Italiano** [Attach 4](#)

A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main St. Bon Appetito, Inc. (DBA Il Bistro Italiano) at 400 Main St., has submitted an application for a revocable permit for use of the public right-of-way in front of their business. This business has the required permit from the DDA for use of the sidewalk, but is required to have a revocable license from the City of Grand Junction to expand their licensed premise.

Resolution No. 72-04 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Bon Appetito, Inc.

®Action: *Adopt Resolution No. 72-04*

Staff presentation: Harold Stalf, DDA Executive Director

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

a. **Replacement of the Stocker Stadium/Suplizio Field Sound System**

[Attach 9](#)

Replace and upgrade the sound system in Stocker Stadium /Suplizio Field which includes installing 17 each, 45 foot (approximately) steel speaker mounting poles at the rear of the stands, installing twenty-two speaker cabinets, cabling, new amplifiers, control consoles, and related audio equipment.

Action: *Authorize the City Manager to Execute a Contract with J. Dyer Construction, Inc. of Grand Junction for the Replacement of the Sound System at Stocker Stadium and Suplizio Field for a Total Price of \$261,831.42*

Staff presentation: Joe Stevens, Parks and Recreation Director

b. **Construction Contract Change Order for Combined Sewer Elimination Project – Basins 7 & 11**

[Attach 10](#)

Contract Change Order #1 (Final Change Order) for the Combined Sewer Elimination Project, Basins 7 and 11, with Mendez, Inc. in the amount of \$63,685.12.

Action: Authorize the City Manager to Approve a Final Contract Change Order #1 for the Combined Sewer Elimination Project – Basins 7 & 11 with Mendez, Inc. in the Amount of \$63,685.12

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Public Hearing – Haremza Annexation Located at 2126 Hwy 6 & 50** [File #ANX-2004-121] [Attach 11](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Haremza Annexation, located at 2126 Hwy 6 & 50. The 7.895 acre annexation consists of 1 parcel of land.

a. Accepting Petition

Resolution No. 75-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Haremza Annexation Located at 2126 Hwy 6 & 50 is Eligible for Annexation

®Action: Adopt Resolution No. 75-04

b. Annexation Ordinance

Ordinance No. 3654 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Haremza Annexation, Approximately 7.895 Acres Located at 2126 Hwy 6 & 50

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3654

Staff presentation: Senta L. Costello, Associate Planner

11. **Public Hearing – Zoning the Haremza Annexation, Located at 2126 Hwy 6 & 50, to I-1 (Light Industrial)** [File # ANX-2004-121] [Attach 12](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Haremza Annexation I-1 (Light Industrial), located at 2126 Hwy 6 & 50. The 7.895 acre annexation consists of 1 parcel of land.

Ordinance No. 3655 – An Ordinance Zoning the Haremza Annexation to I-1 (Light Industrial) Located at 2126 Hwy 6 & 50

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3655*

Staff presentation: Senta L. Costello, Associate Planner

12. **Public Hearing – Flint Ridge III Annexation, Located at 2946 and 2952 D Road** [File #ANX-2004-101] [Attach 13](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Flint Ridge III Annexation, located at 2946 and 2952 D Road. The 19.1275-acre annexation consists of two parcels of land.

a. Accepting Petition

Resolution No. 76-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Flint Ridge III Annexation Located at 2946 and 2952 D Road is Eligible for Annexation

®Action: *Adopt Resolution No. 76-04*

b. Annexation Ordinance

Ordinance No. 3656 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Flint Ridge III Annexation, Approximately 19.1275 Acres Located at 2946 and 2952 D Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3656*

Staff presentation: Lisa E. Cox, Senior Planner

13. **Public Hearing – Zoning the Flint Ridge III Annexation to RMF-8, Located at 2946 and 2952 D Road** [File # ANX-2004-101] [Attach 14](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Flint Ridge III Annexation RMF-8, located at 2946 and 2952 D Road.

Ordinance No. 3657 – An Ordinance Zoning the Flint Ridge III Annexation to the RMF-8 Zone District Located at 2946 and 2952 D Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3657*

Staff presentation: Lisa E. Cox, Senior Planner

14. **Public Hearing – Castanha Annexation No. 1, No. 2, No. 3, No. 4, Located at 2250 Saddlehorn Road** [File #ANX-2004-135] [Attach 15](#)

Castanha Annexation, a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road and including portions of right-of-way along Perona Court, 22 ½ Road and Saddlehorn Road, has presented a petition for annexation as part of a preliminary plan. The applicants request acceptance of the annexation petition and to hold a Public Hearing and Consider Final Passage of the Annexation Ordinances.

a. Accepting Petition

Resolution No. 77-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Castanha Annexaton, a Serial Annexation, Comprising of Castanha Annexation No. 1, Castanha Annexation No. 2, Castanha Annexation No. 3, and Castanha Annexation No. 4, Located at 2250 Saddlehorn Road and Including Portions of Right-of-Way Along Perona Court, 22 ½ Road, and Saddlehorn Road is Eligible for Annexation

®Action: *Adopt Resolution No. 77-04*

b. Annexation Ordinance

Ordinance No. 3658 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 1, Approximately 0.039 Acres, a Portion of the Right-of-Way of Perona Court and 22 ½ Road

Ordinance No. 3659 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 2, Approximately 0.133 Acres, a Portion of the Right-of-Way of Perona Court and 22 ½ Road

Ordinance No. 3660 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 3, Approximately 1.188 Acres, Right-of-Way Along 22 ½ Road

Ordinance No. 3661 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Castanha Annexation No. 4, Approximately 3.535 Acres Located at 2250 Saddlehorn Road and a Portion of the Saddlehorn Road Right-of-Way

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances No. 3658, 3659, 3660, and 3661

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Rezone of 0.37 Acres from RMF-24 to RO Located at 1215 N. 1st Street** [File # RZ-2004-129] [Attach 16](#)

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.

Ordinance No. 3662 – An Ordinance Rezoning the Property Known as the Bratton Rezone to RO, Residential Office, Located at 1215 North 1st Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3662

Staff presentation: Scott D. Peterson, Associate Planner

16. **Public Hearing – Right-of-Way Vacation Located at the Northwest Corner of G Road and Horizon Drive Intersection and Approval of Purchase Agreement** [File # VR-2004-131] [Attach 17](#)

The City, along with two co-applicants, propose to vacate approximately 11,307 square feet of unused public right-of-way near the northwest corner of the intersection of G Road and Horizon Drive. The remnant parcel resulted by virtue of the realignment of 27 ½ and G Road. The entire area will be reserved as a multi-purpose easement due to the numerous underground utilities that presently exist. The City and co-applicants have developed a Purchase Agreement to provide for landscaping/parking improvements to this same area, if the vacation occurs. The parcel must be attached and ultimately will be incorporated into the adjoining parcel.

Ordinance No. 3663 – An Ordinance Vacating Right-of-Way Located at the

Northwest Corner of G Road and Horizon Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3663 and Ratify the Purchase Agreement

Staff presentation: Ronnie Edwards, Associate Planner
Tim Moore, Public Works Manager

17. **Appeal of the Record of 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] [Attach 19](#)

On May 25, 2004, the Planning Commission approved a Conditional Use Permit for the Colorado Mental Health Facility proposed to be located at 515 28 ¾ Road. The City received three (3) letters of appeal from various interested parties (Ms. Caprice Tuff, Mental Health Advocate, Concerned residents within the neighborhood, and Grand Mesa Little League) regarding this decision. This appeal is per Section 2.18 E. of the Zoning & Development Code which specifies that the City Council is the appellant body of the Planning Commission. On July 13th, the Planning Commission also denied Grand Mesa Little League's request for a rehearing on the matter.

Action: Review the Appeal of the Appellants

Staff presentation: Scott D. Peterson, Associate Planner

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

Attach 1

Minutes from the Previous Meetings

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

August 2, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, August 2, 2004 at 12:07 p.m. at Two Rivers Convention Center, 159 Main Street, to discuss workshop items. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **MESA STATE COLLEGE FUTURE EXPANSION EFFORTS:** Mesa State College President Tim Foster, Lena Elliot of the Board of Trustees and College staff members Andy Rodriguez, Eric Vander, and Jim Brock were in attendance. President Foster reviewed the status of the College's plan for expansion and their immediate plan for new facilities. He noted that the amount of State money the College receives has diminished and yet they want to continue with the expansion. He asked Council to consider renewing their annual commitment of \$250,000. Council President Bruce Hill noted that the City's original commitment was part of a capital campaign and asked if that will be the case again. Mr. Foster said no, the Foundation wants to step away from land acquisition and will conduct a capital campaign for funding for actual buildings (bricks and mortar).

Council President Hill asked if the streets identified to be vacated are indeed vacated, if that will mean more parking for the campus. Mr. Foster answered yes, about 100 parking spaces will be gained.

Councilmember Spehar noted that it would be difficult to consider such a request as the City is in the first year of a two-year budget. He suggested that discussions take place for options that might be available with the College's 29 Road property which might solve mutual problems. Mr. Foster responded that is a different conversation as 29 Road is a different asset.

Councilmember Kirtland asked Mr. Foster what the total would be to acquire the properties identified. Mr. Foster said to "square off" the campus, the figure is in the \$2.5 to \$3 million range. Then they would want to continue the expansion over to Cannell Avenue. Councilmember

Kirtland asked if there were any bonding options available. Mr. Foster said they could only do revenue bonds.

Ms. Lena Elliot, Board of Trustees, advised that they need the City's commitment to finish the project. She advised that when the City needs to acquire property in the 29 Road area, they will be there to help.

Time frames were discussed and the College representatives indicated that they need an immediate answer.

Action summary: City Manager Arnold suggested President Foster have the hard copies of the drawings, conceptual drawings of facilities and road vacations sent to the City Council. Council will review the information provided.

The meeting adjourned at 1:02 pm.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY**

AUGUST 2, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, August 2, 2004 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **LIBRARY BOARD PRESENTATION & DISCUSSION:** Sally Matchett and Jim Widdows from the Library Board of Directors were present to ask the City Council for support of their ballot issue to be on the November ballot. After the last defeat, the board went back and tried to find out why the voters did not approve the last measure. They looked at everything again – location, size and remodeling. Their inquiries determined that this is the right location but heard from the community that the cost was too high. On the advice of City Council and Mesa County, the Board hired Chuck Rose, former Mesa County Facilities Manager, to work with them in order to pursue a design/build concept. They now have a package that will form a consensus in the community identifying the library as an important downtown building. The ballot question will be for \$10.5 million. Citizens also wanted to know why they weren't hearing from City and County government. Therefore, they are asking for support both as a Council and individuals.

Councilmember Kirtland asked how the reduced price will affect the mill levy being requested. Mr. Widdows said it will be a lower amount than the previous request. There will be two questions, one for the building (capital construction) and one for operating funds. Ms. Matchett advised that they are looking to partner with schools in the building of new schools in order to locate new branches in any new school facilities. They will be concentrating on getting adequate square footage in the new main library rather than addressing the furnishings. Councilmember Kirtland noted that perhaps they should speak at the next municipalities meeting scheduled in DeBeque. Mr. Widdows said Chuck Rose, having just recently retired from the County, is donating his time for the design phase.

Council President Hill stated there was support in the City proper. From the City's perspective, and his individually, he is glad the location will be downtown and the infrastructure to get people around is being built. Mr. Widdows added that although they did not decide to locate at the college, some bridges were built for cooperation in discussing possibilities.

Councilmember Spehar agreed that it is foolish to put more money into the existing building. He said it is appropriate to build a new facility and for the Council to support it.

Council President Hill said no formal action can take place tonight. Ms. Matchett left it to the Council to determine when and how that will be taken.

Action summary: City Council appreciated the information and will decide at a later time the extent and method of their support for the ballot issue.

2. **STRATEGIC PLAN UPDATE:** Assistant City Manager David Varley had materials to be used for the neighborhood meetings and the schedule. He described how the handouts will look and asked for Council's direction on finalizing the preparation for the neighborhood meetings.

Councilmember Palmer asked if the purpose is to develop new strategies or to review what is in place. Mr. Varley replied the neighborhood meetings are not designed to start from scratch on the Strategic Plan but rather to reaffirm and if they hear that something is missing, add it.

Councilmember Palmer inquired how the City is getting the word out. Mr. Varley responded there will be ads in the newspaper, press releases and it will be in the City newsletter.

Concerned about the change in the locations/dates, Council President Hill suggested that Staff man the sites on the first schedule and hand out the new schedule. Mr. Varley agreed. He noted that Staff will set up chairs at the meetings but there will be no public address system this year as it was not needed. Councilmember Butler suggested putting announcements on KJCT's Community Calendar. Mr. Varley agreed and added also on Channel 12 and utility bill stuffers.

Action summary: The City Council was satisfied with the plan for the Strategic Plan Update neighborhood meetings.

The meeting adjourned at 8:02 p.m.

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

August 4, 2004

The City Council of the City of Grand Junction convened into regular session on the 4th day of August 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Dennis Kirtland, Bill McCurry, Jim Spehar and President of the Council Bruce Hill. Absent were Councilmembers Harry Butler, Cindy Enos-Martinez, and Gregg Palmer. 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 Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Howard Hays, First Church of the Nazarene.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE URBAN TRAILS COMMITTEE

Denise McGinnis was present to receive her certificate.

PRESENTATIONS/RECOGNITIONS

Council President Hill presented Youth Council President Heather Ahuero with a letter of appreciation and an engraved gavel for all her work with the Youth Council. Ms. Ahuero will be leaving for the University of Puget Sound this month.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember McCurry and carried by roll call vote to approve Consent Calendar Items #1 through #8.

1. **Minutes of Previous Meetings**

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]

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

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]

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

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

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

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]

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

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

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

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]

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

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]

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

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

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

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

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.

Mark Relph, Public Works and Utilities Director, reviewed this item. This program is an annual program to replace damaged curb, gutter and sidewalk. There are 45 locations throughout the City that have been targeted for this project. It will be completed by October 21, 2004.

Council President Hill asked if there are a lot more damaged curb, gutter and sidewalks on the list to be replaced that are not a priority. Mr. Relph said a list is prioritized every year. This list was developed at the beginning of the year. Council President Hill noted that Councilmember Palmer had identified another location. Mr. Relph said yes, that location will be added. He noted it is not an uncommon occurrence to add other areas in with a change order.

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

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.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained this phase of the contract. There are three major components in this change order: the labor to acquire right-of-way, the procurement of a design/build contractor for the project which includes the development of the RFQ's to select the contractor, and lastly the environmental studies.

Councilmember Kirtland lauded the preplanning for the success of the project to meet the expectations of the voters.

Council President Hill agreed and commended the cooperation of the organizations including the City, County, CDOT and Carter and Burgess.

City Manager Arnold noted that there will be another change order with Carter and Burgess that will help manage the actual construction.

Councilmember Spehar asked about the schedule. Mr. Relph assured Council that the project is on schedule; in fact, completion will be in advance of the promised date.

Councilmember Spehar moved to 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 and to 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. Councilmember McCurry seconded the motion. Motion carried.

Public Hearing – DDA Tax Increment Financing 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.

The public hearing opened at 7:48 p.m.

Harold Stalf, DDA Executive Director, reviewed this item. He explained the request to place a measure on the ballot to extend the TIF (Tax Increment Financing). The range of improvements is estimated at \$12 to \$15 million. The capital improvements will focus primarily on Historic Downtown. Improvements to Downtown will help with the competition of other retail areas in the City. The DDA is recommending a mail ballot for the election as it is slightly less expensive and is more convenient.

City Manager Arnold noted that the extension is due to legislation approved two years ago and the City and DDA were instrumental in getting that legislation passed. He commended DDA for taking the extra steps in getting written support from the other public entities that are affected by the TIF.

Councilmember Spehar noted the letters of support are from the County, the School District, and the Library District which shows the mutual cooperation that does not necessarily exist in other communities.

Council President Hill recognized those elected officials, both former and current, that lobbied for the legislation.

Councilmember Kirtland inquired if action is required on the method of election. City Attorney Shaver advised that Staff will bring those documents back to Council at the next meeting.

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

Councilmember McCurry moved to adopt Ordinance No. 3653 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

Tony Long, 302 Pitkin Avenue, has lived here 9 years, and in response to the article in the Daily Sentinel, he would like to speak in favor of transients. He identified travelers as transients, not everyone who is homeless is transient. Most are sober most of the time. He doesn't propose a solution but thanked the Council for their time.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:59 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

**DDA TIF Extension – IGA with Mesa County Elections and a Mail Ballot Plan
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
Subject		DDA TIF Extension -Intergovernmental Agreement with Mesa County for Coordinating a TABOR Notice and a Mail Ballot Plan with the Secretary of State for a November 2, 2004 Special Election						
Meeting Date		August 18, 2004						
Date Prepared		August 9, 2004				File #		
Author		Stephanie Tuin		City Clerk				
Presenter Name		Stephanie Tuin		City Clerk				
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 Council has the option of conducting the DDA TIF election by mail ballot. However, State law requires that even though the City can "opt-out" of the coordinated election in favor of a mail ballot, the TABOR notice must still be coordinated with the County. An Intergovernmental Agreement is required for the County to include any TABOR comments in their TABOR issue mail out. Secondly, in order to conduct a mail ballot, the City must submit a written plan for the conduct of the election, aka a "Mail Ballot Plan", to the Secretary of State for approval.

Budget: The estimated budget for the City to conduct a mail ballot and coordinate the TABOR issue with the County is around \$3,600. There are notice requirements and reporting requirements that may cost an additional \$600. The election will be paid for out of TIF capital fund.

Action Requested/Recommendation: Authorize the City Clerk as the Designated Election Official to Sign an Intergovernmental Agreement with Mesa County Elections Division to Coordinate the TABOR Notice and Adopt Resolution No. -04 Approving a Mail Ballot Plan for the Conduct of a Mail Ballot on November 2, 2004

Attachments:

Proposed Intergovernmental Agreement for the TABOR Notice
Resolution Adopting Mail Ballot Plan

Background Information: The City Council adopted Ordinance No. 3653 on August 4, 2004 to submit to the voters on November 2, 2004 a question on modifying and extending the life of the DDA/TIF. The DDA has recommended that the election be conducted as a mail ballot. The coordinated election for November 2, 2004 is a polling place election since it is a partisan election. Therefore, any mail ballot election will have to be conducted in house. However, we cannot separate the TABOR notice from the coordinated package for the November 2 election.

The Intergovernmental Agreement (IGA) simply sets forth the duties of each entity in relation to coordinating the TABOR notice. The exact cost for our pro-rata cost of the TABOR notice cannot be determined at this time. The deadline for receipt for TABOR comments for this election is September 17, 2004. Even if no comments are received we will still need to include that information on the TABOR notice so there will be at least a minimal cost.

The resolution and mail ballot plan is required by the Mail Ballot Election law. The Mail Ballot Plan assures the Secretary of State that proper procedures will be followed and that adequate security measures are in place to ensure voter secrecy and ballot integrity.

**INTERGOVERNMENTAL AGREEMENT
DOWNTOWN DEVELOPMENT AUTHORITY, CITY OF GRAND JUNCTION
TABOR NOTICE ONLY - NOVEMBER 2, 2004**

The following shall represent the Intergovernmental Agreement between the **MESA COUNTY CLERK AND RECORDER** ("Clerk") and the **DOWNTOWN DEVELOPMENT AUTHORITY, CITY OF GRAND JUNCTION**, ("Political Subdivision"), in Mesa County, as required by Secretary of State Rule 6.1.2 and C.R.S. 1-7-116(2):

1. PURPOSE: Pursuant to the terms of this agreement, the Clerk and Political Subdivision agree to the scheduling and coordination of a "TABOR" notice as required by the Colorado Constitution, Article X, Section 20, the Colorado Revised Statutes and Secretary of State Rules for a Coordinated Election to be conducted by the Clerk on November 2, 2004. The "TABOR" notice may involve more than one Political Subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in this notice. The Political Subdivision agrees to appoint a "Designated Election Official" (DEO) who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision.

2. LEGAL NOTICES: Publication of any required legal notices concerning the Political Subdivision's election, including a notice of financial information as set forth in C.R.S. 1-7-908 to be published by **October 13, 2004**, other than the "TABOR" notice required by the Colorado Constitution, Article X, Section 20, shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk.

3. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of the Political Subdivision. The Clerk shall provide voter registration lists as required and requested by the Political Subdivision.

4. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: Pursuant to CRS 1-7-901 and Secretary of State Rules and Regulations 21.2, the process of receiving written comments and summarizing such comments, as required by the Colorado Constitution, Article X, Section 20, shall be solely the responsibility of the Political Subdivision. The deadline for filing all comments pertaining to a ballot issue is **September 17, 2004**.

5. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: The Political Subdivision shall certify the "TABOR" notice information and the final and exact summary of comments concerning its ballot issues to the Clerk no later than **September 21, 2004**, (per C.R.S. 1-7-904) for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Time is of the essence. Data shall be transmitted electronically to the Clerk in MS Word. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20 (3)(b) of the Colorado Constitution at least 30 days prior to the election, which shall be no later than **Friday, October 1, 2004**.

6. ALLOCATION OF COST OF NOTICE FOR BALLOT ISSUE ELECTIONS: The Political Subdivision shall reimburse the Clerk for the "TABOR" notice. In no event shall said cost of the "TABOR" notice be less than \$250.00, and/or election costs allocated to the Political Subdivision. Such reimbursement shall be made to the Clerk within thirty

**INTERGOVERNMENTAL AGREEMENT
COORDINATED MAIL BALLOT ELECTION NOVEMBER 2, 2004
DOWNTOWN DEVELOPMENT AUTHORITY, CITY OF GRAND JUNCTION
PAGE 2**

days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.

7. INDEMNIFICATION: The Political Subdivision agrees to indemnify, defend and hold harmless the Clerk from any and all damages, loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities as set forth in this agreement.

8. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other political subdivisions for conduct of the Coordinated Election.

9. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County.

THIS AGREEMENT has been executed by the parties hereto as of the dates written below.

Dated this ____ day of _____, 2004.

MESA COUNTY CLERK AND RECORDER

**DOWNTOWN DEVELOPMENT
AUTHORITY, CITY OF GRAND
JUNCTION**

Janice Ward

D.E.O., Downtown Development
Authority, City of Grand Junction

ATTEST:

RESOLUTION NO. -04

**A RESOLUTION APPROVING THE WRITTEN PLAN
FOR THE CONDUCT OF A MAIL BALLOT ELECTION IN THE
GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY,
CITY OF GRAND JUNCTION
NOVEMBER 2, 2004 SPECIAL ELECTION**

RECITALS.

The City Council for the City of Grand Junction has determined that the special election scheduled for November 2, 2004 will be conducted by mail ballot.

The City Clerk as the Designated Election Official will conduct the mail ballot election.

The Mail Ballot Election Code, 1-7.5-101 et seq, C.R.S., specifically section 105, requires that the designated election official "shall notify the secretary of state no later than fifty-five days prior to the election. The notification shall include a proposed plan for the conducting the mail ballot election, . . ."

The Secretary of State has promulgated rules as to what is to be included in the plan.

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

The attached "Written Plan for the Conduct of a Mail Ballot Election" be approved for the November 2, 2004 Special Election and that the City Clerk as the Designated Election Official be directed to submit such plan to the Secretary of State.

Approved this _____ day of _____, 2004.

President of the Council

ATTEST:

City Clerk

**WRITTEN PLAN FOR THE CONDUCT OF A
MAIL BALLOT ELECTION**

SUBMITTED BY: Stephanie Tuin, City Clerk

**ELECTION ADMINISTRATOR FOR: Downtown Development Authority, a
Part of the City of Grand Junction, Colorado**

1. **LEGAL NAME OF JURISDICTION:** Grand Junction Downtown Development Authority, a part of the City of Grand Junction, Colorado
2. **TYPE OF JURISDICTION:** An Authority as defined in 31-25-802, C.R.S.
3. **DESCRIPTION OF ELECTION TO BE HELD:** Special Election on a Ballot Issue to be held on Tuesday, November 2, 2004
4. **AUTHORITY TO HOLD THIS ELECTION:** 31-10-108 C.R.S. and 31-25-807(1)(b), C.R.S.
5. **ESTIMATED NUMBER OF ELECTORS:** 750 registered voters/property owners, no property owners other than registered voters are qualified to vote in this election.
6. **NAME OF CHIEF ELECTION ADMINISTRATOR:** Stephanie Tuin, City Clerk and Designated Election Official (hereinafter "D.E.O.")
7. **COUNTY CLERK AND RECORDER WILL:** provide registration lists and assist as requested. The TABOR notice required for this election will be coordinated with the County's notice and an intergovernmental agreement has been executed for that purpose.
8. **NUMBER OF PLACES OF DEPOSIT:** One - City Clerk's Office at City Hall at 250 North 5th Street, Grand Junction, Co. 81501
9. **IF BALLOT PACKETS ARE RETURNED AS UNDELIVERABLE:**
Undeliverable ballots will be tallied/recorded on the DAILY RECONCILIATION OF MAIL BALLOTS (see Exhibit "A"), entered as "U" on the ballot distribution database, alphabetically slotted into trays marked "Undeliverable", and secured in a locked box accessible only by clerks/election judges/deputy clerks. These ballots will not be remailed, but may be reissued to any addressee appearing in person at the City Clerk's Office, upon presentation of proper identification of registered elector and address.
10. **HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS RETURNED AS UNDELIVERABLE:** Ballots will be mailed in accordance with both USPS and state statutory requirements, each envelope bearing

“RETURN SERVICE REQUESTED” as per the Domestic Mail Manual, Section F, 010.5.3. This will guarantee return of “undeliverable” envelopes to the City Clerk’s Office. If a new address is identified by the yellow USPS label, the D.E.O. will comply with 1-2-605(5) C.R.S.

11. PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH STATUTES AND RULES INCLUDING NAMES OF THOSE RESPONSIBLE:

- a) Planning and procedural meetings will be held involving the D.E.O. and D.E.O. staff. Title 1, Article 7.5 C.R.S. and the Secretary of State's Rules and Regulations will be reviewed and explained for implementation and administration of the state’s mail ballot process. The State Statutes and the rules and regulations will be administered under the direct supervision of Stephanie Tuin, the D.E.O.. Additional staff will be required for this mail ballot election and hired as judges for the final tally of the ballots. The County Elections Director and/or the County Clerk may be consulted as needed.
- b) Printing and mailing of the TABOR NOTICE will be coordinated with Mesa County as required by law. County Elections Director Donna Ross will supervise this in accordance with Article X, Section 20(3)(b), with a mailing date no later than October 1, 2004.
- c) Absentee mail ballot applications will be processed for mail distribution on the date required by law and in accordance with the appropriate regulations.
- d) Mail ballot packages, including absentee ballots, will be prepared in accordance with the mail ballot election law and under the supervision of D.E.O. Stephanie Tuin.
- e) Mail ballot packages for each eligible voter will be prepared and mailed no later than October 18, 2004 to all “active voters” that did not request absentee ballots. The ballot distribution system for this election will be manual and D.E.O. Stephanie Tuin will oversee this process. There are 750 eligible electors.
- f) Each business day, ballot envelopes received or returned to the Elections Office will be date-stamped and tallied for recordkeeping. Each envelope will then be preliminarily verified (first verification) for completion of necessary information (including name, address, signature) and voter eligibility. The pollbook will be updated daily for each ballot received, indicating by code either accepted, rejected or undeliverable. Accepted ballot envelopes will be deposited into a “dated” and sealed ballot box.

Rejected or undeliverable ballot envelopes will be filed alphabetically in trays in a locked box in a secured facility. Daily receipt, coding and securing of ballots will include those received at the one drop off location or via mail . D.E.O. Stephanie Tuin and her designated assistants will be responsible for this process.

- g) The official verification of ballots will begin on Monday, October 25, 2004. Boxes representing each day's receipt of accepted ballots shall be opened, the envelopes slit, and the ballot stub number in each envelope checked against the ballot number issued. If acceptable, the ballot stub shall be removed, then the secrecy envelope removed and the ballot shall be placed in a transfer envelope. In the event a ballot is returned without a secrecy envelope, secrets will be readily available for the election judge to enclose the ballot before removing it from the envelope. All envelopes will be sealed, numbers recorded and stored in a secured facility. D.E.O. Stephanie Tuin will oversee this aspect of the election.
- h) The City Clerk's Office, 250 N. 5th Street, will be open for issue of ballots to "inactive voters" or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot for the period of Tuesday, October 26, 2004 to Monday, November 1, 2004, from 7:30 a.m. to 5:30 p.m. daily and Tuesday, November 2, 2004 7:00 a.m. to 4:00 p.m. In the event that all ballots have not been issued and an elector needs a ballot reissued on Saturday, October 30, 2004, the D.E.O. will be available to reissue that ballot. Prior to October 26, 2004, these requests will be handled in the regular City Clerk's Office area by D.E.O. staff.

Anytime that a replacement ballot is issued, or a ballot is issued to an "inactive voter", a REQUEST FOR BALLOT/REPLACEMENT BALLOT (see Exhibit "B") sworn statement must be completed, with signatures gathered either in person at the City Clerk's Office or through the mail. Reissued ballots, or ballots issued to "inactive voters" through the mail will have a mark on their return envelope (next to their signature affirmation) that will immediately alert the election judge that a completed sworn statement must be included with the voted ballot.

12. DESCRIBE PROCEDURES TO ENSURE BALLOT SECURITY:

- a) Ballot packages are prepared and stored in secured facilities by D.E.O. staff. Ballot packages will be sealed and delivered to the United States Post Office at 241 N. 4TH Street. The packages are then processed in accordance with USPS regulations and state statutory provisions.
- b) Ballots, including pre-distribution and non-issued, will be kept in a locked box on secured premises at all times. All election materials, ballots, and ballot boxes will be monitored during utilization by D.E.O. staff and placed

under locked security each night. The area used for ballot processing is in the City Clerk's Office. Only three keys to the critical ballot and materials areas exist, and those are held by the D.E.O. and her two assistants. All empty ballot boxes and envelopes will be witnessed before and during both sealings (first and second verifications), including the recording of seal numbers.

- c) Ballots will be paper ballots. There is only a single ballot type for this election so no color-coding is necessary for the ballot.
- d) At the single drop off site, the City Clerk's Office, there will be a locked ballot box.
- e) All employees (D.E.O. staff) will be sworn in, affirming their adherence to the election statutes, rules and procedures. Observers (or watchers) will need to present completed forms, and the secured area is not accessible to the cleaning staff during the period of October 8th through November 3rd. Ballots will be tabulated by hand at the City Clerk's Office and then stored in the vault.

13. DESCRIBE THE PROCEDURES FOR SIGNATURE VERIFICATION:

The very day each ballot envelope is received (initial verification), it will be verified for name, address, and signature. If a signature cannot be read, the voter's original signature will be retrieved from microfilm for verification. If any of the foregoing information does not correspond to the ballot issue record or if all information is not provided, the ballot will be rejected for discrepancies. The rejection will be coded on the pollbook and the envelope placed in alphabetical order in the "REJECTED" tray, which will be stored in the secured facility. Periodic checks of signatures on record will be performed to ensure the integrity of the mail ballot election in the Grand Junction Downtown Development Authority, City of Grand Junction.

14. DESCRIBE THE PROCEDURES TO ENSURE SECRECY OF BALLOTS:

A secrecy envelope will be enclosed with each ballot mailed to all active eligible voters on or before October 18, 2004. Voter instructions will specifically ask voters to place the voted ballot in a secrecy envelope when returning the ballot. Ballots initially received are left in sealed envelopes until the final verification. At the time of final verification, when ballot stubs are removed, each election judge will have secrecy envelopes to slip around any ballot (while it's still in the envelope) in the event the voter did not place his/her voted ballot in the secrecy envelope. Ballots rejected with the stub still attached will be alphabetized and locked away nightly. Every D.E.O. staff member will be thoroughly trained on the vital importance and necessity of ballot security.

15. **DESCRIBE THE PROCEDURE TO RECONCILE BALLOTS ISSUED, BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS:** Reconciliation will occur daily for every ballot issued and every ballot received using the DAILY RECONCILIATION FORM (see Exhibit "A") and the DAILY RUNNING TALLY (See Exhibit "C"). Reconciliation will be manual, and each day's current status will be available by 9 am the following morning. FINAL DISPOSITION OF BALLOT RECONCILIATION (see Exhibit "D") will reflect the number of ballots issued and reissued, less the number of ballots accepted, less the number rejected, less the number undeliverable, less the number of ballots returned after the deadline and/or never returned, which will equal the total number of ballots issued. Additionally, a STATEMENT OF BALLOTS (see Exhibit "E") will be placed in each sealed envelope to assure verification with tabulation and the canvass board. Many safeguards have been built into the procedures; and yet the ability to immediately explain and /or access any ballot discrepancy will exist. Double checking by different staff members will occur daily to ensure tracking accuracy.

