

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

WEDNESDAY, SEPTEMBER 1, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation – Rob Storey, River of Life Alliance Church

RECOGNITIONS / PROCLAMATIONS

***RECOGNITION OF CITY MANAGER KELLY ARNOLD'S ACHIEVEMENT AS AN ICMA CREDENTIALLED MANAGER

RECOGNITION OF PUBLIC WORKS EMPLOYEES DENNIS PRICE AND JASON BROWN FOR THEIR ASSISTANCE TO THE GRAND JUNCTION FIRE DEPARTMENT IN A RIVER RESCUE

PROCLAIMING SEPTEMBER 17, 2004 THROUGH SEPTEMBER 23, 2004 AS "CONSTITUTION WEEK"

PROCLAIMING THE GRAND JUNCTION CITY COUNCIL'S SUPPORT FOR THE EFFORT TO BUILD A NEW LIBRARY BUILDING AND FOR THE BALLOT MEASURE THAT WILL BE GOING BEFORE THE VOTERS

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE PLANNING COMMISSION

TO THE PLANNING COMMISSION BOARD OF APPEALS

*****APPOINTMENTS/ENDORSEMENTS**

***APPOINTMENT OF COUNCIL PRESIDENT BRUCE HILL TO CML'S POLICY COMMITTEE FOR 2004-2005

***RESOLUTION NO. 79-04 – A RESOLUTION ENDORSING COUNCIL PRESIDENT BRUCE HILL'S APPLICATION FOR APPOINTMENT TO THE NATIONAL LEAGUE OF CITIES COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE AND DIRECTING THAT A LETTER OF ENDORSEMENT BE SENT TO NLC [Attach 9](#)

*** *Indicates New Item*

® *Requires Roll Call Vote*

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

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

Action: Approve the Workshop Summary/Special Meeting Minutes from August 16, 2004 and the Minutes of the August 18, 2004 Regular Meeting

2. **Alley Improvement District 2004** [Attach 2](#)

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

- East/West Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- “T” shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue (Alley Improvement District ST-04, Phase B)

A public hearing is scheduled for October 6, 2004.

Resolution No. 78-04 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement Districts No. ST-04 and No. ST-04, Phase B

®Action: *Adopt Resolution No. 78-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

3. **Setting a Hearing on Zoning the Barker Annexation Located at 172 Lantzer Avenue, 2934 Highway 50, and 2937 Jon Hall Drive to RSF-4** [File # ANX-2004-127] [Attach 3](#)

Introduction of a proposed zoning ordinance to zone the Barker Annexation, located at 172 Lantzer Avenue, 2934 Highway 50 and 2937 Jon Hall Drive, to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre).

Proposed Ordinance Zoning the Barker Annexation to RSF-4 Located at 172 Lantzer Avenue, 2934 Hwy 50, and 2937 Jon Hall Drive

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

Staff presentation: Lori V. Bowers, Senior Planner

4. **Setting a Hearing on Right-of-Way Vacation – Southwest Corner of Patterson Road and 28 ½ Road intersection within The Falls Filing One Subdivision**
[File # VR-2004-133] [Attach 4](#)

Introduction of a proposed ordinance to vacate the public right-of-way as dedicated in the Falls Filing No. One, as amended, except for F Road also known as Patterson Road, located at the southwest corner of Patterson Road and 28 ½ Road.

Proposed Ordinance Vacating Right-of-Way Located in the Falls Filing No. One, as amended, Subdivision on the Southwest Corner of Patterson Road and 28 ½ Road

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

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing on Indian Road Annexation Located between C ½ Road and D Road at Indian Road** [File # ANX-2004-137] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 34.806 acre Indian Road Annexation consists of 49 parcels. Indian Road Annexation is a 2 part serial annexation.

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

Resolution No. 80-04 – 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, Indian Road Annexation Located Between C ½ Road and D Road at Indian Road

®Action: *Adopt Resolution No. 80-04*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Indian Road Annexation #1, Approximately 1.017 Acres Located at C ½ Road and Indian Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Indian Road Annexation #2, Approximately 33.789 Acres Located at D Road and Indian Road

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

Staff presentation: Senta L. Costello, Associate Planner

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

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

6. **Public Hearing – Rezoning the Ice Skating Inc. Property, Located at 2515 River Road, from I-1 to CSR** [File # RZ-2004-125] [Attach 7](#)

A continuance to the September 15, 2004 City Council meeting is requested to hold the public hearing and consider final passage of the zoning ordinance to rezone the Ice Skating Inc. property from I-1 (Light Industrial) to CSR (Community Services & Recreation), located at 2515 River Rd. At that time a Growth Plan Amendment request will also be heard to change the subject property from a Commercial / Industrial designation to a Park designation.

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

Action: *Continue Public Hearing to September 15, 2004*

Staff presentation: Senta L. Costello, Associate Planner

7. **Public Hearing – Zoning the Castanha Annexation 1, 2, 3 & 4 Located at 2250 Saddlehorn Road to RSF-2** [File # ANX-2004-135] [Attach 8](#)

Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Castanha Annexation. The request is for RSF-2 zoning. Castanha Annexation is a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road.

Ordinance No. 3664 – 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

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3664

Staff presentation: Lori V. Bowers, Senior Planner

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

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

Attach 9

Letter of Endorsement be Sent to NLC

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____-04

A RESOLUTION ENDORSING COUNCIL PRESIDENT BRUCE HILL'S
APPLICATION FOR THE NLC
COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE
AND DIRECTING THAT A LETTER OF ENDORSEMENT BE
SENT TO NLC ON THE CITY COUNCIL'S BEHALF

WHEREAS, Bruce Hill is serving his first term on the City Council for the City of Grand Junction and is currently the President of the Council; and

WHEREAS, Council President Bruce Hill has participated on the Colorado Municipal League's Policy Board and has attained certificate level through the CML leadership program; and

WHEREAS, Council President Hill represents the Grand Junction City Council on the Grand Junction Economic Partnership, the Chamber of Commerce Legislative Committee, the Economic Development Partners and the Public Development Rights Committee; and

WHEREAS, Council President Hill represents the City of Grand Junction in an exemplary manner and serves the City of Grand Junction well in that representation.

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

1) Bruce Hill be endorsed as a candidate for the National League of Cities' Community and Economic Development Steering Committee for 2005; and

2) City Staff be directed to forward a letter of endorsement to the NLC President on behalf of the City Council.

Adopted this _____ day of _____, 2004.

President of the Council

ATTEST:

City Clerk

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY AND
SPECIAL MEETING MINUTES**

AUGUST 16, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, August 16, 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. Councilmember Cindy Enos-Martinez entered the meeting at 7:29 p.m.

Summaries and action on the following topics:

1. **DISCUSS CITY OWNED PROPERTIES:** City Council reviewed with Staff their options on utilizing some city-owned properties. City Manager Kelly Arnold referred to a report the City Council had previously received in July on some City properties. Three properties were identified in the report as properties appropriate for discussion. He also asked for Council's input on utilizing the Bluffs West property and initiating its development into a park site.

Council President Hill noted that the three properties under discussion are not deed-restricted. To clarify, City Attorney Shaver said none of the deeds specified the properties are to be used for park purposes; however, the City Charter provides that property "held for park purposes" must be voted on by the electors before sold. The report identifies the properties are being held for park purposes. He recommended that if they were identified as a future park, any proposal to sell the properties be first submitted to the voters.

Councilmember Spehar said in some cases it may have been a staff designation that it is to be a future park. Mr. Shaver concurred noting that research for that determination has not been done yet.

Councilmember Spehar noted that the Saccomanno property was clearly designated as a park. Councilmember Butler agreed noting that the purchase contract agreed to name the property "Saccomanno Park" upon development into a park. Councilmember Spehar said this a rapidly growing area and is absent a park.

A discussion ensued on selling city-owned property in order to obtain funds to develop other parks.

Councilmember Enos-Martinez agreed that the Saccomanno property should remain as park property and that is what the previous owners wanted. Councilmember Kirtland agreed noting that it is a sizeable piece and would be hard to replace in that area.

Council President Hill agreed it should remain in the City's possession for future park development. It is a very visible 30 acres.

Next the Council discussed Horizon Park property. Council President Hill said he would support taking this property to a vote of the citizens for authorization to sell. He is concerned that the hill approaching the site combined with traffic could be dangerous to children playing in the park.

Councilmember Spehar agreed, adding that this property may be a good candidate for another use. Also, it is near the Saccomanno property, it is small in size, and monitoring activities on this site would be difficult. He stated the Council is not bound by the recommendation of the Parks & Recreation Advisory Board, especially when there are other needs in other areas of town. Councilmember Kirtland agreed and although there are funds set aside for this location, it would be a difficult site to develop. The Horizon property location would be a good place for an infill project and a sale would provide additional funds to be used for a better public use. He suggested they have a hearing and then take it to a vote. Councilmember Enos-Martinez agreed, as did Councilmembers McCurry and Butler.

City Manager Arnold advised that a Growth Plan Amendment will be needed for the property to have other uses.

Regarding the Ridges School Site, Councilmember Spehar thought it would be folly to get rid of it since there is so little land available in this area. Parks and Recreation Director Joe Stevens advised that the equipment there belongs to the School District and the City maintains it. Councilmember Spehar said if there are other areas available in that part of town that could benefit from the sale of this site, he might change his mind. Mr. Stevens replied that is the reason Bluffs West is to be discussed.

Council President Hill inquired about the budget for neighborhood park improvements. Mr. Stevens answered that is about \$120,000.

Councilmember Spehar asked if that site is suitable for park development. Councilmember Kirtland asked if there is water to the site. Mr. Stevens answered affirmatively for both questions.

Council President Hill said he could go either way on this property. On the one hand, it is open space, yet it could lend itself for housing and there is an abundance of open space in that area already. City Manager Arnold advised that from a park perspective, it does not meet any criteria. Mr. Stevens added that the original Master Plan for the Ridges called for 8 parks but did not identify this site. The property was acquired as result of purchases from the BLM. Councilmember Spehar asked Mr. Stevens to identify the other park improvements in the Ridges. Mr. Stevens said there is Duck Pond Park, Hidden Valley Park, two tot lots, pathways; all total about 85 acres of pathways and open space.

Councilmember Spehar suggested they do something else with the site and use the proceeds in the Ridges. Mr. Stevens added that there is also Shadow Lake and the Painted Bowl area for future utilization. Councilmember Kirtland liked the idea of using the proceeds for that area. Councilmember Spehar noted that the zoning is PD so City Council could look at marketing this property.

City Manager Arnold suggested that he and Staff identify such options, with a goal to have any needed questions on sales on the April 2005 election ballot. Council President Hill urged they take one step at a time. First get more information. City Manager Arnold said he would come back to Council in 30 days with options.

Councilmember Enos-Martinez suggested some mixed housing with affordable housing included.

Councilmember Spehar clarified that Council is not looking to generate general fund money by considering these sales but rather looking at what is the highest and best use of these parcels. City Manager Arnold noted it is part of Council's responsibility to look at the inventory of land owned by the City for that purpose. Councilmember Butler agreed that housing is an issue and affordable housing needs to go in different areas.

City Manager Arnold advised that the Bluffs West HOA is interested in proceeding with partnering with the City Council to develop the old sewer plant property. Although Mr. Arnold said he can move forward on that, it probably won't proceed fast enough to build until next year. Therefore, he

suggested Council give direction to move forward with Bluffs West property and also to identify another area for improvements this year. Councilmember Enos-Martinez suggested Burkey Park be considered for development in conjunction with the County. Councilmember Spehar countered that having money budgeted might spur the Bluffs West neighborhood to get something done and if necessary, the budget can always be carried over. Council President Hill concurred but agreed there is a need in the east for Burkey Park. City Manager Arnold said he would start talking to the County regarding Burkey Park, as well as Bluffs West HOA.

Action summary: No decisions were made but two properties were identified that may be looked at for a different purpose. One property discussed, the Saccomanno parcel, will stay as is. The City Manager will bring options back to Council in 30 days.

2. **NEW LIQUOR TASTING LEGISLATION OPTIONS:** City Attorney John Shaver and City Clerk Stephanie Tuin presented the options available to the City Council on whether or not to consider an ordinance to allow tastings in retail liquor stores as authorized by the State Legislature via HB 04-1021. Examples of what other municipalities are doing were provided as well as a recommendation if Council were to consider such an ordinance.

Councilmember Enos-Martinez thought the recommendation of a \$100 permit fee to be excessive. Staff countered that not only is there the administrative issues, the enforcement issues should be considered. Councilmember Palmer added that there is also the Server Responsibility training required. He voiced concern that if more than one liquor store conducted tastings at the same time, there may be consumers "double-dipping". He mentioned some other concerns voiced by another police department. Councilmember Enos-Martinez questioned the City's responsibility of enforcement. It was stated that the law is written to place the burden on the local authority unless the violation is serving to a minor or to a visibly intoxicated person.

Councilmember Spehar said he would like to see more than one request before Council considers the proposal. He noted that no details on administrative and enforcement costs have been provided. There is possibly a cumulative affect. He felt consideration would be premature at this point.

Gerry and Eleni Sica, owners of Crossroads Wine and Spirits, and the proprietors that requested Council consider enacting such an ordinance, were present. Gerry Sica addressed the Council. He stated that the Crossroads facility will carry over 1400 wines and 200 beers, an enormous selection, and the purpose of conducting tastings is to make customers' choice easier and enhance the shopping experience. The service is not meant to be a public safety hazard to the community but rather to acquaint consumers with the selection available. He felt that there are probably only two stores that would have the ability and the selection to warrant tastings.

Councilmember Palmer asked Police Chief Morrison about consumption versus intoxication and concerns about multiple tastings. Chief Morrison stated that generally an average person can consume one ounce of alcohol per hour and not become intoxicated. After more discussion, Chief Morrison added that he can keep tabs on the issues with other police departments and report back to Council.

Councilmember Butler expressed concern that transients would take advantage of tastings. Chief Morrison noted that it would be a violation to serve any intoxicated person.

Councilmember Kirtland inquired about the Server Responsibility training and further details on that. City Attorney Shaver noted that there are programs available and there is the program that is put on by the City Clerk's Office. City Clerk Tuin advised that recently the State set standards for the curriculum and although the current training does not meet the standards, it would mean only a minor modification to the program in order to meet the standards. The standards would be the same as far as responsibility for serving alcohol. Anyone conducting the tasting is required to have the training.

Councilmember Kirtland thought the option is too new and would not want the City to rush into it. He would rather wait and see if there is truly a demand for such an option, get some community feedback and see how it develops in other communities. Councilmembers Palmer, Spehar and McCurry agreed and suggested they wait until they receive more feedback from both Staff and other communities. Councilmember Butler was against tastings. Councilmember Enos-Martinez said she was willing to wait, although she did not think there would be a big demand for it. Council President Hill said he felt that those that would use the State legislation would take measures to ensure it is conducted in an

appropriate manner but since Council is not comfortable going forward at this time, perhaps it can be revisited at a later time.

Action summary: The City Council will not move forward on this item at this time. City Clerk Tuin will track the development of this option statewide via the City Clerk's Listserve. Chief Morrison will track enforcement issues. Both will keep the City Council updated. The information will be available to Sicas through the City Clerk's Office.

CONVENE INTO SPECIAL SESSION

Councilmember Butler moved to go into executive session relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), relative to Riverside Parkway right-of-way and will not be returning to open session. Councilmember Enos-Martinez seconded. Motion carried.

The City Council adjourned into executive session at 9:03 p.m.

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

August 18, 2004

The City Council of the City of Grand Junction convened into regular session on the 18th day of August 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers, Harry Butler, Cindy Enos-Martinez, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Dennis Kirtland. 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 Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jim Hale, Spirit of Life Christian Fellowship.

PROCLAMATIONS / RECOGNITIONS

Council President Hill recognized Boy Scout Troops 388, 363 and 389 for their presence at the meeting.

PROCLAIMING AUGUST 25, 2004 AS "SENIOR NUTRITION DAY"

APPOINTMENTS

TO THE PLANNING COMMISSION

Councilmember Spehar moved to appoint Tom Lowrey to the Planning Commission to fill an unexpired term until October 2004. Councilmember Enos-Martinez seconded the motion. Motion carried.

TO THE PLANNING COMMISSION BOARD OF APPEALS

Councilmember Palmer moved to appoint Travis Cox to the Planning Commission Board of Appeals for a three year term until October 2007, Lyn Pavelka-Zarkesh to the Planning Commission Board of Appeals and 1st alternate to the Planning Commission filling an unexpired term until October 2006, and Reginald Wall to the Planning Commission Board of Appeals and 2nd Alternate to the Planning Commission filling an unexpired term until October 2004. Councilmember McCurry seconded the motion. Motion Carried.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Palmer, seconded by Councilmember Enos-Martinez and carried by roll call vote to approve Consent Calendar Items #1 through #6.

1. Minutes of Previous Meetings

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

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

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]

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*

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]

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*

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]

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

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**

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

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

Outdoor Dining Lease for Pablo's Pizza

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 the use of public right-of-way in front of their business. The business has required a permit from the DDA for the use of the sidewalk, but it is required to have a revocable license from the City of Grand Junction to expand their licensed premise.

Harold Stalf, DDA Executive Director, was not present. City Attorney Shaver suggested the Council hear the applicant first.

Paul Knaysi, 319 Main Street, explained his request.

Councilmember Palmer inquired about the letters from the adjacent businesses. It was explained that a 45 degree angle for the enclosure is required unless permission is obtained from the adjacent business owners, which has been provided.

City Attorney Shaver explained that if the lease is granted, the applicant will then have to proceed with the modification of premises through the Local and State Liquor Authority.

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

Councilmember Enos-Martinez moved to adopt Resolution No. 71-04. Councilmember Palmer seconded the motion.

Councilmember Spehar stated that although he is excited about adding ambiance to the downtown area and provide some organization of the outdoor dining, he will oppose the resolution as it will restrict the pedestrian area on the sidewalk and he is concerned about the cumulative effect of granting these leases.

Councilmember Butler stated he is opposed to using the public sidewalk to dispense liquor, so he will vote against the measure.

Motion carried by a roll call vote with Councilmembers Spehar and Butler voting NO.

Outdoor Dining Lease for Il Bistro Italiano

Bon Appetito, Inc. (DBA Il Bistro Italiano) at 400 Main St., a downtown restaurant is also, seeking the opportunity to serve alcohol outdoors along Main St. Bon Appetito, Inc. (DBA Il Bistro Italiano), has submitted an application for a revocable permit for the use of 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.

Harold Stalf, DDA Executive Director, was at this time present and reviewed this item.

Brunella Guarezi, Il Bistro, 400 Main Street, referred to the drawing and asked for the Councilmembers favorable consideration for the patio. She felt there were enough restrictions in the regulations to ensure it will look good.

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

Councilmember Enos-Martinez moved to adopt Resolution No. 72-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote with Councilmember Spehar and Butler voting NO.

Contracts

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

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.

Joe Stevens, Parks and Recreation Director, reviewed this item. He explained that the neighborhood has been taken into consideration in the design.

Councilmember Enos-Martinez wanted assurance that this installation will be able to be incorporated into any subsequent modifications coming from the Lincoln Park Master Plan. Mr. Stevens assured her it will.

Councilmember Spehar wanted confirmation that the design will insure a quality project. Mr. Stevens assured him.

Councilmember Enos-Martinez asked when the project will be completed. Mr. Stevens said once the Notice to Proceed is signed, the time frame will be 16 weeks. He also added that training is included in the price.

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

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.

Mark Relph, Public Works, and Utilities Director, reviewed this item. He identified the areas for the sewer replacements and the areas for the waterline replacements. This is the last change order so it will complete the project. The change order is being split between the sewer and the water fund. He explained the reasons for the requested change order.