DATE OF SUBMISSION: _____

ELECTION OFFICIAL SIGNATURE: _____

TITLE: City Clerk/DEO

TIMETABLE ENCLOSED

TIMETABLE
For the conduct of a Mail Ballot Election
(Rule 12.3.3.b)

Please indicate dates by which each item will be completed

<u>08/18/04</u>	Written Plan submitted to governing body.	Rule 12.3.2
<u>08/18/04</u>	Election approved by governing body.	Rule 12.3.3b
no later than <u>09/08/04</u>	Submission of written plan to Secretary of State (55 days prior to election)	1-7.5-105(1) Rule 12.3.2
<u>09/23/04</u>	Last date for approval by Secretary of State (15 days after receipt in Secretary of State's office)	1-7.5-105(2)
<u>09/23/04</u>	Registration records ordered by designated election official from County Clerk and Recorder (at least 40 days prior to election)	1-5-303(1)
<u>10/01/04</u>	List of electors submitted to election official (at least 30 days prior to election)	1-7.5-107(2)(a)
<u>10/04/04</u>	Close of registration (29 days prior)	1-2-201(3)
10/08/04 through <u>10/18/04</u>	Ballots mailed (not sooner than 25 days and no later than 15 days prior)	1-7.5-107(3)(a)
<u>10/08/04</u>	Ballots available at election official's office (no sooner than 25 days prior)	1-7.5-107(3)(c)
<u>10/12/04</u>	Notice of election to electorate (at least 20 days prior) with copy to County Clerk	1-5-205(2) 1-7.5-107(2.5)
<u>10/13/04</u>	Notice of election to County Clerk & Recorder	Rule 12.3.1a
<u>10/13/04</u>	Notice of election to County Assessor	1-5-304
<u>10/13/04</u>	Publish Notice of Election	1-7.5-107(2.5)(a)
<u>10/13/04</u>	Supplemental list of electors submitted (at least 20 days prior)	1-7.5-107(2)(b)
<u>10/23/04</u>	Verification of ballot numbers to pollbook (may begin at any time during the 10 days before)	1-7.5-107.5
<u>11/02/04</u>	Election day	31-10-108 City Charter, §3

11/04/04

**Canvass dates/certification issued
(canvass no later than 2 days after the election)**

**City Charter, §25
Rule 12.12**

Exhibit "A"

November 2, 2004

Today's date: _____

1. Total number of ballots received _____

Information on return envelope verified Yes _____ No _____

2. Less number ballots rejected in first verification
-insufficient information on return verification envelope _____

3. Less number ballots rejected in second verification
-ballot number does not match poll book _____

4. Less reissued ballots pending final receipt of ballots _____

5. Equals total number ballots approved for final count
1-2-3-4=5 _____

Number of ballots challenged _____

Spoiled _____ Incomplete _____ Damaged _____ Void _____ Undeliverable _____

Total rejected ballots _____
2+3

Hand count _____ Judge's Int _____
= 5

Electronic count _____ Judge's Int _____
= 5

Seal Number _____ Judge's Signature:

Seal Number _____ Judge's Signature

Date of reseal _____

EXHIBIT "B"

Request for Ballot

Original ballot number _____

November 2, 2004

Replacement number _____

Date _____

I _____, registered elector of the Grand Junction Downtown Development Authority, City of Grand Junction at _____

Residence Address City/Town Zip

Request a ballot for the November 2, 2004 Special Election for the following reason(s):

I was not issued a ballot due to eligibility (Voter record shown as inactive)

I have not as of this date received the ballot packet mailed to me

The ballot I received was destroyed or marked incorrectly

I have not voted a ballot issued for this election and I do not intend to vote except by voting this replacement ballot.

The original ballot issued me will not be cast and if the original and the replacement ballot are cast, neither will be counted in this election.

I understand that this sworn statement must be included in the return verification envelope with the marked ballot and must be received by 4:00 p.m. on Election Day for this replacement ballot to be counted.

SIGN
HERE

Date of Birth

STATE OF COLORADO, COUNTY OF MESA, SS:

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2004.

Clerk/Deputy/Notary

(Seal)

My Commission expires : _____

EXHIBIT "C"

November 2, 2004

Today's Date _____

Number of Original Mailings _____

Number of spoiled ballots _____

Number of ballots reissued _____

Number of ballots issued to inactive voters _____

Number of ballots received _____

Number of ballots approved for final count _____

1. Number of Original Mailings _____

2. Number of ballots reissued _____

3. Number of ballots issued to inactive voters _____

4. Number of ballots spoiled _____

Total ballots issued $1+2+3-4=$ _____

Total of ballots received _____

Total rejected ballots - _____

Total pending ballots - _____

Total of ballots approved for final count _____

EXHIBIT "D"

FINAL DISPOSITION OF MAIL BALLOT ELECTION

ISSUED/REISSUED:

ACCEPTED:

REJECTED:

SPOILED

VOID

INCOMPLETE

DAMAGED

SIGNATURE

UNDELIVERABLE

RETURNED AFTER DEADLINE

NEVER RETURNED

EXHIBIT "E"

MAIL BALLOT ELECTION
November 2, 2004

**GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY, CITY OF GRAND
JUNCTION, MESA COUNTY, COLORADO**

DATE OF BALLOT RECEIPT _____

NUMBER OF BALLOTS RECEIVED _____

NUMBER OF BALLOTS IN THIS TRANSFER CASE _____

TRANSFER CASE FOR THIS DAY'S RECEIPTS _____ OF _____

SEAL # _____

JUDGES SIGNATURES

TEAMWORK COUNT

Attach 3
Outdoor Dining Lease for Pablo's Pizza
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Sidewalk Dining – Pablo's Pizza					
Meeting Date	August 18, 2004					
Date Prepared	August 10, 2004				File #	
Author	Harold Stalf			Executive Director/DDA		
Presenter Name	Harold Stalf			Executive Director/DDA		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main Street. Knaysi Enterprises, Inc. (DBA Pablo's) at 319 Main St., has submitted an application for a revocable permit for use of the public right-of-way in front of their business. This business has the required permit from the DDA for use of the sidewalk, but is required to have a revocable license from the City of Grand Junction to expand their licensed premise.

Budget: No expenditures are required.

Action Requested/Recommendation: Adopt Resolution Authorizing the City Manager to Sign the Lease Agreement for the Extension of the Premises into the Public Right-of-Way

Attachments:

- Resolution with Outdoor Dining Lease
- Drawing of the Proposed Extension
- Written Consent from Adjacent Businesses

Background Information: Council approved the expansion of sidewalk dining with liquor service in July of this year. However, at that time it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor license. Approval of these leases will allow for the applicants to

apply for expansion of their premise through the proper State and City agencies. Written consent from the adjacent property owners is attached which permits perpendicular installation of the required fencing.

The permits include standards for appropriate fencing, access and control of the premise and is in keeping with the standards that have been in place in other communities in the state over the past several decades.

RESOLUTION NO. -04

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY
TO KNAYSI ENTERPRISES, INC.**

WHEREAS, the City has negotiated an agreement for Knaysi Enterprises, Inc. to lease a portion of the sidewalk right-of-way located in front of 319 Main Street from the City for use as outdoor dining; and

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to Knaysi Enterprises, Inc.

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

The City Manager is hereby authorized and directed to sign the attached Lease Agreement leasing the city-owned sidewalk right-of-way for \$200 per year to Knaysi Enterprises, Inc.

PASSED and ADOPTED this _____ day of _____, 2004.

The City Council of the City of Grand Junction

Council President Bruce Hill

Attest:

Stephanie Tuin, City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of August 10th, 2004 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and Knaysi Enterprises, Inc., an individual, partnership, corporation, as Lessee, hereinafter Lessee.

RECITALS.

The City by ordinance number 3650 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street.

In accordance with that authority the City Council and the Downtown Development Authority (DDA) desire to make certain areas of the sidewalk in DSP available by lease to abutting land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. The City does hereby lease to Lessee approximately 200 square feet of the sidewalk in the DSP located in front of 319 Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of 8' feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
- 2.
3. The term of this lease shall be for a period of one year beginning on August 18th, 2004 and terminating on August 18th, 2005. Rent shall be calculated at \$ 1.00 per square foot. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$200.00 which sum shall be payable in advance on or before August 18th, 2004, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

If the rent payment is not paid in full when due, a Lease shall not issue.

3. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 10:00 p.m. Food

shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.

4. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of Grand Junction. Further, lessee agrees to comply with all reasonable recommendations by DDA relating to the use of the Leased Area. Prior to alcohol service the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Modification of the licensed premises, in accordance with Colorado law, is a precondition to the authority this lease.**
5. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
6. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificates(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.
7. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:

- a. Not be wider than the street frontage of the business nor extend further than a maximum of 8' feet from the edge of the Lessee's building ensuring that such extension does not impede pedestrian traffic.
- b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
- c. The Leased Area may not be an island; i.e., the perimeter enclosure around the Leased Area shall abut the Lessee's building and business.
- d. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
- e. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
- f. No cooking shall be located on the Leased Area.
- g. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
- h. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.

- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
- j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.

6. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.

7. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.

8. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.

9. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.

10. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

11. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

12. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled

to recover from the other party all of its cost, including reasonable attorney's fees.

13. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

14. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

15. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Lessee:
Knaysi Enterprises Inc.
319 Main Street
Grand Junction, Co. 81501

CITY OF GRAND JUNCTION

City Manager

LESSEE

Business Owner

To: Pablo's Pizza
From: Cheryl Hogan, Owner Original Accents
Date: August 10, 2004
Subject: Fence for Alcohol Permit

I approve of Pablo's Pizza placing a fence adjacent to my business at a 90 degree angle,
as permitted by the City of Grand Junction Lease agreement.


Sincerely


Cheryl Hogan
Owner, Original Accents

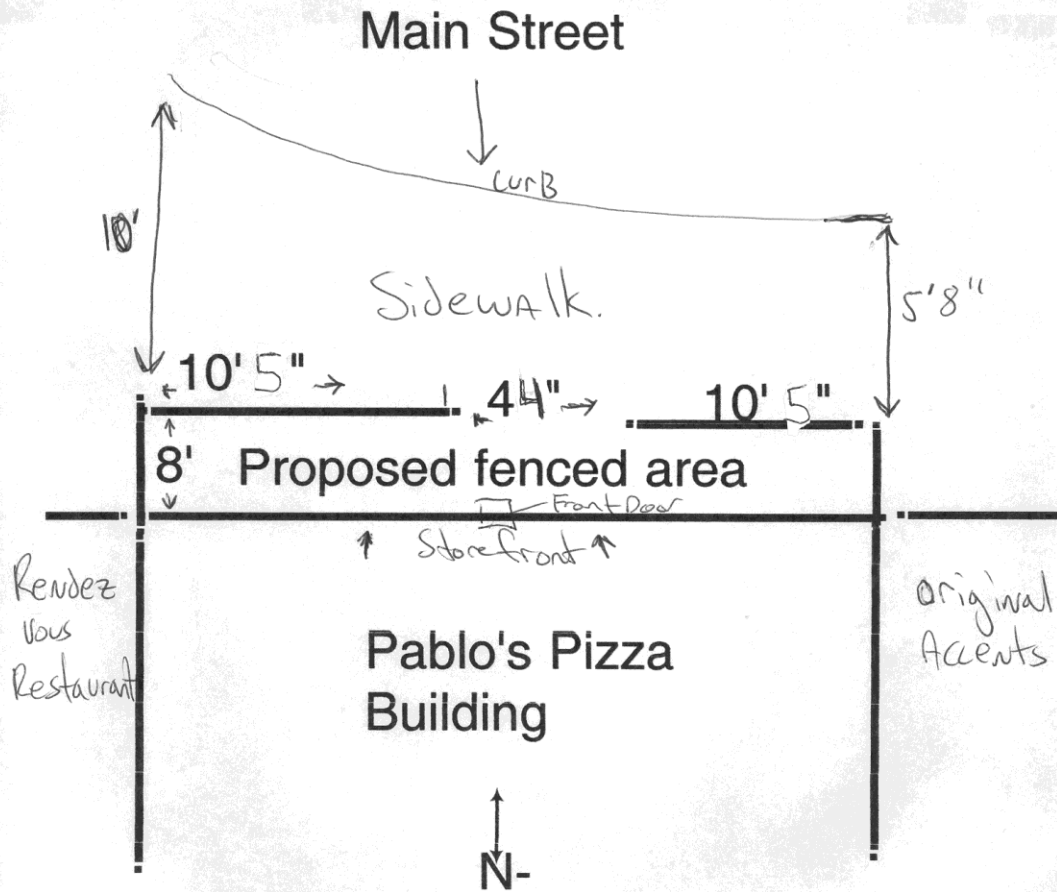
To: Pablo's Pizza
From: John Barbier,
Date: August 10, 2004
Subject: Fence for Alcohol Permit

I approve of Pablo's Pizza placing a fence adjacent to my business at a 90 degree angle,
as permitted by the City of Grand Junction Lease agreement.

Sincerely


John Barbier
Owner, Rendez-Vous

Pablo's Pizza Proposed Outdoor Dining



Pablo's Pizza will post signs on the outer fence stating "No alcohol permitted beyond this fence".

Attach 4
Outdoor Dining Lease for Il Bistro Italiano
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Sidewalk Dining – Il Bistro					
Meeting Date	August 18, 2004					
Date Prepared	August 10, 2004				File #	
Author	Harold Stalf			Executive Director/DDA		
Presenter Name	Harold Stalf			Executive Director/DDA		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main St. Bon Appetito, Inc. (DBA Il Bistro Italiano) at 400 Main St., has submitted an application for a revocable permit for use of the public right-of-way in front of their business. This business has the required permit from the DDA for use of the sidewalk, but is required to have a revocable license from the City of Grand Junction to expand their licensed premise.

Budget: No expenditures are required.

Action Requested/Recommendation: Adopt Resolution Authorizing the City Manager to Sign the Lease Agreement for the Extension of the Premises into the Public Right-of-Way

Attachments:
 Resolution with Outdoor Dining Lease
 Drawing of the Proposed Extension
 Written Consent from Adjacent Business

Background Information: Council approved the expansion of sidewalk dining with liquor service in July of this year. However, at that time it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their

individual liquor licensed. Approval of these leases will allow for the applicants to apply for expansion of their premise through the proper State and City agencies. Written permission permitting perpendicular installation of the required fencing for this permit will be provided.

The permits include standards for appropriate fencing, access and control of the premise and is in keeping with the standards that have been in place in other communities in the state over the past several decades.

RESOLUTION NO. -04

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY
TO BON APPETITO, INC.**

WHEREAS, the City has negotiated an agreement for Bon Appetito, Inc. to lease a portion of the sidewalk right-of-way located in front of 400 Main Street from the City for use as outdoor dining; and

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to Bon Appetito, Inc.

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

The City Manager is hereby authorized and directed to sign the attached Lease Agreement leasing the city-owned sidewalk right-of-way for \$277 per year to Bon Appetito, Inc.

PASSED and ADOPTED this _____ day of _____, 2004.

The City Council of the City of Grand Junction

Council President Bruce Hill

Attest:

Stephanie Tuin, City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of August 10th, 2004 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and Bon Appetito, Inc., a corporation, as Lessee, hereinafter Lessee.

RECITALS.

The City by ordinance number 3650 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street.

In accordance with that authority the City Council and the Downtown Development Authority (DDA) desire to make certain areas of the sidewalk in DSP available by lease to abutting land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

4. The City does hereby lease to Lessee approximately 277 square feet of the sidewalk in the DSP located in front of 400 Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of 7'6" feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
5. The term of this lease shall be for a period of one year beginning on August 18th, 2004 and terminating on August 18th, 2005. Rent shall be calculated at \$ 1.00 per square foot. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$277.00 which sum shall be payable in advance on or before August 18th, 2004, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

If the rent payment is not paid in full when due, a Lease shall not issue.

3. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during

the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 10:00 p.m. Food shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.

4. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of Grand Junction. Further, lessee agrees to comply with all reasonable recommendations by DDA relating to the use of the Leased Area. Prior to alcohol service the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Modification of the licensed premises, in accordance with Colorado law, is a precondition to the authority this lease.**
5. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
6. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificates(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

7. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:
 - a. Not be wider than the street frontage of the business nor extend further than a maximum of 7'6" feet from the edge of the Lessee's building ensuring that such extension does not impede pedestrian traffic.
 - b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
 - c. The Leased Area may not be an island; i.e., the perimeter enclosure around the Leased Area shall abut the Lessee's building and business.
 - d. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
 - e. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
 - f. No cooking shall be located on the Leased Area.
 - g. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
 - h. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.

- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
- j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.

6. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.

7. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.

8. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.

9. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.

10. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

11. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

12. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled

to recover from the other party all of its cost, including reasonable attorney's fees.

13. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

14. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

15. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

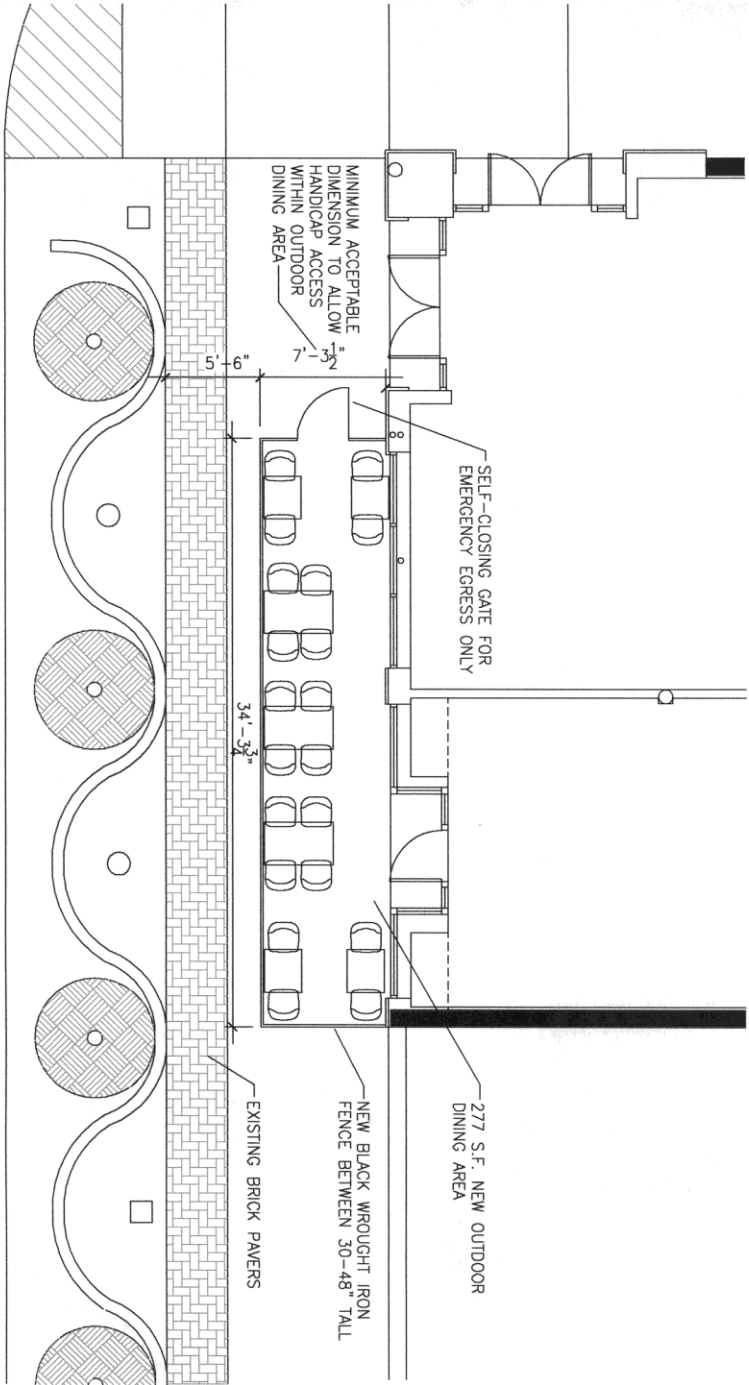
Lessee:
Bon Appetito, Inc
400 Main Street
Grand Junction, Co. 81501

CITY OF GRAND JUNCTION

City Manager

LESSEE

Business Owner



DKO

ARCHITECTURE, PC
 336 MAIN STREET, SUITE 209
 GRAND JUNCTION, CO 81501
 (970) 256 9792 FAX: (970) 256 1011

"THE POWER OF IMAGINATION"

IL BISTROT ITALIANO

09 AUGUST 2004

SCALE: 1/8" = 1'-0"





Cabinets by Design, inc.

412 Main St. • Grand Junction, CO 81501
(970) 242-5095 Fax: (970) 242-3824

August 16, 2004

Mr. Ron Hall
il Bistro Italiano
400 Main Street
Grand Junction, CO 81501

Re: Sidewalk perimeter enclosure

Dear Ron:

As the owner of Cabinets by Design, 412 Main Street, I support your petition to build the perimeter enclosure for sidewalk seating with the enclosure starting at a 90 degree angle from the front wall of your building adjacent to our location.

Sincerely,



Jim Comerford
President

Attach 5
Setting a Hearing on Rezoning the Ice Skating Inc. Property
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Rezoning the Ice Skating Inc property, located at 2515 River Road, from I-1 (Light Industrial) to CSR (Community Services & Recreation)						
Meeting Date		August 18, 2004						
Date Prepared		August 6, 2004			File #RZ-2004-125			
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 rezone the Ice Skating Inc property from I-1 (Light Industrial) to CSR (Community Services & Recreation), located at 2515 River Rd.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for September 1, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2515 River Road		
Applicants:		Owner: Ice Skating, Inc – Curt Maki Representative: Blythe Design – Roy Blythe		
Existing Land Use:		Vacant		
Proposed Land Use:		Ice Skating Rink		
Surrounding Land Use:	North	Truck depot		
	South	Industrial storage		
	East	River Road, Railroad, Rimrock shopping center		
	West	Colorado River		
Existing Zoning:		I-1		
Proposed Zoning:		CSR		
Surrounding Zoning:	North	C-2		
	South	I-2		
	East	C-2		
	West	CSR / County AFT (RSF-R)		
Growth Plan Designation:		Commercial / Industrial		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

Rezoning: The requested rezone to the CSR district is consistent with the Growth Plan Goals and Policies. The existing zoning is I-1.

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 zoning was not in error at time of adoption with the conditions that existed at the time. However, the Riverside Parkway was not planned at the time the zoning was put in place. Had it been, a different zoning category might have been chosen for this area.

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

Response: The character of the neighborhood is in transition. With the opening of the new family recreation facility, Bananas Fun Park, the area is becoming less industrial in nature and more general commercial and recreational. Plans for the Riverside Parkway also create a gateway into the area that feels less industrial and is more pedestrian and bicycle friendly.

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

Response: This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the CSR zone district, therefore this criterion is met.

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

Response: The requested CSR zone district implements Goal 11, Policy 11.2; Goal 13, Policy 13.2; Goal 20, Policy 20.2; and Goal 23, Policies 23.8, 23.10 of the Growth Plan and conforms with other adopted plans, Codes, 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 currently available and can address the impacts of development consistent with the CSR zone district.

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

Response: The CSR zone district exists in limited places within the City of Grand Junction and is specifically reserved to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. This site will further the purposes of the CSR zone district.

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

Response: The CSR zone district exists in limited places within the City of Grand Junction and is specifically reserved to provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. This site will further the purposes of the CSR zone district.

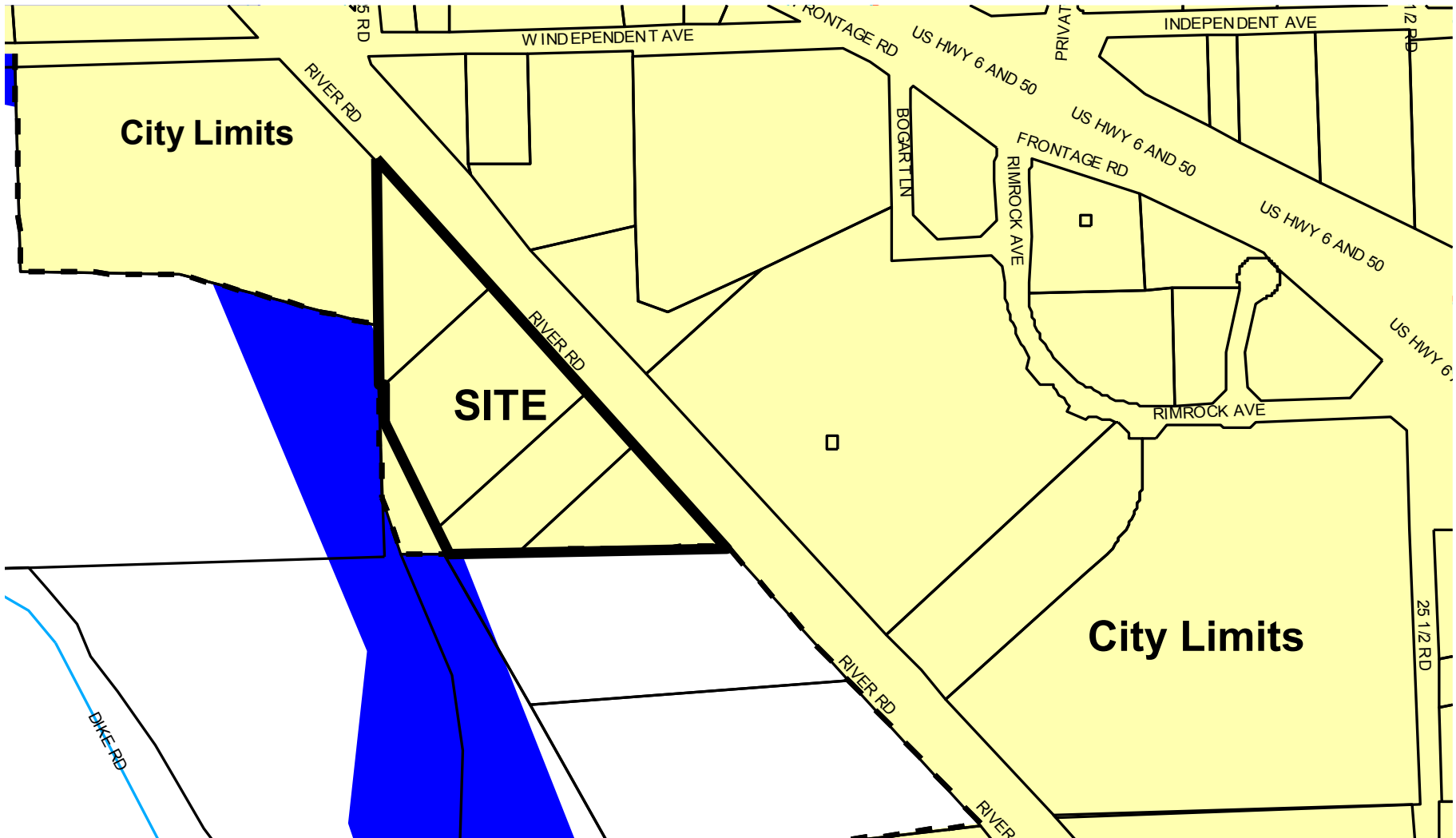
STAFF RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested rezone to the City Council, finding the zoning to the CSR district to be consistent with the Growth Plan and Section 2.6 the Zoning and Development Code.

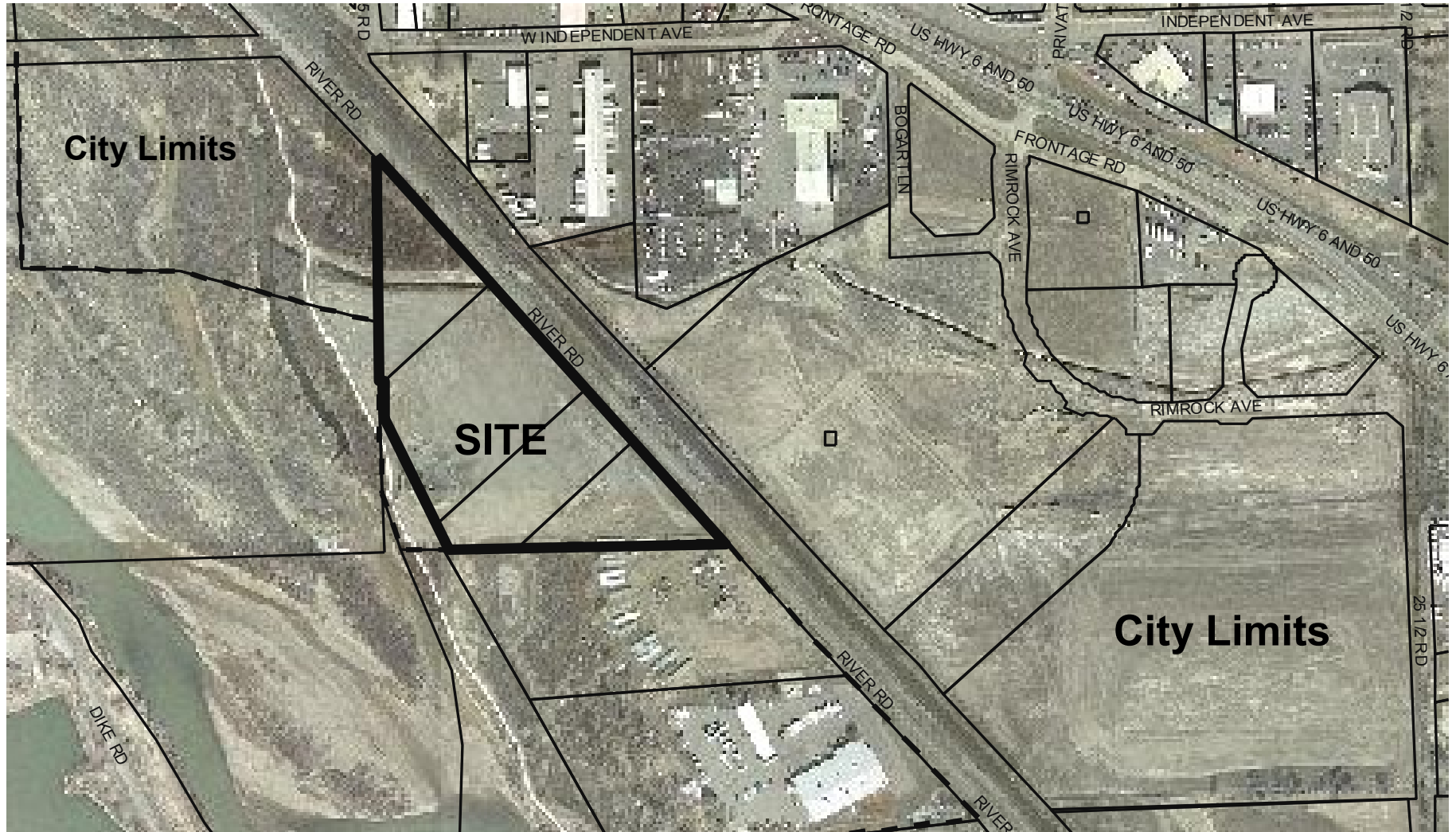
Site Location Map

Figure 1



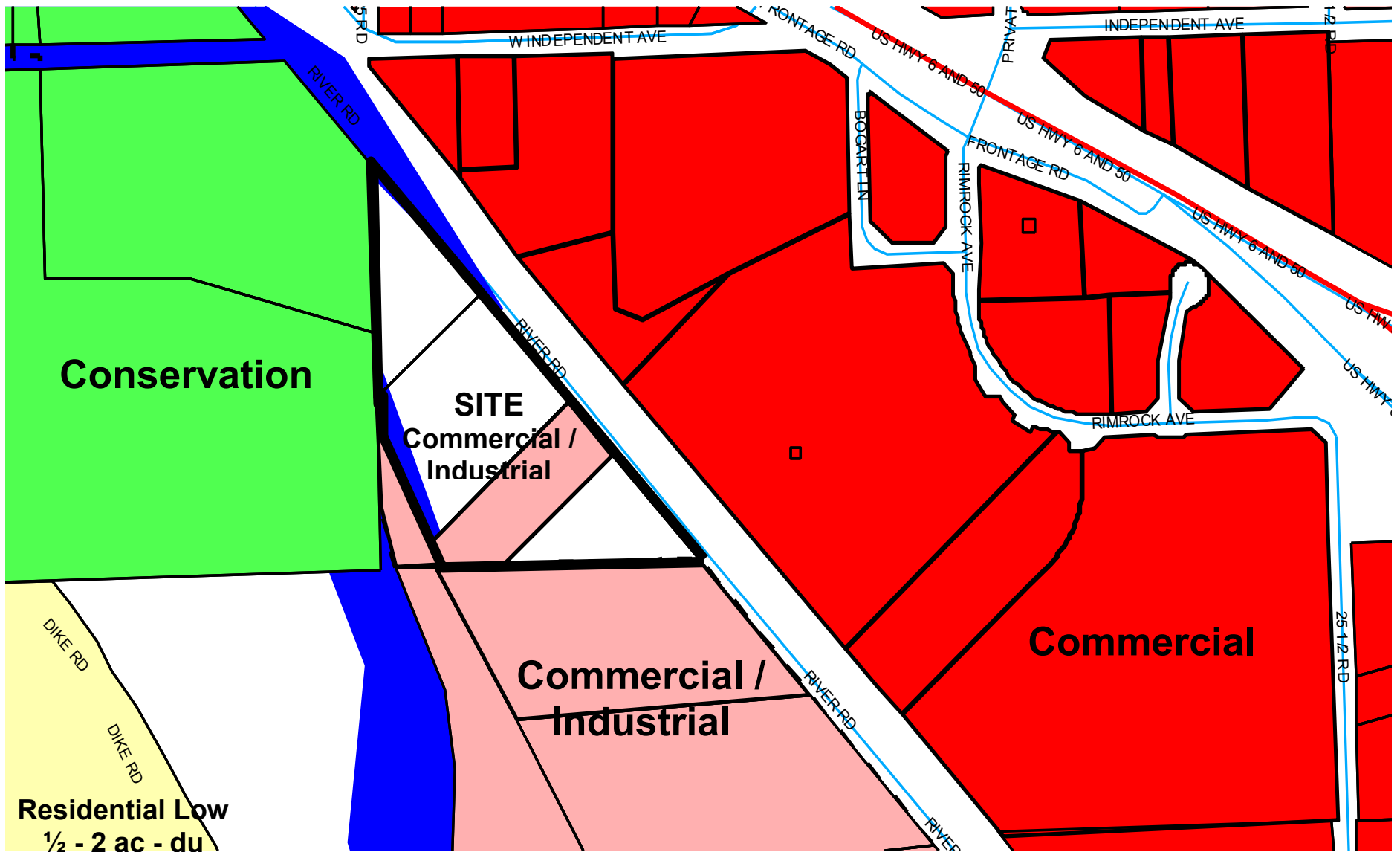
Aerial Photo Map

Figure 2



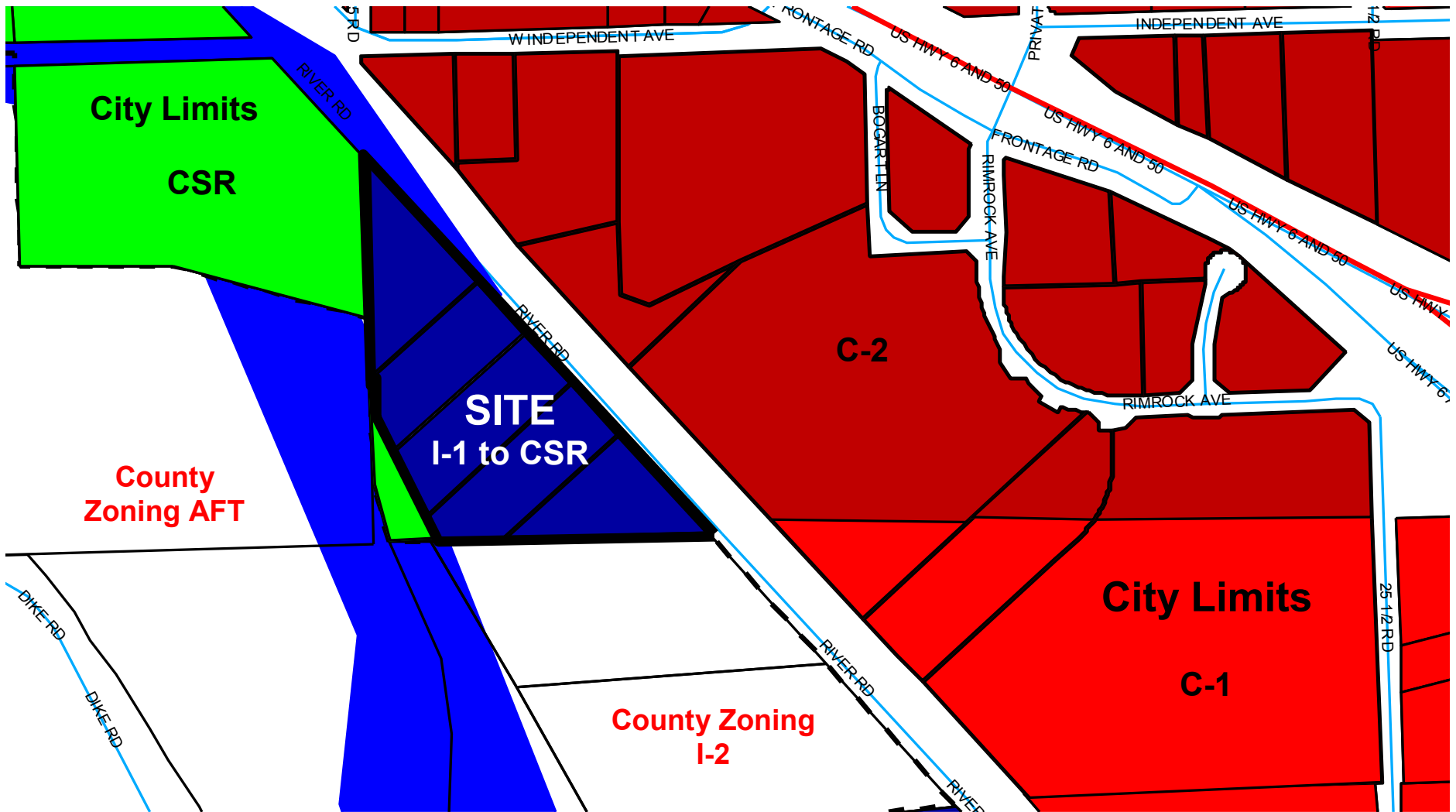
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE ICE SKATING INC PROPERTY TO
CSR (COMMUNITY SERVICES AND RECREATION)**

LOCATED AT 2515 RIVER 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 Ice Skating Inc to the CSR zone district for the following reasons:

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

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

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

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

The following property shall be rezoned **CSR (Community Services and Recreation)**.

Parcel No. 1: All of Lot 1 of Redco Industrial Park, situate in the SW ¼ of the SW ¼ of Section 10, 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 13 at Page 16 in the office of the Mesa County Clerk and Recorder, EXCEPT that parcel of land conveyed to the City of Grand Junction by instrument recorded in Book 2040 at Page 524, AND ALSO EXCEPT right-of-way for River Road conveyed to the City of Grand Junction by instrument recorded in Book 3670 at Pages 660 through 665; and also

Parcel No. 2: All of Lot 2 of Redco Industrial Park, situate in the SW ¼ of the SW ¼ of Section 10, 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 13 at Page 16 in the office of the Mesa County Clerk and Recorder, EXCEPT that parcel of land

conveyed to the City of Grand Junction by instrument recorded in Book 2040 at Page 524 AND ALSO EXCEPT right-of-way for River Road conveyed to the City of Grand Junction by instrument recorded in Book 3670 at Pages 660 through 665; and also

Parcel No. 3: All of Lot 3 of Redco Industrial Park, situate in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, 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 13 at Page 16 in the office of the Mesa County Clerk and Recorder, EXCEPT that parcel of land conveyed to the City of Grand Junction by instrument recorded in Book 2040 at Page 524 AND ALSO EXCEPT right-of-way for River Road conveyed to the City of Grand Junction by instrument recorded in Book 3670 at Pages 660 through 665; and also

Parcel No. 4: All of Lot 4 of Redco Industrial Park, situate in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, 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 13 at Page 16 in the office of the Mesa County Clerk and Recorder, EXCEPT right-of-way for River Road conveyed to the City of Grand Junction by instrument recorded in Book 3670 at Pages 660 through 665; and also

Parcel No. 5: A parcel of land situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows: Commencing at a found Mesa County Survey Marker for the S $\frac{1}{16}$ corner on the West boundary of said Section 10; thence S $00^{\circ}02'41''$ E along the West line of said Section 10 a distance of 294.66 feet to the Point of Beginning; thence leaving the West line of said Section 10, S $41^{\circ}18'34''$ E along the Southerly right-of-way line for River Road a distance of 437.42 feet to the Northernmost corner of Redco Industrial Park as recorded in Plat Book 13 at Page 16 in the office of the Mesa County Clerk and Recorder; thence S $49^{\circ}05'00''$ W along the Northerly boundary line of Redco Industrial Park a distance of 381.52 feet to the Northwest corner of Redco Industrial Park, said point being on the West line of said Section 10; thence N $00^{\circ}02'41''$ W along the West line of said Section 10 a distance of 578.45 feet to the Point of Beginning, EXCEPT right-of-way for River Road conveyed to the City of Grand Junction by instrument recorded in Book 3670 at Pages 660 through 665.

CONTAINING 9.4 Acres (409,464 Sq. Ft.), more or less, as described.

Introduced on first reading this 18th day of August, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 6

**Setting a Hearing on Zoning the Castanha Annexation 1, 2, 3 & 4
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Zoning the Castanha Annexation 1, 2, 3 & 4						
Meeting Date	August 18, 2004						
Date Prepared	August 6, 2004				File #ANX-2004-135		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Castanha Annexation, a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 8. Staff report/Background information
- 9. General Location Map
- 10. Aerial Photo
- 11. Future Land Use Map
- 12. Zoning Map
- 13. Annexation map
- 14. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION

Location:		2250 Saddlehorn Road		
Applicants: < Prop owner, developer, representative>		John and Susan Castanha, owners Rolland Engineering, representative		
Existing Land Use:		Single family residence		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-4 (Mesa County)		
Proposed Zoning:		RSF-2 (Residential Single-Family, not to exceed 2 dwelling units per acre)		
Surrounding Zoning:	North	RSF-4 (Mesa County)		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre		
Zoning within density range?		X	Yes	No

Staff Analysis:

Rezoning: The requested zone of annexation to the RSF-2 zoning district is consistent with the Growth Plan density of “residential medium low”, 2 to 4 dwelling units per acre. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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 criterion 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 criterion is not applicable.

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

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

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

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

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

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

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

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

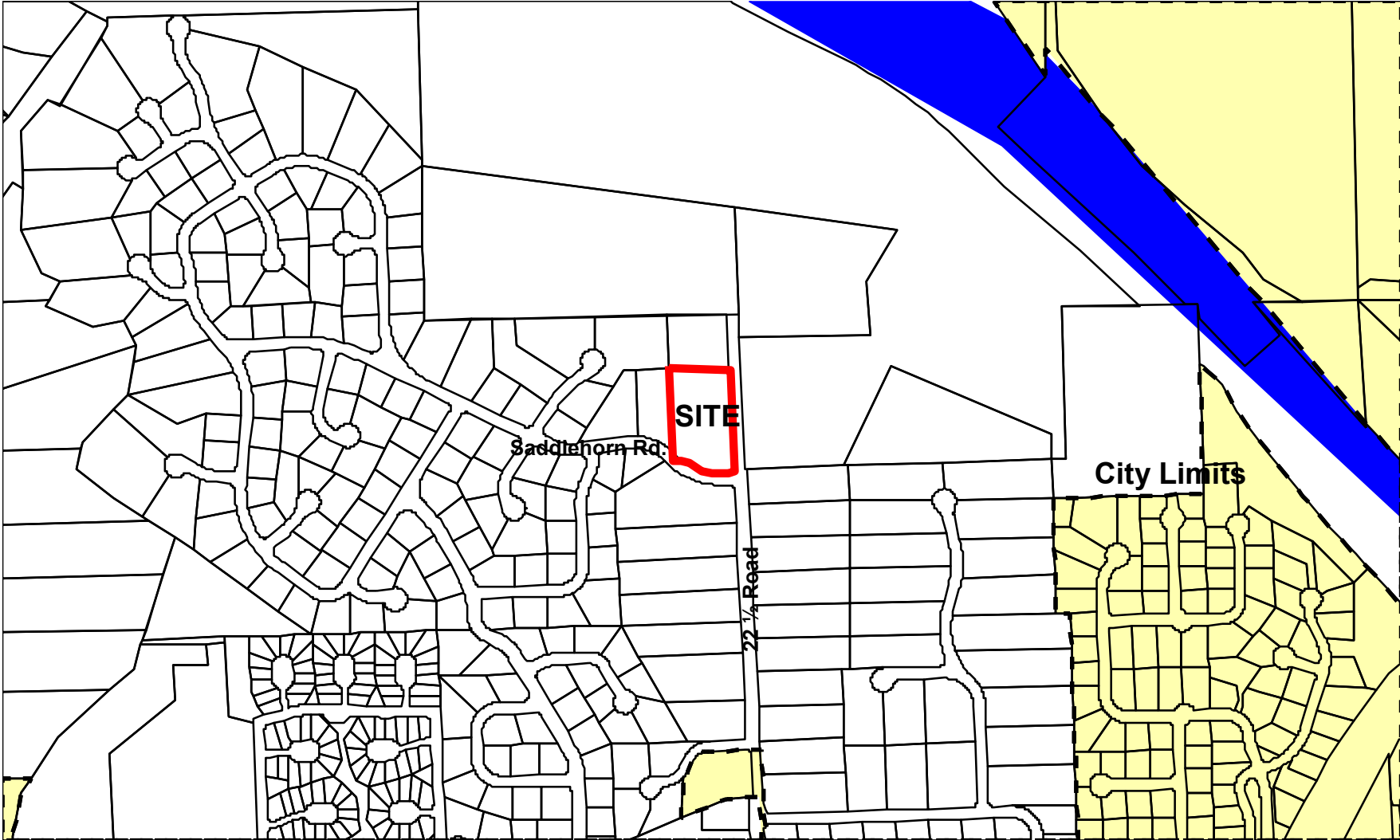
STAFF RECOMMENDATION:

Staff recommends approval of the RSF-2 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: At their regularly scheduled meeting of August 10, 2003, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-2 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

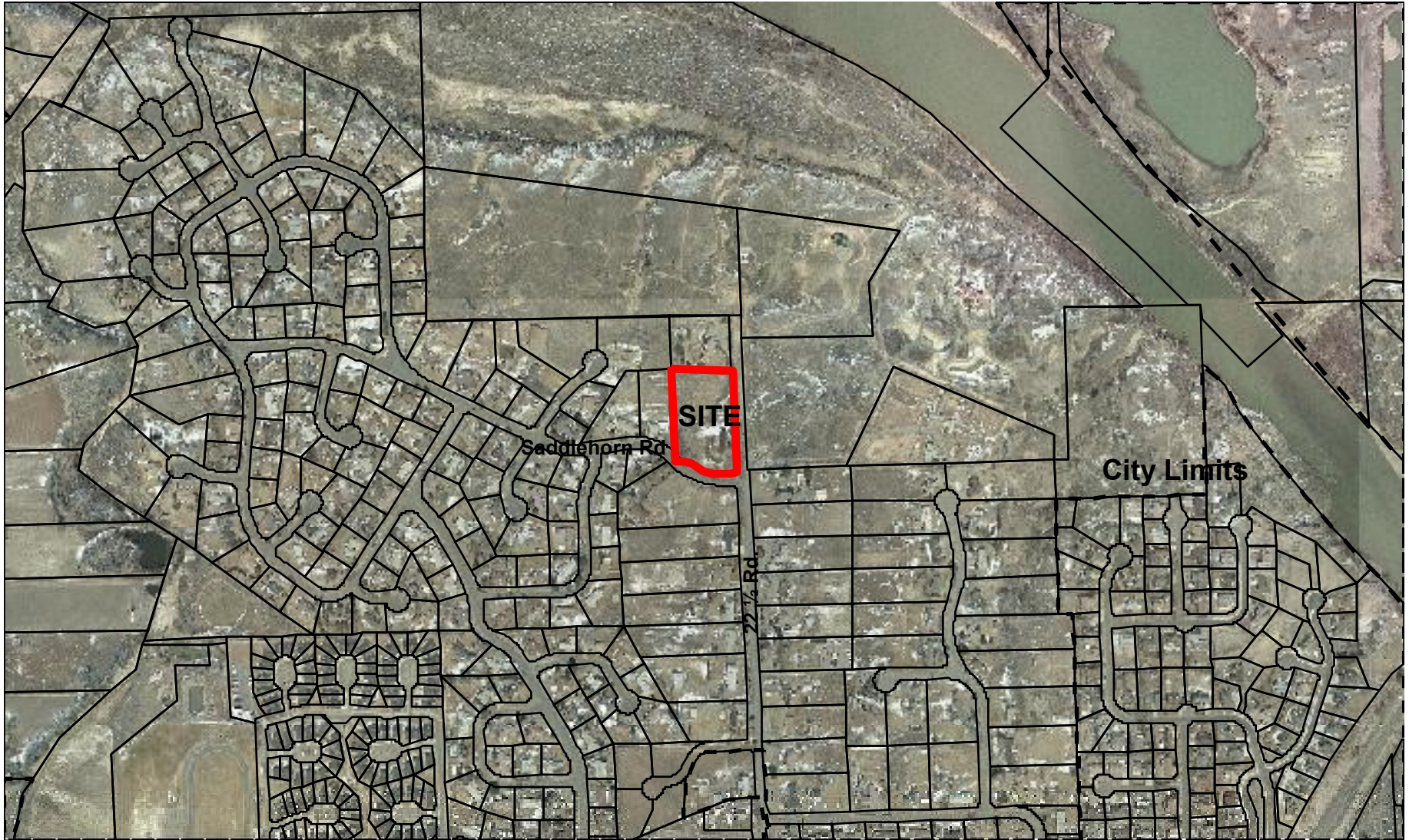
Site Location Map

Figure 1



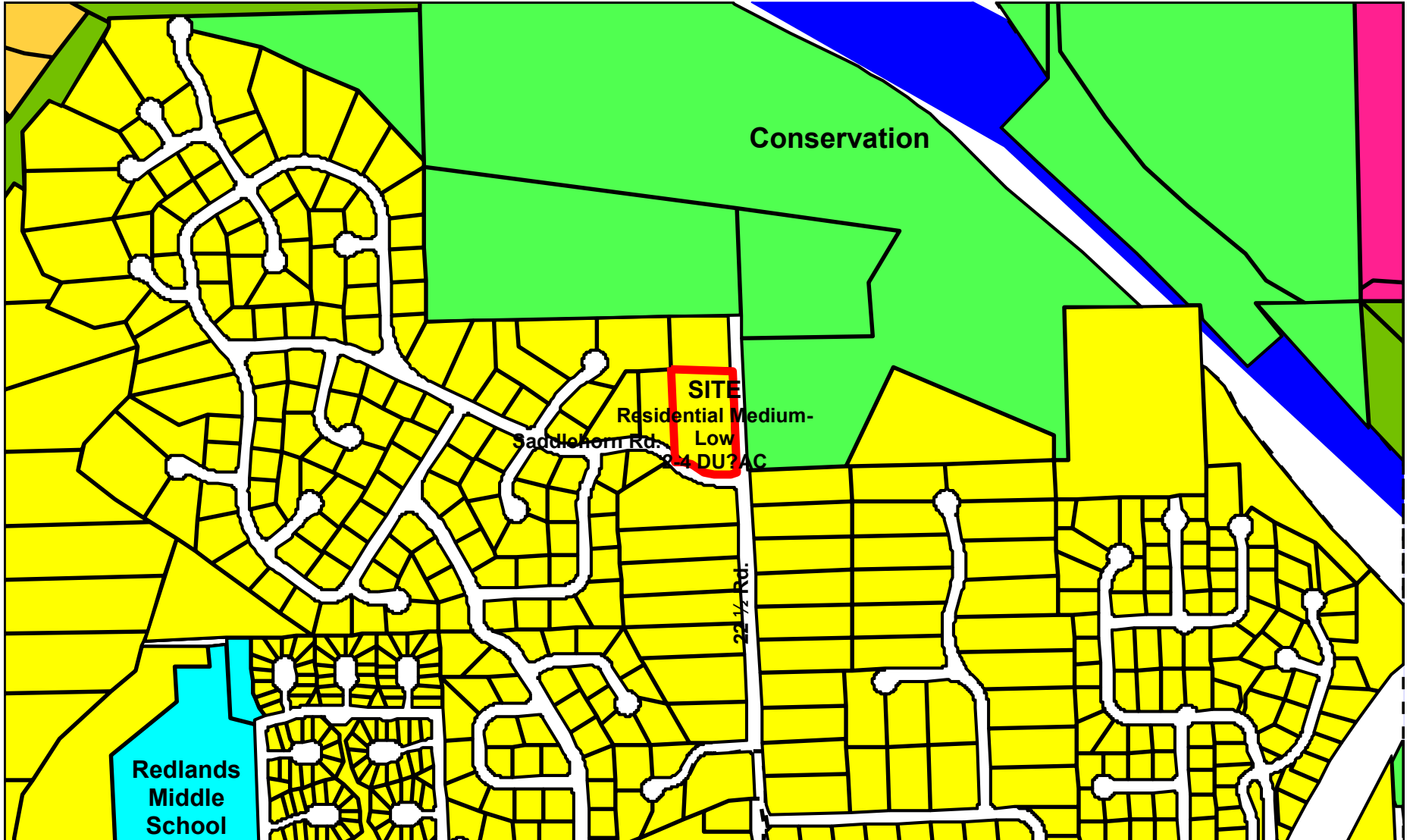
Aerial Photo Map

Figure 2



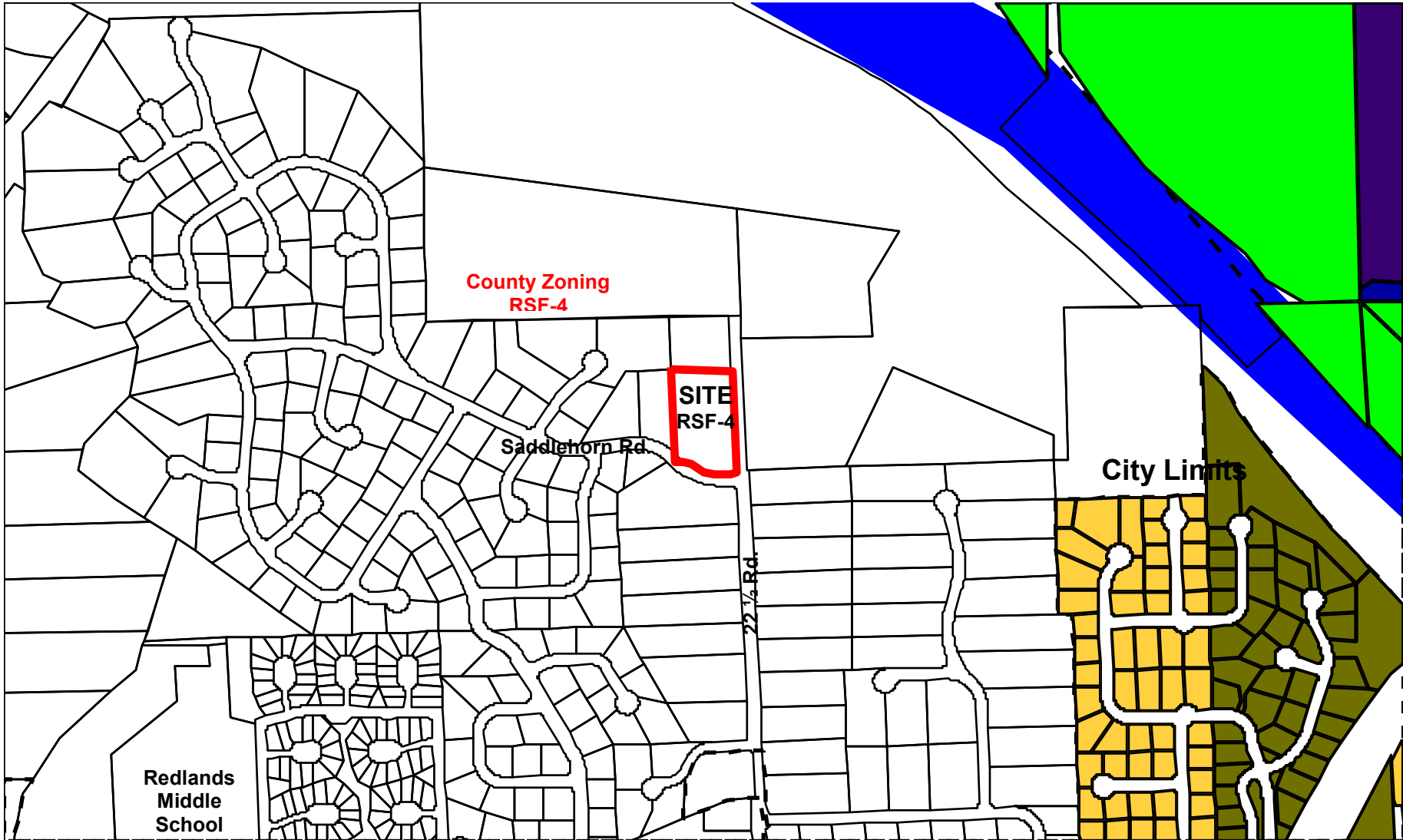
Future Land Use Map

Figure 3



Existing City and County Zoning

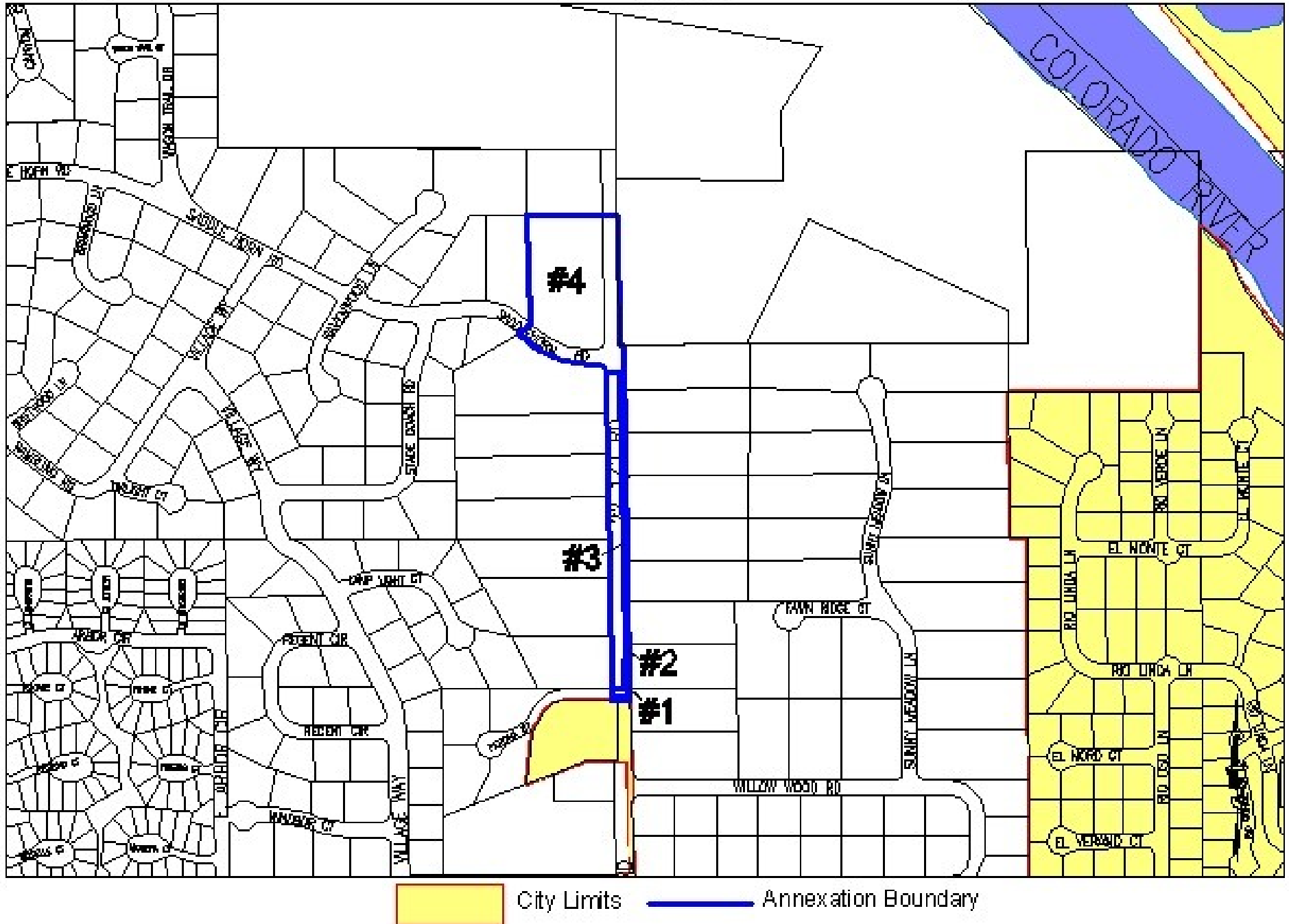
Figure 4



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

Castanha Annexations 1, 2, 3, & 4

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE CASTANHA ANNEXATION TO RESIDENTIAL SINGLE FAMILY (RSF-2) NOT TO EXCEED 2 DWELLING UNITS PER ACRE

LOCATED AT 2250 SADDLEHORN 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 applying an RSF-2 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned the Residential Single Family (RSF-2) zone district, not to exceed 2 dwelling units per acre.

Includes the following tax parcel 2945-072-06-001

CASTANHA ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 9, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°28'40" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 428.59 feet; thence N 98°31' 20" E a distance of 10.00 feet to a point being the Northwest corner of Lot 1, Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado; thence S 00°28'40" E along the West line of said Redlands

Village Acres Filing No. 1, a distance of 724.49 feet; thence S 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, with a long chord bearing of N 44°58'40" W and a long chord length of 35.05 feet; thence 38.83 feet Northwesterly along the arc of said curve, through a central angle of 89°00'00"; thence N 89°28'40" W, along the South right of way for Saddle Horn Road, a distance of 25.86 feet to a point being the beginning of a 325.00 foot radius curve, concave Northeast, with a long chord bearing of N 65°50'40" W and a long chord length of 260.57 feet; thence continuing along the South right of way for said Saddle Horn Road, 268.11 Northwesterly along the arc of said curve, through a central angle of 47°16'00"; thence N 47°47'58" E a distance of 50.00 feet to a point being the Southwest corner of said Lot 1, Block 9; thence N 00°28'40" W along the West line of said Lot 1, Block 9, a distance of 356.60 feet to a point being the Northwest corner of said Lot 1, Block 9; thence S 89°28'540" E, along the North line of said Lot 1, Block 9, a distance of 250.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.535 Acres (153,997.3 Sq. Ft.), more or less, as described.

Introduced on first reading this 18th day of August, 2004.

PASSED and ADOPTED on second reading this ___ day of _____, 2004.

Mayor

ATTEST:

City Clerk

Attach 7

**Setting a Hearing for the Prairie View Annexations No. 1 and 2
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Setting a hearing for the Prairie View Annexations No. 1 and 2, located at 474 Dodge Street and 3038 Mohawk Avenue					
Meeting Date		August 18, 2004					
Date Prepared		August 9, 2004			File #ANX-2004-141		
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: Resolution referring a petition for annexation and introduction of the proposed ordinances. The 8.929 acre Prairie View Annexations No. 1 and 2 consists of 2 parcels located at 474 Dodge Street and 3038 Mohawk Avenue, and is a two part serial annexation.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the annexation petition and introduction of the proposed Annexation Ordinances, exercise land use jurisdiction immediately and set a hearing for October 6, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

- 15. Staff report/Background information
- 16. Site Location Map (Figure 1)
- 17. Aerial Photo Map (Figure 2)
- 18. Future Land Use Map (Figure 3)
- 19. Existing City and County Zoning Map (Figure 4)
- 20. Annexation Map (Figure 5)
- 21. Resolution Referring Petition
- 22. Annexation Ordinances

STAFF REPORT / BACKGROUND INFORMATION				
Location:		474 Dodge Street and 3038 Mohawk Avenue		
Applicants:		Charlene Anderson, Deborah Kay Ereth and Condor Properties, LLC		
Existing Land Use:		Residential/Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		RMF-5		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-R		
	East	City RMF-5		
	West	County RMF-5		
Growth Plan Designation:		Residential Medium, 4-8 DU/AC		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be

expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

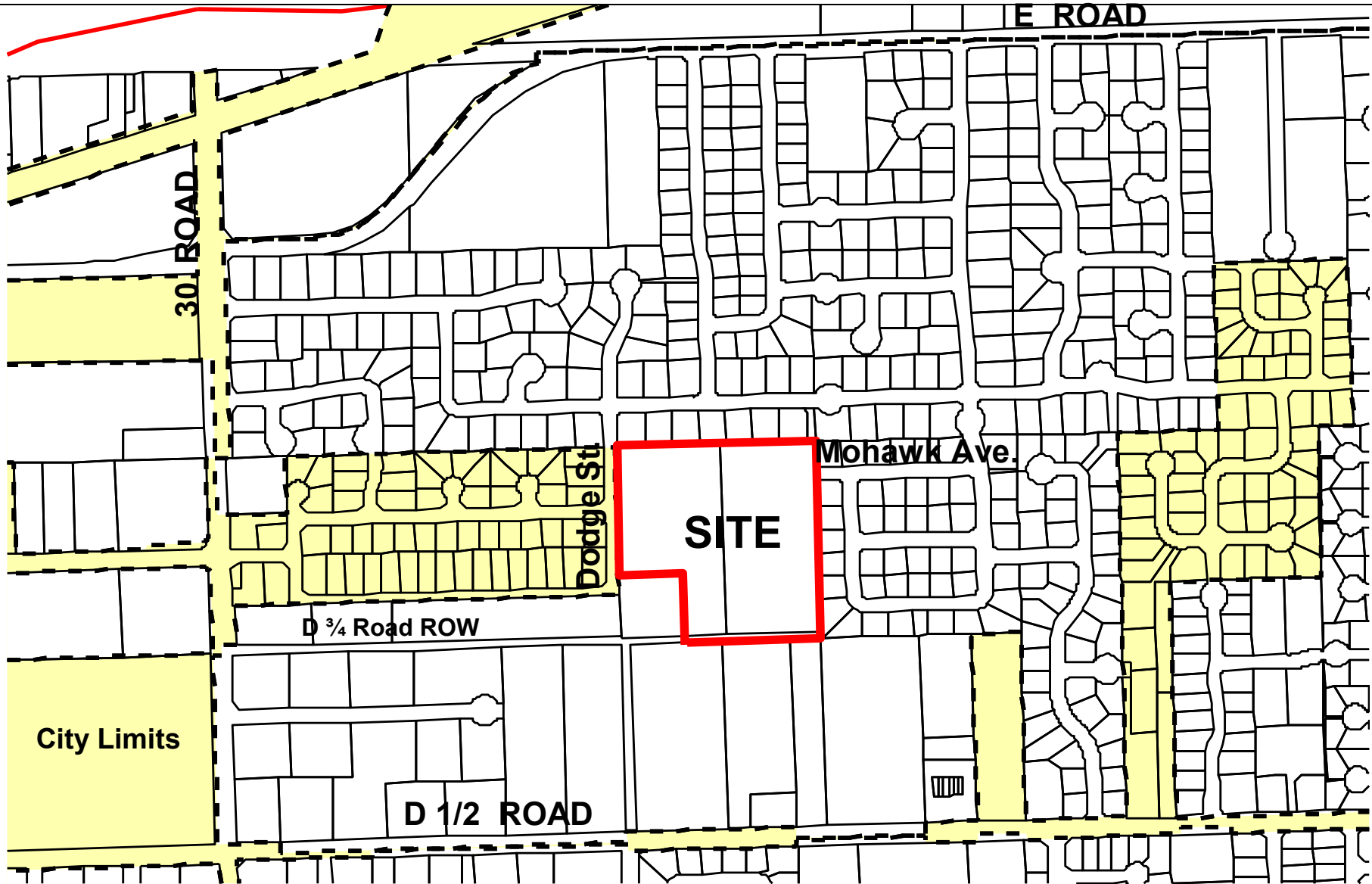
<u>ANNEXATION SCHEDULE</u>	
08-18-2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
08-24-2004	Planning Commission considers Zone of Annexation
09-15-2004	Introduction Of A Proposed Ordinance on Zoning by City Council
10-06-2004	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
11-07-2004	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2004-141
Location:		474 Dodge Street/3038 Mohawk Ave
Tax ID Number:		2943-162-00-114/2943-162-00-115
Parcels:		2
Estimated Population:		4
# of Parcels (owner occupied):		1
# of Dwelling Units:		2
Acres land annexed:		8.929
Developable Acres Remaining:		n/a
Right-of-way in Annexation:		9049.4 sf (.20 ac)
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-5
Current Land Use:		Residential/Vacant
Future Land Use:		Residential
Values:	Assessed:	\$22,540
	Actual:	\$283,090
Census Tract:		N/A
Address Ranges:		474 Dodge Street/3038 Mohawk Ave
Special Districts:	Water:	Ute Water and Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage District
	School:	School District 51
	Pest:	Upper Valley Pest