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

Public Hearing – Haremza Annexation and Zoning Located at 2126 Hwy 6 & 50 [File #ANX-2004-121]

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.

The public hearing was opened at 8:05 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She stated the land is currently vacant, there are no current plans for development and that the land was for sale. She reviewed the existing zoning and the surrounding zoning and uses. The request meets all the Growth Plan criteria and zoning criteria.

Jim Haremza, 124 31 Road, the applicant, stated he does not have the property for sale at this time, but he is asking for a zone change so he can sell it in the future.

Council President Hill asked if the property is in the 201 sewer service boundary. Ms. Costello answered affirmatively.

There were no public comments.

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

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

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

c. Zoning Ordinance

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

Councilmember Enos-Martinez moved to adopt Resolution No. 75-04, Ordinances No. 3654 and No. 3655 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Flint Ridge III Annexation and Zoning, Located at 2946 and 2952 D Road [File #ANX-2004-101]

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.

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

Lisa E. Cox, Senior Planner, reviewed this item. She identified the location of the property and advised there is currently a house on each parcel which is being farmed. The request meets the criteria for annexation and it is recommended that it be annexed. Ms. Cox then described the surrounding zoning and uses. There are three surrounding properties in the annexation process even though they are currently being used agriculturally. At one time the property was used as a gravel pit. The applicant is requesting a zone in the upper end of the density allowed. The Planning Commission has recommended approval of the zone request.

Councilmember Spehar asked about the density for the parcel to the east. Ms. Cox said between 5.8 and 6.2 units per acre.

The applicant was present but declined additional comments.

There were no public comments.

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

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

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

c. Zoning Ordinance

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

Councilmember Enos-Martinez moved to adopt Resolution No. 76-04, Ordinances No. 3656 and No. 3657 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

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

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.

The public hearing was opened at 8:16 p.m.

Lori V. Bowers, Senior Planner, reviewed this item and identified the location of the property. She described the Growth Plan designation and advised that zoning will be presented on September 1, 2004. The annexation criteria has been met.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:18 p.m.

a. Accepting Petition

Resolution No. 77-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Castanha Annexation, 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

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

Councilmember Spehar moved to adopt Resolution No. 77-04, Ordinances No. 3658, No. 3659, No. 3660, and No. 3661 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing – Rezone of 0.37 Acres from RMF-24 to RO Located 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 27, 2004 meeting.

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

Scott D. Peterson, Associate Planner, reviewed this item. He identified the location of the parcel and the Planning Commission did recommend approval of the rezone. The reason for the applicant's rezone request is to convert the existing dwelling to an office and is therefore asking for RO zone district. They plan to keep the unit compatible with the surrounding residential character. To the north there is already an existing RO zone district. The request meets the criteria for a rezone.

Councilmember Palmer asked if the residential office zone district has a limitation on lot coverage to keep with the residential character of the neighborhood.

City Attorney Shaver advised that in reviewing the Code there is no limitation on lot coverage in that zone district.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:22 p.m.

Council President Hill felt the request is appropriate for the area.

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

Councilmember Palmer moved to adopt Ordinance No. 3662 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

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]

The City, along with two co-applicants, proposes 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.

The public hearing was opened at 8:24 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She explained how the parcel was created during the realignment of 27 Road/G Road. The City will retain a multi-purpose easement as there are a number of utilities on the parcel. The vacation meets the criteria for such a vacation.

Council President Hill asked about the value of the parcel. Ms. Edwards stated that Tim Woodmansee, Real Estate Manager, appraised the value at \$100,760. Since the City will be retaining a multi-purpose easement, the value is cut in half. Both Council President Hill and Councilmember Spehar questioned that reduction, especially in light of the City contributing some funding for the improvements.

City Manager Arnold stated that it is a unique parcel and situation where there has been two years of negotiations.

Mark Relph, Public Works and Utilities Director, added that this parcel is a remnant and the City wanted to landscape it. Since it is a vacant parcel, a Ute Water tap is unavailable so it would be problematic to landscape. Therefore, by selling it to the adjacent property owner, who is willing to maintain the landscaping, the problem would be resolved.

P.J McGovern, owner, stated this has been a two year process which has been worked very hard on and is very complicated. This resolution is a win-win situation. He plans to landscape around the perimeter and use the center for parking.

There were no public comments.

The public hearing was closed at 8:31 p.m.

Councilmember Butler was pleased to see this come about as it will improve the appearance of the area.

Councilmember Palmer agreed and noted it is a great opportunity to partner with someone to make improvements.

Council President Hill noted that the President of Horizon Drive Business Improvement District is very pleased with this action.

Ordinance No. 3663 – An Ordinance Vacating Right-of-Way Located at the Northwest Corner of G Road and Horizon Drive

Councilmember Enos-Martinez moved to adopt Ordinance No. 3663 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

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]

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. 4 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.

Councilmember Gregg Palmer explained that he will be excusing himself from this item as his wife sits on the board of the Grand Mesa Little League. He left the meeting at 8:36 p.m.

Council President Hill read an introduction and reviewed the history of the request and the Planning Commission's approval of the request for a Conditional Use Permit from Colorado West Mental Health. He then explained the definition of an appeal and how an appeal may be granted. City Council received copies of the transcript and video tape of the hearing and had audio tapes, disks, and a significant amount of written material available to review for the appeal.

City Attorney John Shaver then reviewed the criteria to be considered for an appeal and the way an appeal is conducted. The City Council is not substituting their judgment for the Planning Commission's decision. The appeal is based on the same process a trial court appeal does, it looks at the evidence presented. Secondly, this is not a public hearing. The standard is whether there was evidence to support the Planning Commission's decision and whether they applied the facts. He referred to 2.18 E. 4 in the Zoning and Development Code which reads "The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion."

Councilmember Spehar noted when the change was made to the Code, it was to set up this process to consciously ensure all evidence was presented at the first hearing and avoid having to hear additional information.

Council President Hill noted that there are three appeals and he would like to address each one. The first appeal is from the neighborhood. The first point made is the decision-maker may have acted in a manner inconsistent with the provisions of this Code or applicable local, state or federal law. Law enforcement contacts with Colorado West Mental Health facilities in Grand Junction were not considered. Council President Hill

said he watched the tape twice and read the transcripts, there were several people that talked about their experience close to this facility and there were letters from nearby property owners. He could find no basis that the decision-maker acted in a manner inconsistent with the provisions of the Code, so he would have to deny the appeal.

Councilmember Spehar agreed he saw no absence of this discussion so he believes it was taken into consideration.

Councilmember Enos-Martinez agreed from her review.

Councilmember McCurry went through the materials presented and he has problems with it, and is not in favor of the location.

Councilmember Butler read the transcript and watched the video, and he cannot find anything wrong with the provision of the Code. He feels the proposed location is the wrong place, but that is outside this decision.

Council President Hill read the second point. The decision-maker may have made erroneous findings of fact based on the evidence and testimony on the record. Evidence was presented that property values in the area would not appreciate at the same rate as other comparable areas in Grand Junction if the facility was built and they included a letter from a realtor. Council President Hill read the letter and it stated as follows, "In response to your question about whether or not the new Mental Health Facility will affect the property values in your neighborhood; yes it will. My experience is that a big facility being in a neighborhood most times does not decrease the actual value of the neighborhood homes... but it will slow the appreciation of the homes and hold them behind the actual market appreciation rate. This would have significant negative impact on the largest investment that many people make." The sentence stated a big facility, the zoning on this property is commercial, and any big facility could be built on this property. The reason for the CUP is the overnight facility part of the Colorado West Mental Health Facility. He doesn't disagree that a big facility would affect property values. At the hearing, there were comments from other realtors and housing statistics provided. Each Commissioner spoke about this and related personal experiences. There is no evidence that they did not consider that information.

Councilmember Enos-Martinez agreed, as did Councilmember Spehar. This argument is frequently made and she agreed that it can be argued that there will be some impact but it is not appropriate. It was thoroughly discussed and taken into consideration. Code requirements were clearly met.

Councilmember Butler disagreed with the statement that Staff did not find any adverse impacts and that he disagrees with Staff statements.

City Attorney Shaver said, the standard is whether the Planning Commission made an error in their findings and they should provide support for finding that error.

Councilmember Butler explained he disagrees with that judgment but it would be inappropriate because he is substituting his judgment.

Councilmember Enos-Martinez emphasized that Council is not making a decision; they are looking at the decision and ensuring that it was made in accordance with the Code, aside from what their feelings are. City Attorney Shaver gave examples of errors that could be made for illustration of the point.

Council President Hill then read the third point in the first appeal, item #4 stating; "The decision-maker may have acted arbitrarily, capriciously, and/or abused its discretion. It was apparent that the Planning Commission did not accept all evidence presented because of time restraints they imposed." Council President Hill agreed that time restrictions were in place, but Dr. Dibble explained the process. 84 people signed up to speak, 55 spoke, individuals were allowed 3 minutes, groups were allowed 8 minutes, some longer, runovers were allowed. After everyone on the list had an opportunity to speak, Dr. Dibble asked for additional comments. He never cut anyone off. If time was exceeded he asked the speaker to summarize. Planning Commissioners talked about finishing or whether to continue. He failed to find any Commissioners acting arbitrarily, capriciously or abusing their discretion. Therefore he did not find any basis for the objection and denied the appeal.

Councilmember Spehar said Council acts the same as the Planning Commission does when a lot of public comment is anticipated and a lot of written materials are presented for the record. Time limits did not preclude anyone from testifying and did not preclude gathering of information. The Planning Commission fulfilled what was required that evening.

Councilmember Enos-Martinez noted that the Planning Commissioners took public comments and all the materials submitted in writing were taken into consideration.

Councilmember McCurry is not against the facility, just not in that area.

Councilmember Butler stated the opposition to the facility combined into one speaker, the facility could have done the same. The decision-makers did not act arbitrarily or capriciously.

City Attorney Shaver recommended that Council deal with all three appeals in one motion.

Next, Council President Hill addressed the appeal submitted by Caprice Tuff, 1161 N. 16th Street. Question #1 states the decision-maker may have acted in a manner inconsistent with the provisions of the Code or other applicable local, state or federal law; there were three points explained, #1 Colorado West Mental Health can not accurately track or refer sex offenders, #2 Colorado West Mental Health can not definitively say they will not "house" sex offenders, #3 Colorado West Mental Health can not comply with the conditions of the CUP without breaching their contract with Medicaid, licensing or Colorado state law. Ms. Tuff felt the facility cannot meet the requirements of a CUP. Council President Hill noted that the treatment does not require the CUP, just the overnight/residential portion of the facility does. Housing of a sex offender will violate the CUP, this is a valid point but doesn't mean they can't treat or stabilize them for up to 18 hours to arrange for transport. This is not a treatment center for criminals or sex offenders but, from time to time, may provide treatment for such. There was much dialogue, it is apparent that the Planning Commissioners were well aware of the facts and the applicants were well aware and would be subject to loss of the CUP if they housed such offenders. It was the question before the Planning Commissioners, so there was no basis to say the decision-maker made erroneous findings.

Councilmember Spehar said if they violate the CUP, the CUP will be revoked and that is why there are conditions and it was clearly considered.

There were no other comments from Council.

Next Council addressed the next question, the decision-maker may have made erroneous findings of fact based on evidence and testimony on the record. Council President Hill said it is the same answer as before, the Planning Commission considered the evidence and testimony. Item #3, Planning Commissioners failed to consider mitigating factors to bring this into compliance. Again, no evidence of such. Question #4, "The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion." Similar to neighbor question four, there were no different comments, the Planning Commission had a method of taking information/testimony and did not act capriciously, arbitrarily or abuse their discretion.

Next Council President Hill addressed the Grand Mesa Little League appeal. The first point of the appeal contends the evidence of law enforcement contacts were not considered. That consideration was not a requirement, but the Planning Commissioners weighed the information, some factual and some not, but they were aware on how to balance the facts from the information given. There was a basis for their decision and no basis to say that they acted inconsistent with the Code.

Item #2, "The decision-maker made erroneous findings of fact based on the evidence and testimony on the record." It was that sex offenders are treated, not housed by Colorado

West Mental Health. There was a lot of dialogue about that, as already discussed with the same conclusion. Councilmember Spehar agreed.

Item #4, the Planning Commission abused its discretion by limiting testimony when additional hearing dates would have allowed for relevant facts to be considered. Once again testimony was not limited.

Council President Hill noted that he is in a difficult spot and will not be giving an opinion, as that is not the question, the question is whether the Planning Commission acted erroneously. The decision is whether they had enough information to approve, which they can find no evidence to support that they did not.

Councilmember Enos-Martinez said she cannot find a basis to remand it back to the Planning Commission. It is important for the audience to know the Council's duty is to look at what was taken into consideration and to make sure the Planning Commission did not violate any of the Codes when making their decision, not how Council would have voted but, whether it was made properly.

Councilmember Spehar agreed it is not an easy decision; extensive testimony was received through a fair process. It is not Council's job to agree with the decision but to see if the Planning Commission had a reasonable basis to make that decision, and clearly they did. It is unfair to prolong the rehearing procedures that are in place. There was no basis for reversing the decision and he thinks the Council should move forward.

Councilmember Butler had no more comments.

Councilmember McCurry agreed with Councilmember Spehar but repeated he is not in favor of the location.

Councilmember Spehar asked the City Attorney for advice on how to proceed.

City Attorney Shaver received a series of documents from Patricia Cookson representing Grand Mesa Little League and he submitted a letter to Ms. Cookson. His advice was that the documents should not be submitted into the City records, as there is new evidence included. Additionally, the documents are not an accurate statement of the law and should not be given any consideration. As to the motion, he said it would be preferable to entertain individual motions for each appeal.

Council President Hill said he agrees with legal advice not to enter the packet of information into the record.

Council President Hill clarified who the appellants are on what he is calling the Neighborhood appeal.

Councilmember Spehar moved, in reference to what has been identified as the neighborhood appeal, to deny the appeal based upon the absence of any findings that the Planning Commission acted at variance with the criteria expressed in Section 2.18.E.1 of the Zoning and Development Code. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmembers Butler and McCurry voting NO.

Council President Hill clarified the second appeal is from Caprice Tuff, 1161 N. 16th Street.

Councilmember Enos-Martinez moved to deny the appeal submitted by Caprice Tuff, the appellant, of 1161 N. 16th in Grand Junction. Councilmember Spehar seconded the motion. Motion carried by a roll call vote with Councilmembers Butler and McCurry voting NO.

Council President Hill clarified the third appeal is from Grand Mesa Little League, represented by Stella Garcia, 518 28 ³/₄ Road.

Councilmember Spehar moved to deny the appeal submitted by the representative of the Grand Mesa Little League because it has failed to provide adequate reason based upon section 2.18.E.1 of the Zoning and Development Code. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmembers McCurry and Butler voting NO.

NON-SCHEDULED CITIZENS & VISITORS

Patricia Cookson, representing the Grand Mesa Little League, submitted a corrected version of the summary report and letter at 7:00 p.m., and would like to submit them to the City Council. City Attorney Shaver said he has not read them but sees no problem for her to submit them to be considered. The documents were submitted to City Clerk Stephanie Tuin. Council President Hill noted for the record the documents will not be used as a basis for their decision.

Ms. Cookson then referred to 2.18.E.4 regarding hearing appeals in the Code and noted the matter was set for the hearing. She stated that many times appellant court hears oral argument and when she came in on July 21st she requested to make an oral argument. After her statement she did say that she understands her request was denied but the oral argument was submitted in written form. That is why the report was submitted and is consistent with the Code.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:44 p.m.

Stephanie Tuin, MMC
City Clerk

**Attach 2
Alley Improvement District 2004**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Accepting the Improvements connected with Alley Improvement District 2004, Phases A and B and giving notice of a Hearing					
Meeting Date	September 1, 2004					
Date Prepared	August 26, 2004				File #	
Author	Michael 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: Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- "T" shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue (Alley Improvement District ST-04, Phase B)**

** Phase B was created with the Council directive that an assessment be determined for the Seventh Day Adventist Church and School (SDACS) that considered the SDACS' concerns. City staff and the principal of the school have met and agreed on an assessment rate and methodology. The SDACS will pay the multi-family rate of \$15.00/foot. The assessment resolution should be adopted as proposed; an adjustment of the SDACS assessment will be made separately.

A public hearing is scheduled for October 6th, 2004.

Budget:

2004 Alley Budget	\$384,560
Reallocations of 2004 Alley Budget	(\$134,560)
Total Available	\$250,000
Actual Cost to construct 2004 Alleys	\$259,660.01
Estimated Balance	(\$9,660.01)

Action Requested/Recommendation: Review and adopt proposed Resolution.

Attachments: 1) Summary Sheets, 2) Maps, 3) Resolution and Notice of Hearing

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

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.

The first reading of the proposed Assessing Ordinance is scheduled for the September 15th, 2004 Council meeting. The second reading and public hearing is scheduled for the October 6th, 2004 Council meeting. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by November 8th, 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 balance.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004

13th STREET TO 15th STREET KENNEDY AVENUE TO ELM AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Michael & Christine Bonds	140.00	\$15.00	\$2,100.00
• Richard Polzin	60.00	\$ 8.00	\$ 480.00
• Ann Marie Lamphere	50.00	\$ 8.00	\$ 400.00
Katherine D Palmer	60.00	\$ 8.00	\$ 480.00
John Peeso	60.00	\$ 8.00	\$ 480.00
• Barbara Scott	50.00	\$ 8.00	\$ 400.00
• Steve Frame	50.00	\$ 8.00	\$ 400.00
• Julianne Hemming	50.00	\$ 8.00	\$ 400.00
Dianna Beltz	75.00	\$15.00	\$1,125.00
• Douglas Walsh	55.00	\$ 8.00	\$ 440.00
R. S. & Terrie Requa	60.00	\$ 8.00	\$ 480.00
Clay Reichardt	60.00	\$ 8.00	\$ 480.00
Mary Jo Stanislowski	120.00	\$15.00	\$1,800.00
• Max Martinez & Jennifer Sparks	50.00	\$ 8.00	\$ 400.00
• Mary Ann McCrea	50.00	\$ 8.00	\$ 400.00
• Stancyn Enterprises LLLP	50.00	\$ 8.00	\$ 400.00
TOTAL			\$10,665.00
ASSESSABLE FOOTAGE	1,040.00		

Estimated Cost to Construct	\$ 87,875.00
Absolute Cost to Owners	<u>\$ 10,665.00</u>
Estimated Cost to City	\$ 77,210.00

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

- Indicates property owners signing petition = 10/16 or 63% of owners & 58% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004

14TH STREET TO 15TH STREET ELM AVENUE TO TEXAS AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Tom & Sara Burchell, et.al.	45.00	\$ 8.00	\$ 360.00
• Jean Duval Kane	75.00	\$ 8.00	\$ 600.00
• Nicklas Beightel	50.00	\$ 8.00	\$ 400.00
Craig & Anne Bowman	50.00	\$ 8.00	\$ 400.00
Sunbelt Environmental Corp	95.75	\$ 8.00	\$ 766.00
• Connie Badini	90.00	\$15.00	\$1,350.00
• Barbara & Larry Creasman	70.00	\$ 8.00	\$ 560.00
• Kendra Kleeman	50.00	\$ 8.00	\$ 400.00
Katherine Zeck & Elizabeth Zollner	50.00	\$ 8.00	\$ 400.00
George Ziegler	55.75	\$ 8.00	<u>\$ 446.00</u>
TOTAL			\$5,682.00
ASSESSABLE FOOTAGE	631.50		

Estimated Cost to Construct	\$ 35,625.00
Absolute Cost to Owners	<u>\$ 5,682.00</u>
Estimated Cost to City	\$ 29,943.00

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

- Indicates property owners signing petition = 6/10 or 60% of owners & 60% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004

2nd STREET TO 3rd STREET CHIPETA AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Carolyn Queal	50.00	\$ 8.00	\$ 400.00
Jason A. Keesler	50.00	\$ 8.00	\$ 400.00
Martin & Ulrike Magdalenski	50.00	\$ 8.00	\$ 400.00
• Chuck Buderus	50.00	\$ 8.00	\$ 400.00
• James & Allison Blevins	50.00	\$ 8.00	\$ 400.00
• David Hall	25.00	\$ 8.00	\$ 200.00
• David Hall	25.00	\$ 8.00	\$ 200.00
Thomas Watson	50.00	\$15.00	\$ 750.00
• Jason Whitesides & Natalie Clark	50.00	\$ 8.00	\$ 400.00
• Lee Ann Blaney	50.00	\$ 8.00	\$ 400.00
Gordon & Gayle Zimmerman	50.00	\$ 8.00	\$ 400.00
• Lee Ann Blaney	50.00	\$ 8.00	\$ 400.00
David J. & Mandy Vindiola	50.00	\$ 8.00	\$ 400.00
Carman Herrick	50.00	\$ 8.00	\$ 400.00
• Richard Owens	25.00	\$ 8.00	\$ 200.00
• Richard Owens	25.00	\$ 8.00	\$ 200.00
Shay Reeves & Barbara Hunt	50.00	\$15.00	\$ 750.00
Brian & Tammy Mattfield	40.00	\$ 8.00	\$ 320.00
Brian & Tammy Mattfield	<u>10.00</u>	\$ 8.00	<u>\$ 80.00</u>
TOTAL			\$7,100.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct \$ 42,750.00

Absolute Cost to Owners \$ 7,100.00

Estimated Cost to City \$ 35,650.00

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

- Indicates property owners signing petition = 10/19 or 53% of owners & 50% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004

2nd STREET TO 3rd STREET TELLER AVENUE TO BELFORD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Michael Ferguson & Alex Duran	50.00	\$ 8.00	\$ 400.00
• TWENTY TWENTY ONE LLC	50.00	\$15.00	\$ 750.00
Edwin & Vickie Buttery	50.00	\$ 8.00	\$ 400.00
Greg & Scott Ashby	50.00	\$ 8.00	\$ 400.00
• Susan Darrow	50.00	\$ 8.00	\$ 400.00
Larry & Marguerite Dowd (Trustees)	50.00	\$ 8.00	\$ 400.00
• Charles Brown & Pattie Pagel	50.00	\$ 8.00	\$ 400.00
Thomas Dailey & Rhonda Jeffreys	50.00	\$ 8.00	\$ 400.00
• Ryan & Daysha Snow	50.00	\$ 8.00	\$ 400.00
• Richard Watson	50.00	\$ 8.00	\$ 400.00
Linda Takagi	50.00	\$ 8.00	\$ 400.00
Margaret Rodriguez	50.00	\$ 8.00	\$ 400.00
• Carl Strippel	50.00	\$ 8.00	\$ 400.00
• John Manfro	50.00	\$ 8.00	\$ 400.00
• Reymundo & Adelina Medina	50.00	\$ 8.00	\$ 400.00
• George Lloyd	50.00	\$ 8.00	\$ 400.00
TOTAL			\$6,750.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct \$ 42,750.00

Absolute Cost to Owners \$ 6,750.00

Estimated Cost to City \$ 36,000.00

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

- Indicates property owners signing petition = 10/16 or 63% of owners & 63% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004 7TH STREET TO CANNELL AVENUE KENNEDY AVENUE TO ELM AVENUE

OWNER	FOOTAGE	COST/FT	ASSESSMENT
• MARK & KAREN PETERSON	52.00	\$ 8.00	\$ 416.00
MARK & KATE HUSTER	50.00	\$ 8.00	\$ 400.00
• NATHAN & STACY KEEVER	52.00	\$ 8.00	\$ 416.00
PETER ELLINWOOD	58.00	\$ 8.00	\$ 464.00
• CARL STRIPPEL	65.00	\$ 8.00	\$ 520.00
• CALVIN & BRENDA BROWN	75.00	\$ 8.00	\$ 600.00
LENORE BRYANT	50.00	\$ 8.00	\$ 400.00
DOUGLAS & JENNIFER CLARY	50.00	\$ 8.00	\$ 400.00
JEROME GARDNER, ETAL.	50.00	\$ 8.00	\$ 400.00
• JOSEPH & KIM MALECKI	75.00	\$ 8.00	\$ 600.00
• JAMES L & KATRINA GALLIGHER	75.00	\$ 8.00	\$ 600.00
• CONNIE J BISH	75.00	\$ 8.00	\$ 600.00
PATRICIA HARRIS	75.00	\$ 8.00	\$ 600.00
MICHAEL & BARBARA HOLLINGSWORTH	121.00	\$ 8.00	\$968.00
• EDWARD & SOPHIE DONATELLI TRUST	83.00	\$15.00	\$1,245.00
• CINDY KIERSTAD	25.00	\$ 8.00	\$ 200.00
• DENNIS & KAYLEEN O'DWYER	50.00	\$ 8.00	\$ 400.00
ROBERT SAMMONS	50.00	\$31.50	\$1,575.00
PAUL & J.M. QUAM	70.00	\$15.00	\$1,050.00
PAUL & JOHANNA QUAM	75.00	\$ 8.00	\$ 600.00
• BILL & LINDA CLEVANGER	75.00	\$ 8.00	\$ 600.00
EINAR & JUSTINA NELSON	75.00	\$ 8.00	\$ 600.00
• JOE & KAREN MALBERG	75.00	\$ 8.00	\$ 600.00
• JOHN, JANET, & ALTA NOLAND	72.00	\$ 8.00	\$ 576.00
PATRICK & REBECCA MORRICK	72.00	\$ 8.00	\$ 576.00
• GREGORY, ANITA & CHARLES REICKS	72.00	\$ 8.00	\$ 576.00
MARIE & CARL SANTY	72.00	\$ 8.00	\$ 576.00
SUSIE CUNNINGHAM	72.00	\$ 8.00	\$ 576.00
• GILES & LORRAINE POULSON	72.00	\$ 8.00	\$ 576.00
• MARK & KAREN PETERSON	<u>69.61</u>	\$ 8.00	<u>\$ 556.88</u>
TOTALS	2,002.61		\$18,266.88

Estimated Cost to Construct \$ 110,200.00

Absolute Cost to Owner \$ 18,266.88

Estimated Cost to City \$ 91,933.12

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event,

a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates property owners signing petition = 16/30 or 53% of owners & 53% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 2004 PHASE B 8th STREET TO CANNELL MESA AVENUE TO HALL AVENUE

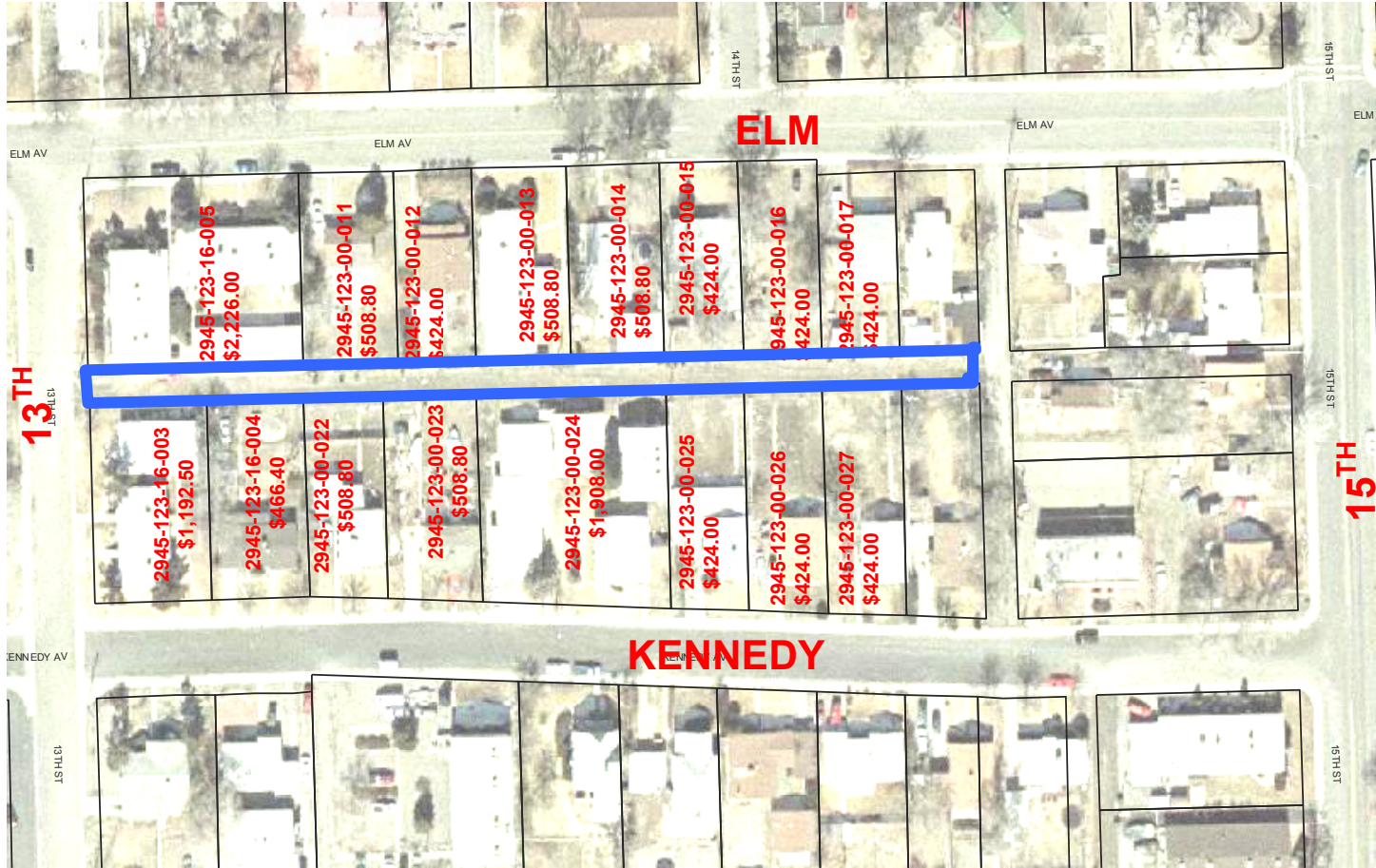
OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Marvin Svaldi	74.54	\$15.00	\$1,118.10
• Duane & Janet Polk	52.63	\$ 8.00	\$ 421.04
• Dennis Cannon	50.00	\$ 8.00	\$ 400.00
• Daniela Shultz	50.00	\$ 8.00	\$ 400.00
• Terry & Julie Brown	53.00	\$ 8.00	\$ 424.00
• Cynthia Rose & Timothy Jackson	61.00	\$ 8.00	\$ 488.00
Larry Lampshire	61.00	\$ 8.00	\$ 488.00
• Mark & Gi Moon	61.00	\$ 8.00	\$ 488.00
Randy Gallegos & Natalie Clark	122.00	\$ 8.00	\$ 976.00
Susan Lazo	61.00	\$ 8.00	\$ 488.00
Robert Jordan	63.54	\$ 8.00	\$ 508.32
• Marvin Svaldi	88.37	\$15.00	\$1,325.55
Seventh Day Adventist Assoc.	<u>551.30</u>	\$31.50	<u>\$17,365.95</u>
TOTAL			\$24,890.96
ASSESSABLE FOOTAGE	1,349.92		

Estimated Cost to Construct	\$ 68,875.00
Absolute Cost to Owners	<u>\$ 24,890.96</u>
Estimated Cost to City	\$ 43,984.04

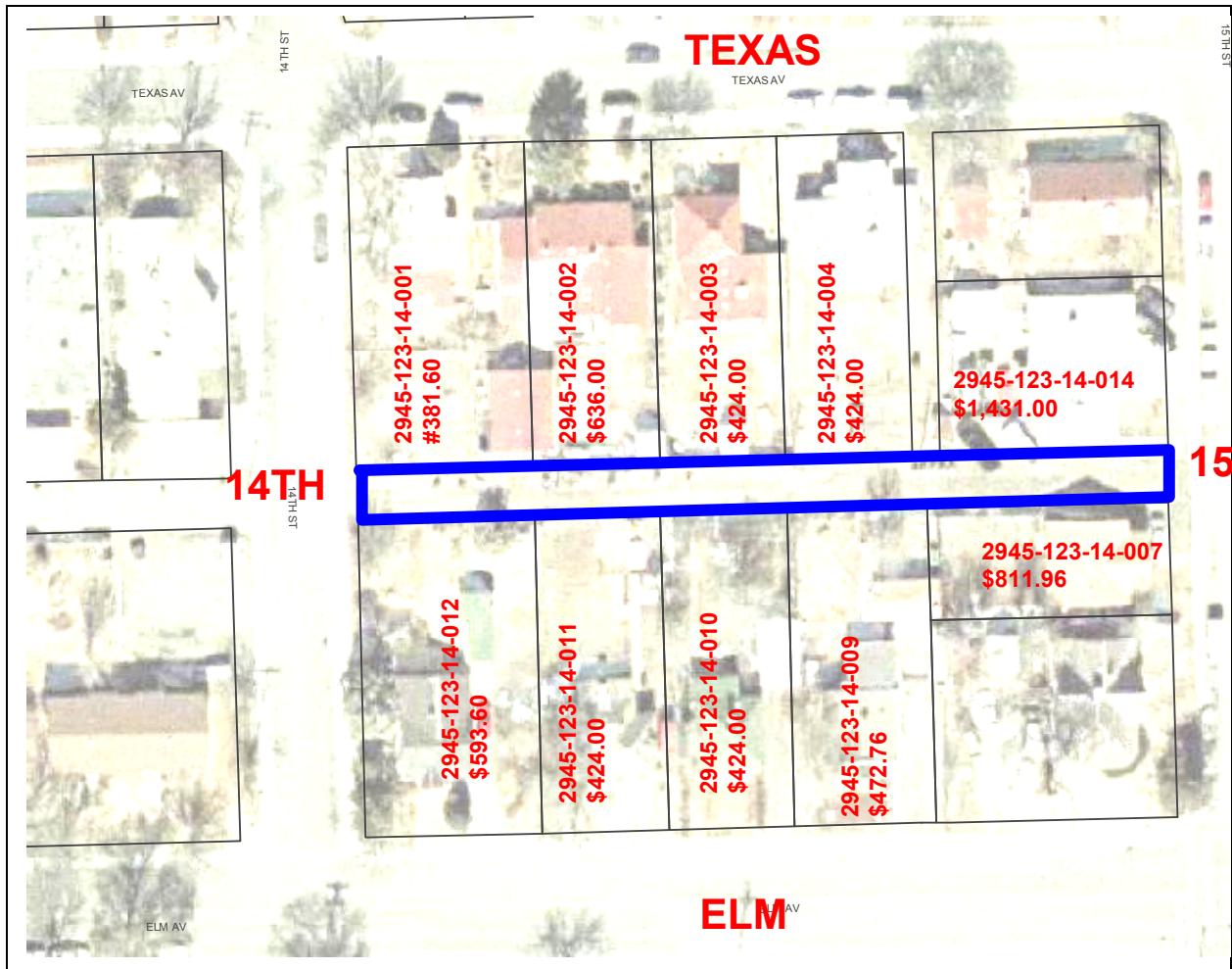
Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates property owners signing petition = 8/13 or 62% of owners & 36% of assessable footage.