Site Location Map

Figure 1



Aerial Photo Map

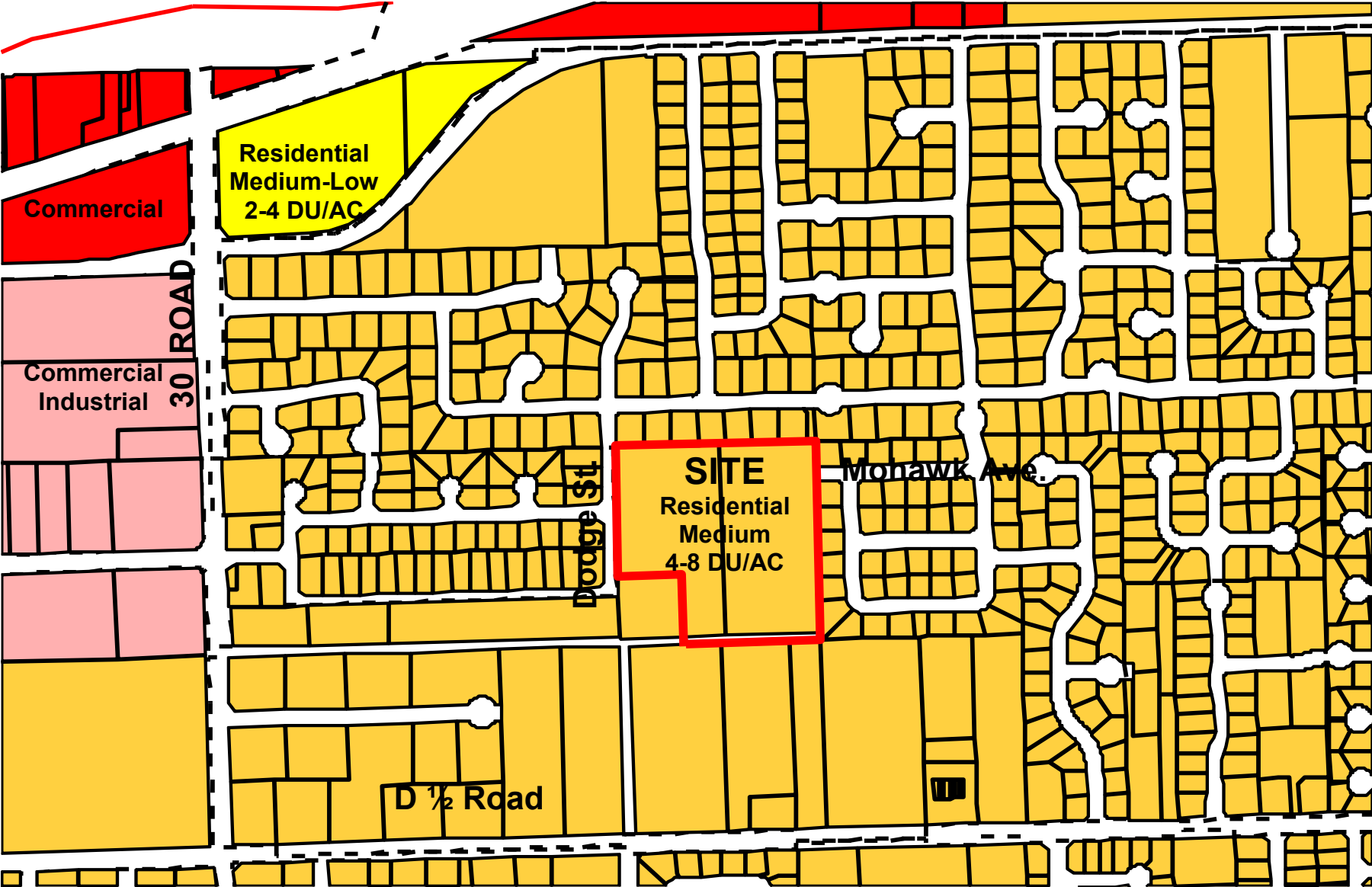
Figure 2



Future Land Use Map

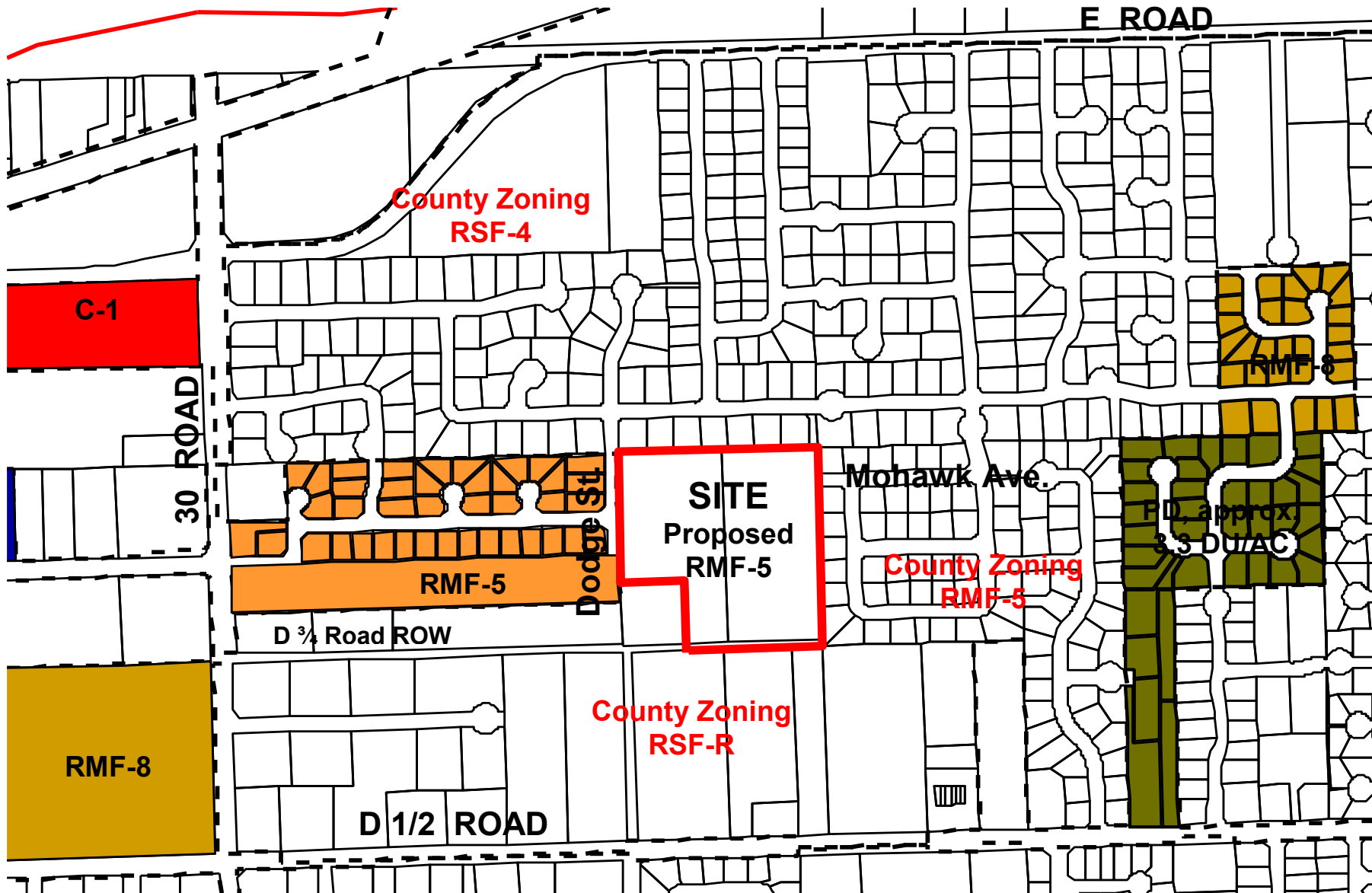
Figure 3

E ROAD



Existing City and County Zoning

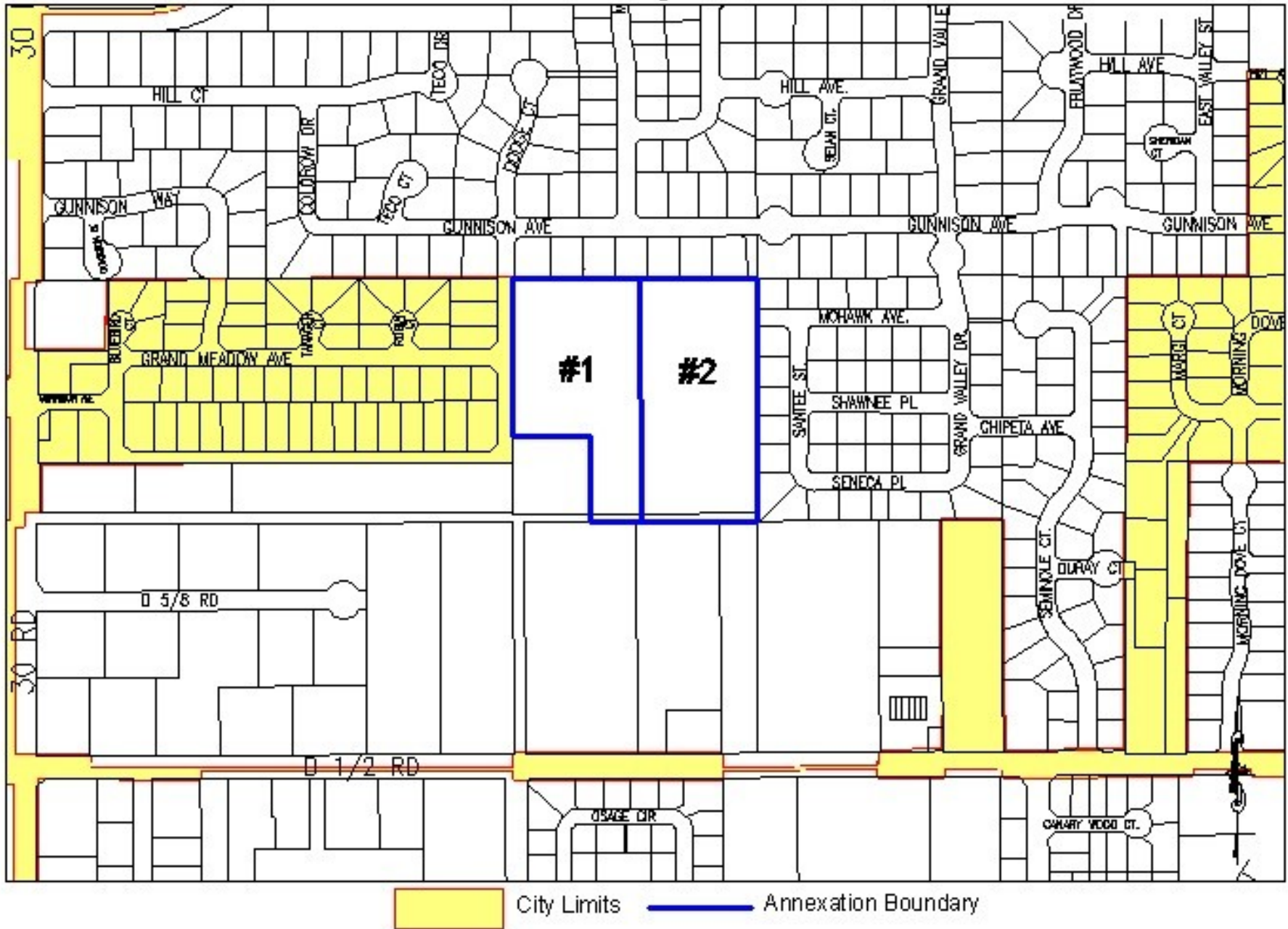
Figure 4



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."

Prarie View Annexations 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 August 18, 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**

**PRAIRIE VIEW ANNEXATION No. 1 and 2 LOCATED at
474 DODGE STREET and 3038 MOHAWK AVENUE**

WHEREAS, on August 18, 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

PRAIRIE VIEW ANNEXATION

A Serial Annexation comprising Prairie View Annexation No. 1 and Prairie View Annexation No 2

PRAIRIE VIEW ANNEXATION NO. 1

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

BEGINNING at the Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 and assuming the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 bears N 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 345.00 feet; thence S 00°05'30" W a distance of 660.13 feet, more or less, to a point on the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 89°54'06" W along the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 134.18 feet, more or less, to a point of intersection with the Southerly projection of the East line of that certain parcel of land as described and recorded in Book 1826, Page 820, Public Records of Mesa County, Colorado; thence N 00°05'30" W along the East line of said parcel, a distance of 228.71 feet to a point being the Northeast corner of that certain parcel of land; thence S 89°54'06" W along the North line of that certain parcel described in said Book 1826, Page 820, a distance of 208.71 feet to a point on the West line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°05'30" W along the West line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 431.57 feet, more or less, to the Point of Beginning.

CONTAINING 4.117 Acres (179,340 Sq. Ft.), more or less, as described.

PRAIRIE VIEW ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW 1/4 SE 1/4 NW 1/4) of Section 16, 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 Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 and assuming the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 bears N 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 345.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 316.91 feet, more or less, to a point being the Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°01'41" E along the East line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, being the West line of Cherokee Village No. Two, as same is recorded in Plat Book 13, Page 13, Public Records of Mesa County, Colorado, a distance of 659.97 feet, more or less, to a point being the Southeast corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 89°54'06" W along the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 318.29 feet; thence N 00°05'30" E a distance of 660.13 feet, more or less, to the Point of Beginning.

CONTAINING 4.812 Acres (209,629 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 October 6, 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 on _____, 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

DATES PUBLISHED
August 20, 2004
August 27, 2004
September 3, 2004
September 10, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**PRAIRIE VIEW ANNEXATION No. 1
APPROXIMATELY 4.117 ACRES,
LOCATED AT 474 DODGE STREET**

WHEREAS, on August 18, 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 October 6, 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:

PRAIRIE VIEW ANNEXATION NO. 1

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

BEGINNING at the Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 and assuming the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 bears N 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 345.00 feet; thence S 00°05'30" W a distance of 660.13 feet, more or less, to a point on the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 89°54'06" W along the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 134.18 feet, more or less, to a point of intersection with the Southerly projection of the East line of that certain parcel of land as described and recorded in Book 1826, Page 820, Public Records of Mesa County, Colorado;

thence N 00°05'30" W along the East line of said parcel, a distance of 228.71 feet to a point being the Northeast corner of that certain parcel of land; thence S 89°54'06" W along the North line of that certain parcel described in said Book 1826, Page 820, a distance of 208.71 feet to a point on the West line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence N 00°05'30" W along the West line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 431.57 feet, more or less, to the Point of Beginning.

CONTAINING 4.117 Acres (179,340 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on August 18, 2004 and ordered published.

ADOPTED on second reading on _____, 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**

**PRAIRIE VIEW ANNEXATION No. 2
APPROXIMATELY 4.812 ACRES,
LOCATED AT 3038 MOHAWK AVENUE**

WHEREAS, on August 18, 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 October 6, 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:

PRAIRIE VIEW ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW 1/4 SE 1/4 NW 1/4) of Section 16, 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 Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 and assuming the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16 bears N 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 345.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°55'43" E along the North line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 316.91 feet, more or less, to a point being the Northwest corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 00°01'41" E along the East line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, being the West line of Cherokee Village No. Two, as same is

recorded in Plat Book 13, Page 13, Public Records of Mesa County, Colorado, a distance of 659.97 feet, more or less, to a point being the Southeast corner of the NW 1/4 SE 1/4 NW 1/4 of said Section 16; thence S 89°54'06" W along the South line of the NW 1/4 SE 1/4 NW 1/4 of said Section 16, a distance of 318.29 feet; thence N 00°05'30" E a distance of 660.13 feet, more or less, to the Point of Beginning.

CONTAINING 4.812 Acres (209,629 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on August 18, 2004 and ordered published.

ADOPTED on second reading on _____, 2004.

Attest:

President of the Council

City Clerk

Attach 8

**Accepting and Approving the Improvements Connected with SSID No. SS-46-04
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-46-04, in the Music Lane area and Giving Notice of a Hearing.					
Meeting Date		August 18, 2004					
Date Prepared		August 11, 2004				File #	
Author		Mike Grizenko		Real Estate Technician			
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	X	Consent	Individual Consideration

Summary: The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located west of 26 Road, between Meander Drive and F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. The first reading of a proposed assessing ordinance will be scheduled for the September 15th, 2004 Council meeting. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the October 6th, 2004 Council meeting.

Budget: Sufficient funds were transferred in 2004 from Fund 902 - the Sewer System General Fund, to Fund 906 – the Septic System Elimination Fund, to support expenses related to this project. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the twenty-one benefiting properties. The estimated versus actual costs and assessments are as follows:

Item	Original Estimate	Actual	Difference
Total Project Costs*	\$173,015.00	\$161,317.93	- \$11, 697.07
30% Contribution	\$ 51,905.00	\$ 48,395.38	- \$ 3,509.62
Per Lot Assessment**	\$ 5,767.00	\$ 5,377.26	- \$ 389.74

* Total Project Costs include design, construction, inspection and administration.

**Assessments do not include Plant Investment Fees, Trunk Line Extension Fees

and costs to connect to the sewer main, (see explanation under the Background section).

Action Requested/Recommendation: Adopt a Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-46-04, and give notice of a Hearing.

Attachments: 1) Ownership Summary Sheet; 2) Vicinity Map; 3) Proposed Resolution.

Background Information: Improvement Districts are a cost-sharing program between the City and property owners who request the City's assistance in installing new or improved infrastructure to their neighborhood. People's Ordinance No. 33 authorizes the City Council to create Improvement Districts when petitioned by a majority of the property owners to be assessed. The petition for this Improvement District was signed by 95% of the property owners.

A summary of the process that follows submittal of the petition is provided below. Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. ► Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
7. Council conducts the first reading of the proposed Assessing Ordinance.
8. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
9. The adopted Ordinance is published for three consecutive days.

10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

Property owners are assessed for the actual costs of design, construction, inspection and administration. Under current policy adopted by a joint resolution between the City and Mesa County, Persigo Septic System Elimination Funds pay 30% of the assessable costs.

In addition to assessments, the property owners are responsible for bearing the following expenses:

- ◆ Costs to physically connect their service line to the building to be sewerred;
- ◆ Plant Investment Fees;
- ◆ Trunk Line Extension Fees.

The City is responsible for extending each service line from the sewer main to the property line. The property owner is responsible for extending the service line from their property line to the building to be sewerred.

The Plant Investment Fee is currently \$1,250 for each sewer connection. The Plant Investment Fee will be raised to \$1,500 in 2005.

Trunk Line Extension Fees apply only if a trunk line was extended to the neighborhood. Trunk Line Extension Fees are not applicable to this Improvement District.

The published assessable costs of \$5,699.90 per lot include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by November 10th, 2004. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.

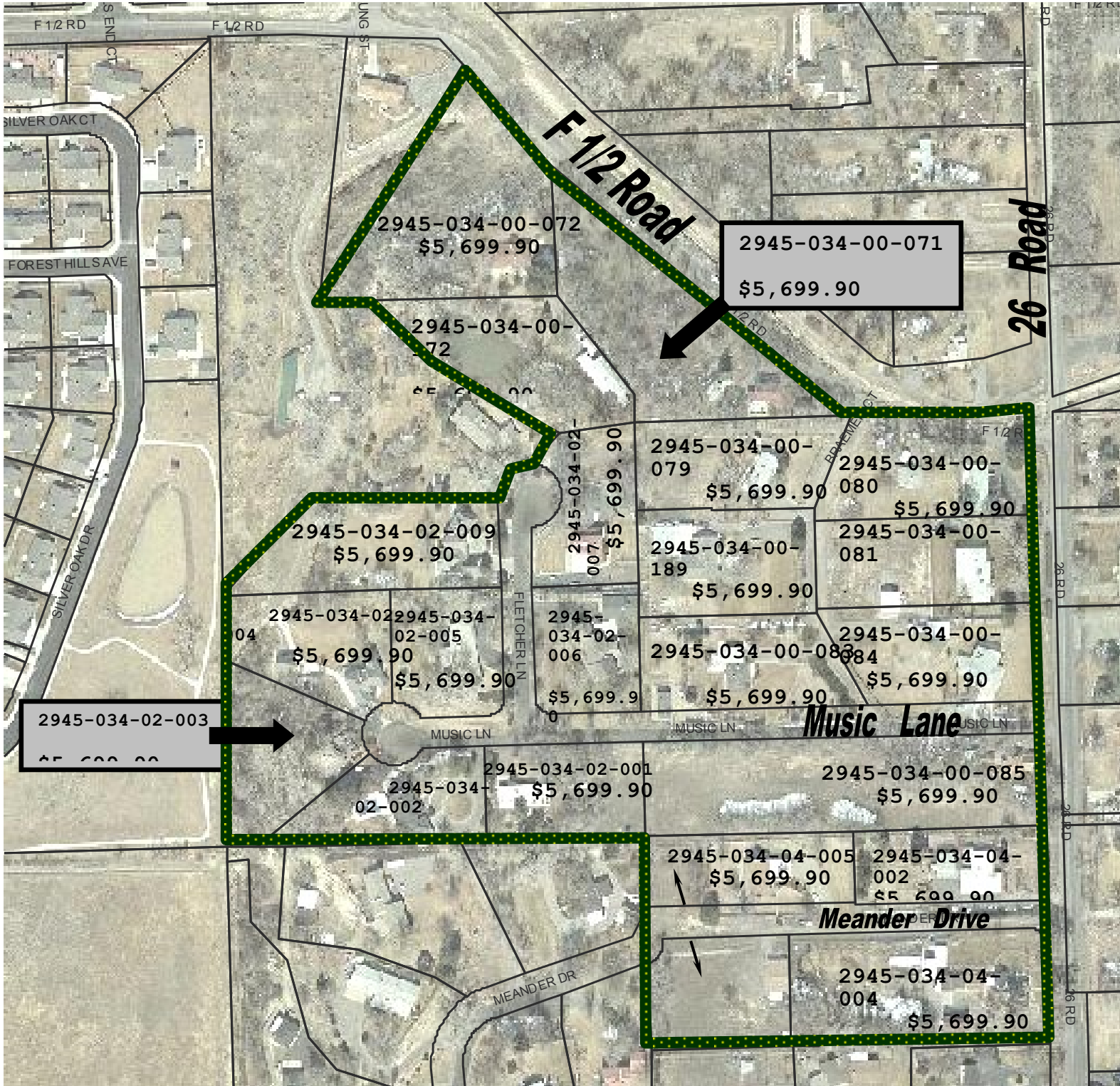
OWNERSHIP SUMMARY

MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT No. SS-46-04

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS
2945-034-00-071	• Braden & Pamela Shafer	2597 F ½ Road
2945-034-00-072	Matthew & Emma Pirofalo (Trustees)	2585 F ½ Road
2945-034-00-079	• Georgia Watkins	631 Braemer Court
2945-034-00-080	• Dalton & Patsy Garlitz	631 26 Road
2945-034-00-081	• Robin & Miriam Peckham	629 26 Road
2945-034-00-083	• Robert & Margaret Leachman	627 Braemer Court
2945-034-00-084	• John & Donna Allbritton	2598 Music Ln.
2945-034-00-085	• Jack & Frances Rollaine	625 26 Road
2945-034-00-172	• Raymond & Judy Workman	2589 F ½ Road
2945-034-00-189	• Dale & Susan Hollingshead	629 Braemer Court
2945-034-02-001	• Stephen Meyer & Elizabeth Waters	2583 Music Ln.
2945-034-02-002	• Christine Gilmor	2577 Music Ln.
2945-034-02-003	• Mary Meyer (Trust)	2575 Music Ln.
2945-034-02-004	• Arlo & Phyllis Krueger	2584 Music Ln.
2945-034-02-005	• Brad & Joan Humphrey	627 Fletcher Ln.
2945-034-02-006	• James Bates	626 Fletcher Ln.
2945-034-02-007	• Wesley & Joan Lowe	630 Fletcher Ln.
2945-034-02-009	• Grant & Heidi Flaharty	629 Fletcher Ln.
2945-034-04-002	• Patricia & Chris Mahre	623 26 Rd
2945-034-04-004	• Albert & Terry LaSalle (POA)	617 26 Rd
2945-034-04-005	• Jesse & Anne Marie Dodd	621 26 Rd

- Indicates property owners who signed the petition = 20 of 21 or 95%.

BOUNDARY OF THE MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT



RESOLUTION NO. _____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04
AND GIVING NOTICE OF A PUBLIC HEARING**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Sanitary Sewer Improvement District No. SS-46-04; and

WHEREAS, the City Council has caused to be prepared a statement showing the total assessable costs associated with Sanitary Sewer Improvement District No. SS-46-04 to be apportioned upon and levied against the real property comprising the District Lands which specifically benefit from the improvements associated with said District.

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

1. That the improvements connected with Sanitary Sewer Improvement District No. SS-46-04 be, and the same are hereby, approved and accepted; that the statement showing the total assessable costs associated with said District be, and the same is hereby, approved and accepted as the statement of the assessable costs of said Sanitary Sewer Improvement District No. SS-46-04.
2. That the costs connected with Sanitary Sewer Improvement District No. SS-46-04 be apportioned upon and levied against the real property comprising the District Lands.
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share to be apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the City Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, being Ordinance No. 178, as amended, and People's Ordinance No. 33.

PASSED and ADOPTED this _____ day of _____, 2004.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for October 6th, 2004, at 7:30 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Sanitary Sewer Improvement District No. SS-46-04, and all persons interested therein, as follows:

That the City of Grand Junction has completed and the Grand Junction City Council has accepted the improvements connected with Sanitary Sewer Improvement District No. SS-46-04. Said District and improvements are authorized by and in accordance with the terms and provisions of City Resolution No. 16-04, passed and adopted by the Grand Junction City Council on the 18th day of February, 2004, whereby said City Council declared its intention to create said District, and by City Resolution No. 27-04, passed and adopted by the Grand Junction City Council on the 7th day of April, 2004, whereby the Grand Junction City Council created and established said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of said City, being Ordinance No. 178, as amended.

That the whole cost of the improvements connected with said District and to be assessed against the District Lands, as hereinafter described, has been definitely ascertained and is in the sum of \$119,697.90. Said sum includes a one-time charge of six percent (6%) for costs of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the city of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements; and that the owner(s) so paying shall be entitled to an allowance of six percent (6%) for costs of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice; that any such complaints or objections will be heard and determined by the said City Council at a public hearing on Wednesday, October 6th, 2004, at 7:30 p.m. in the City Council Chambers located at Grand Junction City Hall, 250 North 5th Street in Grand Junction, Colorado, at which time the said City Council will consider passage of a proposed ordinance to assess the cost of said improvements against the real estate in said District, and against the respective owners of said real estate, as by law provided.

That the sum of \$119,697.90 for improvements connected with Sanitary Sewer Improvement District No. SS-46-04 is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally, as follows, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-034-00-071	BEG 11.4FT E OF SW COR NE4NE4SE4 SEC 3 1S 1W N1DEG19MIN E 44.7FT N 36DEG45MIN W 197.5FT N 50MIN W206FT TO S ROW OF CO RD SELY ALG RD 620FT MORE OR LESS TO S LI SAID NE4NE4SE4 W344FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-072	BEG 11.4FT E OF SE COR NW4NE4SE4 SEC 3 1S 1W N1DEG19MIN E 44.7FT N 36DEG45MIN W 197.5FT FOR BEG W385FT N 32DEG21MIN E 439.1FT S 41DEG40MIN E 221FT S0DEG50' E 206FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-079	BEG 1965.7FT N + 303.6FT W OF SE COR SEC 3 1S 1W W358.4FT S 146FT E 118.5FT S 3FT E 163.7FT NELY ALGRD 168.9FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-080	BEG 1792.8FT N OF SE COR SEC 3 1S 1W N 172.9FT W303.6FT SWLY ALG RD 193.5FT E 384.8FT TO BEG EXC E30FT FOR RD, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-081	BEG 1652.8FT N OF SE COR SEC 3 1S 1W N 140FT W 384.8FT SELY ALG RD 140.9FT E 381.2FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-083	BEG 1497.8FT N + 303.6FT W OF SE COR SEC 3 1S 1W W358.4FT N 149FT E 282.2FT SELY ALG RD 168.9FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-084	BEG 1497.8FT N OF SE COR SEC 3 1S 1W N 155FT W381.2FT SELY ALG RD 175.1FT E 303.6FT TO BEG EXC E30FT FOR RD, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-085	S 2.25A OF SE4NE4SE4 SEC 3 1S 1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-172	BEG 11.4FT E OF SE COR NW4NE4SE4 SEC 3 1S 1W N 1DEG19'E 44.7FT N 36DEG45' W 197.5FT W 300FT S 39DEG29'10SEC E 135.7FT TO N COR LOT 8 HARWOOD-TOLMAN SUB S	\$5,699.90

	61DEG E 230FT N 83DEG35' E 119.04FTE 11.4FT TO BEG, CITY OF GRAND JUNCTION	
2945-034-00-189	BEG N 1646.8FT & W 662FT W OF SE COR SEC 3 1S 1W N 169.9FT E 282.2FT THENCE BEG WITH A BEARING OF S 13DEG39.5' W FOLL 360FT RAD CURVE TO LEFT 171.7FT TO APOINT 282.2FT E OF POB W 282.2FT TO BEG & ALSO BEG N 1965.7FT & W 303.6FT &ALG CVE TO LEFT WHOSE RAD IS 360FT 169FT & W 282.2FT FR SE COR SD SEC 3 N 3FT E 118.5FT S3FT W 118.5FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-001	LOT 1 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-002	LOT 2 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-003	LOT 3 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-004	LOT 4 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-005	LOT 5 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-006	LOT 6 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-007	LOT 7 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-009	LOT 9 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-002	LOT 4 BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-004	LOT 1 BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-005	LOTS 2 & 3 INCLUSIVE BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90

By order of the City Council

City Clerk

August 18, 2004
Date

Attach 9

**Replacement of the Stocker Stadium/Suplizio Field Sound System
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Replacement of the Stocker Stadium/Suplizio Field Sound System					
Meeting Date	August 18, 2004					
Date Prepared	August 2, 2004				File #	
Author	Ronald Watkins Julie Hendricks		Purchasing Manager Buyer			
Presenter Name	Joe Stevens		Parks and Recreation 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: Replace and upgrade the sound system in Stocker Stadium /Suplizio Field which includes installing 17 each, 45 foot (approximately) steel speaker mounting poles at the rear of the stands, installing twenty-two speaker cabinets, cabling, new amplifiers, control consoles, and related audio equipment.

Budget: \$270,000 was approved in the Parks and Recreation 2004 budget (account 2011-711-82150-G38500). Deducting engineering fees of \$31,714.00, and the installation contract for \$264,831.42 leaves a budget shortfall of \$23,545.42. At a July 21, 2004 special meeting, PIAB, comprised of the City of Grand Junction, Mesa County, JUCO, School District #51, and Mesa State College, agreed to add the additional funds necessary to award this bid. The PIAB contribution is in addition to the \$135,000 included in the approved budget.

Action Requested/Recommendation: Authorize the City Manager to execute a contract with J. Dyer Construction, Inc. of Grand Junction for the replacement of the sound system at Stocker Stadium and Suplizio Field for a total price of \$261,831.42.

Attachments: N/A

Background Information: This solicitation was advertised in the Daily Sentinel and bid notification were sent to Eighty-six (86) potential contractors. There were five (5) contractors that attend the site visit and briefing. There was one responsible responsive bid received. The bid was compared to the engineers estimate and there were a few items needing additional clarification. The cost for the poles was

significantly higher than the original estimate, submitted earlier this year. Since that estimate, the cost of steel has more than doubled from a year ago, and may attribute to the additional cost. Research indicates that due to market conditions including the rebuilding of Iraq, sky rocking demand from China's growing economy and shortages of raw materials, the cost of steel has increased by 66% since February 2004 and continues to rise, even though tariffs were lifted by President Bush. Discussions were held with John Dyer, owner of J. Dyer Construction Inc, to determine if the price was fair and reasonable. Savings were found in a couple of areas that saved a total of \$11,377.58. Even though only one bid was received it was determined that it would be in the City's best interest to award based upon the current market conditions and lack of potential competition if re-bid. The Purchasing Manager and the Parks and Recreation Director agree with this recommendation.

Description	Price
Bid, J. Dyer Construction Inc., Grand Junction	273,209.00
Savings	11,377.58
Total Contract Price	261,831.42
Budget Available	238,286.00
Budget Short fall	23,545.42
Additional Funds approved by PIAB	23,545.42

Attach 10

**Construction Contract Change Order for CSEP – Basins 7 & 11
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Construction Contract Change Order for Combined Sewer Elimination Project – Basins 7 & 11					
Meeting Date	August 18, 2004					
Date Prepared	August 12, 2004	File # - N/A				
Author	Bret Guillory, Utility Engineer					
Presenter Name	Mark Relph, Public Works and Utilities Director					
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Contract Change Order #1 (Final Change Order) for the **Combined Sewer Elimination Project, Basins 7 and 11**, with **Mendez, Inc.** in the amount of \$63,685.12. (\$39,398.57 charged to CSEP and 24,286.55 charged to 2004 Water Line Replacements)

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

<u>Project Funds (All CSEP Storm Drainage Projects):</u>	
WRAPDA loan	\$9,472,208
Fund 904	<u>1,007,742</u>
Total Project Funds	\$10,479,950
<u>Project Costs (All CSEP Projects):</u>	
Design both phases (contracted with Sear-Brown / Rolland Eng)	\$1,202,514
Construction Phase I Basin 10 (complete)	375,545
Construction Phase I Basin 8 (complete)	4,048,860
Construction Phase II Basins 7 & 11 (complete)	534,920
Includes \$39,398.57 of this Change Order	
Construction Phase II Basins 9, 13 & 14 (Bid Amount)	4,290,540
Inspection (contracted w/ Sear-Brown)	228,474
As-builts (contracted w/ Sear-Brown)	18,500
City Administration	<u>30,000</u>
Total Project Cost	\$10,729,353

Project savings / Additional Funding Fund 905		
14)	Elimination of storm drain pipe encasements (Basin 9, 13 &	12,000
	Reduction in Force Account contingency (Basin 9, 13 & 14)	150,000
	Fund reallocation from 905 – Collection System Capital	<u>128,000</u>
	Total Savings	\$290,000
Available Funds Remaining		\$40,597

Funds totaling \$5,250,000 were secured for waterline construction in 2003 and 2004, as a component of the Combined Sewer Elimination Project, partially from the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources and Power Development Authority (\$3,497,200), and partially from Fund 3011 (\$1,752,800).

Project Funds – 2003 and 2004 Waterline Replacement Projects		
	WRAPDA Loan	\$3,497,200
	Fund 3011	<u>1,752,800</u>
	Total Funds	\$5,250,000
Project Costs – 2003 and 2004 Waterline Replacement Projects		
Eng)	Design both phases (contracted with Sear-Brown / Rolland	\$321,775
	2003 Waterline Replacement Project (complete)	1,691,936
	CSEP Basin 8 Waterlines (complete)	55,934
	2004 Waterline Replacement Project (Bid Amount)	1,777,409
	CSEP Basin 9, 13 & 14 - Waterline (Bid Amount)	132,217
	CSEP Basin 7 & 11 – Waterline cost	24,286
	This change order	
	Inspection (contracted w/ Sear-Brown)	142,010
	As-builts (contracted w/ Sear-Brown)	12,200
	City Administration	<u>15,000</u>
	Total Costs	\$4,172,767
Available Funds Remaining 3011 - F04800		\$1,077,233

Action Requested/Recommendation: Authorize the City Manager to approve a Final Contract Change Order #1 for the **Combined Sewer Elimination Project – Basins 7 & 11** with **Mendez, Inc.** in the amount of \$63,685.12.

Attachments: Map of 2004 CSEP project locations

Background Information: The Basin 7 & 11 contract included work along 1st Street from North Avenue to Colorado, along West Main in the Riverside area, along Spruce from Grand to Colorado, and along White from 4th Street to 6th Street, as shown on the

attached figure. The remaining CSEP projects that will be completed this year are also shown on the attached figure. Construction costs for the **Combined Sewer Elimination Project – Basins 7 & 11** exceeded the original contract amount in several areas. There were also several items in the project that came in under the original contract amount due to quantities not used. The items associated with the additional costs which changed significantly are listed below:

- The amount of pit run needed for trench stabilization had been under estimated by the design engineering firm. The additional pit run material was needed because the ground was too wet to use for backfill of the excavations. Additional cost: \$48,000.
- There was an overrun in the asphalt patching along two blocks in Main Street (First to Spruce), and along Spruce Avenue (Main to Rood). In these areas new sewer, water and storm drainage pipes were all installed, requiring gutter to gutter replacement of the asphalt. All of the asphalt in these blocks was paid under this project but the portion attributable to the water lines will be paid out of the water fund. Also, there was additional asphalt removal and replacement to replace the traffic loops at signalized intersections. Additional cost: \$24,000.
- A sewer line near 2nd and Rood, adjacent to and through City Market's property, had to be rerouted from the original design due to elevation conflicts with a fiber optic duct that had not been located during design of the project. Additional cost: \$31,000.
- The City had the contractor install the water line across Grand Avenue in conjunction with the storm drainage installation. The contractor assisted in an emergency repair to a broken water line that occurred adjacent to the work area at Spruce and Main. Additional cost: \$12,000.

There were minor adjustments up and down to pay quantities of various items, so the final quantities are the amounts actually installed.



Public Hearing – Haremza Annexation

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		A hearing for the Haremza Annexation located at 2126 Hwy 6 & 50					
Meeting Date		August 18, 2004					
Date Prepared		August 6, 2004			File #ANX-2004-121		
Author		Senta L. Costello		Associate Planner			
Presenter Name		Senta L. Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Haremza Annexation, located at 2126 Hwy 6 & 50. The 7.895 acre annexation consists of 1 parcel of land.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

ANNEXATION:

This annexation area consists of 7.895 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County. 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 Haremza Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

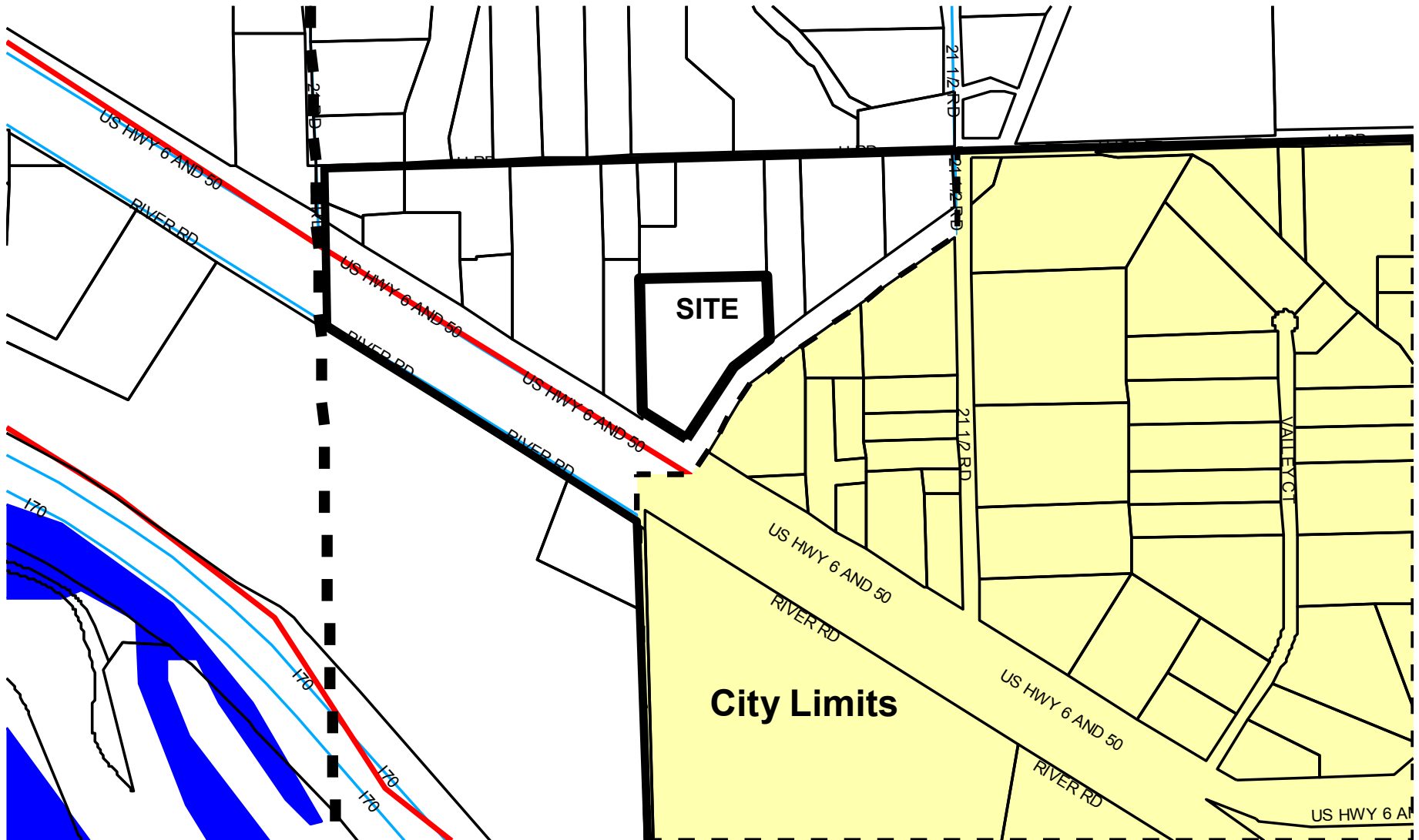
<u>ANNEXATION SCHEDULE</u>	
July 7, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
July 27, 2004	Planning Commission considers Zone of Annexation
August 4, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
August 18, 2004	Zoning by City Council
September 19, 2004	Effective date of Annexation and Zoning

HAREMZA ANNEXATION SUMMARY

File Number:	ANX-2004-121
Location:	2126 Hwy 6 & 50
Tax ID Number:	2697-362-00-067
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	7.895 ac
Developable Acres Remaining:	6.34 ac
Right-of-way in Annexation:	1.169 ac
Previous County Zoning:	RSF-R
Proposed City Zoning:	I-1
Current Land Use:	Vacant
Future Land Use:	Commercial / Industrial Use
Values:	Assessed: = \$27,090
	Actual: = \$93,400
Address Ranges:	2126 Hwy 6 & 50
Special Districts:	Water: Ute
	Sewer: City of Grand Junction
	Fire: Lower Valley Fire District
	Irrigation/Drainage: Grand Junction Drainage District / Grand Valley Irrigation Co
	School: Mesa Co School District #51

Site Location Map

Figure 1



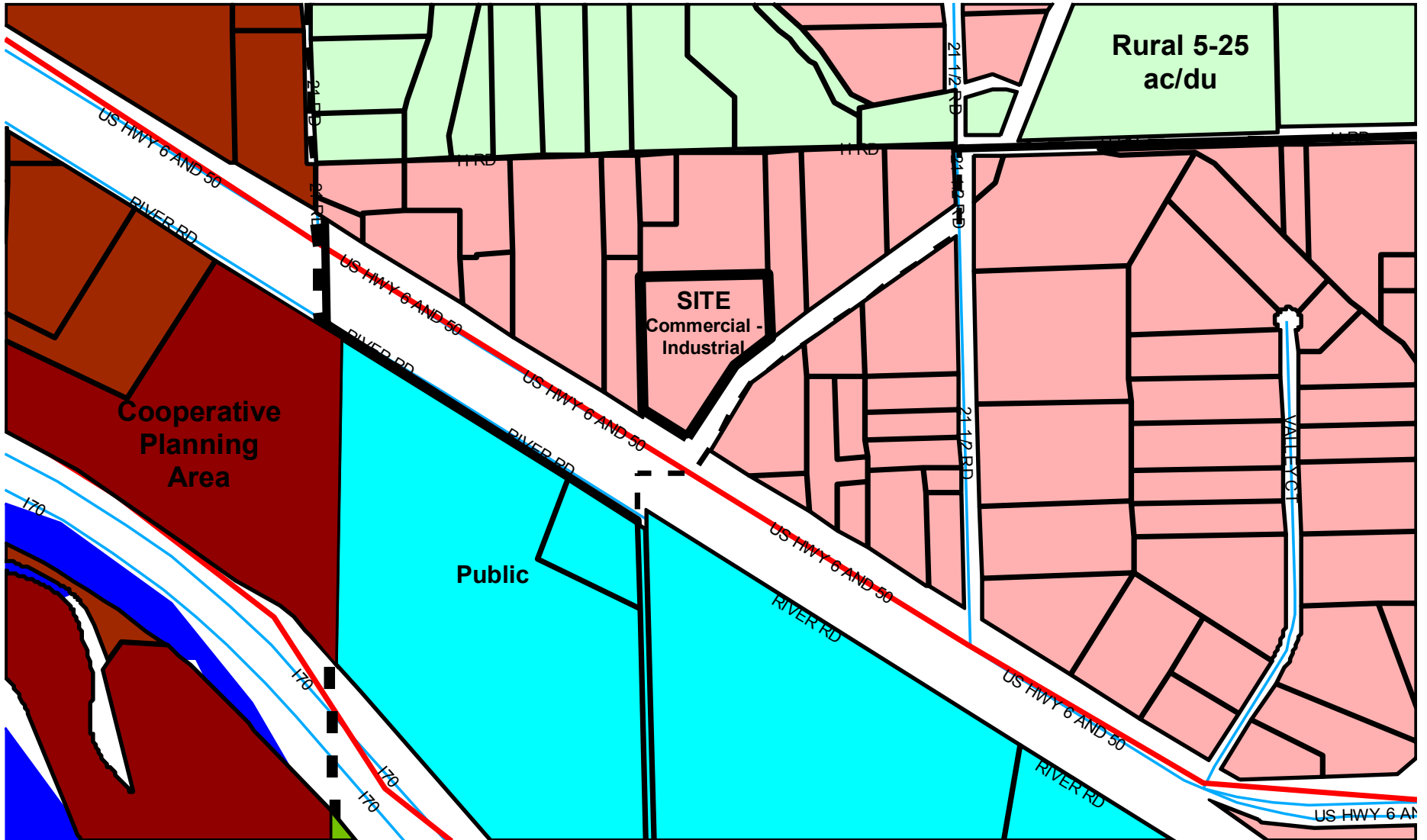
Aerial Photo Map

Figure 2



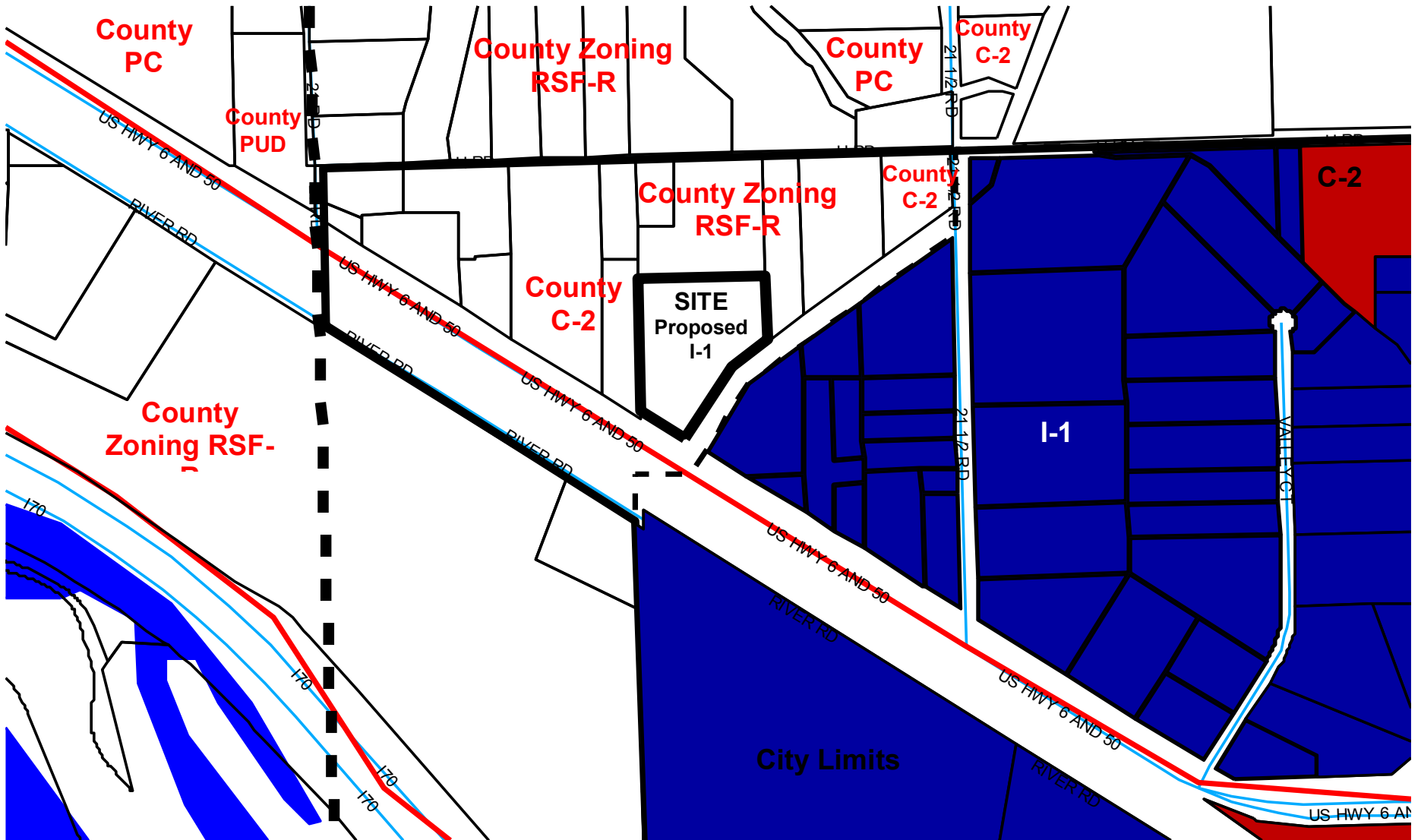
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

Haremza Annexation

Figure 5



 City Limits  Annexation Boundary

RESOLUTION NO. ____

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

HAREMZA ANNEXATION

LOCATED at 2126 Hwy 6 & 50

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 7th day of July, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of August, 2004; and

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

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

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

ADOPTED this 18th day of August, 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**

HAREMZA ANNEXATION

APPROXIMATELY 7.895 ACRES

LOCATED AT 2126 HWY 6 & 50

WHEREAS, on the 7th day of July, 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 18th day of August, 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:

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.

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

INTRODUCED on first reading on the 7th day of July, 2004 and ordered published.

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

Attest:

President of the Council

City Clerk

**Public Hearing – Zoning the Haremza Annexation
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>									
Subject		Zoning the Haremza Annexation, located at 2126 Hwy 6 & 50, to I-1 (Light Industrial).							
Meeting Date		August 18, 2004							
Date Prepared		August 6, 2004					File #ANX-2004-121		
Author		Senta L. Costello			Associate Planner				
Presenter Name		Senta L. Costello			Associate Planner				
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When		
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No	Name		
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Hold a public hearing and consider final passage of the Zoning ordinance to zone the Haremza Annexation I-1 (Light Industrial), located at 2126 Hwy 6 & 50. The 7.895 acre annexation consists of 1 parcel of land.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

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.

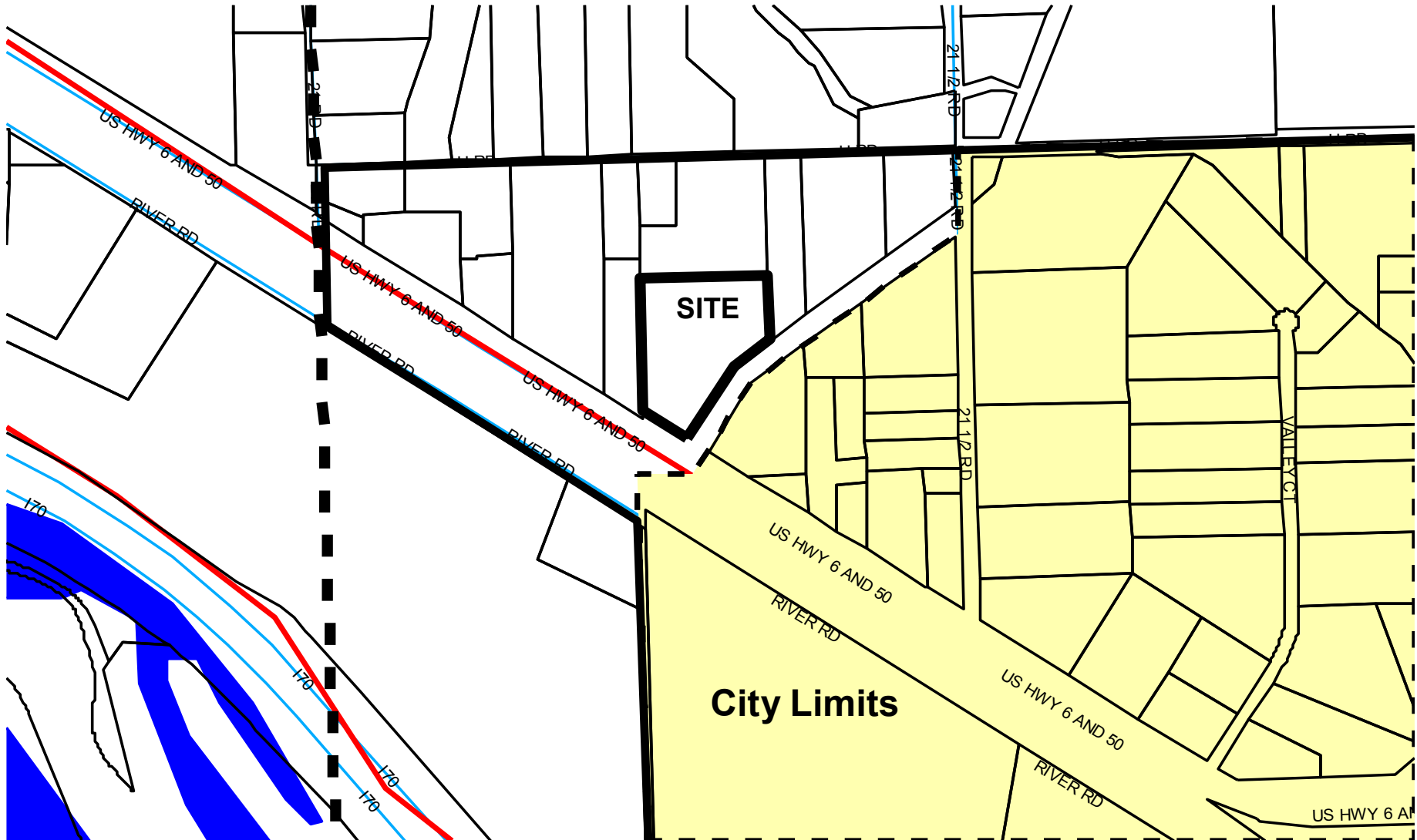
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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 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



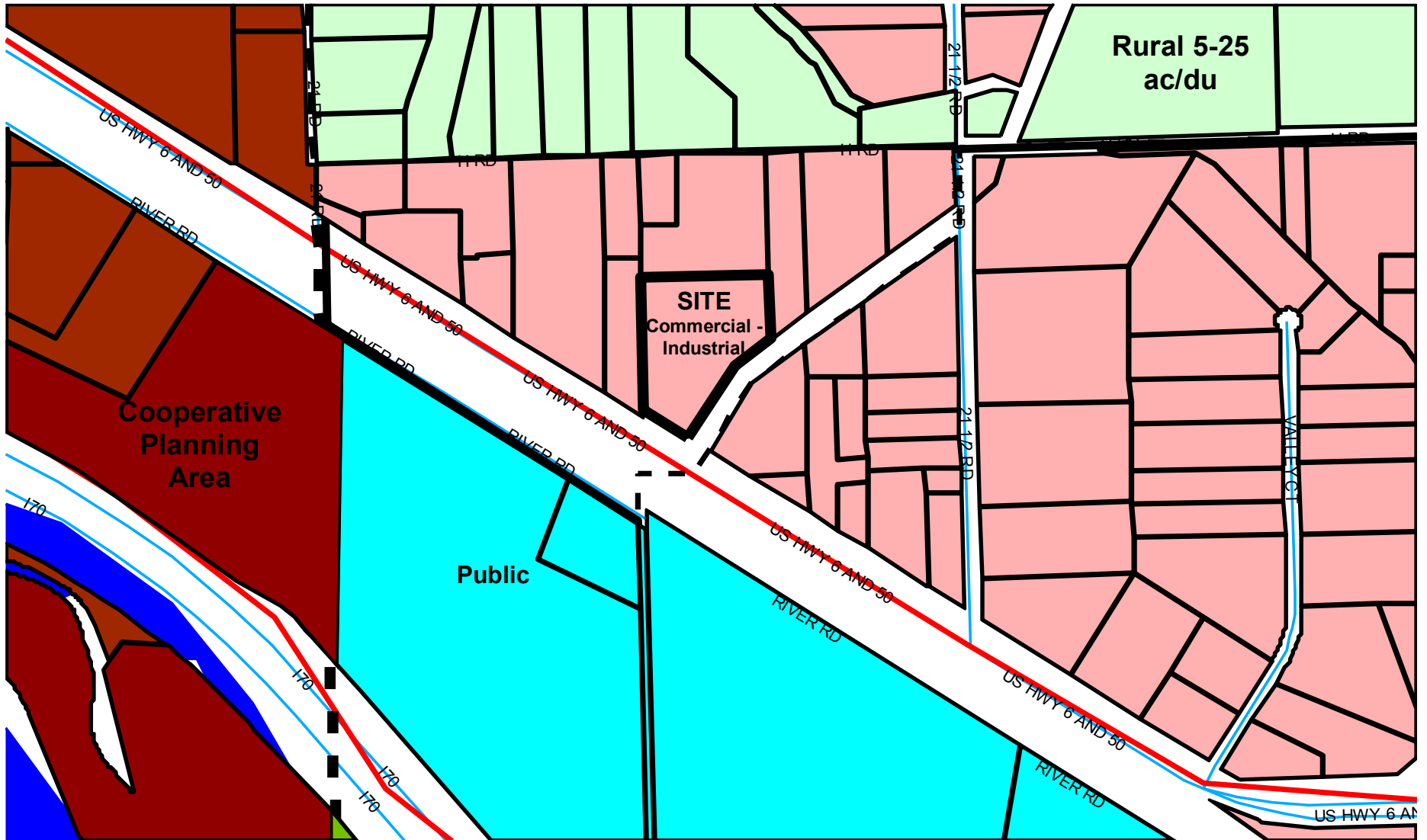
Aerial Photo Map

Figure 2



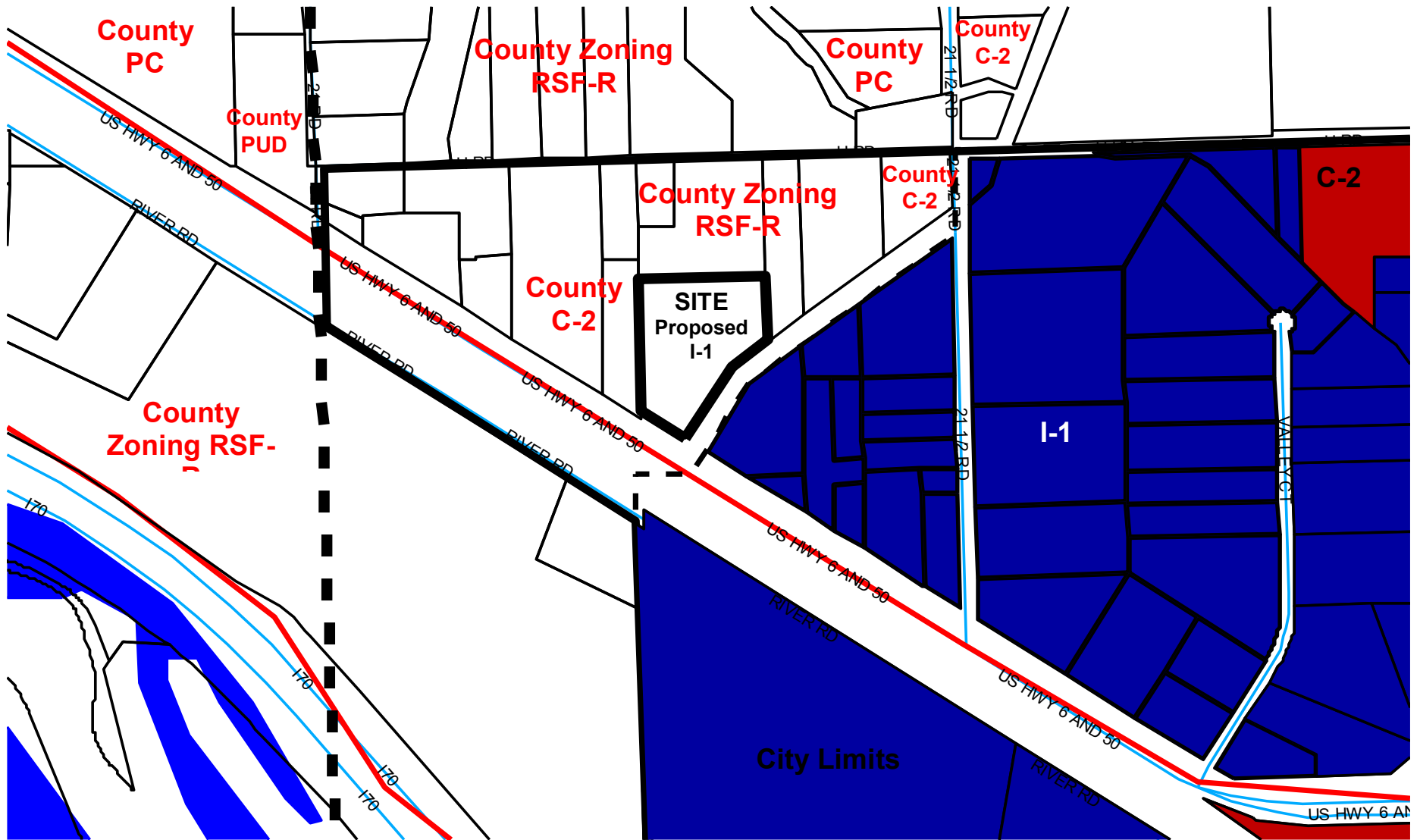
Future Land Use Map

Figure 3



Existing City and County Zoning

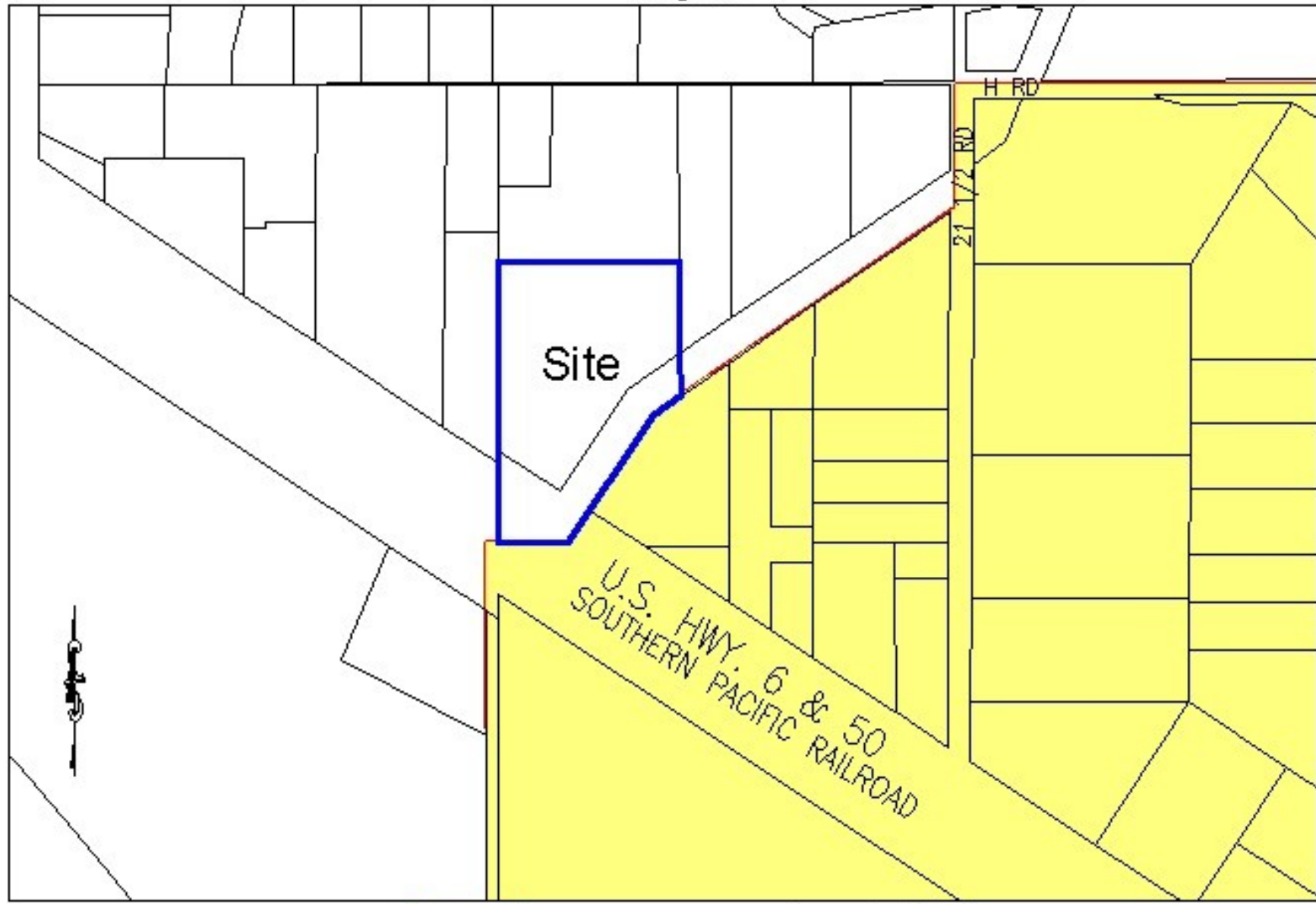
Figure 4



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

**Public Hearing – Flint Ridge III Annexation
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>										
Subject		Public hearing for acceptance of petition and annexation ordinance for the Flint Ridge III Annexation, located at 2946 and 2952 D Road.								
Meeting Date		August 18, 2004								
Date Prepared		August 12, 2004				File #ANX-2004-101				
Author		Lisa E. Cox, AICP			Senior Planner					
Presenter Name		As Above			As Above					
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Flint Ridge III Annexation, located at 2946 and 2952 D Road. The 19.1275-acre annexation consists of two parcels of land.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

- 38. Staff report/Background information
- 39. Site Location Map (Figure 1)
- 40. Aerial Photo Map (Figure 2)
- 41. Future Land Use Map (Figure 3)
- 42. Existing City and County Zoning Map (Figure 4)
- 43. Annexation Map (Figure 5)
- 44. Resolution Accepting Petition

45. Annexation 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:

ANNEXATION:

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

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

The following annexation and zoning schedule is being proposed.