13th to 15th, Kennedy to Elm

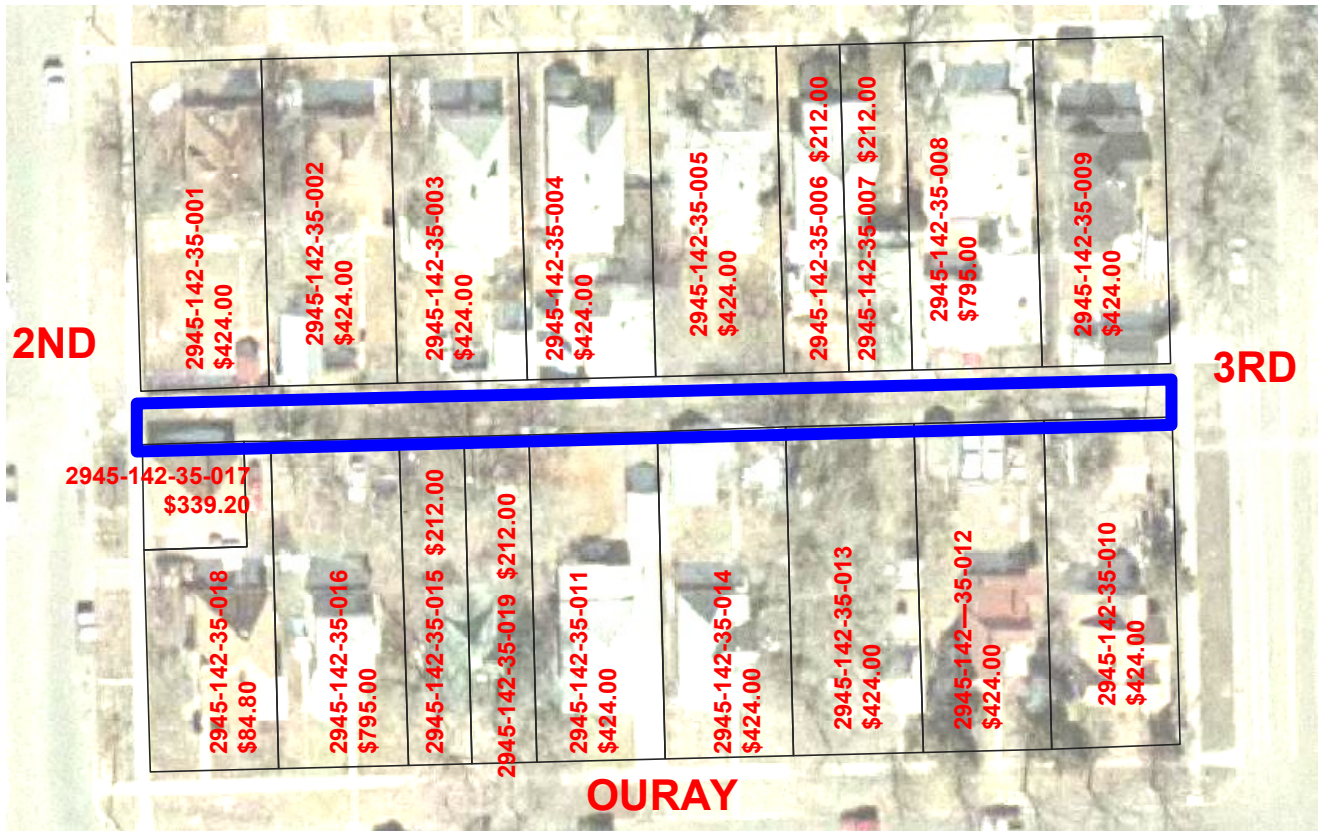


14th to 15th, Elm to Texas

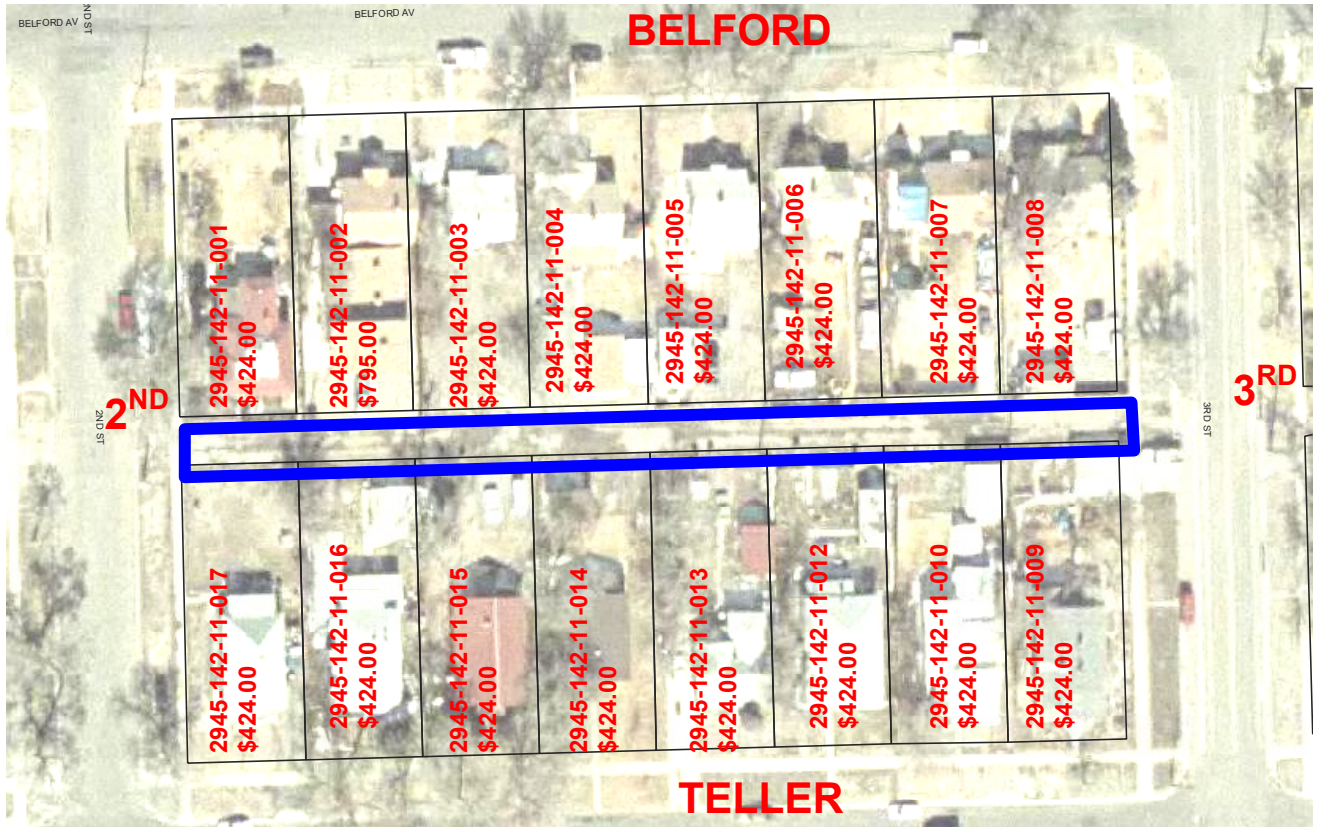


2nd to 3rd, Chipeta to Ouray

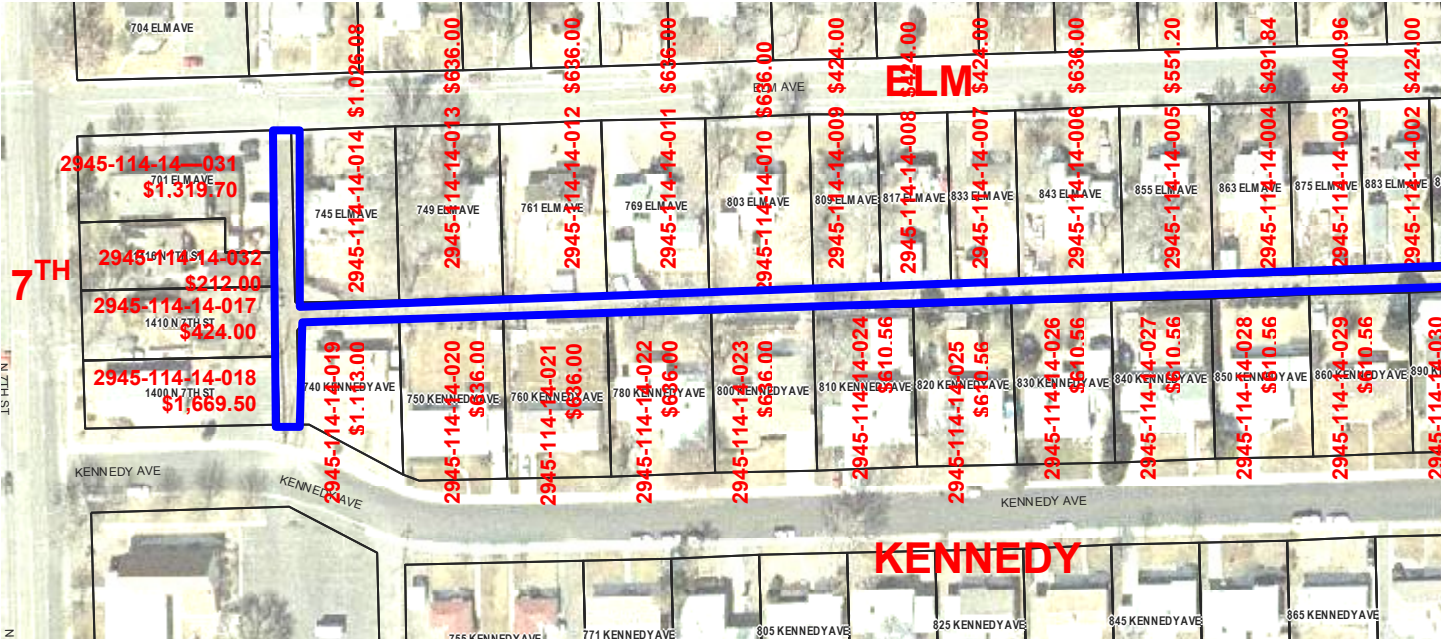
CHIPETA



2nd to 3rd, Teller to Belford

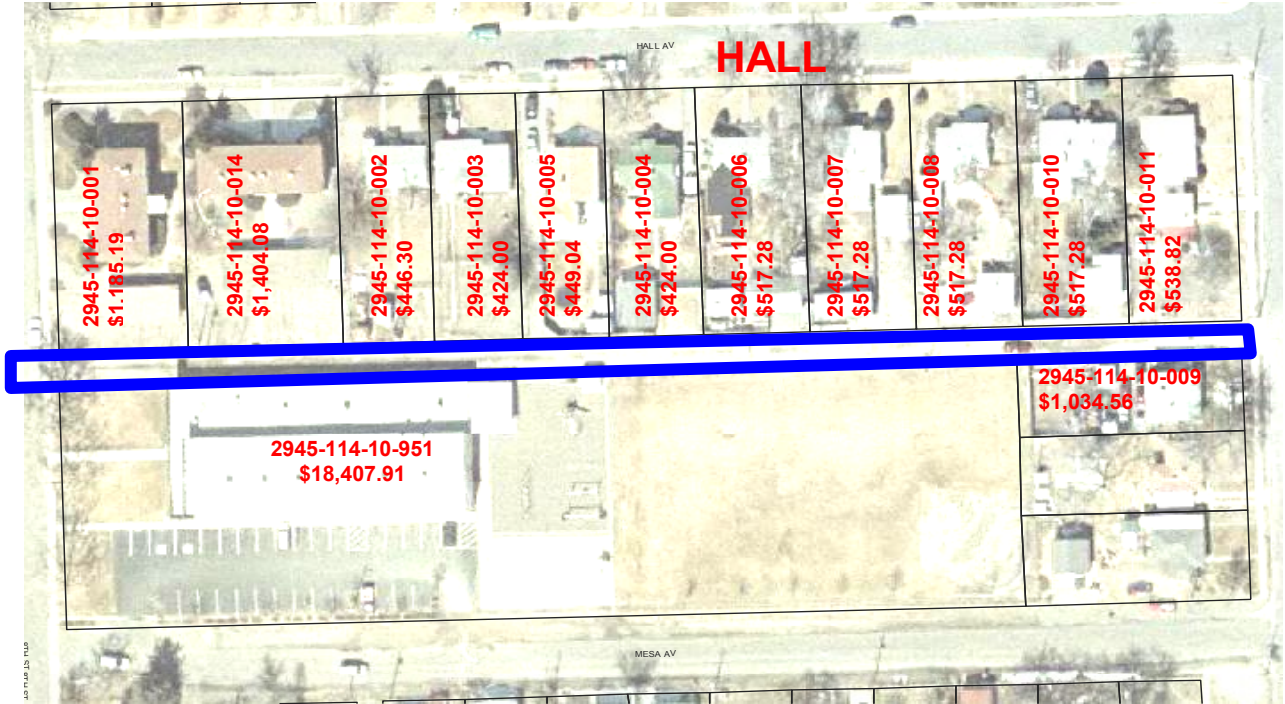


7th to Cannell, Kennedy to Elm



8th to Cannell, Mesa to Hall

8TH



MESA

RESOLUTION NO. ____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH ALLEY IMPROVEMENT DISTRICTS
NO. ST-04 AND NO. ST-04, PHASE B**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement Districts No. ST-04 and ST-04, Phase B; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement Districts No. ST-04 and ST-04, Phase B, and apportioning the same upon each lot or tract of land to be assessed for the same;

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

1. That the improvements connected therewith in said District be, and the same are hereby approved and accepted; that said statement be, and the same is hereby approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement Districts No. ST-04 and ST-04, Phase B;
2. That the same be apportioned on each lot or tract of land to be assessed for the same;
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 so 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 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, Colorado, being Ordinance No. 178, as amended.

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 Districts of lands known as Alley Improvement Districts No. ST-04 and ST-04, Phase B, and all persons interested therein as follows:

Lots 1 through 4, inclusive; Lots 9 through 12, inclusive; and the south 59.1 ft. of Lot 6 and the north 10.9 ft. of Lot 7; and the south 44.1 ft. of Lot 7, Block 3, Prospect Park Subdivision; and also,
Lots 1 through 32, inclusive, Block 57, City of Grand Junction; and also,
Lots 1 through 11, inclusive, Block 3, Mesa Subdivision; and also
Lots 14 through 22, inclusive, Block 3, Mesa Subdivision; and also
The north 50 ft. of Lots 12 and 13, Block 3, Mesa Subdivision; and also,
Lots 1 through 12, inclusive, Block 1, Henderson Heights Subdivision; and also
BEG NW COR LOT 7 GRAND VIEW SUB E 60FT S 130FT W 60FT N TO BEG EXC ALY ON S; and also
BEG 60FT E OF NW COR LOT 7 GRAND VIEW SUB S 145.2FT E50FT N 145.2FT W TO BEG EXC ALY ON S; and also
BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB SEC 12 1S 1W E 60FT S 125.2FT W 60FT N TO BEG; and also
E 60FT OF BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 145.2FT W 120FT N TO BEG EXC ALY ON S; and also
BEG 230 FT E OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 145.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 280 FT E OF NW COR N2 LOT 7 GRAND VIEW SUB E 50 FT S 135.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 330 FT E OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 135.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 380 FT E+10 FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 30 FT S & 137.37FT W OF C-L ELM AV & N 15TH ST SEC 12 1S 1W W 71FT S 118.85FT E 60FT N 49.25FT E 11FT N 69.6FT TO BEG; and also
BEG 135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC KENNEDY AVE + EXC ALY ON N + LOT 7 EXC W 5FT BLK 1 HENDERSON HEIGHTS SUB; and also
BEG 110FT E+155.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 60FT S TO S LI N2 LOT 7 E 60FT N TO BEG EXC ALY ON N; and also
BEG 145.2FT S+110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 138.12FT N86DEG47MINW 120.18FT N 131.38FT TO BEG EXC ALY ON N; and also
BEG 230 FT E+145.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 50FT S TO S LI N2 LOT 7 E 50FT N TO BEG EXC ALY ON N; and also

BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
BEG 380FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
N 50FT OF S 180FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB EXC ALY ON N + EXC 20FT ALY ON W; and also
N 50FT OF S 130FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB + S 80FT OF E 231.6FT OF N2 LOT 7 GRAND VIEW SUB EXC KENNEDY AVE + EXC 20FT ALLEY ON W; and also,
Lots 1 through 32, inclusive, Block 13, City of Grand Junction; and also,
Lots 14 through 32, inclusive, Elm Avenue Subdivision, City of Grand Junction; and also
Lots 1 through 12, Amended Kennedy Subdivision, City of Grand Junction.
All in the City of Grand Junction, and Mesa County, Colorado.

That the improvements in and for said Districts ST-04, which are authorized by and in accordance with the terms and provisions of Resolution No. 97-03, passed and adopted on the 15th day of October, 2003, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Improvement District No. ST-04, with the terms and provisions of Resolution No. 108-03, passed and adopted on the 19th day of November, 2003, creating and establishing said District, and also the terms and provisions of Resolution No. 07-04, passed and adopted on the 21st day of January, 2004, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley Improvement District to be known as Improvement District No. ST-04, Phase B, with the terms and provisions of Resolution No. 20-04, passed and adopted on the 3rd day of March, 2004, creating and establishing said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

The City has inspected and accepted the condition of the improvements installed. The amount to be assessed from those properties benefiting from the improvements is \$77,756.13. Said amount including six percent (6%) for cost 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 should be entitled to an allowance of six percent (6%) for cost 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 the 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 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/County Auditorium, 520 Rood Avenue, Grand Junction, Colorado, before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$77,756.13 for improvements 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:

13TH ST TO 15TH ST KENNEDY AVE TO ELM AVE

TAX SCHEDULE NO.: 2945-123-16-005 LEGAL DESCRIPTION: Lots 1 through 6,
Block 1, Henderson Heights Sub, City of Grand Junction
ASSESSMENT\$2,226.00

TAX SCHEDULE NO.: 2945-123-00-011 LEGAL DESCRIPTION: BEG NW COR LOT
7 GRAND VIEW SUB E 60FT S 130FT W 60FT N TO BEG EXC ALY ON S, City of
Grand Junction
ASSESSMENT\$508.80

TAX SCHEDULE NO.: 2945-123-00-012 LEGAL DESCRIPTION: BEG 60FT E OF
NW COR LOT 7 GRAND VIEW SUB S 145.2FT E 50FT N 145.2FT W TO BEG EXC
ALY ON S, City of Grand Junction
ASSESSMENT\$424.00

TAX SCHEDULE NO.: 2945-123-00-013 LEGAL DESCRIPTION: BEG 110FT E OF
NW COR LOT 7 GRANDVIEW SUB SEC 12 1S 1W E 60FT S 125.2FT W 60FT N TO
BEG, City of Grand Junction
ASSESSMENT\$508.80

TAX SCHEDULE NO.: 2945-123-00-014 LEGAL DESCRIPTION: E 60FT OF BEG
110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 145.2FT W 120FT N TO
BEG EXC ALY ON S, City of Grand Junction
ASSESSMENT\$508.80

TAX SCHEDULE NO.: 2945-123-00-015 LEGAL DESCRIPTION: BEG 230FT E OF
NW COR LOT 7 GRAND VIEW SUB E 50FT S 145.2FT W 50FT N TO BEG EXC ALY
ON S, City of Grand Junction
ASSESSMENT\$424.00

TAX SCHEDULE NO.: 2945-123-00-016 LEGAL DESCRIPTION: BEG 280FT E OF
NW COR N2 LOT 7 GRAND VIEW SUB E 50FT S 135.2FT W 50FT N TO BEG EXC
ALY ON S, City of Grand Junction
ASSESSMENT\$424.00

TAX SCHEDULE NO.: 2945-123-00-017 LEGAL DESCRIPTION: BEG 330FT E +
10FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO
BEG EXC ALY ON S, City of Grand Junction
ASSESSMENT\$424.00

TAX SCHEDULE NO.: 2945-123-16-003 LEGAL DESCRIPTION: Lots 10 through 12,
Block 1, Henderson Heights Sub, City of Grand Junction
ASSESSMENT\$1,192.50

TAX SCHEDULE NO.: 2945-123-16-004 LEGAL DESCRIPTION: Lots 8 & 9, plus the
west 5 ft.of Lot 7, Block 1, Henderson Heights Sub, City of Grand Junction
ASSESSMENT\$466.40

TAX SCHEDULE NO.: 2945-123-00-022 LEGAL DESCRIPTION: BEG 135.2FT S OF
NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG
EXC KENNEDY AVE + EXC ALY ON N + LOT 7 EXC W 5FT BLK 1 HENDERSON
HEIGHTS SUB, City of Grand Junction ASSESSMENT.....\$508.80

TAX SCHEDULE NO.: 2945-123-00-023 LEGAL DESCRIPTION: BEG 110FT E +
155.2FT S OF NW COR LOT 7 GRAND VIEW SUBW 60FT S TO S LI N2 LOT 7 E
60FT N TO BEG EXC ALY ON N, City of Grand Junction
ASSESSMENT.....\$508.80

TAX SCHEDULE NO.: 2945-123-00-024 LEGAL DESCRIPTION: BEG 145.2FT S +
110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 138.12FT N
86DEG47MIN W 120.18FT N 131.38FT TO BEG EXC ALY ON N, City of Grand
Junction ASSESSMENT.....\$1,908.00

TAX SCHEDULE NO.: 2945-123-00-025 LEGAL DESCRIPTION: BEG 230FT E +
145.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W
50FT N TO BEG EXC ALY ON N, City of Grand Junction
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-00-026 LEGAL DESCRIPTION: BEG 330FT E +
135.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 50FT S TO S LI N2 LOT 7 E
50FT N TO BEG EXC ALY ON N, City of Grand Junction
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-00-027 LEGAL DESCRIPTION: BEG 330FT E +
135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W
50FT N TO BEG EXC ALY ON N, City of Grand Junction
ASSESSMENT.....\$424.00

14TH ST TO 15TH ST ELM AVE TO TEXAS AVE

TAX SCHEDULE NO.: 2945-123-14-001 LEGAL DESCRIPTION: Lot 1, Block 3,
Prospect Park Sub , City of Grand Junction ASSESSMENT.....\$381.60

TAX SCHEDULE NO.: 2945-123-14-002 LEGAL DESCRIPTION: Lot 2, Block 3,
Prospect Park Sub, City of Grand Junction ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-123-14-003 LEGAL DESCRIPTION: Lot 3, Block 3,
Prospect Park Sub , City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-14-004 LEGAL DESCRIPTION: Lot 4, Block 3,
Prospect Park Sub, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-14-007 LEGAL DESCRIPTION: S 44 ft. of Lot 7 &
W 1/2 of vac row as found in Bk 1176, Pg 501 MCC&R, Block 3, Prospect Park Sub,
City of Grand Junction ASSESSMENT.....\$811.96

TAX SCHEDULE NO.: 2945-123-14-014 LEGAL DESCRIPTION: S 59.1 ft.of Lot 6 &
N 10.9 ft. of Lot 7, Block 3, Prospect Park Sub, City of Grand Junction
ASSESSMENT.....\$1,431.00

TAX SCHEDULE NO.: 2945-123-14-012 LEGAL DESCRIPTION: Lot 12, Block 3,
Prospect Park Sub , City of Grand Junction ASSESSMENT.....\$593.60

TAX SCHEDULE NO.: 2945-123-14-011 LEGAL DESCRIPTION: Lot 11, Block 3,
Prospect Park Sub, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-14-010 LEGAL DESCRIPTION: Lot 10, Block 3,
Prospect Park Sub, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-123-14-009 LEGAL DESCRIPTION: Lot 9, Block 3,
Prospect Park Sub, City of Grand Junction ASSESSMENT.....\$472.76