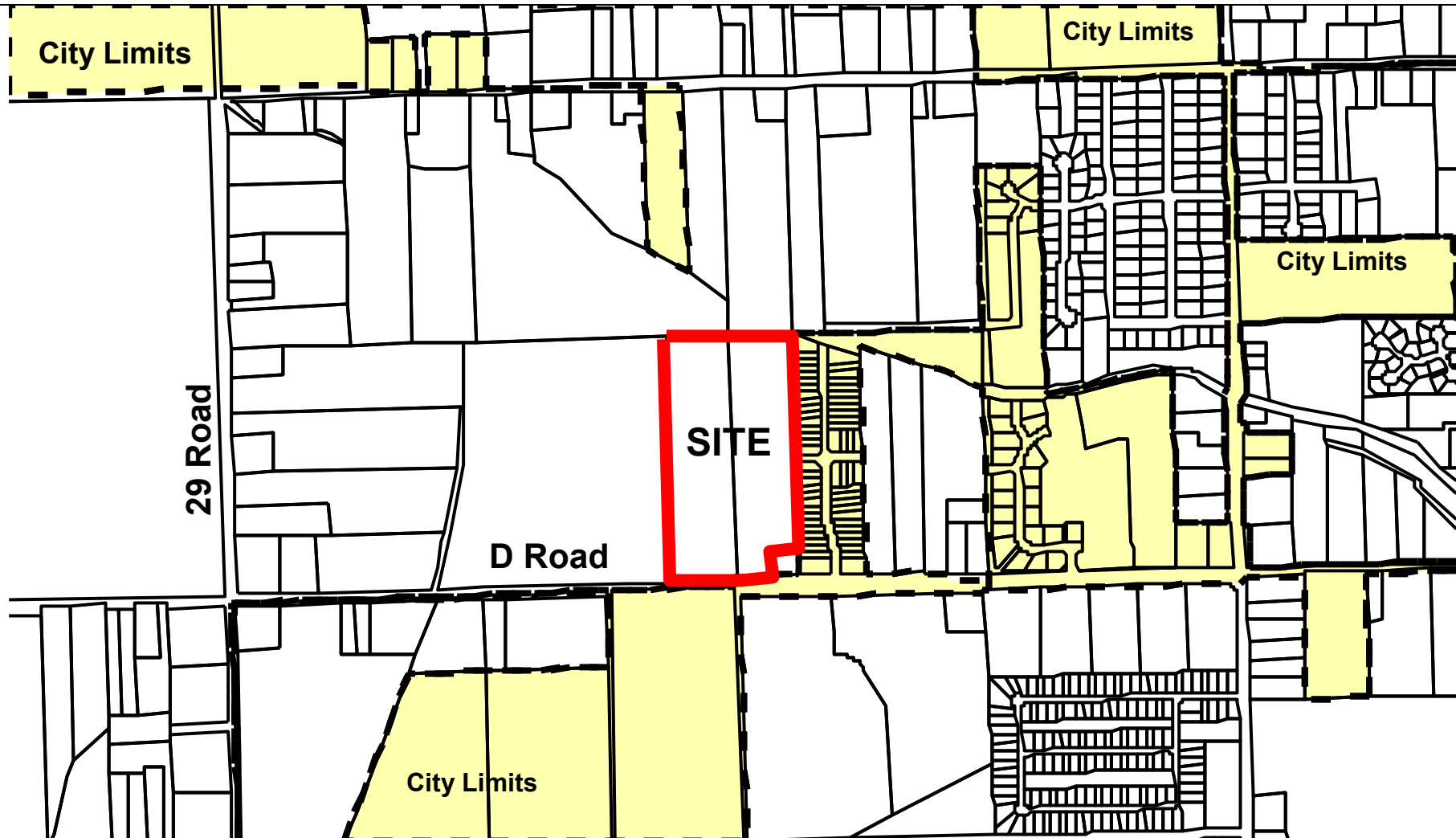
<u>ANNEXATION SCHEDULE</u>	
7-07-2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
7-13-2004	Planning Commission considers Zone of Annexation
8-04-2004	Introduction Of A Proposed Ordinance on Zoning by City Council
8-18-2004	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
9-19-2004	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2004-101
Location:		2946 and 2952 D Road
Tax ID Number:		2943-173-00-108/2943-174-00-173
Parcels:		2
Estimated Population:		5
# of Parcels (owner occupied):		2
# of Dwelling Units:		2
Acres land annexed:		19.1275
Developable Acres Remaining:		Same
Right-of-way in Annexation:		329' of north half of D Road (14,805 sf)
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-8
Current Land Use:		Residential/Agricultural
Future Land Use:		Residential
Values:	Assessed:	\$17,720
	Actual:	\$192,440
Census Tract:		n/a
Address Ranges:		2946-2954 D Road, even only
Special Districts:	Water:	Ute
	Sewer:	Central Grand Valley
	Fire:	GJ Rural
	Irrigation/ Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	n/a

Site Location Map

Figure 1



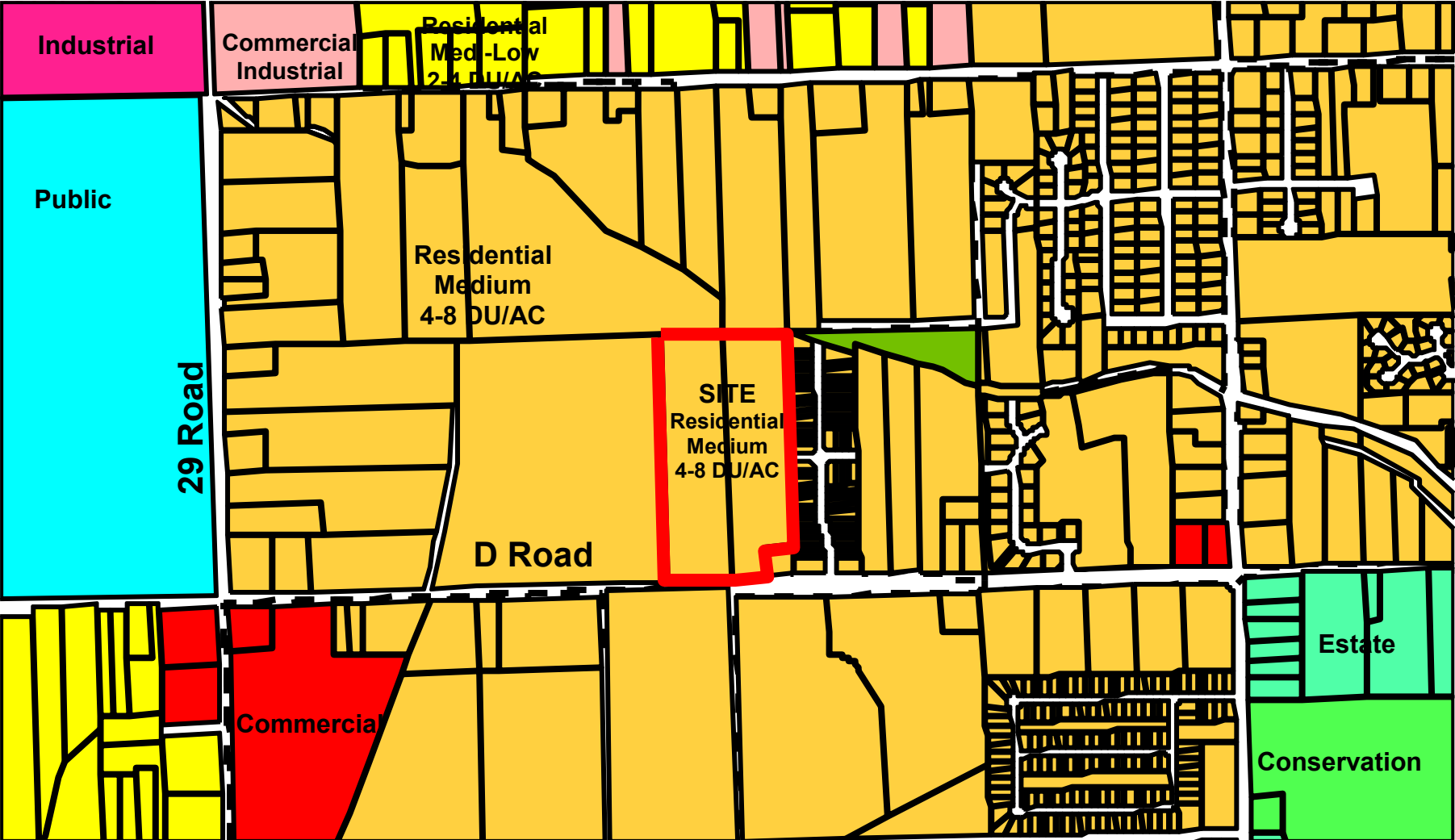
Aerial Photo Map

Figure 2



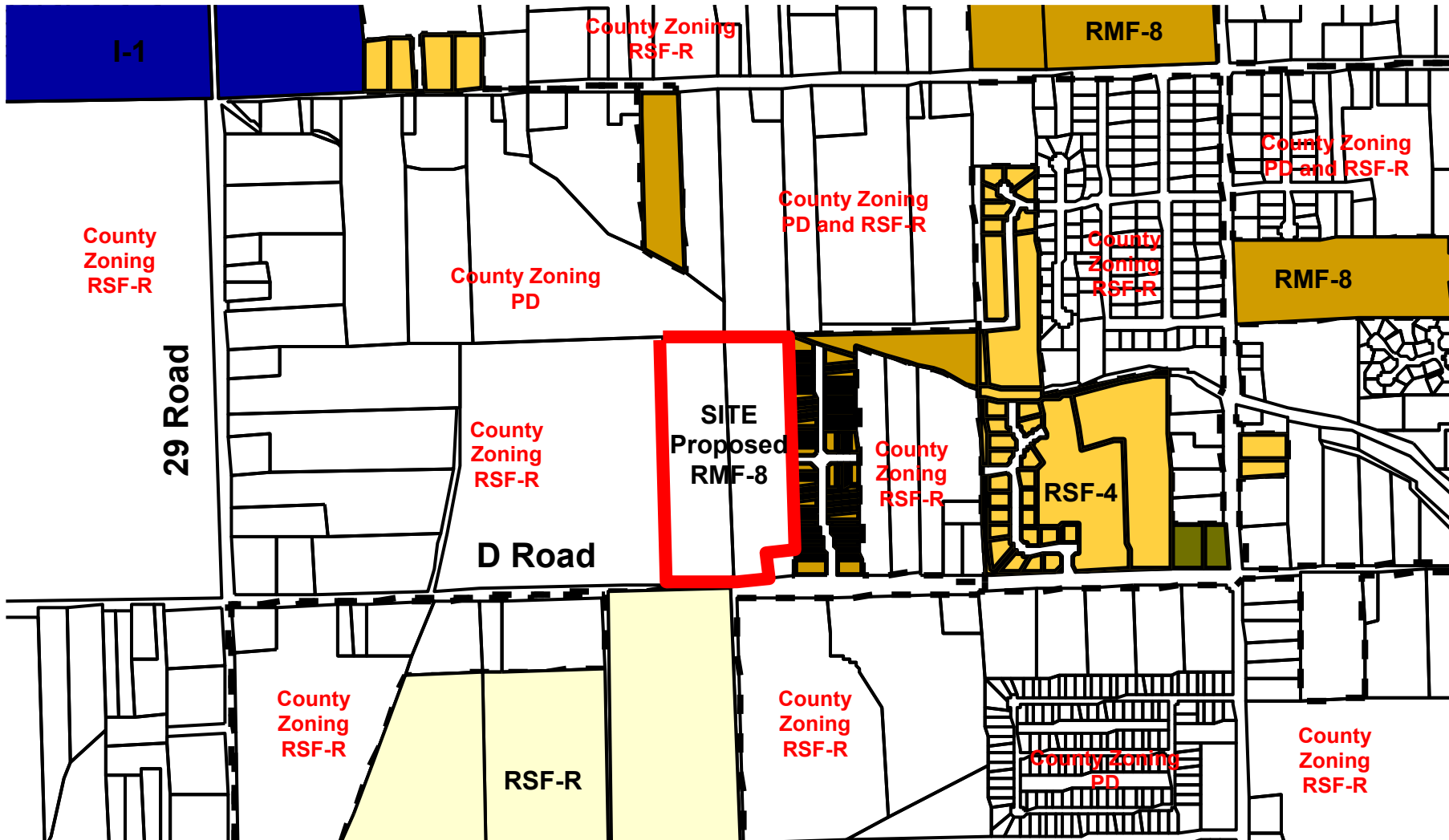
Future Land Use Map

Figure 3



Existing City and County Zoning

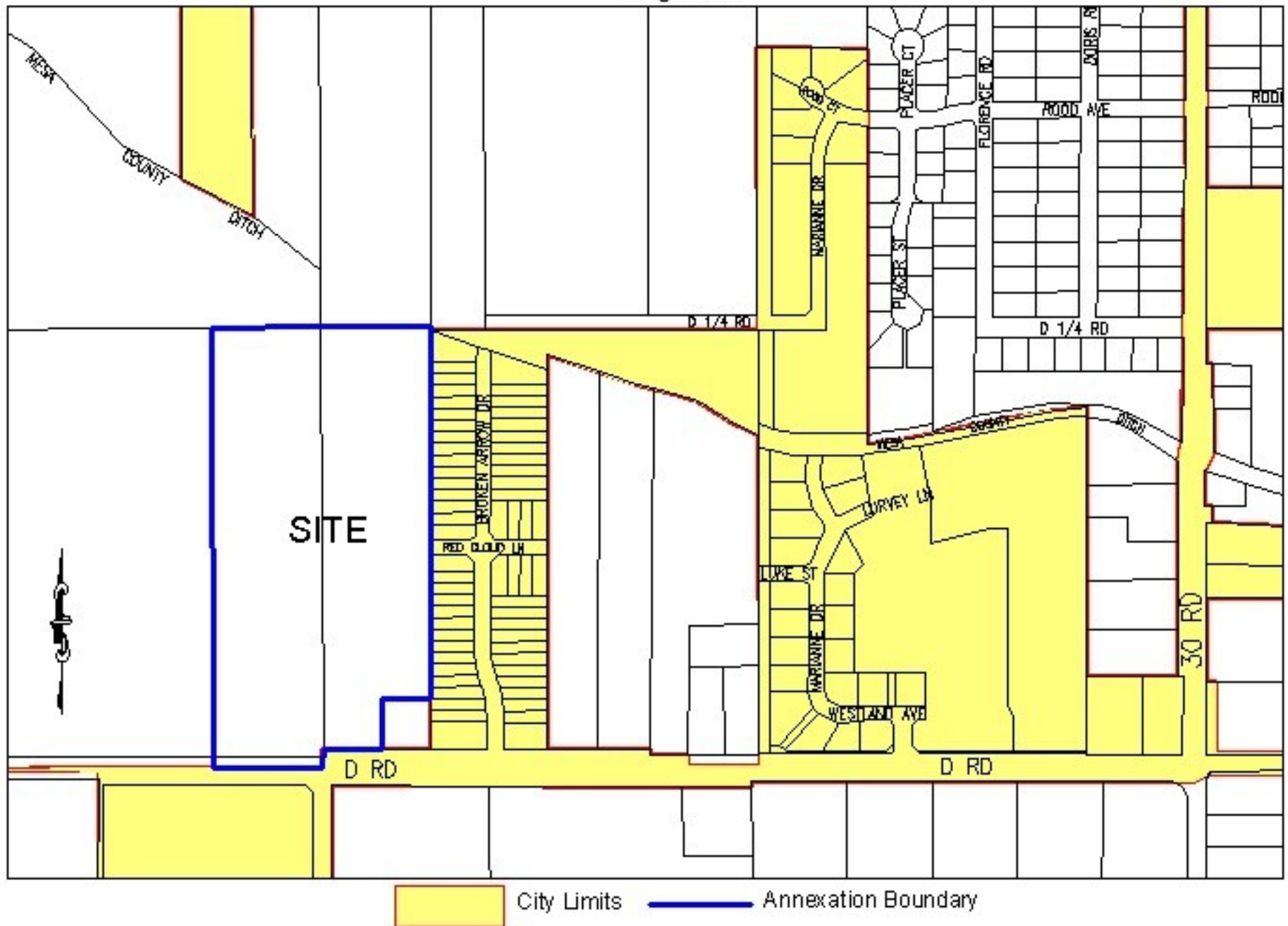
Figure 4



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

Flint Ridge III Annexation

Figure 5



RESOLUTION NO. ____

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

**FLINT RIDGE III ANNEXATION
LOCATED at 2946 and 2952 D Road
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on July 7, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on August 18, 2004; and

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

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

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

ADOPTED this <> 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**

**FLINT RIDGE III ANNEXATION
APPROXIMATELY 19.1275 ACRES
LOCATED AT 2946 and 2952 D ROAD**

WHEREAS, on July 7, 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 August 18, 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:

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.

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

INTRODUCED on first reading on July 7, 2004 and ordered published.

ADOPTED this _____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 14

**Public Hearing – Zoning the Flint Ridge III Annexation
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
Subject		Zoning the Flint Ridge III Annexation, located at 2946 and 2952 D Road					
Meeting Date		August 18, 2004					
Date Prepared		August 12, 2004			File #ANX-2004-101		
Author		Lisa E. Cox, AICP		Senior Planner			
Presenter Name		As Above		As Above			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Hold a public hearing and consider final passage of the Zoning ordinance to zone the Flint Ridge III Annexation RMF-8, located at 2946 and 2952 D Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 46. Staff report/Background information
- 47. Site Location Map (Figure 1)
- 48. Aerial Photo Map (Figure 2)
- 49. Future Land Use Map (Figure 3)
- 50. Existing City and County Zoning Map (Figure 4)
- 51. Annexation Map (Figure 5)
- 52. 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 polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

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

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

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

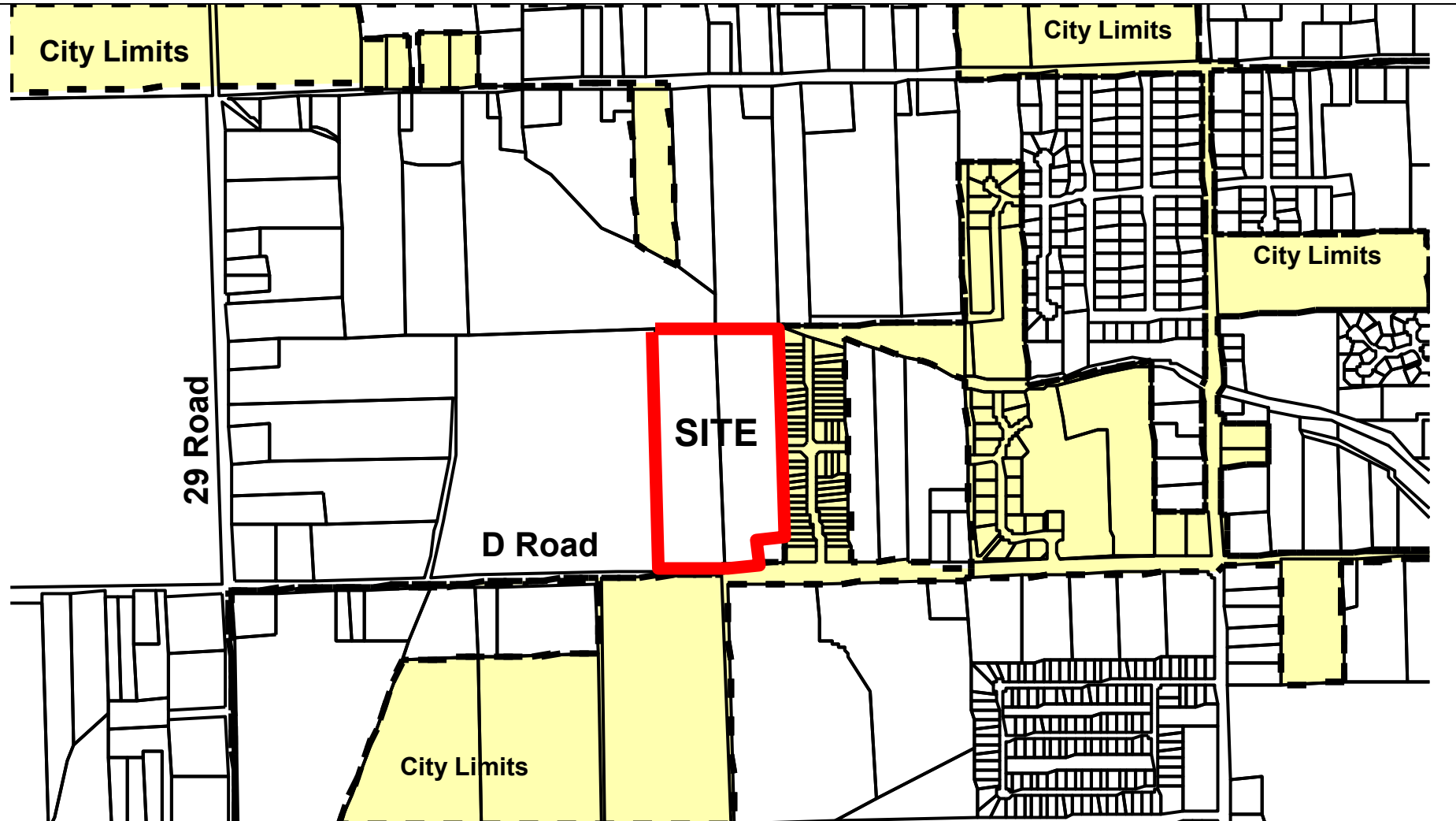
7. The community or neighborhood will benefit from the proposed zone.

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

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



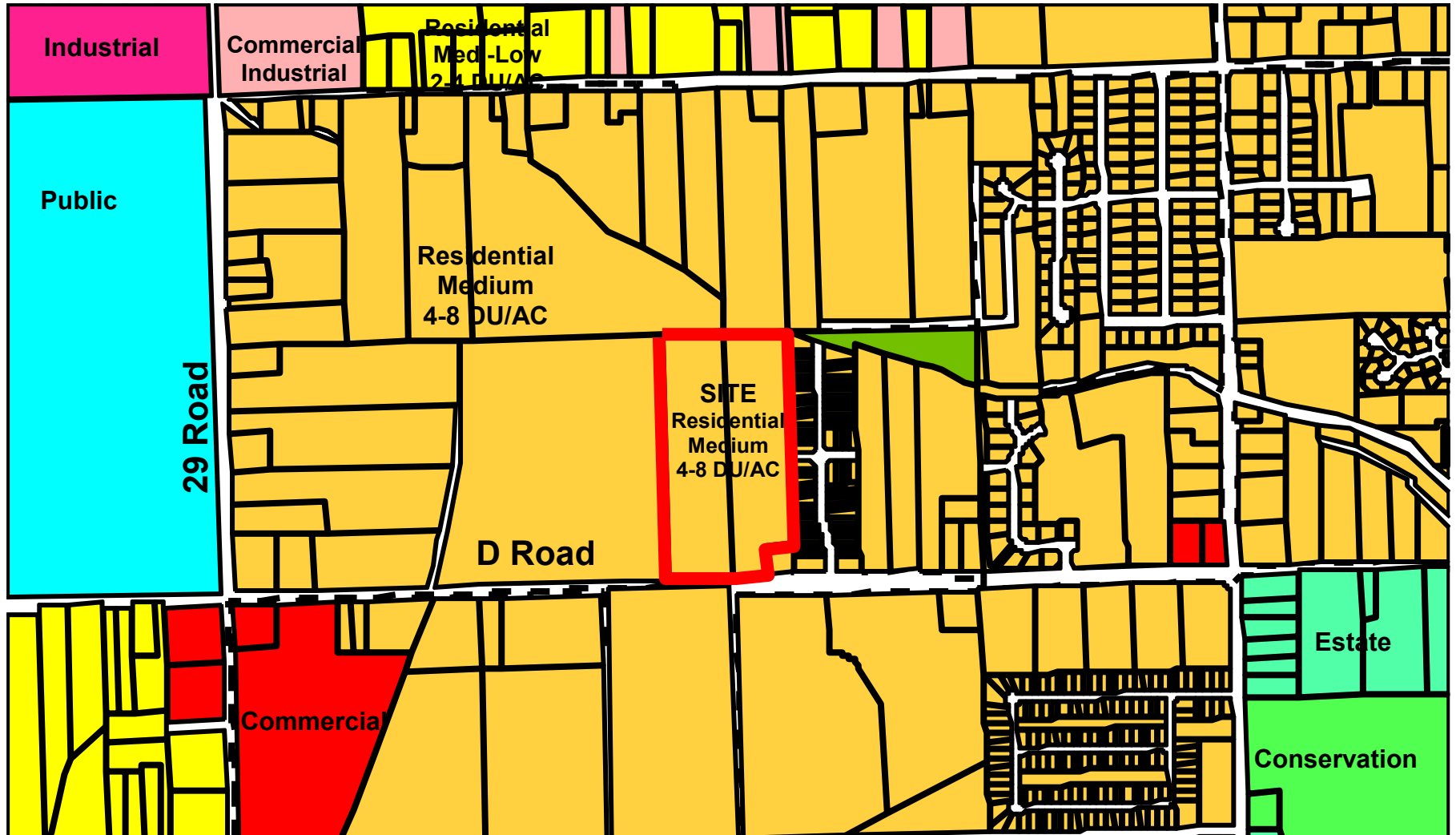
Aerial Photo Map

Figure 2



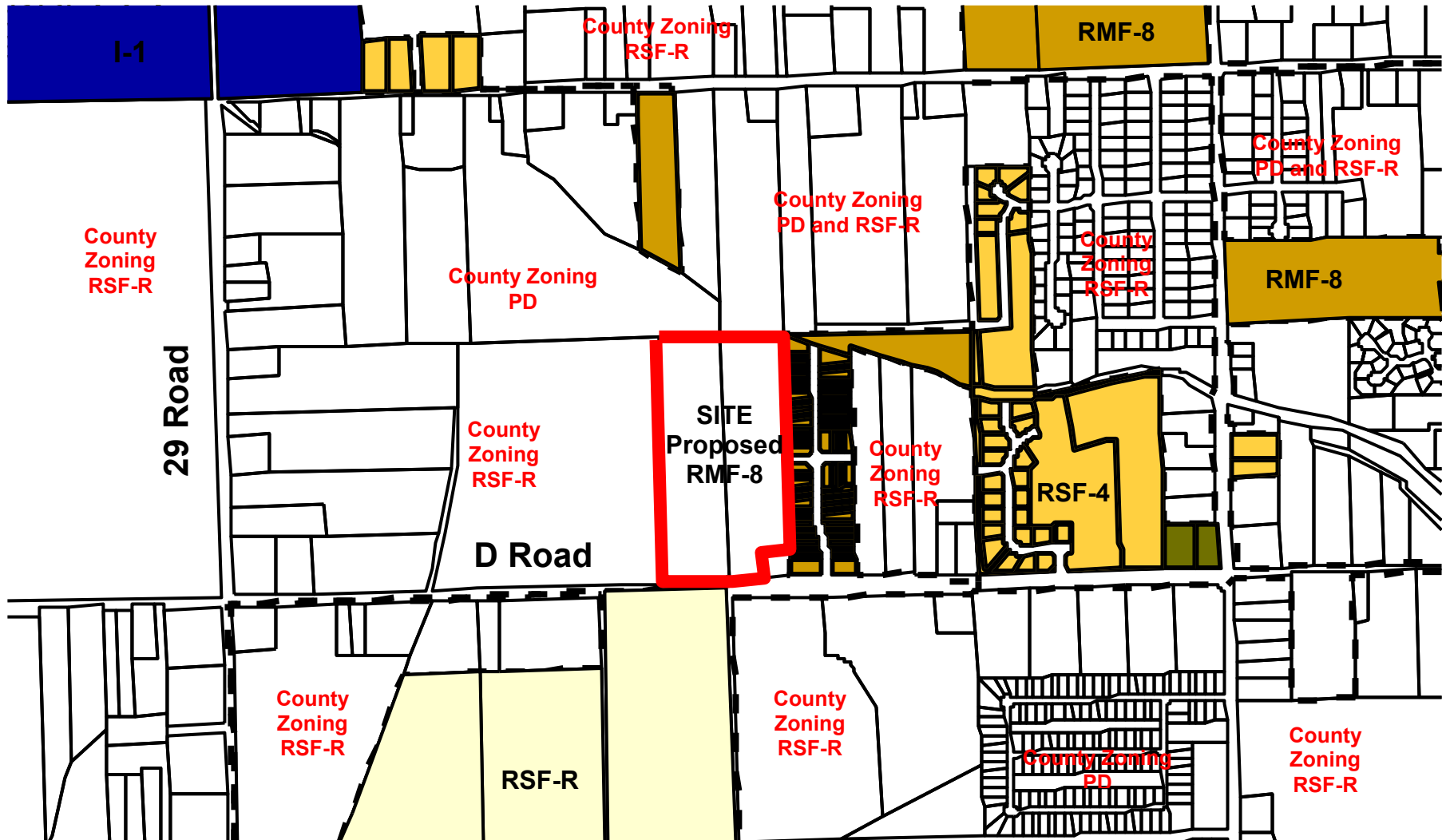
Future Land Use Map

Figure 3



Existing City and County Zoning

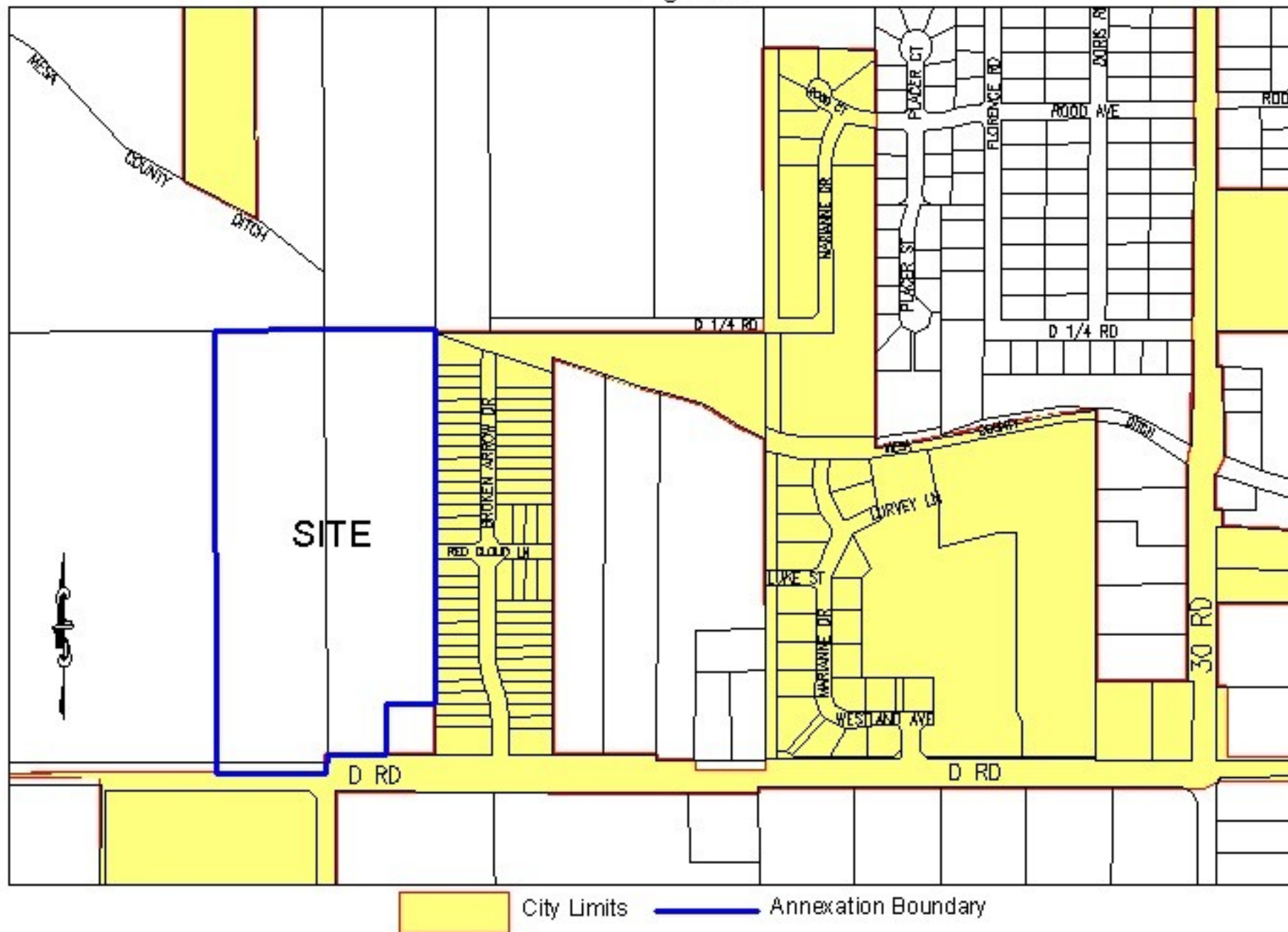
Figure 4



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."

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 15

Public Hearing – Castanha Annexation No. 1, No. 2, No. 3, No. 4

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>										
Subject		Castanha Annexation 1, 2, 3 & 4; Acceptance of Petition, and Hold a Public Hearing and Consider Final Passage of the Annexation Ordinances.								
Meeting Date		August 18, 2004								
Date Prepared		August 6, 2004				File #ANX-2004-135				
Author		Lori V. Bowers			Senior Planner					
Presenter Name		Lori V. Bowers			Senior Planner					
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When				
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name				
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration	

Summary: Castanha Annexation, a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road and including portions of right-of-way along Perona Court, 22 ½ Road and Saddlehorn Road, has presented a petition for annexation as part of a preliminary plan. The applicants request acceptance of the annexation petition and to hold a Public Hearing and Consider Final Passage of the Annexation Ordinances.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

- 53. Staff report/Background information
- 54. General Location Map
- 55. Aerial Photo
- 56. Future Land Use Map

- 57. Zoning Map
- 58. Annexation map
- 59. Resolution Accepting the Petition
- 60. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		<i>2250 Saddlehorn Road</i>		
Applicants:		John and Susan Castanha, owners Rolland Engineering, representative		
Existing Land Use:		<i>Single family residence</i>		
Proposed Land Use:		<i>2 lot residential subdivision</i>		
Surrounding Land Use:	North	<i>Residential</i>		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		Mesa County RSF-4		
Proposed Zoning:		RSF-2		
Surrounding Zoning:	North	<i>Mesa County RSF-4</i>		
	South	Mesa County RSF-4		
	East	Mesa County RSF-4		
	West	<i>Mesa County RSF-4</i>		
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 4.895 acres of land and is comprised of one parcel. The applicants have submitted a Preliminary Plat for subdivision of this parcel. The 1998 Persigo Agreement requires annexation into to City of Grand Junction to proceed with this request.

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 Castanha 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 (revised 8-11-04).

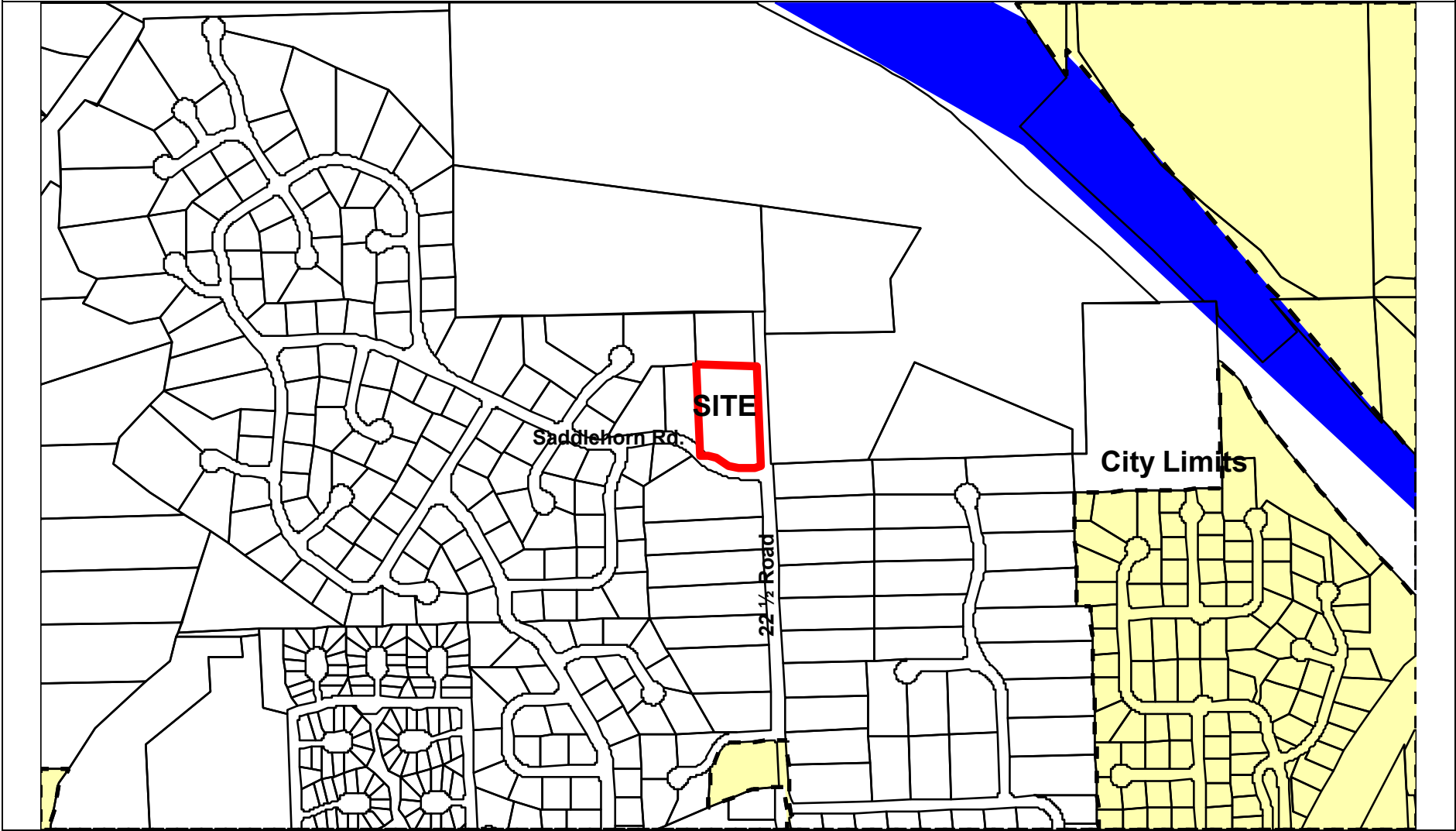
<i>ANNEXATION SCHEDULE</i>	
July 7th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Aug 10th	Planning Commission considers Zone of Annexation
Aug 18th	First Reading on Zoning by City Council
Aug 18th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Sept 19th	Effective date of Annexation and Zoning

CASTANHA ANNEX. SUMMARY

File Number:	ANX-2004-135	
Location:	2250 Saddlehorn Road	
Tax ID Number:	2945-072-06-001	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	4.895 acres for annexation area	
Developable Acres Remaining:	0 acres	
Right-of-way in Annexation:	59,248 sq. ft. along 22 ½ Road	
Previous County Zoning:	RSF-4 (County)	
Proposed City Zoning:	(RSF-2) Residential Single Family not to exceed 2 dwelling units per acre	
Current Land Use:	Single family residence	
Future Land Use:	1 additional residential lot	
Values:	Assessed:	= \$13,490
	Actual:	= \$204,440
Address Ranges:	None	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	City of Grand Junction
	Drainage:	None
	School:	District 51
	Pest:	Redlands Mosquito Control District

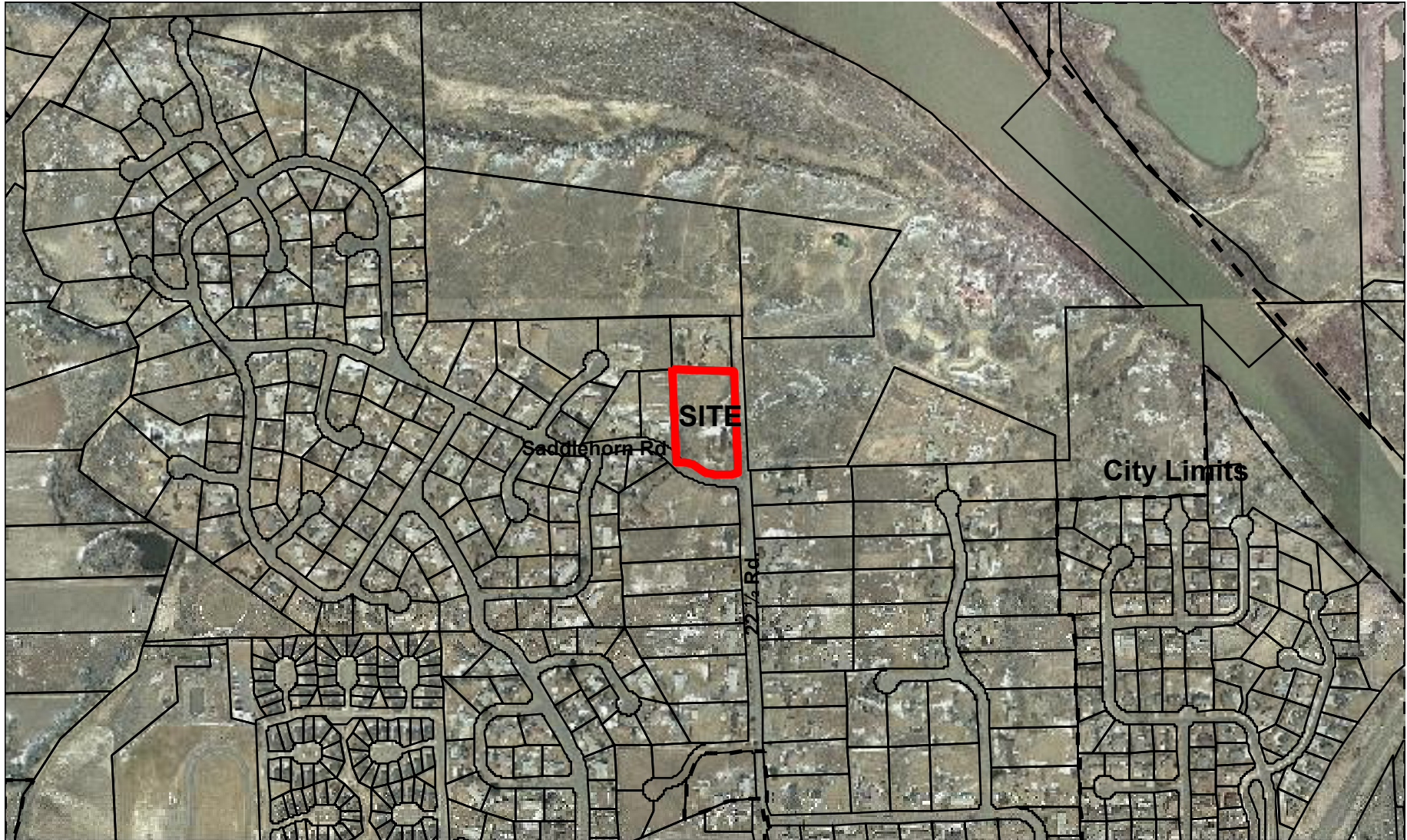
Site Location Map

Figure 1



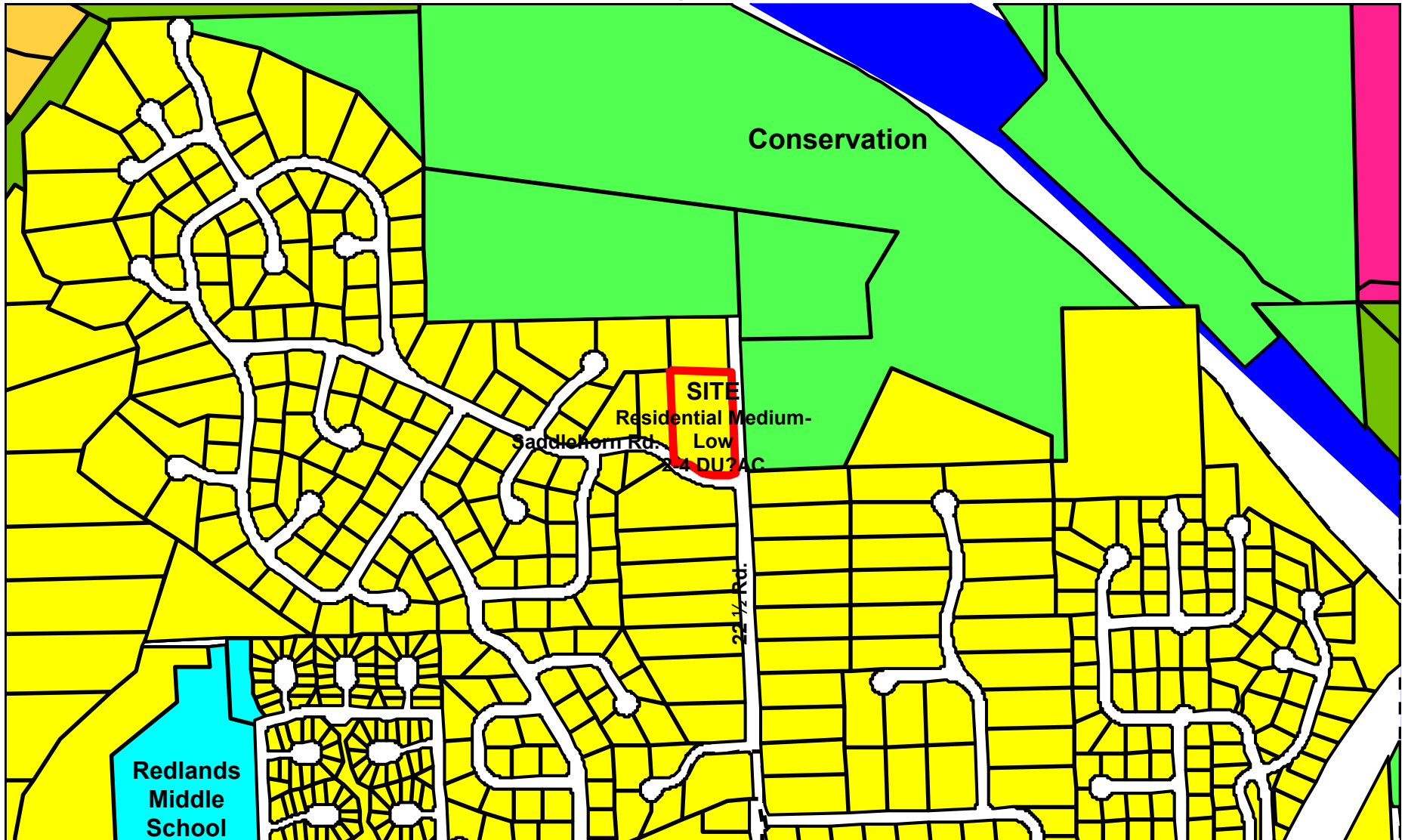
Aerial Photo Map

Figure 2



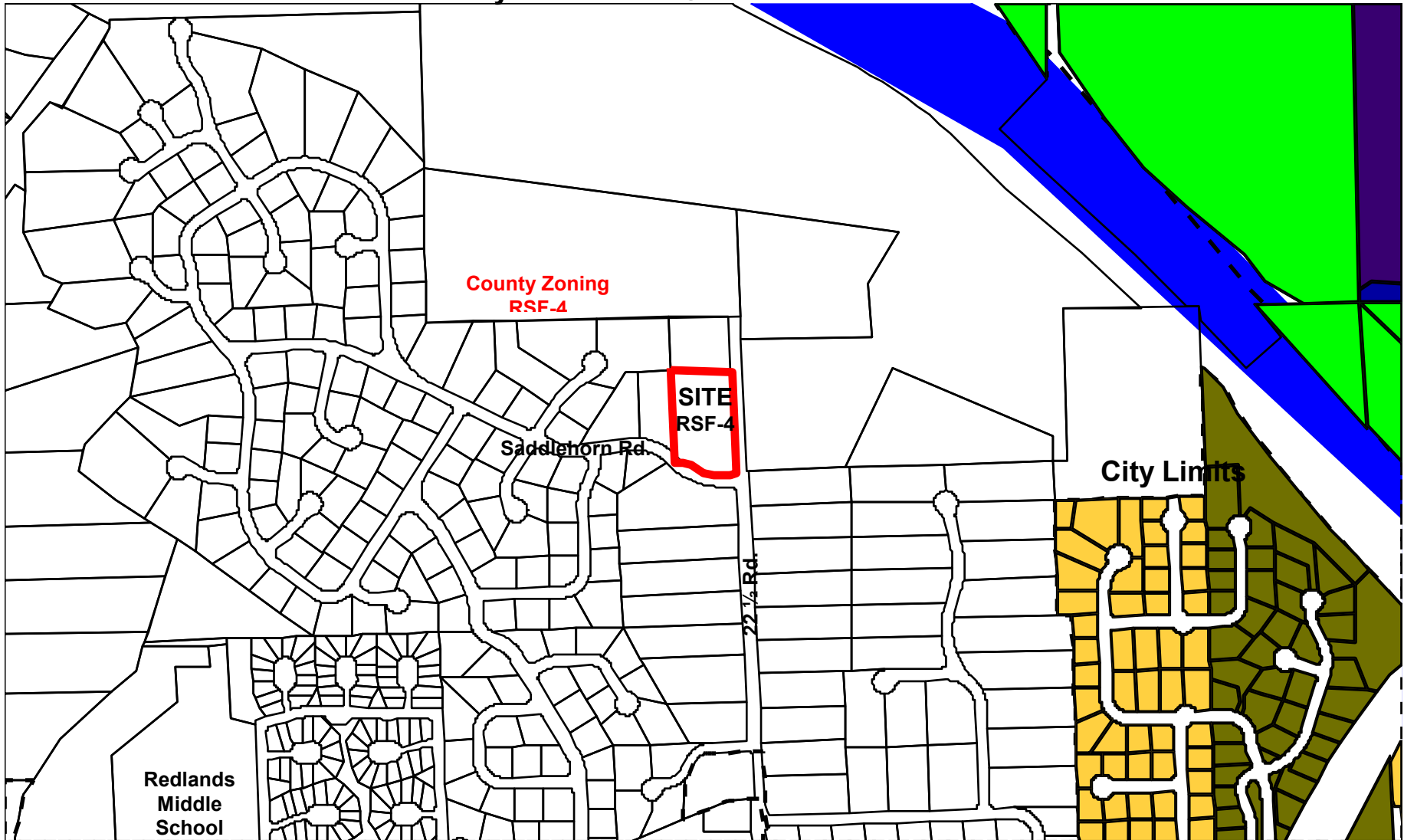
Future Land Use Map

Figure 3



Existing City and County Zoning

City Limits Figure 4



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

RESOLUTION NO. __-04

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

**CASTANHA ANNEXATON
A SERIAL ANNEXATION COMPRISING OF CASTANHA ANNEXATION NO. 1, CASTANHA
ANNEXATION NO. 2, CASTANHA ANNEXATION NO. 3 AND CASTANHA ANNEXATION NO. 4**

**LOCATED AT 2250 SADDLEHORN ROAD AND INCLUDING PORTIONS OF RIGHT-OF-WAY ALONG
PERONA COURT, 22 ½ ROAD AND
SADDLEHORN ROAD**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 7th day of July, 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

CASTANHA ANNEXATION

(A Serial Annexation consisting of Castanha Annexation No. 1, Castanha Annexation No. 2, Castanha Annexation No. 3 and Castanha Annexation No. 4)

CASTANHA ANNEXATION NO. 1

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°36'13" W along the Easterly projection of the South right of way for said Perona Court, a distance of 60.01 feet; thence N 00°28'40" W a distance of 10.00 feet; thence S 89°36'13" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the West line

of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 119.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.039 Acres (1,700.0 Sq. Ft.) more or less, as described.

CASTANHA ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 119.99 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°35'49" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence N 89°36'13" W a distance of 50.01 feet; thence N 00°28'40" W a distance of 30.00 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence S 89°27'40" E a distance of 40.01 feet; thence N 00°28'40" W a distance of 90.09 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 90°00'00" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 339.27 feet, more or less, to the Point of Beginning.

CONTAINING 0.133 Acres (5,790.4 Sq. Ft.), more or less, as described.

CASTANHA ANNEXATION NO. 3

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as

depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 459.26 feet; thence N 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7 and the POINT OF BEGINNING; thence from said Point of Beginning, S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 89°35'49" W a distance of 10.00 feet; thence S 00°28'40" E a distance of 90.09 feet; thence N 89°27'40" W a distance of 40.01 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing NO. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence N 00°28'40" W along the East line of said Block 8, a distance of 1052.73 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, being a portion of the Southerly right of way for Saddle Horn Road, as same is shown on said Redlands Village Filing No. 4; thence N 89°31'20" E a distance of 50.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet, more or less, to the Point of Beginning.

CONTAINING 1.188 Acres (51,757.6 Sq. Ft.), more or less, as described.

CASTANHA ANNEXATION NO. 4

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 9, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°28'40" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 428.59 feet; thence N 89°31'20" E a distance of 10.00 feet to a point being the Northwest corner of Lot 1, Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado; thence S 00°28'40" E along the West line of said Redlands Village Acres Filing No. 1, a distance of 724.49 feet; thence S 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, with a long chord bearing of N 44°58'40" W and a long chord length of 35.05 feet; thence 38.83 feet Northwesterly along the arc of said curve, through a central angle of 89°00'00"; thence N 89°28'40" W, along the South right of way for Saddle Horn Road, a distance of 25.86 feet to a point being the beginning of a 325.00 foot radius curve, concave Northeast, with a long chord bearing of N 65°50'40" W and a

long chord length of 260.57 feet; thence continuing along the South right of way for said Saddle Horn Road, 268.11 Northwesterly along the arc of said curve, through a central angle of 47°16'00"; thence N 47°47'58" E a distance of 50.00 feet to a point being the Southwest corner of said Lot 1, Block 9; thence N 00°28'40 " W along the West line of said Lot 1, Block 9, a distance of 356.60 feet to a point being the Northwest corner of said Lot 1, Block 9; thence S 89°28'540" E, along the North line of said Lot 1, Block 9, a distance of 250.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.535 Acres (153,997.3 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:

3. That a hearing will be held on the 18th day of August, 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.
4. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 7th day of July, 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**

CASTANHA ANNEXATION NO. 1

APPROXIMATELY 0.039 ACRES

A PORTION OF THE RIGHT-OF-WAY OF PERONA COURT AND 22 ½ ROAD

WHEREAS, on the 7th day of July, 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 18th day of August, 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:

CASTANHA ANNEXATION NO. 1

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained

herein being relative thereto; thence from said Point of Beginning, N 89°36'13" W along the Easterly projection of the South right of way for said Perona Court, a distance of 60.01 feet; thence N 00°28'40" W a distance of 10.00 feet; thence S 89°36'13" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 119.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.039 Acres (1,700.0 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 7th day of July, 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**

CASTANHA ANNEXATION NO. 2

APPROXIMATELY 0.133 ACRES

A PORTION OF THE RIGHT-OF-WAY OF PERONA COURT AND 22 ½ ROAD

WHEREAS, on the 7th day of July, 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 18th day of August, 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:

CASTANHA ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained

herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 119.99 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°35'49" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E, along the East line of the NW 1/4 of said Section 7, a distance of 109.99 feet; thence N 89°36'13" W a distance of 50.01 feet; thence N 00°28'40" W a distance of 30.00 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence S 89°27'40" E a distance of 40.01 feet; thence N 00°28'40" W a distance of 90.09 feet; thence S 89°35'49" E a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 90°00'00" E a distance of 10.00 feet to a point on the West line of said Redlands Village Acres Filing No. 1; thence S 00°28'40" E along said West line, a distance of 339.27 feet, more or less, to the Point of Beginning.

CONTAINING 0.133 Acres (5,790.4 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 7th day of July, 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**

CASTANHA ANNEXATION No. 3

APPROXIMATELY 1.188 ACRES

RIGHT-OF-WAY ALONG 22 ½ ROAD

WHEREAS, on the 7th day of July, 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 18th day of August, 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:

CASTANHA ANNEXATION NO. 3

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the West line of Redlands Village Acres Filing No. 1, as same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado and the Easterly projection of the South Right of Way for Perona Court, as depicted on Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado, being the Northeast corner of the Bogart Annexation, City of Grand Junction Ordinance No. 3603 and assuming the East line of

the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°28'40" W along the West line of said Redlands Village Acres Filing No. 1, a distance of 459.26 feet; thence N 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7 and the POINT OF BEGINNING; thence from said Point of Beginning, S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 329.20 feet; thence N 89°35'49" W a distance of 10.00 feet; thence S 00°28'40" E a distance of 90.09 feet; thence N 89°27'40" W a distance of 40.01 feet to a point being the Southeast corner of Lot 1, Block 8, Redlands Village Filing NO. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado; thence N 00°28'40" W along the East line of said Block 8, a distance of 1052.73 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, being a portion of the Southerly right of way for Saddle Horn Road, as same is shown on said Redlands Village Filing No. 4; thence N 89°31'20" E a distance of 50.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet, more or less, to the Point of Beginning.

CONTAINING 1.188 Acres (51,757.6 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 7th day of July, 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**

CASTANHA ANNEXATION NO. 4

APPROXIMATELY 3.535 ACRES

**LOCATED AT 2250 SADDLEHORN ROAD AND A PORTION OF
THE SADDLEHORN ROAD RIGHT-OF-WAY**

WHEREAS, on the 7th day of July, 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 18th day of August, 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:

CASTANHA ANNEXATION NO. 4

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 9, Redlands Village Filing No. 4, as same is recorded in Plat Book 10, Page 43, Public Records of Mesa County, Colorado and assuming the East line of the NW 1/4 of said Section 7 bears S 00°28'40" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°28'40" E a distance of 50.01 feet to a point on the East line of the NW 1/4 of said Section 7; thence S 00°28'40" E along the East line of the NW 1/4 of said Section 7, a distance of 428.59 feet; thence N 98°31' 20" E a distance of 10.00 feet to a point being the Northwest corner of Lot 1, Redlands Village Acres Filing No. 1, as

same is recorded in Plat Book 11, Page 23, Public Records of Mesa County, Colorado; thence S 00°28'40" E along the West line of said Redlands Village Acres Filing No. 1, a distance of 724.49 feet; thence S 90°00'00" W a distance of 10.00 feet to a point on the East line of the NW 1/4 of said Section 7; thence N 00°28'40" W along the East line of the NW 1/4 of said Section 7, a distance of 634.30 feet to a point being the beginning of a 25.00 foot radius curve, concave Southwest, with a long chord bearing of N 44°58'40" W and a long chord length of 35.05 feet; thence 38.83 feet Northwesterly along the arc of said curve, through a central angle of 89°00'00"; thence N 89°28'40" W, along the South right of way for Saddle Horn Road, a distance of 25.86 feet to a point being the beginning of a 325.00 foot radius curve, concave Northeast, with a long chord bearing of N 65°50'40" W and a long chord length of 260.57 feet; thence continuing along the South right of way for said Saddle Horn Road, 268.11 Northwesterly along the arc of said curve, through a central angle of 47°16'00"; thence N 47°47'58" E a distance of 50.00 feet to a point being the Southwest corner of said Lot 1, Block 9; thence N 00°28'40" W along the West line of said Lot 1, Block 9, a distance of 356.60 feet to a point being the Northwest corner of said Lot 1, Block 9; thence S 89°28'540" E, along the North line of said Lot 1, Block 9, a distance of 250.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.535 Acres (153,997.3 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 7th day of July, 2004 and ordered published.

ADOPTED on second reading this ____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 16

Public Hearing – Rezone at 1215 N. 1st Street

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Request to 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 18, 2004					
Date Prepared		August 2, 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			Consent	X 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: Conduct the Public Hearing and approve the Rezoning Ordinance.

Background Information: See attached Staff Report/Background Information.

Attachments:

- 61. Staff Report/Background information
- 62. Site Location Map
- 63. Aerial Photo
- 64. Growth Plan Map
- 65. Existing Zoning Map
- 66. 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:

8. 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.

9. 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.

- 10. 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.

- 11. 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.

- 12. 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.

- 13. 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.

- 14. 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:

1. The requested rezone to RO, Residential Office is consistent with the Growth Plan.
2. 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.

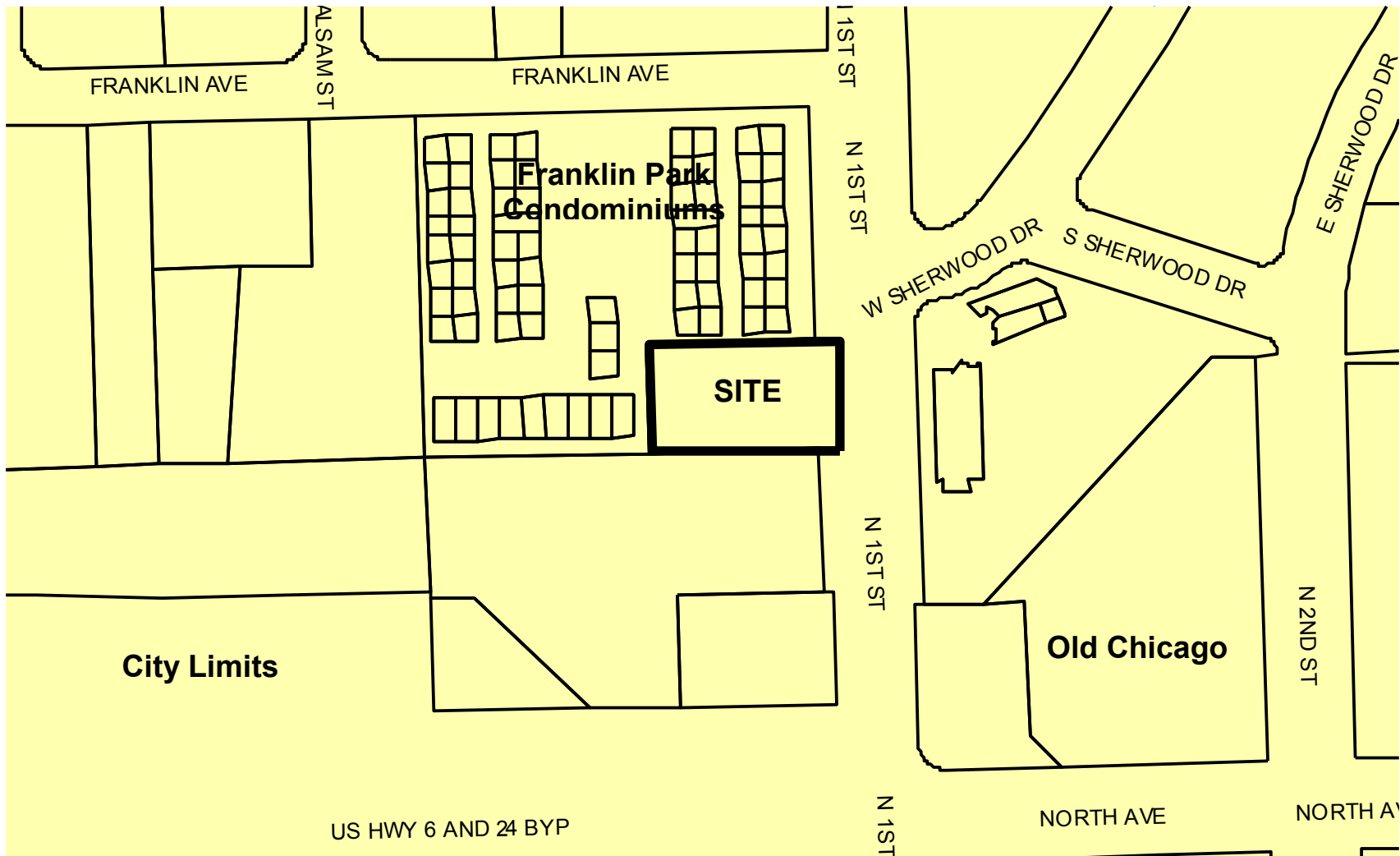
Action Requested/Recommendation: The Planning Commission recommends that the City Council approve the Ordinance for the rezone of 0.37 acres from RMF-24 (Residential Multi-Family – 24 units per acre) to RO, (Residential Office) – 1215 N. 1st Street, finding the request consistent with the Growth Plan 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



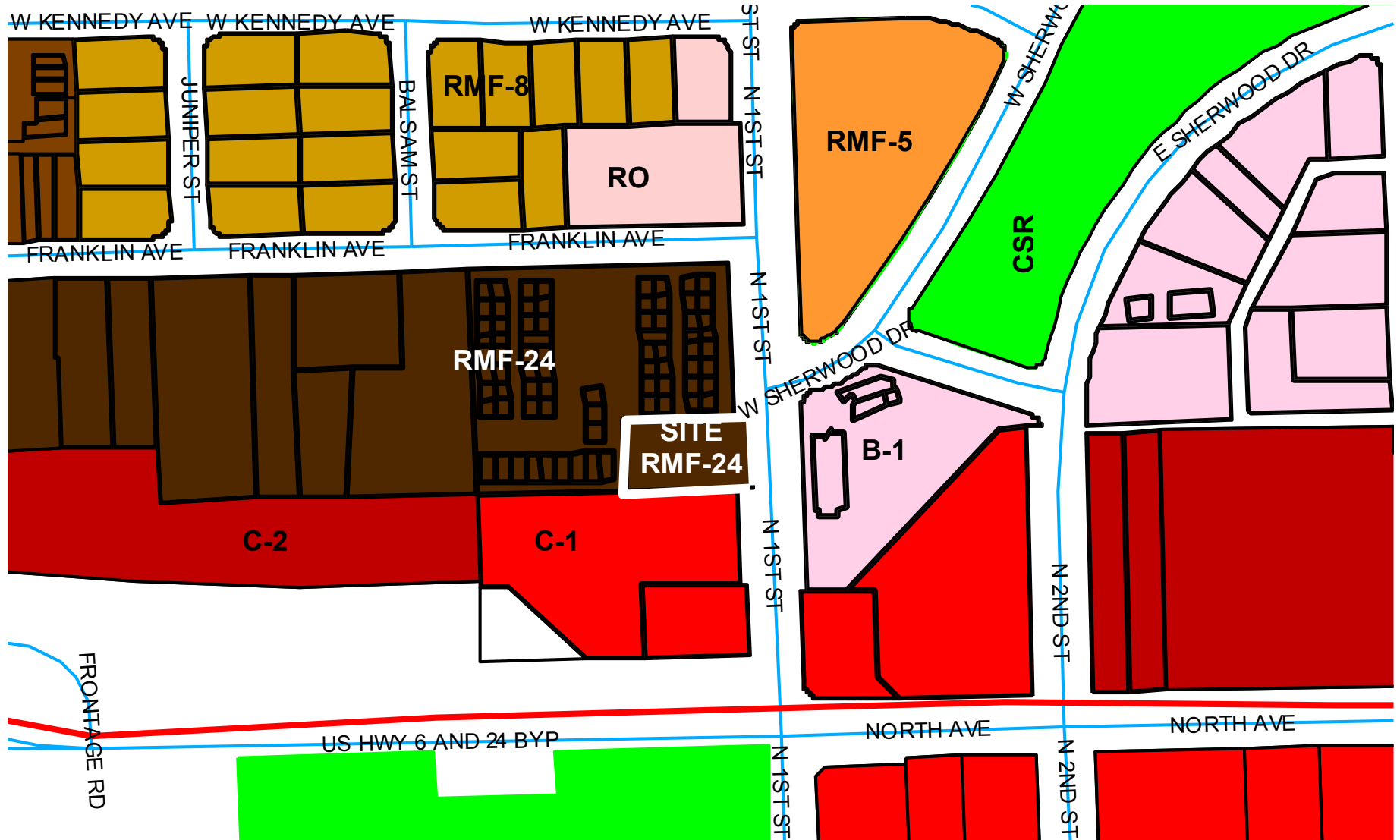
Future Land Use Map – 1215 N. 1st Street

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

**Public Hearing – Right-of-Way Vacation at the Northwest Corner of G Road
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
Subject	Right-of-Way Vacation – Northwest corner of G Road & Horizon Drive and Purchase Agreement					
Meeting Date	August 18, 2004					
Date Prepared	August 12, 2004			File #VR-2004-131		
Author	Ronnie Edwards Tim Moore		Associate Planner Public Works Manager			
Presenter Name	Ronnie Edwards Tim Moore		Associate Planner Public Works Manager			
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 City, along with two co-applicants, propose to vacate approximately 11,307 square feet of unused public right-of-way near the northwest corner of the intersection of G Road and Horizon Drive. The remnant parcel resulted by virtue of the realignment of 27 ½ and G Road. The entire area will be reserved as a multi-purpose easement due to the numerous underground utilities that presently exist. The City and co-applicants have developed a Purchase Agreement to provide for landscaping/parking improvements to this same area, if the vacation occurs. The parcel must be attached and ultimately will be incorporated into the adjoining parcel.

Budget: Funds for the City’s share of improvements outlined in the attached agreement are budgeted in F-00447 and estimated to be \$35,000 including construction inspection.

Action Requested/Recommendation: Adopt Ordinance vacating the right-of-way and ratify the purchase agreement. The Planning Commission recommended that the City Council vacate the right-of-way, while 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. Agreement with drawing
6. Ordinance and Exhibit map

Background Information:

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.