2ND STREET TO 3RD STREET, CHIPETA TO OURAY AVE

TAX SCHEDULE NO.: 2945-142-35-001 LEGAL DESCRIPTION: Lots 1 & 2, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-002 LEGAL DESCRIPTION: Lots 3 & 4, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-003 LEGAL DESCRIPTION: Lots 5 & 6, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-004 LEGAL DESCRIPTION: Lots 7 & 8, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-005 LEGAL DESCRIPTION: Lots 9 & 10, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-006 LEGAL DESCRIPTION: Lot 11, Block 57,
City of Grand Junction ASSESSMENT.....\$212.00

TAX SCHEDULE NO.: 2945-142-35-007 LEGAL DESCRIPTION: Lot 12, Block 57,
City of Grand Junction ASSESSMENT.....\$212.00

TAX SCHEDULE NO.: 2945-142-35-008 LEGAL DESCRIPTION: Lots 13 & 14, Block
57, City of Grand Junction ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-142-35-009 LEGAL DESCRIPTION: Lots 15 & 16, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-010 LEGAL DESCRIPTION: Lots 17 & 18, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-011 LEGAL DESCRIPTION: Lots 25 & 26, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-012 LEGAL DESCRIPTION: Lots 19 & 20, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-013 LEGAL DESCRIPTION: Lots 21 & 22, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-014 LEGAL DESCRIPTION: Lots 23 & 24, Block
57, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-35-015 LEGAL DESCRIPTION: Lot 28, Block 57,
City of Grand Junction ASSESSMENT.....\$212.00

TAX SCHEDULE NO.: 2945-142-35-019 LEGAL DESCRIPTION: Lot 27, Block 57,
City of Grand Junction ASSESSMENT.....\$212.00

TAX SCHEDULE NO.: 2945-142-35-016 LEGAL DESCRIPTION: Lots 29 & 30, Block
57, City of Grand Junction ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-142-35-017 LEGAL DESCRIPTION: Beginning at the
NW corner of Lot 32, Thence S 40ft., thence E 40 ft., thence N 40 ft., thence W 40 ft.
to the POB, Block 57, City of Grand Junction ASSESSMENT.....\$339.20

TAX SCHEDULE NO.: 2945-142-35-018 LEGAL DESCRIPTION: Lots 31 & 32,
except beginning at the NW corner of Lot 32, thence S 40 ft., thence E 40 ft., thence N
40 ft., thence W 40 ft. to the POB, Block 57, City of Grand Junction
ASSESSMENT.....\$84.80

2ND ST TO 3RD ST TELLER AVE TO BELFORD AVE

TAX SCHEDULE NO.: 2945-142-11-001 LEGAL DESCRIPTION: Lots 1 & 2, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-002 LEGAL DESCRIPTION: Lots 3 & 4, Block
13, City of Grand Junction ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-142-11-003 LEGAL DESCRIPTION: Lots 5 & 6, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-004 LEGAL DESCRIPTION: Lots 7 & 8, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-005 LEGAL DESCRIPTION: Lots 9 & 10, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-006 LEGAL DESCRIPTION: Lots 11 & 12, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-007 LEGAL DESCRIPTION: Lots 13 & 14, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-008 LEGAL DESCRIPTION: Lots 15 & 16, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-009 LEGAL DESCRIPTION: Lots 17 & 18, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-010 LEGAL DESCRIPTION: Lots 19 & 20, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-012 LEGAL DESCRIPTION: Lots 21 & 22, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-013 LEGAL DESCRIPTION: Lots 23 & 24, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-014 LEGAL DESCRIPTION: Lots 25 & 26, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-015 LEGAL DESCRIPTION: Lots 27 & 28, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-016 LEGAL DESCRIPTION: Lots 29 & 30, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-142-11-017 LEGAL DESCRIPTION: Lots 31 & 32, Block
13, City of Grand Junction ASSESSMENT.....\$424.00

7TH ST TO CANNELL AVE, KENNEDY AVE TO ELM AVE

TAX SCHEDULE NO.: 2945-114-14-001 LEGAL DESCRIPTION: South 121 ft. of the north 125 ft. of the west 52 ft. of LOT 14, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$440.96

TAX SCHEDULE NO.: 2945-114-14-002 LEGAL DESCRIPTION: East 50 ft. of LOT 15, except the south 87 ft., Elm Avenue Subdivision, City of Grand Junction
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-14-003 LEGAL DESCRIPTION: West 25 ft. of the south 121 ft. of the north 125 ft. of LOT 15. Also, the east 27 ft. of the south 121 ft. of the north 125 ft of LOT 16, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$440.96

TAX SCHEDULE NO.: 2945-114-14-004 LEGAL DESCRIPTION: West 48 ft. of the south 121 ft. of the north 125 ft. of LOT 16. Also, the east 10 ft. of the south 121 ft. of the north 125 ft.of LOT 17, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$491.84

TAX SCHEDULE NO.: 2945-114-14-005 LEGAL DESCRIPTION: West 65 ft. of the south 121 ft. of the north 125 ft. of LOT 17, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$551.20

TAX SCHEDULE NO.: 2945-114-14-006 LEGAL DESCRIPTION: LOT 18, except the north 4ft.and the south 87 ft., Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-007 LEGAL DESCRIPTION: East 50 ft. of the south 121 ft. of the north 125 ft. of LOT 19, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-14-008 LEGAL DESCRIPTION: West 25 ft. of the south 121 ft. of the north 125 ft. of LOT 19. Also, the east 25 ft. of the south 121 ft. of the north 125 ft of LOT 20 Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-14-009 LEGAL DESCRIPTION: West 50 ft. of the south 121 ft. of the north 125 ft. of LOT 20, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-14-010 LEGAL DESCRIPTION: South 121 ft. of the north 125 ft. of LOT 21, Elm Avenue Subdivision, City of Grand Junction.
ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-011 LEGAL DESCRIPTION: South 121 ft. of the north 125 ft. of LOT 22, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-012 LEGAL DESCRIPTION: South 121 ft. of the north 125 ft. of LOT 23, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-013 LEGAL DESCRIPTION: LOT 24, except the north 4 ft. and the south 87 ft., Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-014 LEGAL DESCRIPTION: South 121 ft. of the north 125 ft. of LOT 25, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$1,026.08

TAX SCHEDULE NO.: 2945-114-14-031 LEGAL DESCRIPTION: LOT 26, except the north 4 ft., and the east 35 ft. of LOT 27, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$1,319.70

TAX SCHEDULE NO.: 2945-114-14-032 LEGAL DESCRIPTION: LOT 27, except the east 35 ft., and LOT 28, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$212.00

TAX SCHEDULE NO.: 2945-114-14-017 LEGAL DESCRIPTION: LOTS 29 & 30, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-14-018 LEGAL DESCRIPTION: LOTS 31 & 32, Elm Avenue Subdivision, City of Grand Junction.

ASSESSMENT.....\$1,669.50

TAX SCHEDULE NO.: 2945-114-14-019 LEGAL DESCRIPTION: LOT 1, Amended Kennedy Subdivision, City of Grand Junction.

ASSESSMENT.....\$1,113.00

TAX SCHEDULE NO.: 2945-114-14-020 LEGAL DESCRIPTION: LOT 2, Amended Kennedy Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-021 LEGAL DESCRIPTION: LOT 3, Amended Kennedy Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-022 LEGAL DESCRIPTION: LOT 4, Amended Kennedy Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-023 LEGAL DESCRIPTION: LOT 5, Amended Kennedy Subdivision, City of Grand Junction.

ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-114-14-024 LEGAL DESCRIPTION: LOT 6, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-025 LEGAL DESCRIPTION: LOT 7, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-026 LEGAL DESCRIPTION: LOT 8, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-027 LEGAL DESCRIPTION: LOT 9, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-028 LEGAL DESCRIPTION: LOT 10, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-029 LEGAL DESCRIPTION: LOT 11, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$610.56

TAX SCHEDULE NO.: 2945-114-14-030 LEGAL DESCRIPTION: LOT 12, Amended
Kennedy Subdivision, City of Grand Junction. ASSESSMENT.....\$590.29

8TH STREET TO CANNELL AVE, MESA AVE TO HALL AVE
ALLEY IMPROVEMENT ST-04 PHASE B

TAX SCHEDULE NO.: 2945-114-10-001 LEGAL DESCRIPTION: Lot 1 plus the west
11 ft. of Lot 2, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$1,185.19

TAX SCHEDULE NO.: 2945-114-10-002 LEGAL DESCRIPTION: East 22.63 ft. of Lot
3 and the west 30 ft. of Lot 4, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$446.30

TAX SCHEDULE NO.: 2945-114-10-003 LEGAL DESCRIPTION: East 31 ft. of Lot 4
and the west 19 ft. of Lot 5, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-10-004 LEGAL DESCRIPTION: East 42 ft. of Lot 5
and the west 8 ft. of Lot 6, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-114-10-005 LEGAL DESCRIPTION: East 53 ft. of Lot 6,
Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$449.44

TAX SCHEDULE NO.: 2945-114-10-006 LEGAL DESCRIPTION: Lot 7, Block 3, Mesa
Sub, City of Grand Junction
ASSESSMENT.....\$517.28

TAX SCHEDULE NO.: 2945-114-10-007 LEGAL DESCRIPTION: Lot 8, Block 3, Mesa
Sub, City of Grand Junction
ASSESSMENT.....\$517.28

TAX SCHEDULE NO.: 2945-114-10-008 LEGAL DESCRIPTION: Lot 9, Block 3,
Mesa Sub, City of Grand Junction
ASSESSMENT.....\$517.28

TAX SCHEDULE NO.: 2945-114-10-009 LEGAL DESCRIPTION: North 50 ft. Lots 12
& 13, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$1,034.56

TAX SCHEDULE NO.: 2945-114-10-010 LEGAL DESCRIPTION: Lot 10, Block 3,
Mesa Sub, City of Grand Junction
ASSESSMENT.....\$517.28

TAX SCHEDULE NO.: 2945-114-10-011 LEGAL DESCRIPTION: Lot 11, Block 3,
Mesa Sub, City of Grand Junction
ASSESSMENT.....\$538.82

TAX SCHEDULE NO.: 2945-114-10-014 LEGAL DESCRIPTION: East 50 ft. of Lot 2
and the west 38.37 ft. of Lot 3, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$1,405.08

TAX SCHEDULE NO.: 2945-114-10-951 LEGAL DESCRIPTION: Lots 15 through 22,
inclusive, except the east 4.53 ft. of Lot 14, Block 3, Mesa Sub, City of Grand Junction
ASSESSMENT.....\$18,407.91

By order of the City Council

City Clerk

Date

Attach 3
Setting a Hearing on Zoning the Barker Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Barker Annexation						
Meeting Date	September 1, 2004						
Date Prepared	August 23, 2004				File #ANX-2004-127		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Barker Annexation, located at 172 Lantzer Avenue, 2934 Highway 50 and 2937 Jon Hall Drive, to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

BACKGROUND INFORMATION

Location:		2934 Hwy 50; 172 Lantzer Avenue and 2937 Jon Hall Drive		
Applicant:		MJB Construction, owner and developer; John Galloway, representative		
Existing Land Use:		Single family residence and vacant lots		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Highway 50 & residential		
	East	Single-family residence w/ large lot		
	West	Residential		
Existing Zoning:		County RSF-4 & RSF-R		
Proposed Zoning:		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
Surrounding Zoning:	North	County RSF-4		
	South	(Highway 50)		
	East	County RSF-R		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre		
Zoning within density range?		X	Yes	No

STAFF ANALYSIS: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium-low. The existing County zoning on the three parcels is RSF-4 and 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.

Zoning- the applicant requests the zoning designation of RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre). The zoning is consistent with the Growth Plan for this area, and is consistent with the current County zoning of RSF-4 and RSF-R. The minimum density for the RSF-4 zoning

designation is 2 units per acre. This zoning district allows for attached and detached single-family and duplex dwelling units.

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;
Not applicable, this is a rezone from a county RSF-4 zoning to City RSF-4.
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
The area is experiencing a change from rural to urban residential. There are existing residential developments in the vicinity. The Growth Plan supports the requested density.
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;
The rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.
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;
This proposal is consistent with the growth plan's land use goals and policies.
It is the intent to conform to all other applicable codes and regulations.
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
All facilities and services are available in this area.
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
(Not applicable to annexation)
7. The community or neighborhood will benefit from the proposed zone.
The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and

intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

STAFF RECOMMENDATION:

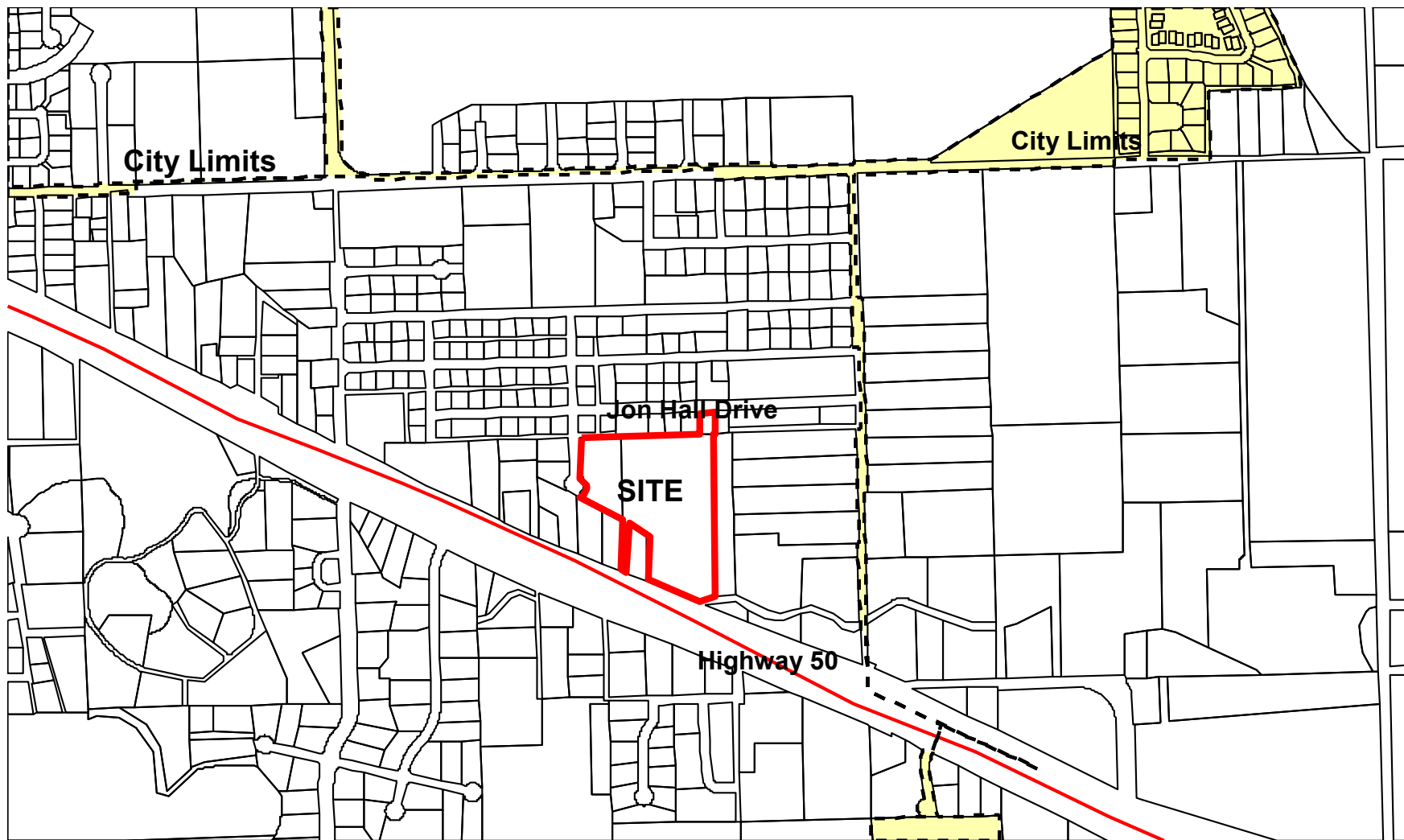
1). Staff recommends approval of the zone of RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre) finding that the proposal is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of August 24, 2004, the Planning Commission made the recommendation to the City Council to zone the Barker Annexation, located at 2934 Hwy 50; 172 Lantzer Avenue and 2937 Jon Hall Drive, to the designation of RSF-4 (Residential Single-family, not to exceed 4 units per acre) finding that the project is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