PURCHASE AGREEMENT

Subject to Council approval of the vacation of this right-of-way, the City has entered into an agreement with the adjacent property owner and the tenant of the Pizza Hut property for improvements to this site. The general terms of this agreement (attachment #5) include:

- The improvements include perimeter landscaping, irrigation, lighting and pavement to be used for parking. The City will coordinate the construction of these improvements.
- The adjacent property owner will pay a portion of the costs to improve the site and provide ongoing maintenance and repairs to the improvements.
- The site must be “attached” to the existing Pizza Hut property. The vacated ROW cannot become a separate parcel.
- The City will contribute up to \$35,000 for the costs to improve the site.
- The site is conveyed subject to any and all utility, drainage and other encumbrances.

If approved by Council, it is anticipated that the landscaping and pavement improvements to this site will be complete by November 1, 2004.

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 easement.

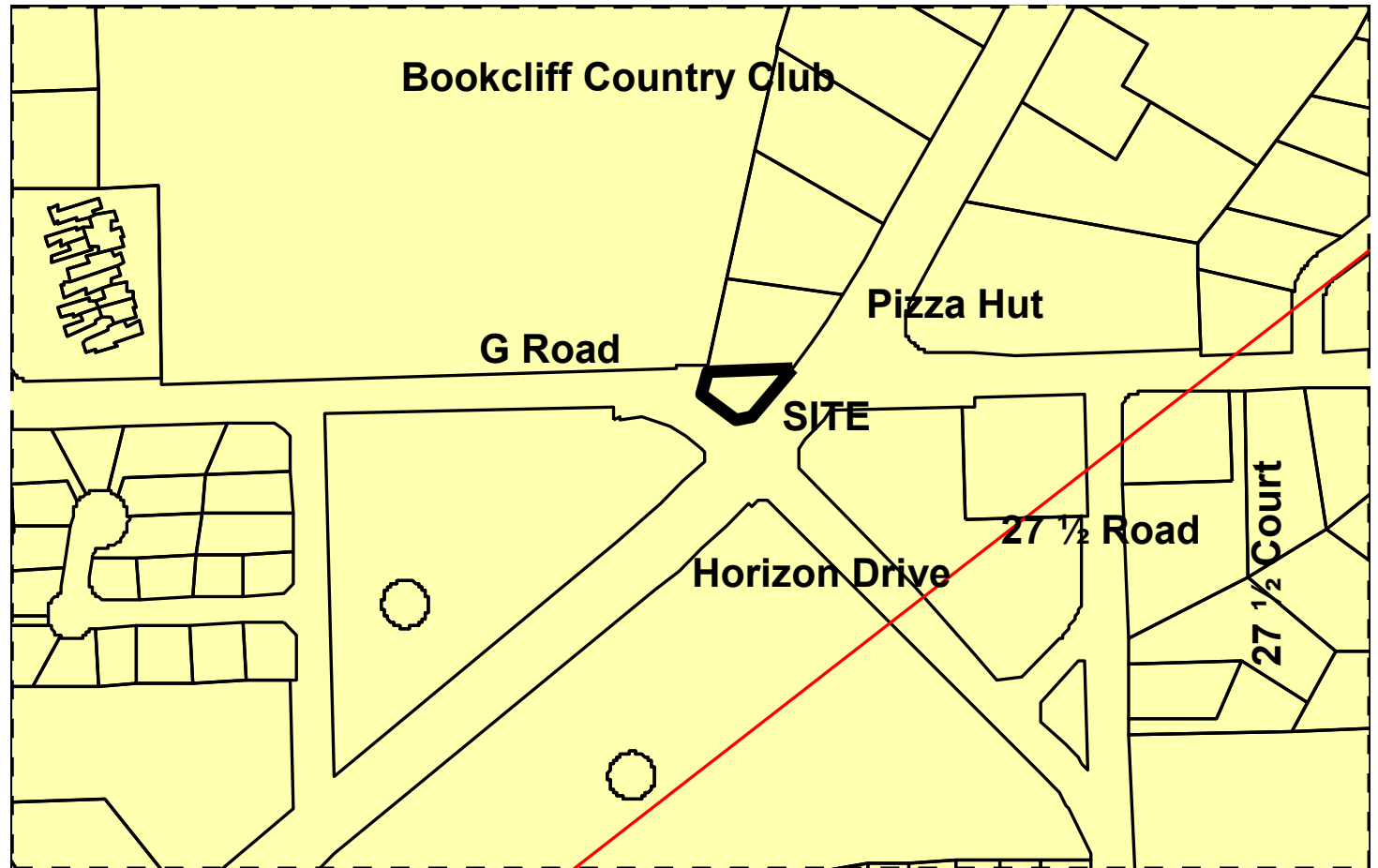
FINDINGS OF FACT/CONCLUSIONS:

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



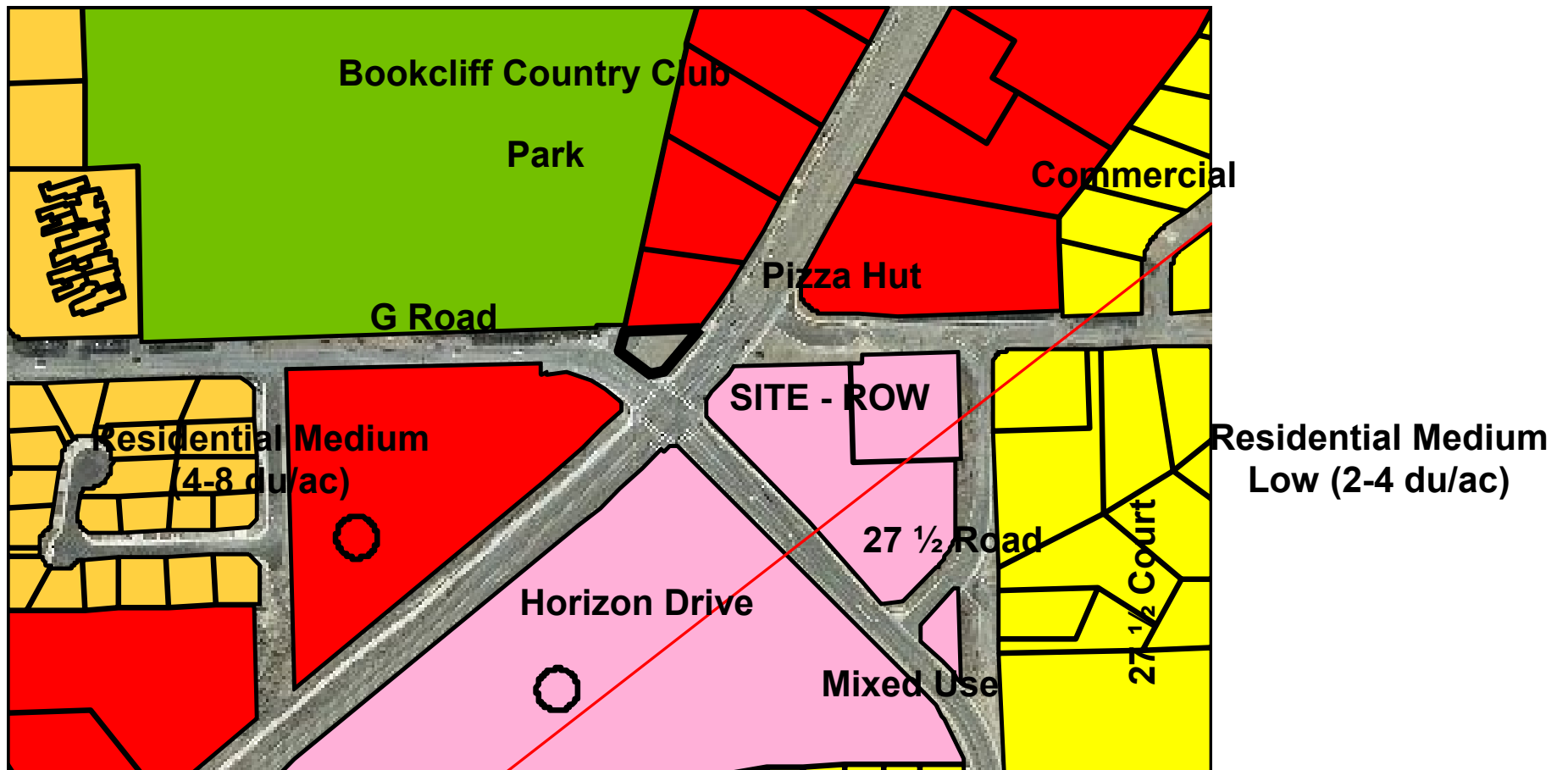
Aerial Photo Map

Figure 2



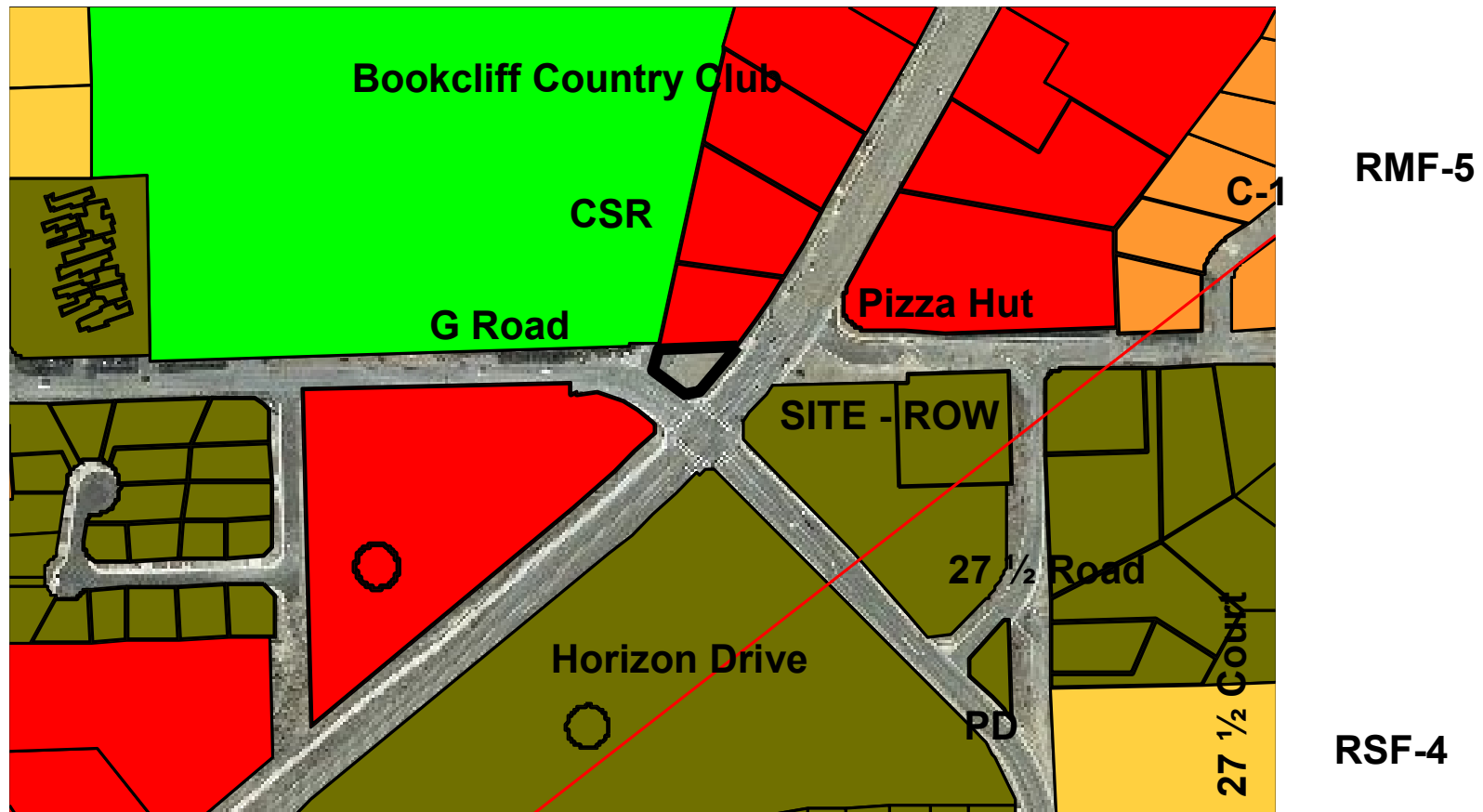
Future Land Use Map

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

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT dated ^{KA} ~~April 27~~ ^{May}, 2004, is by and between the City of Grand Junction ("Seller" or "the Seller"), McGovern Enterprises as the Tenant of the Pizza Hut property ("Tenant"), and the GS and PD Living Trust ("Buyer" or "the Buyer").

The Seller is the owner of the real property located at the NW corner of Horizon Drive and G Road in the City of Grand Junction, Mesa County, Colorado, which is more particularly described as real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit: Commencing at the Southwest Corner of the SE ¼ SW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the SE ¼ SW ¼ of said Section 36 to bear N 89°59'57" E with all bearings contained herein being relative thereto; thence N 89°59'57" E along the South line of the SE ¼ SW ¼ of said Section 36 a distance of 635.52 feet; thence leaving the South line of said SE ¼ SW ¼, N 00°00'03" W a distance of 1.31 feet to the True Point of Beginning; thence N 36°59'12" E a distance of 48.45 feet; thence S 89°59'57" E a distance of 143.62 feet; thence S 00°13'00" W a distance of 16.01 feet; thence 99.21 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°05'28", and a long chord bearing S 41°43'47" W a distance of 99.20 feet; thence N 82°55'39" W a distance of 29.53 feet; thence N 46°12'13" W a distance of 8.17 feet; thence S 42°58'40" 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°25'34" W a distance of 81.84 feet to the Point of Beginning, Containing 10,408.80 square feet, more or less (.239 acres, more or less), as described herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by reference

The Tenant leases from the Buyer property owned by the Buyer located at the approximate intersection of G Road and Horizon Drive referred to herein as "the Pizza Hut Property."

Adjacent to the Pizza Hut Property is an area of former City right-of-way that is not presently used by the City because of the reconstruction of Horizon Drive, G Road and 271/2 Road, hereinafter referred to as "the City Property." The Buyer desires to purchase the City Property in order to enhance the Pizza Hut Property.

The Buyer desires to purchase the City Property on the terms set forth herein. The Tenant agrees to the terms herein as they affect its current lease with the Buyer, and Tenant specifically agrees to assume all maintenance for the City Property as required by this Agreement during the term of Tenant's Lease.

Section One - Terms. The City Property will be conveyed to the GS and PD Living Trust on condition that the Buyer:

- 1.1) pays for a portion of the cost to landscape the City Property in accordance with the attached Landscape Plan ("Plan" or "the Plan"). The City has received a bid for the work in the amount of \$35,000. The parties agree that the Buyer will pay \$12,500 of this amount and the balance of the cost for the work will be paid by the City. The parties acknowledge that in addition to the \$12,500 to be paid by Buyer hereunder, that Buyer and Teannt have incurred engineering costs for the City Property in excess of \$10,000.00
- 1.2) by no later than June 18, 2004, Buyer shall begin proceeding with the City to "attach" the City Property to the Pizza Hut Property, all as further described or required by this agreement. "Attachment" shall be by plat, re-plat, vacation and/or otherwise lawful method as determined or prescribed by the Seller;
- 1.3) shall bear any and all costs for the maintenance of the improvements, as stated in and limited by this Agreement, and all costs for processing the "Attachment";
- 1.4) shall allow for the extension of a water tap/water line to the City Property for purposes of the installation and maintenance of landscaping in accordance with the Plan, with the cost of construction to be a part of the Landscape Plan;
- 1.5) the Buyer shall maintain the City Property, including but not limited to the appearance and integrity of the landscaping all of which shall be maintained in good order, appearance and condition.
- 1.6) in the event the landscaping on the City Property becomes damaged, destroyed or injured the Buyer shall promptly restore the same;
- 1.7) the Buyer shall pay the cost of utilities used on and for the benefit of the City Property, which include but are not limited to water and electricity;
- 1.8) if the Buyer refuses or neglects to perform maintenance work required under the provisions hereof within fifteen (15) days after written demand the Seller may, without any obligation to do so, enter on the City Property and make such repairs or perform maintenance without liability to the City's operations by reason thereof.
- 1.9) the Seller shall not be liable for any liability or damage claims of, or for injury to persons or property arising from any cause relating to the occupancy of the City Property by the Buyer.

Section Two - Time

- 2.1) The Agreement shall become operative on approval, if at all by the City Council. If the City Council approves this Agreement then the Buyer may exercise the rights conferred by this Agreement to acquire the Property by filing for the attachment no later than June 18, 2004.

-
- 2.2) If the Buyer performs pursuant to this Purchase Agreement then the City will deliver a Special Warranty deed conveying the City Property to Buyer upon completion of construction of the landscaping in accordance with the Plan and upon satisfaction of the attachment condition(s). The attachment condition(s) specifically requires that the Buyers shall make application for the plat, re-plat, to vacate the existing City right of way upon the City Property, apply for zoning and/or otherwise lawfully attach the City Property to the Pizza Hut Property on or before June 18, 2004.

Section Three - Consideration

- 3.1) By this Agreement the City will convey the City Property to the Buyer on condition that the Buyer pay \$12,500 to the City, as provided by this agreement and that the Buyer satisfy all of the Terms provided for in Section One above and/or as otherwise provided by this agreement.

Section Four - Use of the Property

- 4.1) Upon satisfaction of each and every provision of this Agreement the Buyer may apply to develop the City Property as a part of the Pizza Hut Property in accordance with the Zoning and Development Code and other City regulations in effect at the time of application. If the City Property as attached to the Pizza Hut Property is redeveloped it shall be landscaped in accordance with the requirements of the then existing Code. The City Property shall become a part of the Pizza Hut Property and shall be used exclusively by the Buyer, its Tenants, heirs, successors and assigns, and in connection with the ownership and operation of the Pizza Hut Property.
- 4.2) Because the City Property and any conveyance of it is subject to certain rights, which are being/will be retained by the City, the City makes no representation either express or implied that any redevelopment application (other than the parking allowed by this agreement) will be approved by it or that the City Property is developable for a specific use. The City Property is conveyed subject to any and all utility, drainage and other surface and subsurface encumbrances, easements and claims. The requirement of the Buyers to pay the \$12,500 as provided for in this Agreement is contingent upon the City approving the attachment of the City Property to the Pizza Hut property and vacating the City right-of-way across the City Property as contemplated by this Agreement. No such attachment of the City Property shall require any upgrading, remodeling, rezoning or other modification to the Pizza Hut Property or the improvements on the Pizza Hut Property.
- 4.3) The Buyer has investigated the title to the City Property, including but not limited to the easements and encumbrances of record and are aware that the City Property has been used as right of way and that the City has not vacated the same. The Buyer acknowledges the existence of the same and takes the City Property subject

to the same; provided, however, the City right of way will be vacated as a part of the process of attaching the City Property to the Pizza Hut Property. The City will not be required to provide title insurance to the City Property.

- τ
- 4.4) If any of the City Property is used for parking, the Buyer shall enforce parking restrictions made applicable by the design, layout, signing and/or striping of the City Property. The City shall not be responsible for any enforcement. The Buyer and its agents are authorized to enforce only those laws, rules or regulations that are incident to ownership.
 - 4.5) The Buyer shall neither use nor permit the City Property to be used in any fashion or in any manner contrary to the laws, ordinances or regulations of the City or any governmental agency exercising jurisdiction over the City Property if other than the Seller.
 - 4.6) With the approval of the Seller, which approval shall be granted if the sign(s) conform(s) to ordinances and zoning laws imposed by the City, the Buyer may install and maintain appropriate sign(s) on the City Property associated with the operations conducted thereon.

Section Five - Pledges and Assignments

- 5.1) The Buyer shall not pledge or attempt to pledge or grant or attempt to grant as collateral or security its interest in the Property without the prior written consent of the Seller until after closing.
- 5.2) The Buyer shall not assign prior to closing the obligations arising out of this Agreement without first obtaining the written consent of the Seller. Any consent given by the Seller shall not be consent to a subsequent assignment. The City reserves the right to reject assignees.
- 5.3) The Buyer shall not assign any rights arising out of this Agreement without first obtaining the written consent of the Seller. Any consent given by the Seller shall not be consent to a subsequent assignment. The City reserves the right to reject assignees. The prohibition against assignment does not extend to the contractors hired to perform work.

Section Six - Integration

- 6.1) This Agreement contains the entire agreement between the Parties and cannot be changed or terminated except by a written instrument subsequently executed by all the Parties hereto. The terms and conditions hereof apply to and are binding upon the heirs, successors and authorized assigns of the Parties as limited by the provisions of section Five.

-
- 6.2) In order that the terms of this Agreement are fully known and applicable to any successor in interest, this Agreement or a memorandum thereof shall be recorded in the Mesa County land records.

Section Seven - Applicable Law

- 7.1) This Agreement shall be governed by and construed in accordance with the laws of the City of Grand Junction, State of Colorado.
- 7.2) Any action arising out of or under this Agreement shall be brought in a court of competent jurisdiction in Grand Junction, Mesa County, Colorado.
- 7.3) The Tenant, by signing below, agrees to the terms and conditions of this Agreement as the same may affect the current lease on the Pizza Hut Property.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

TENANT:

McGovern Enterprises:



P. McGovern, President

BUYER:

GS and PD Living Trust



George S. Demetriou TTEE

SELLER:

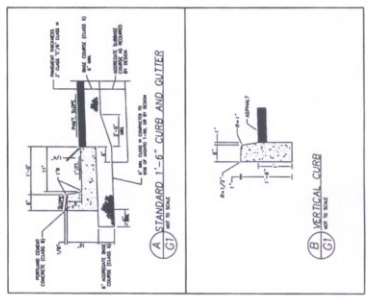
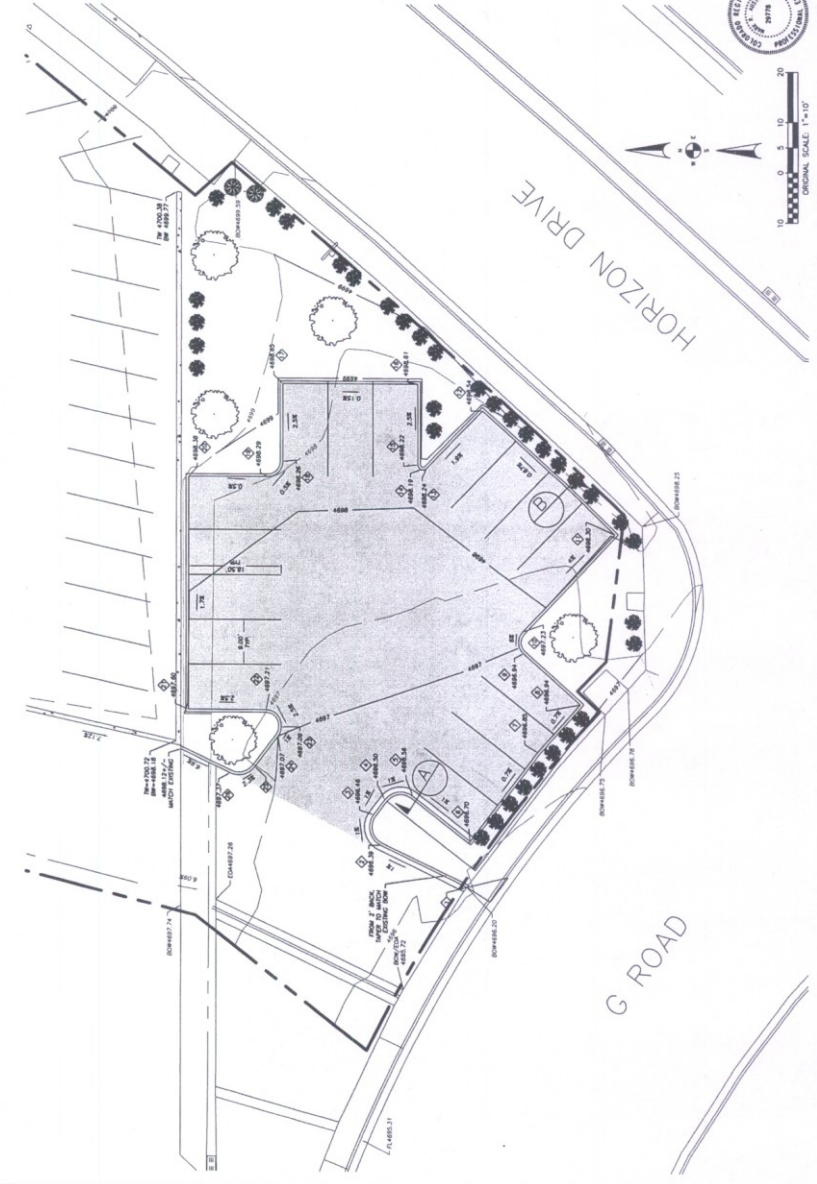
THE CITY OF GRAND JUNCTION, a
Colorado home rule municipality



POINT NUMBER	NORTHING	EASTING	E. ELEVATION	MATCH EXISTING
49884.2951	98707.1104	98715.2995	4896.39	
50001.5343	98715.2995	98721.3441	4896.46	
50002.8942	98721.3441	98724.2740	4896.50	
50000.7512	98724.2740	98725.0187	4896.56	
49895.1436	98725.0187	98716.2048	4896.70	
49883.6300	98716.2048	98733.7911	4896.85	
49970.1872	98733.7911	98743.2862	4896.94	
49961.6732	98743.2862	98753.4318	4896.94	
49973.0286	98753.4318	98757.7453	4897.23	
49973.1940	98757.7453	98777.2833	4898.30	
49964.8891	98777.2833	98601.7860	4898.54	
49881.2540	98601.7860	98790.2926	4898.24	
49892.4437	98790.2926	98790.6537	4898.13	
49933.5366	98790.6537	98790.9900	4898.22	
49994.1622	98790.9900	98807.0294	4898.61	
49984.1841	98807.0294	98791.5263	4898.26	
50021.1823	98791.5263	98788.5260	4898.29	
50024.1819	98788.5260	98781.9250	4897.60	
50039.9656	98781.9250	98741.9267	4897.21	
50024.4603	98741.9267	98738.5446	4897.09	
50021.4599	98738.5446	98736.7206	4897.07	
50022.0778	98736.7206	98730.6432	4897.20	
50026.2302	98730.6432	98729.4534	4897.37	
50031.6053	98729.4534			

NOTE: ALL ELEVATIONS ARE FLOWLINE UNLESS NOTED OTHERWISE.

DESCRIPTION	REPRESENTATIVE LINES	LIST OF SYMBOLS	LIST OF SYMBOLS	LIST OF SYMBOLS	LIST OF SYMBOLS
PROPERTY OR TRACT LINE	---	PAUL SIGN	○	EXISTING 1" CONTOUR	---
EXISTING CURB LINE THICK	---	TRAFFIC SIGNAL POLE	●	PROPOSED 1" CONTOUR	---
EXISTING CURB LINE THIN	---	PROPOSED SIGN	○	PROPOSED 2" CONTOUR	---
PROPOSED CURBLINE BY 1/2" SECTION	---	TELEPHONE MARKER	⊕	EXISTING ASPHALT	---
EXISTING SIDEWALK	---	TELEPHONE PERSON	⊕	EXISTING CONCRETE	---
PROPOSED SIDEWALK	---	POWER POLE	⊕	EXISTING CONCRETE TO BE RECAST	---
EXISTING CURB	---	LIGHT MARKER	⊕	TRAFFIC FLOW INDICATOR	---
PROPOSED CURB	---	EXISTING LIGHT POLE	⊕		
EXISTING CURB, GUTTER	---	PROPOSED LIGHT POLE	⊕		
PROPOSED CURB & GUTTER	---	1" DIA.	⊕		



CITY OF GRAND JUNCTION ENGINEERING
 APPROVED FOR CONSTRUCTION FOR THE YEAR FROM THE DATE
 DATE: _____
 ACCEPTED AS CONTRACTED
 DATE: _____
 BY: _____
 IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Grand Junction, Colorado, this _____ day of August, 2003.



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.

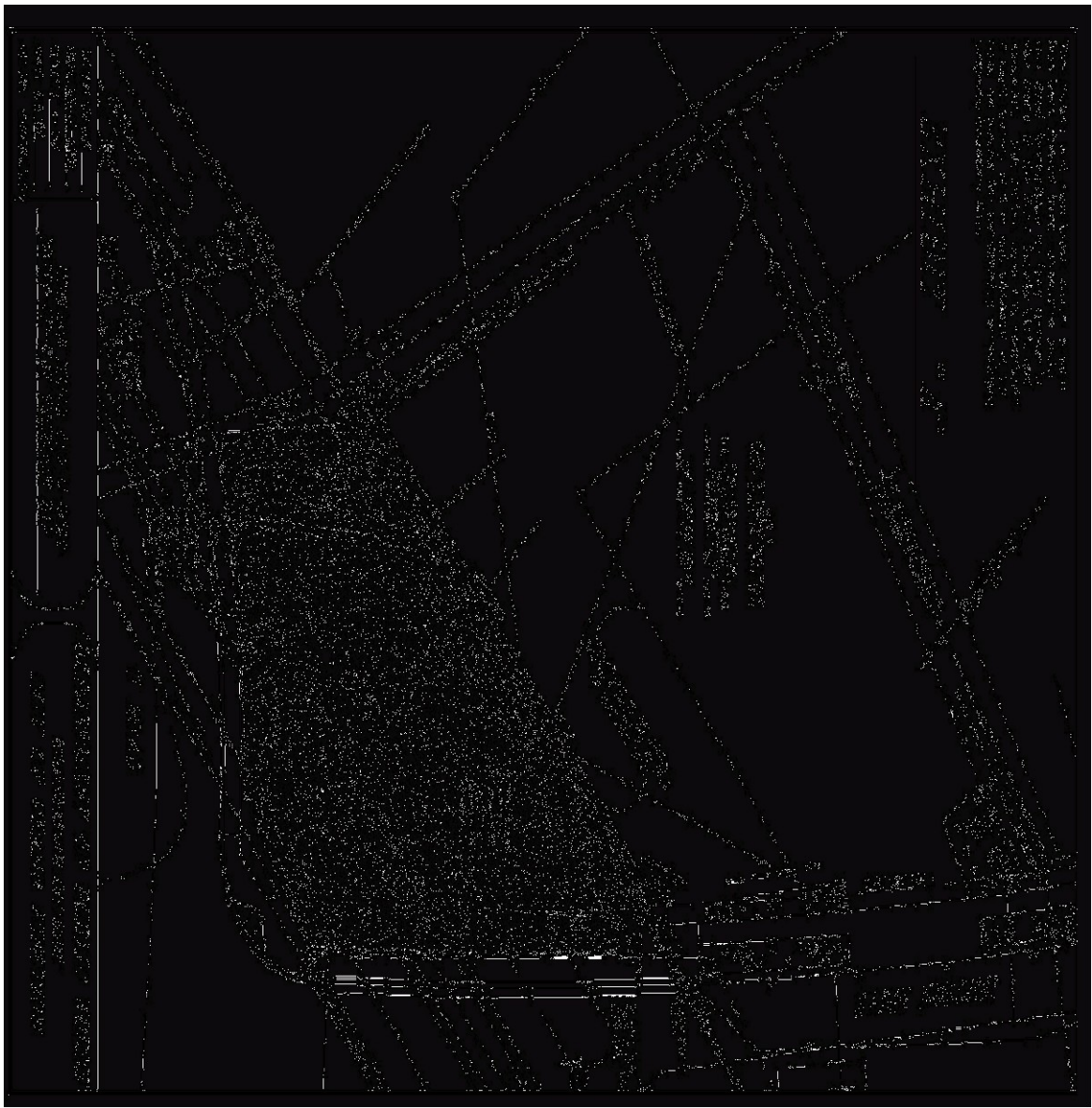
Introduced for first reading on this ____ day of _____, 2004.

PASSED and ADOPTED this ____ day of _____, 2004.

ATTEST:

President of City Council

City Clerk



Attach 19

**Appeal Conditional Use Permit – Colorado West Mental Health
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Appeal a Planning Commission decision regarding the approval of a Conditional Use Permit for an Unlimited Group Living Facility for Colorado West Mental Health – 515 28 ¾ Road					
Meeting Date	August 18, 2004					
Date Prepared	August 2, 2004				File #CUP-2004-019	
Author	Scott D. Peterson		Associate Planner			
Presenter Name	Scott D. Peterson		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: On May 25, 2004, the Planning Commission approved a Conditional Use Permit for the Colorado Mental Health Facility proposed to be located at 515 28 ¾ Road. The City received three (3) letters of appeal from various interested parties (Ms. Caprice Tuff, Mental Health Advocate, Concerned residents within the neighborhood, and Grand Mesa Little League) regarding this decision. This appeal is per Section 2.18 E. of the Zoning & Development Code which specifies that the City Council is the appellant body of the Planning Commission. On July 13th, the Planning Commission also denied Grand Mesa Little League’s request for a rehearing on the matter.

Budget: N/A

Action Requested/Recommendation: Review the appeal of the appellants.

Background Information: See attached Background Information.

Background Information:

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.”* Because Colorado West Mental Health proposes three buildings that could house patients overnight, a CUP is required.

On May 25, 2004 the Planning Commission conducted a Public Hearing to consider the request for a Conditional Use Permit for an Unlimited Group Living Facility for Colorado West Mental Health. The Public Hearing lasted for over six (6) hours. At the Hearing, the Planning Commission received testimony from City staff, the applicant, Colorado West Mental Health, and by also nearly sixty (60) residents of the community who testified both for and against the granting of the Conditional Use Permit (see transcript and Planning Commission background materials previous distributed). The Planning Commission approved the Conditional Use Application.

This appeal hearing is in accordance with Section 2.18 E. 4. h., of the Zoning & Development Code which states that the City Council shall review the record of the Planning Commission’s action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record. All deadlines contained in Section 2.18.E.4 of the Code have been met as well as the determination that the appellants all have standing to appeal.

If the City Council would grant the appeal, the following approval criteria as expressed in Section 2.18 E. 1. of the Zoning & Development Code would have to be found:

- (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code.
- (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (4) The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
- (5) In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

Council received copies of the appeals, Planning Commission meeting transcripts and a video tape of the meeting on August 4, 2004. In addition, a complete copy of the record for this project was made available for both Council and public review on August 9, 2004.