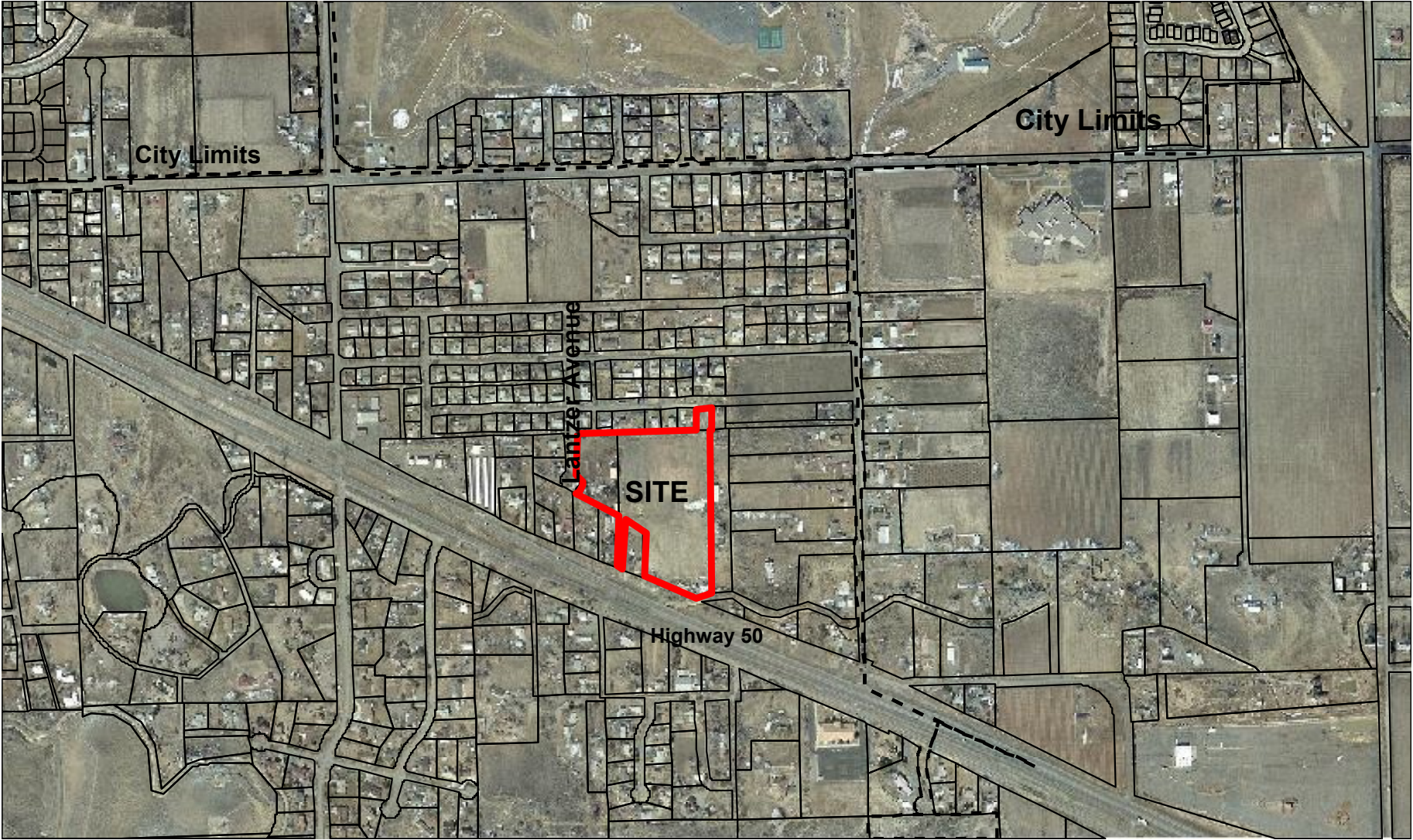
Site Location Map

Barker Annexation / City Limits



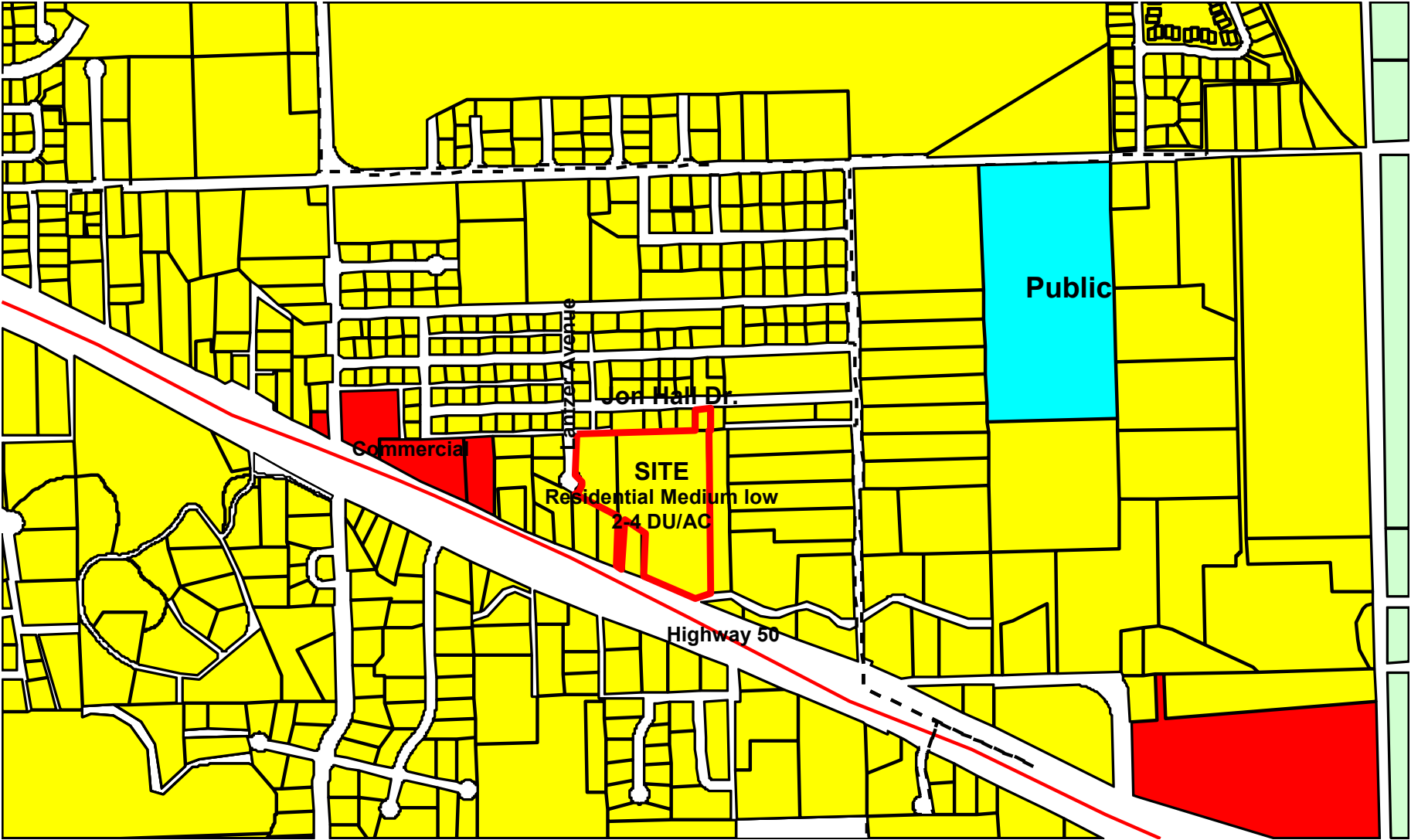
Aerial Photo Map

Barker Annexation



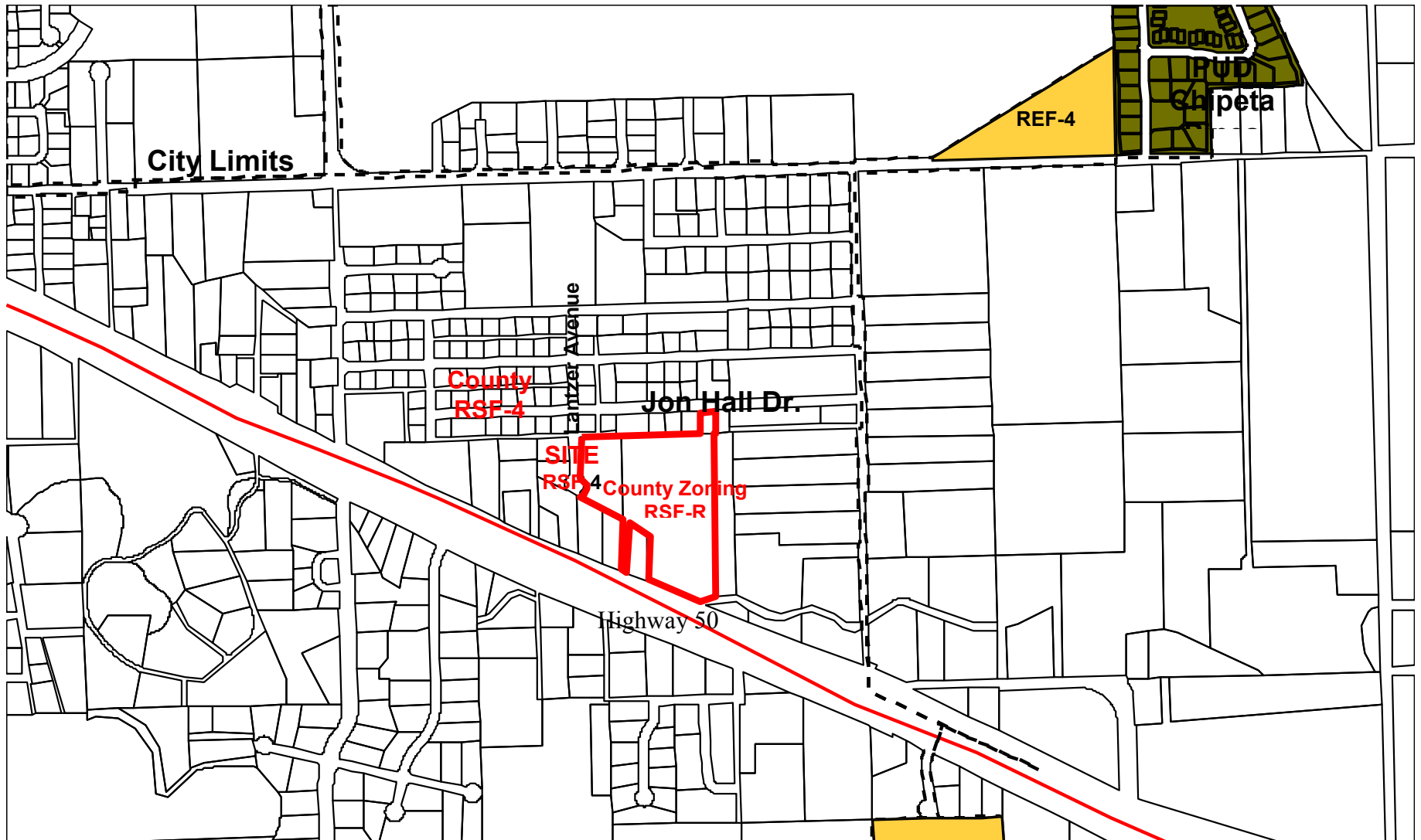
Future Land Use Map

Barker Annexation



Existing City and County Zoning

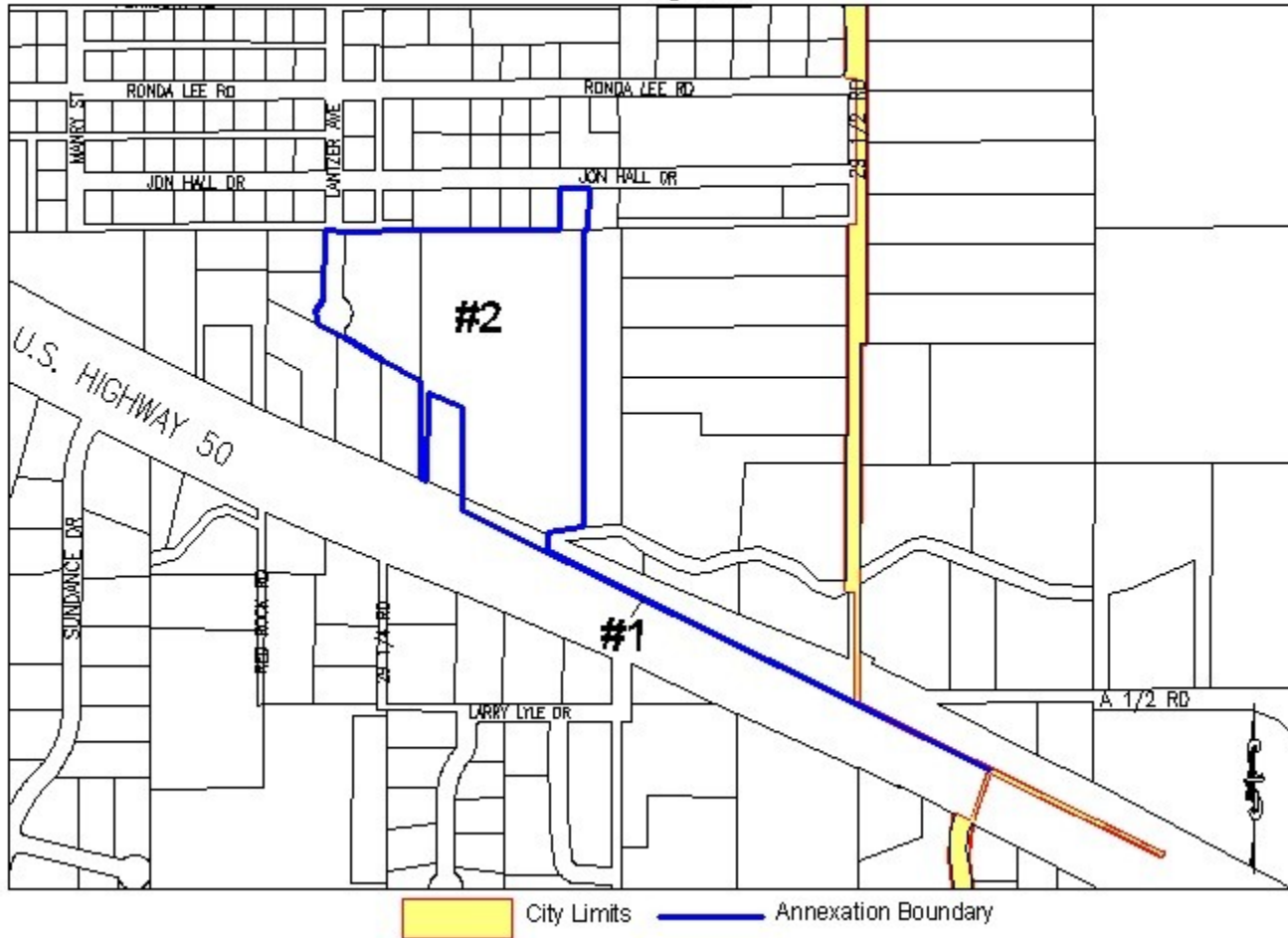
Barker Annexation



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

Barker Annexation No. 1 and 2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BARKER ANNEXATION TO
RSF-4**

**LOCATED AT 172 LANTZER AVENUE, 2934 HWY 50,
AND 2937 JON HALL DRIVE**

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 Barker Annexation to the RSF-4 zone district for the following reasons:

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

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

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

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

The following property shall be rezoned RSF-4 with a density not to exceed 4 units per acre.

PERIMETER BOUNDARY LEGAL DESCRIPTION

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

BARKER ANNEXATION NO. 1

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

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

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

BARKER ANNEXATION NO. 2

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

BEGINNING at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32 and assuming the North line of the SE 1/4 NW 1/4 of said Section 32 bears N 89°51'18" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°51'18" E along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 494.71 feet to a point being the Southwest corner of Lot 2, Sunset Park, as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado; thence N 00°08'57" W along the West line of said Lot 2, a distance of 160.06 feet, more or less, to a point on the North right of way for Jon Hall Drive, as same is shown on said Sunset Park; thence N 89°51'27" E along said North right of way, a distance of 82.00 feet; thence S 00°08'57" E along the East line of said Lot 2, a distance of 160.06 feet, more or less, to the Southeast corner of said Lot 2; thence S 89°51'18" W along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 15.94 feet to a point being the Northeast corner of that certain parcel of land described in Book 2276, Pages 610 and 611, Public Records of Mesa County, Colorado; thence S 00°42'37" E along the East line of said described parcel, a distance of 829.00 feet; thence S 83°04'23" W a distance of 116.60 feet, more or less, to a point on the North right of way for Highway 50; thence S 00°00'00" E a distance of 59.07 feet; thence S 63°44'41" E a distance of 1374.64 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1636.81 feet; thence N 00°22'37" W along the East line, and the Southerly projection thereof, of that certain

parcel of land described in Book 2736, Page 236, Public Records of Mesa County, Colorado, a distance of 241.53 feet; thence N 62°34'37" W, along the North line of said described parcel, a distance of 110.00 feet; thence S 00°22'37" E a distance of 200.48 feet, more or less, to a point on the North right of way for Highway 50; thence N 66°35'00" W, along said North right of way, a distance of 16.45 feet; thence N 00°12'09" W a distance of 273.21 feet; thence N 26°21'53" W a distance of 294.96 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 01°16'42" E with a long chord length of 87.50 feet; thence 106.55 feet Northerly along the arc of said curve, through a central angle of 122°06'00", said line being the West right of way for Lantzer Avenue, as same is shown on Neff Subdivision, as same is recorded in Plat Book 9, Page 133, Public Records of Mesa County, Colorado; thence N 00°13'42" W, along said West right of way, a distance of 192.16 feet, more or less, to a point on the North line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32; thence N 89°47'10" E, along said North line, a distance of 159.10 feet, more or less, to the Point of Beginning.

CONTAINING 10.72 Acres (466,963 Sq. Ft.), more or less, as described.

Introduced on first reading this 1st day of September, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 4

Setting a Hearing on Right-of-Way Vacation – SW Corner Patterson and 28 ½ Road

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
Subject	Right-of-Way Vacation – Southwest corner of Patterson Road and 28 ½ Road within the Falls Filing One Subdivision						
Meeting Date	September 1, 2004						
Date Prepared	August 25, 2004			File #VR-2004-133			
Author	Ronnie Edwards			Associate Planner			
Presenter Name	Ronnie Edwards			Associate Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to vacate the public right-of-way as dedicated in the Falls Filing No. One, as amended, except for F Road also known as Patterson Road, located at the southwest corner of Patterson Road and 28 ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed right-of-way vacation ordinance and set a public hearing for September 15, 2004.

Background Information: See attached

Attachments:

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

BACKGROUND INFORMATION					
Location:		Southwest corner of the Patterson Road and 28 ½ Road intersection			
Applicants:		The Falls Homeowners Association			
Existing Land Use:		Residential Single Family			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Vacant			
	South	Open Space/Grand Valley Irrigation Canal			
	East	Residential Single Family			
	West	Residential Single Family/Heritage Falls Elder Care Facility			
Existing Zoning:		PD (density of 8 du/ac)			
Proposed Zoning:		PD (density of 8 du/ac)			
Surrounding Zoning:	North	CSR			
	South	RMF-8 & RMF-16			
	East	PD (density of 6.5 du/ac)			
	West	PD (density of 8 du/ac)			
Growth Plan Designation:		Residential Medium High (8-12 du/ac)			
Zoning within density range?		N/A	Yes		No

PROJECT DESCRIPTION: The proposal is to vacate the public right-of-way as dedicated in the Falls Filing No. One, as amended except for F Road also known as Patterson Road, located at the southwest corner of the intersection of Patterson Road and 28 ½ Road.

ANALYSIS:

1. Background:

This property was annexed in November of 1974. The Falls Subdivision was approved as a planned development and recorded November 20, 1979, included 55 residential lots, 4.598 acres of open space and 5.247 acres allocated for right-of-way. When originally platted, all the right-of-way was dedicated as 55' in

width but was built to current local standards. By allowing the vacation of the existing wider road sections, a re-plat of the subdivision can be recorded that will rededicate all the right-of-way at the appropriate local street width. The excess right-of-way will attach to the adjacent private lots and open space.

This request is being reviewed concurrently with a request to amend the Final Plan of the Falls to incorporate some of the area of existing common open space to respective property owners for private use. Much of the open space area to be transferred is already being used by the lot owners as part of their yard and landscaping.

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.

The right-of-way vacation will be subject to a new plat being recorded that rededicates the right-of-way to accommodate existing improvements and standards.

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, as they are being rededicated with the recordation of a new subdivision plat.

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

No parcel will be landlocked by the requested vacation as the right-of-way will be rededicated by the recordation of a new plat.

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

The right-of-way vacation and rededication will not restrict access to any parcel.

- 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 road sections will be dedicated to the appropriate local street standards and the vacated area will be the responsibility of the owner of the abutting property to maintain.

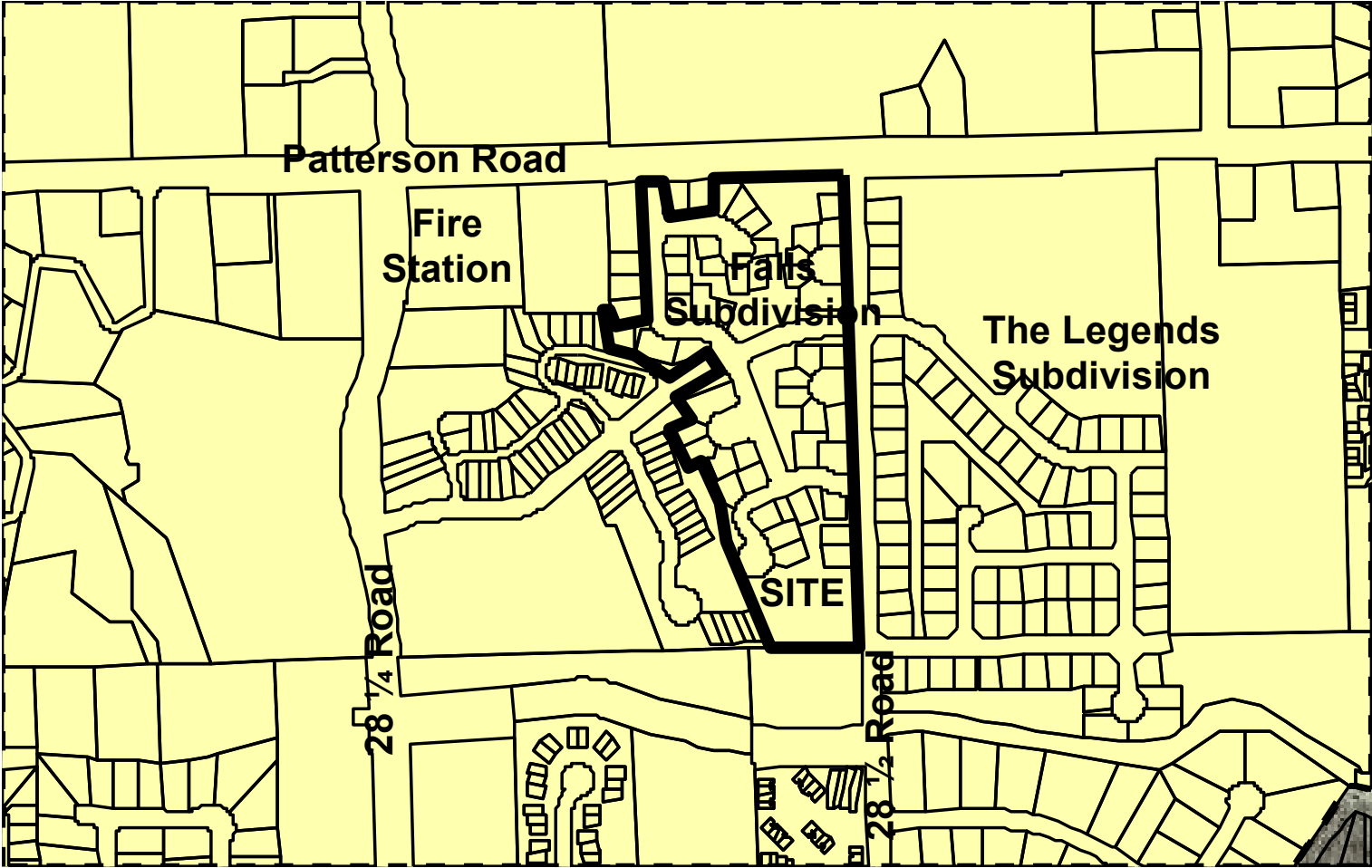
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Right-of-Way Vacation application, VR-2004-133, for the vacation of right-of-way as dedicated in the Falls Filling No. One As Amended save and except for F Road also known as Patterson Road, conditioned upon the dedication of the right-of-way as presented by the applicant with the recordation of a new subdivision plat, City Council makes the following findings of fact and conclusions:

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

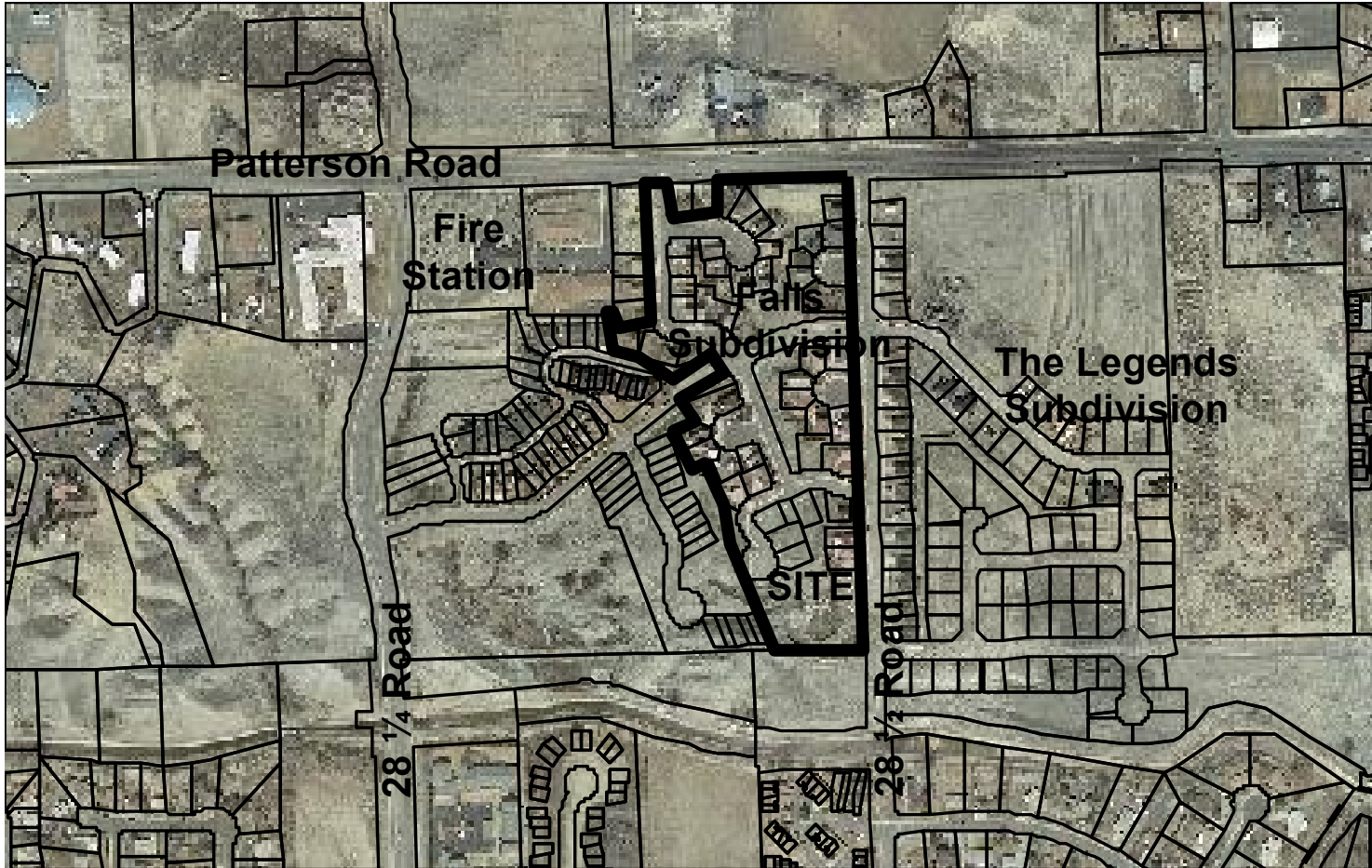
Site Location Map

Figure 1



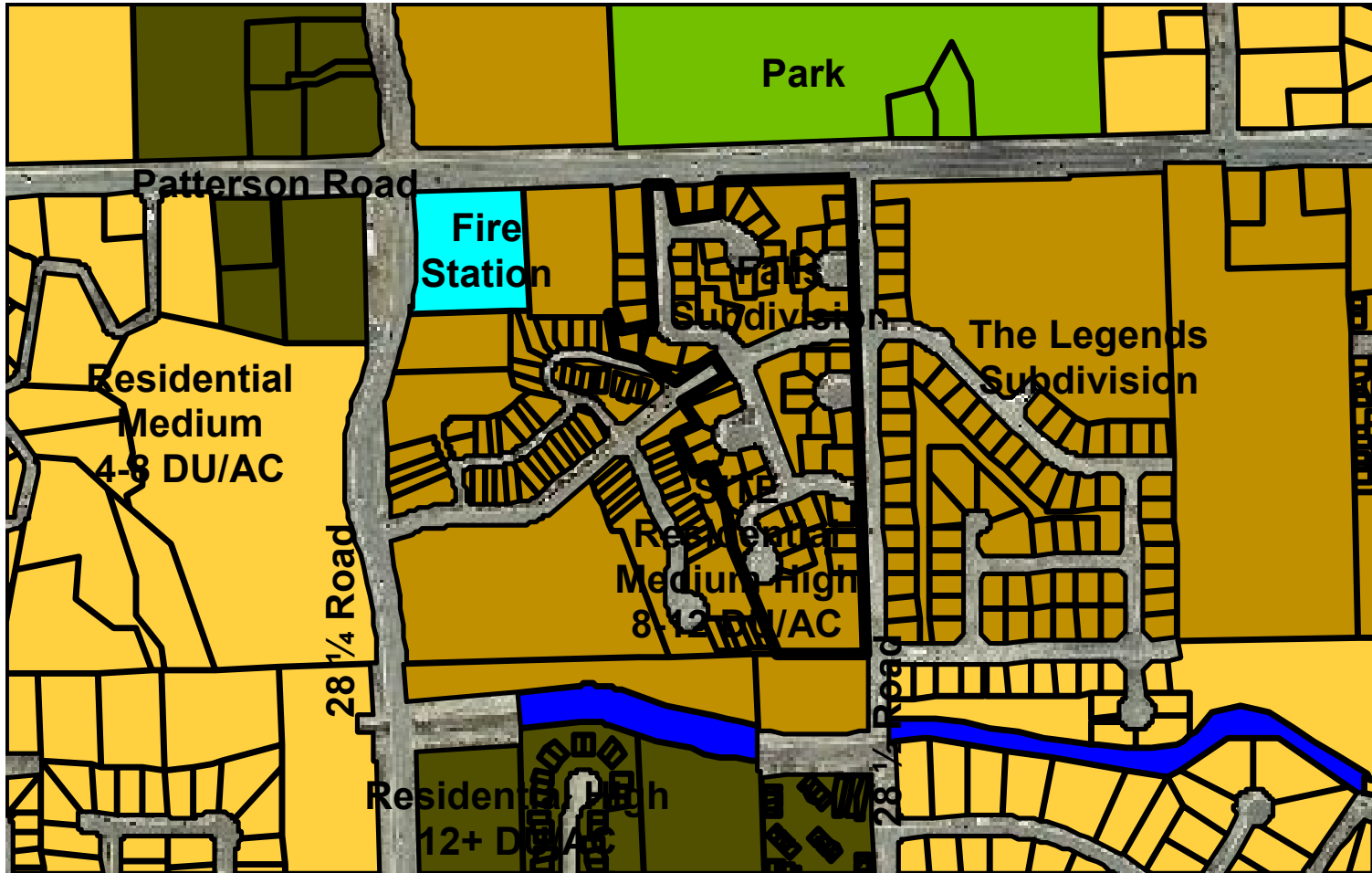
Aerial Photo Map

Figure 2



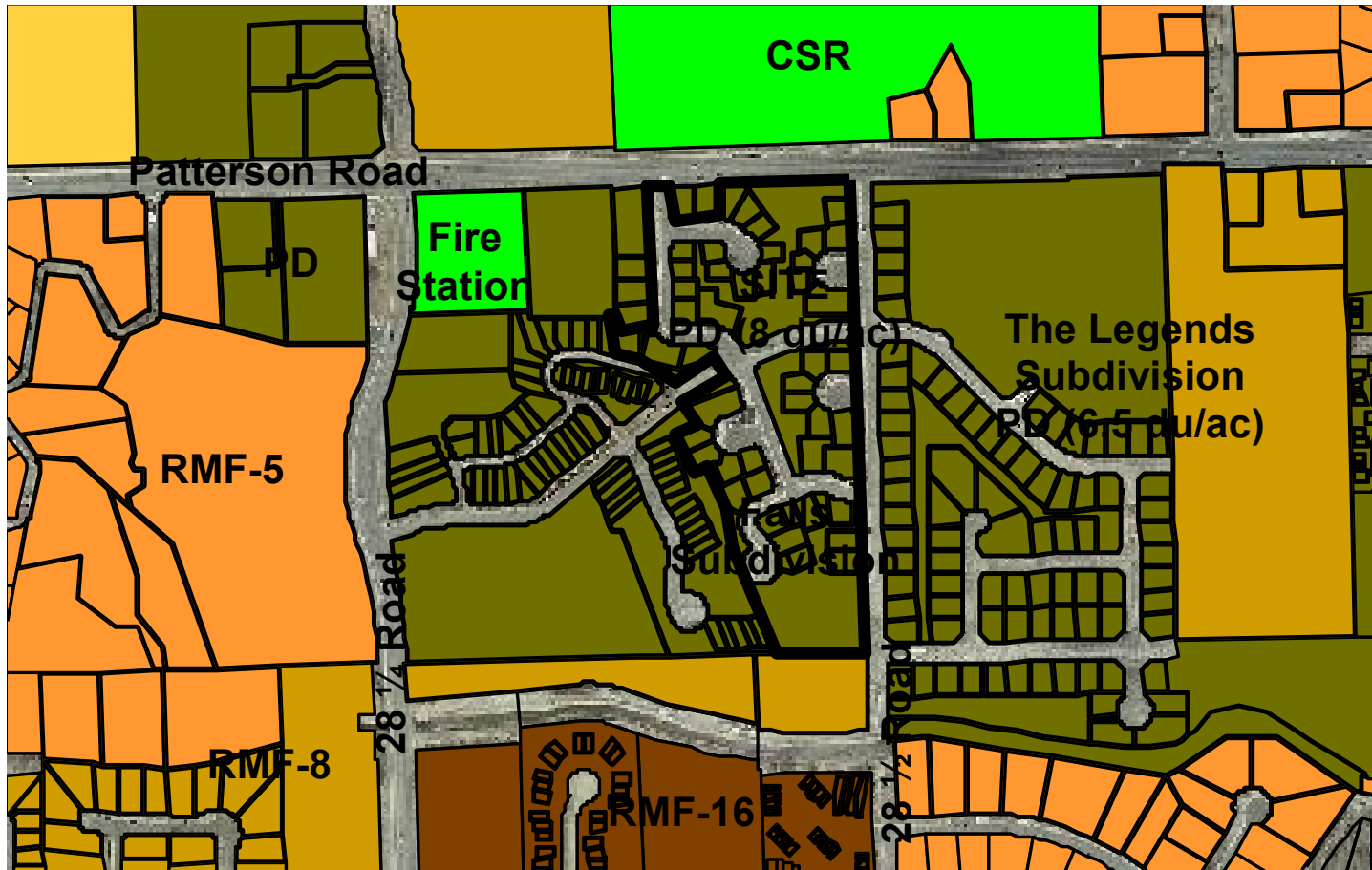
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE
FALLS FILING NO. ONE AS AMENDED SUBDIVISION ON THE SOUTHWEST
CORNER OF PATTERSON ROAD AND 28 ½ ROAD**

Recitals:

A request to vacate the public right-of-way as dedicated in the Falls Filing No. One As Amended save and except for F Road also known as Patterson Road, located at the southwest corner of Patterson Road and 28 ½ Road, has been submitted by the Homeowners Association of said subdivision. The applicants will rededicate the right-of-way to the City by recording a new subdivision plat, which will reserve the appropriate local street width to current standards.

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 a new plat will be recorded rededicating the right-of-way to the City.

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

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

That part of the Road Right-of-Way dedicated on the Falls Filing No. One As Amended subdivision recorded in Plat Book 12 Pages 216-217, Reception No. 1208645 of the Mesa County Records, lying South of "F" Road (Patterson) Right-of-Way as depicted on Exhibit "A".

Introduced for first reading on this 1st day of September, 2004.

PASSED and ADOPTED this ____ day of _____, 2004.

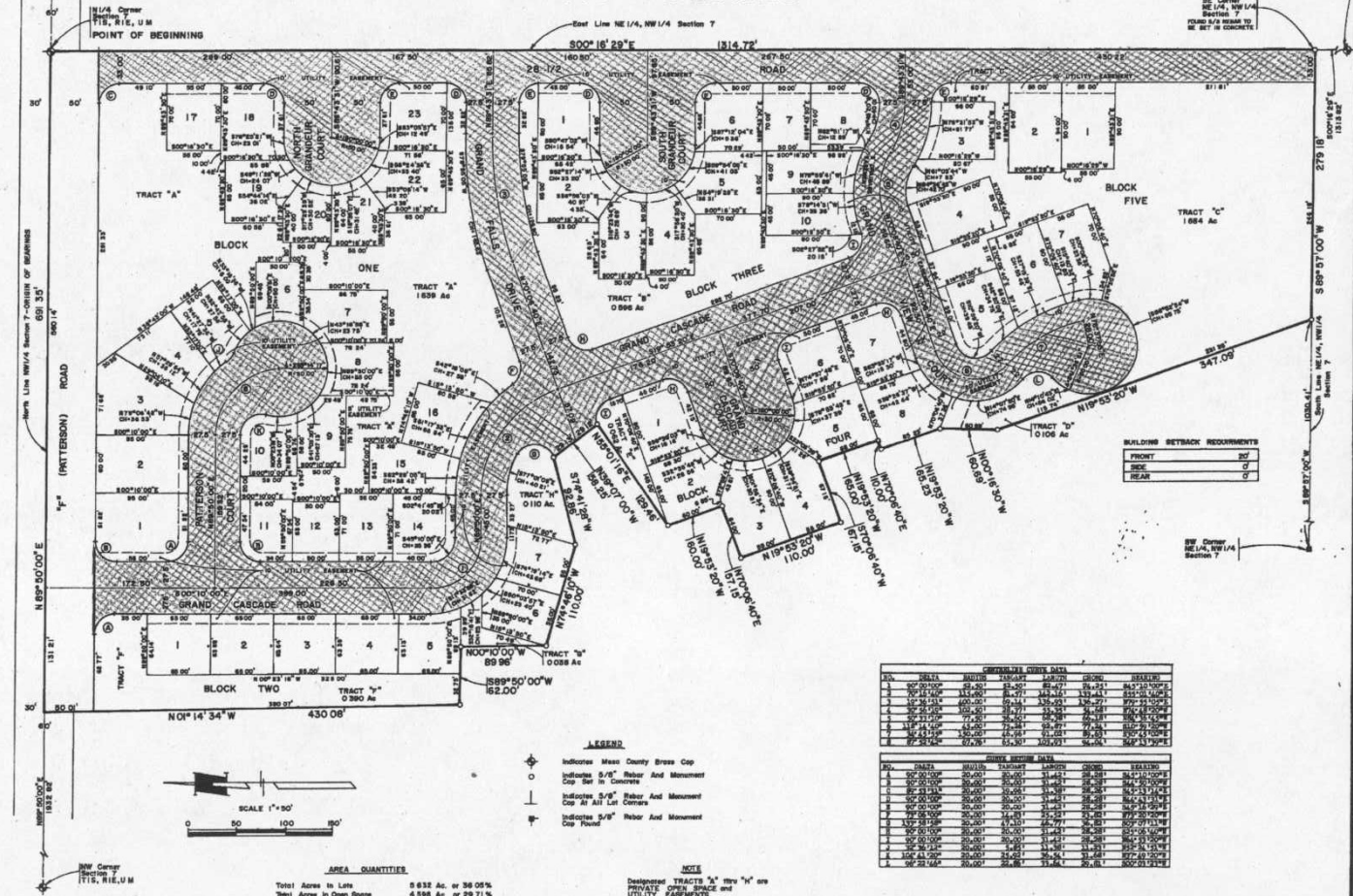
ATTEST:

President of City Council

City Clerk

EXHIBIT A

THE FALLS - FILING NO. ONE AS AMENDED



BUILDING SETBACK REQUIREMENTS

FRONT	20'
SIDE	5'
REAR	5'

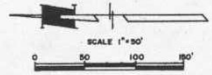
OPENSPACE UTILS DATA

NO.	TRACT	AREA	UTILS	STATUS	DATE	OWNER	REMARKS
1	300'x100'	30,000	...	...	...	...	...
2	300'x100'	30,000	...	...	...	...	...
3	300'x100'	30,000	...	...	...	...	...
4	300'x100'	30,000	...	...	...	...	...
5	300'x100'	30,000	...	...	...	...	...
6	300'x100'	30,000	...	...	...	...	...
7	300'x100'	30,000	...	...	...	...	...
8	300'x100'	30,000	...	...	...	...	...
9	300'x100'	30,000	...	...	...	...	...
10	300'x100'	30,000	...	...	...	...	...
11	300'x100'	30,000	...	...	...	...	...
12	300'x100'	30,000	...	...	...	...	...
13	300'x100'	30,000	...	...	...	...	...
14	300'x100'	30,000	...	...	...	...	...
15	300'x100'	30,000	...	...	...	...	...
16	300'x100'	30,000	...	...	...	...	...
17	300'x100'	30,000	...	...	...	...	...
18	300'x100'	30,000	...	...	...	...	...
19	300'x100'	30,000	...	...	...	...	...
20	300'x100'	30,000	...	...	...	...	...

OPENSPACE BULK DATA

NO.	TRACT	AREA	UTILS	STATUS	DATE	OWNER	REMARKS
1	300'x100'	30,000	...	...	...	...	...
2	300'x100'	30,000	...	...	...	...	...
3	300'x100'	30,000	...	...	...	...	...
4	300'x100'	30,000	...	...	...	...	...
5	300'x100'	30,000	...	...	...	...	...
6	300'x100'	30,000	...	...	...	...	...
7	300'x100'	30,000	...	...	...	...	...
8	300'x100'	30,000	...	...	...	...	...
9	300'x100'	30,000	...	...	...	...	...
10	300'x100'	30,000	...	...	...	...	...
11	300'x100'	30,000	...	...	...	...	...
12	300'x100'	30,000	...	...	...	...	...
13	300'x100'	30,000	...	...	...	...	...
14	300'x100'	30,000	...	...	...	...	...
15	300'x100'	30,000	...	...	...	...	...
16	300'x100'	30,000	...	...	...	...	...
17	300'x100'	30,000	...	...	...	...	...
18	300'x100'	30,000	...	...	...	...	...
19	300'x100'	30,000	...	...	...	...	...
20	300'x100'	30,000	...	...	...	...	...

- LEGEND**
- Indicates Meas County Brass Cap
 - Indicates 5/8" Rebar And Monument Cap Set In Concrete
 - ⊥ Indicates 5/8" Rebar And Monument Cap At All Lot Corners
 - ⊥ Indicates 5/8" Rebar And Monument Cap Point



AREA QUANTITIES

Total Acres in Lots	6,632 Ac. or 36.05%
Total Acres in Open Space	4,598 Ac. or 29.71%
Total Acres in Streets	2,247 Ac. or 33.80%
TOTAL ACRES	13,477 Ac. or 100.00%

TOTAL NUMBER OF LOTS = 85

NOTE
Designated TRACTS "A" thru "H" are PRIVATE OPEN SPACE and UTILITY EASEMENTS

SHEET 2 OF 2 Pg. 417
THE FALLS - FILING NO. ONE AS AMENDED
PARAGON ENGINEERING, INC.

Attach 6
Setting a Hearing on Indian Road Annexation
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject	Setting a hearing for the Indian Road Annexation located between C ½ Road and D Road at Indian Road						
Meeting Date	September 1, 2004						
Date Prepared	August 23, 2004				File #ANX-2004-137		
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: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 34.806 acre Indian Road Annexation consists of 49 parcels. Indian Road Annexation is a 2 part serial annexation.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		Between C ½ Road and D Road at Indian Road		
Applicants:		Owner: Darren Davidson Representative: Steve Voytilla		
Existing Land Use:		Vacant		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Industrial / Railroad		
	South	Single Family Residential / Rendering Plant / Colorado River		
	East	Single Family Residential / Commercial & Industrial uses		
	West	Single Family Residential / Commercial & Industrial uses		
Existing Zoning:		County I-2		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	City I-1		
	South	County I-2 & RSF-R		
	East	County I-2, PI, & RSF-R		
	West	County I-2 & RSF-R; City CSR		
Growth Plan Designation:		North of Winters Ave – Industrial South of Winters Ave – Commercial / Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 34.806 acres of land and is comprised of 49 parcels. The property owners have requested annexation into the City as the result of wanting to develop new commercial and industrial sites. Under the 1998 Persigo Agreement all new commercial and industrial developments 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 Indian Road Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

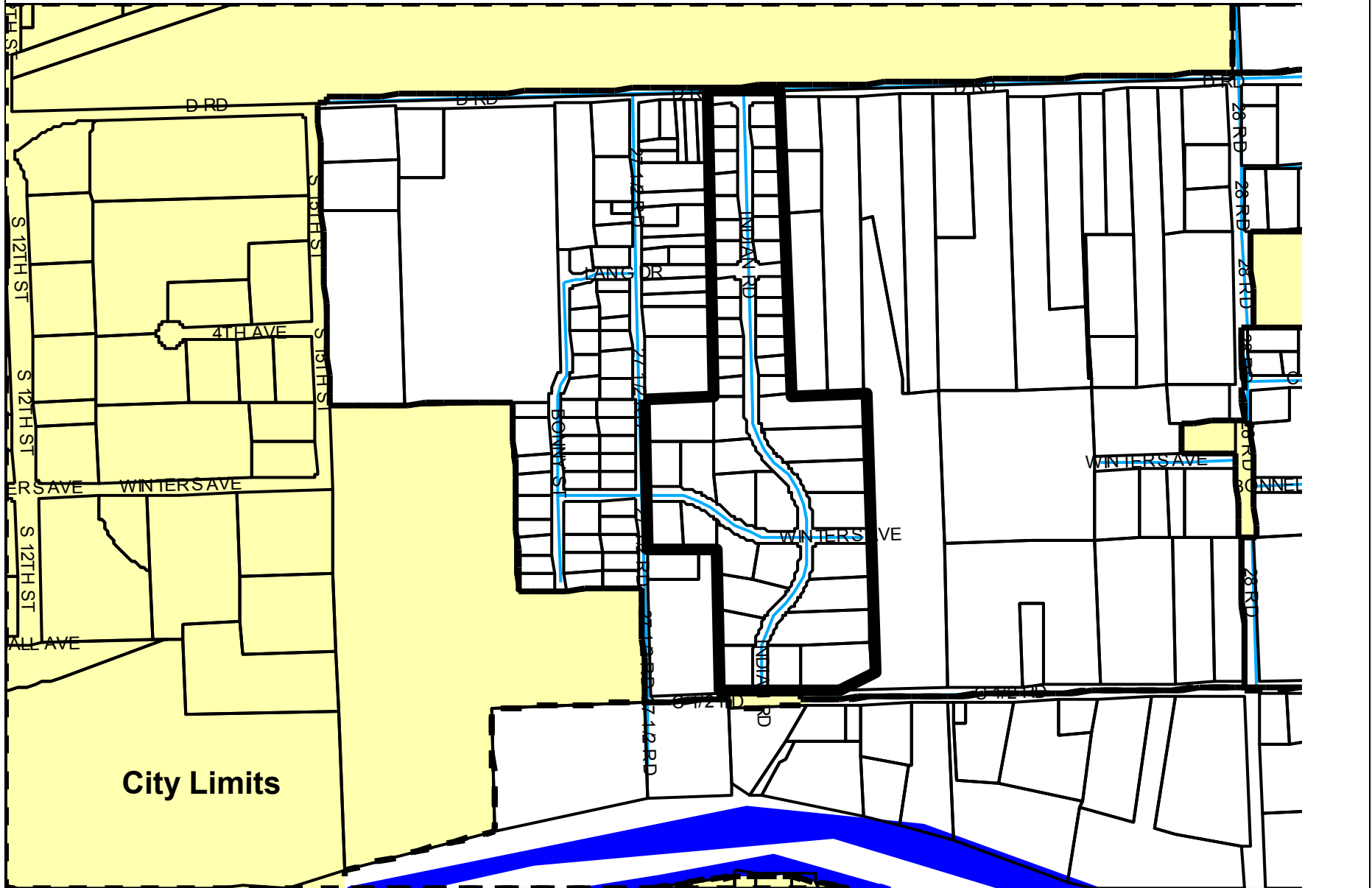
<i>ANNEXATION SCHEDULE</i>	
September 1, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
September 14, 2004	Planning Commission considers Zone of Annexation
September 15, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council
October 6, 2004	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
November 7, 2004	Effective date of Annexation and Zoning

INDIAN ROAD ANNEXATION SUMMARY

File Number:		ANX-2004-137
Location:		Between C ½ Road and D Road at Indian Road
Tax ID Number:		2945-241-18-001 thru 007; 2945-241-17-001 thru 007; 2945-241-19-001 thru 010; 2945-241-20-001 thru 013; 2945-241-21-001 thru 007; 2945-241-22-001 thru 004; 2945-241-00-061
Parcels:		49
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		34.806 ac
Developable Acres Remaining:		28.116 ac
Right-of-way in Annexation:		6.69 ac
Previous County Zoning:		County I-2
Proposed City Zoning:		City I-1
Current Land Use:		Vacant
Future Land Use:		Commercial / Industrial uses
Values:	Assessed:	= \$166,330
	Actual:	= \$573,680
Address Ranges:		351-359 Indian Rd / 2766 C ½ Rd / 2751 – 2762 Winters Ave
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/Drainage :	Grand Valley Irrigation / Grand Jct Drainage District
	School:	Mesa County School Dist #51
	Pest:	N/A

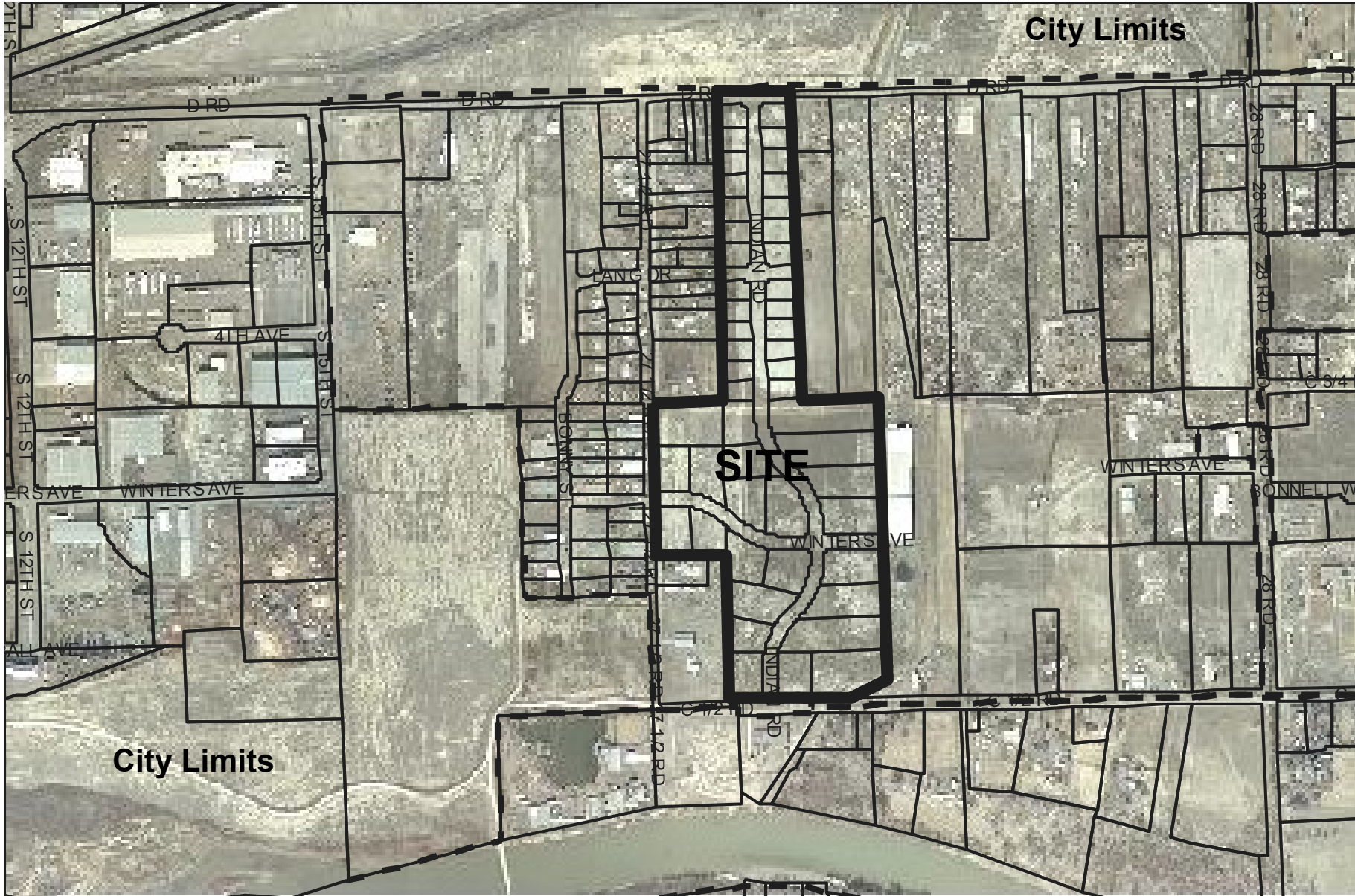
Site Location Map

Figure 1



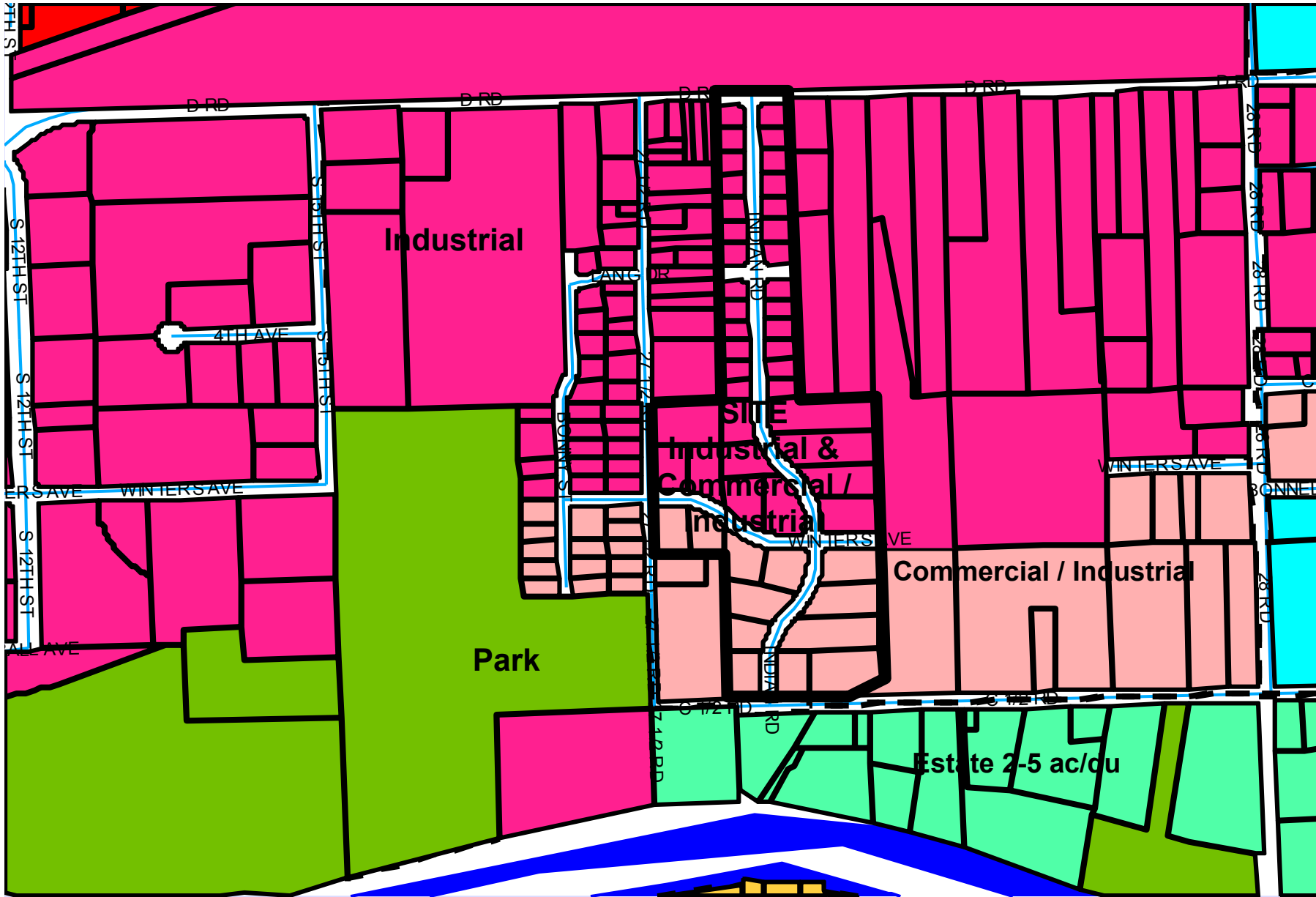
Aerial Photo Map

Figure 2



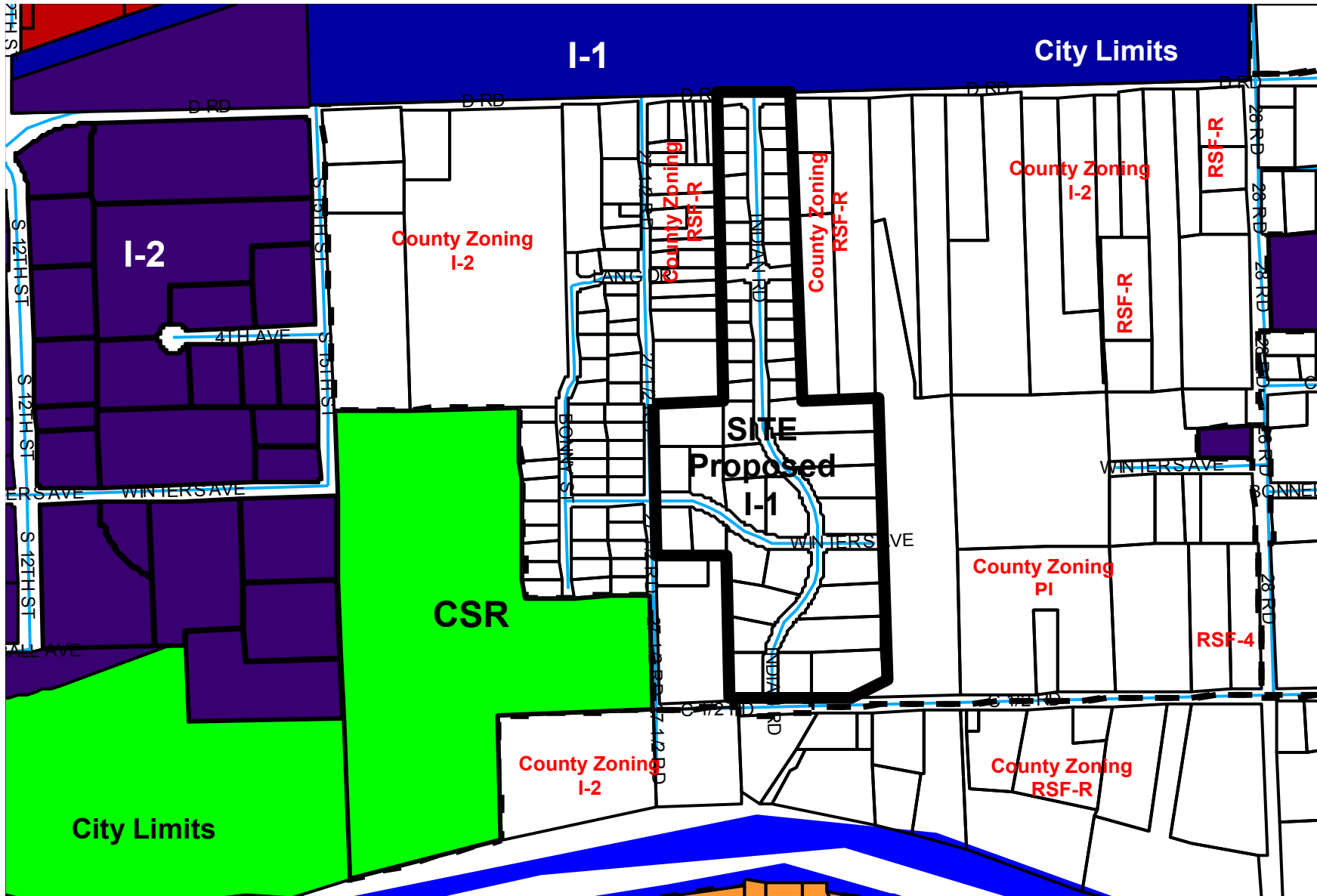
Future Land Use Map

Figure 3



Existing City and County Zoning

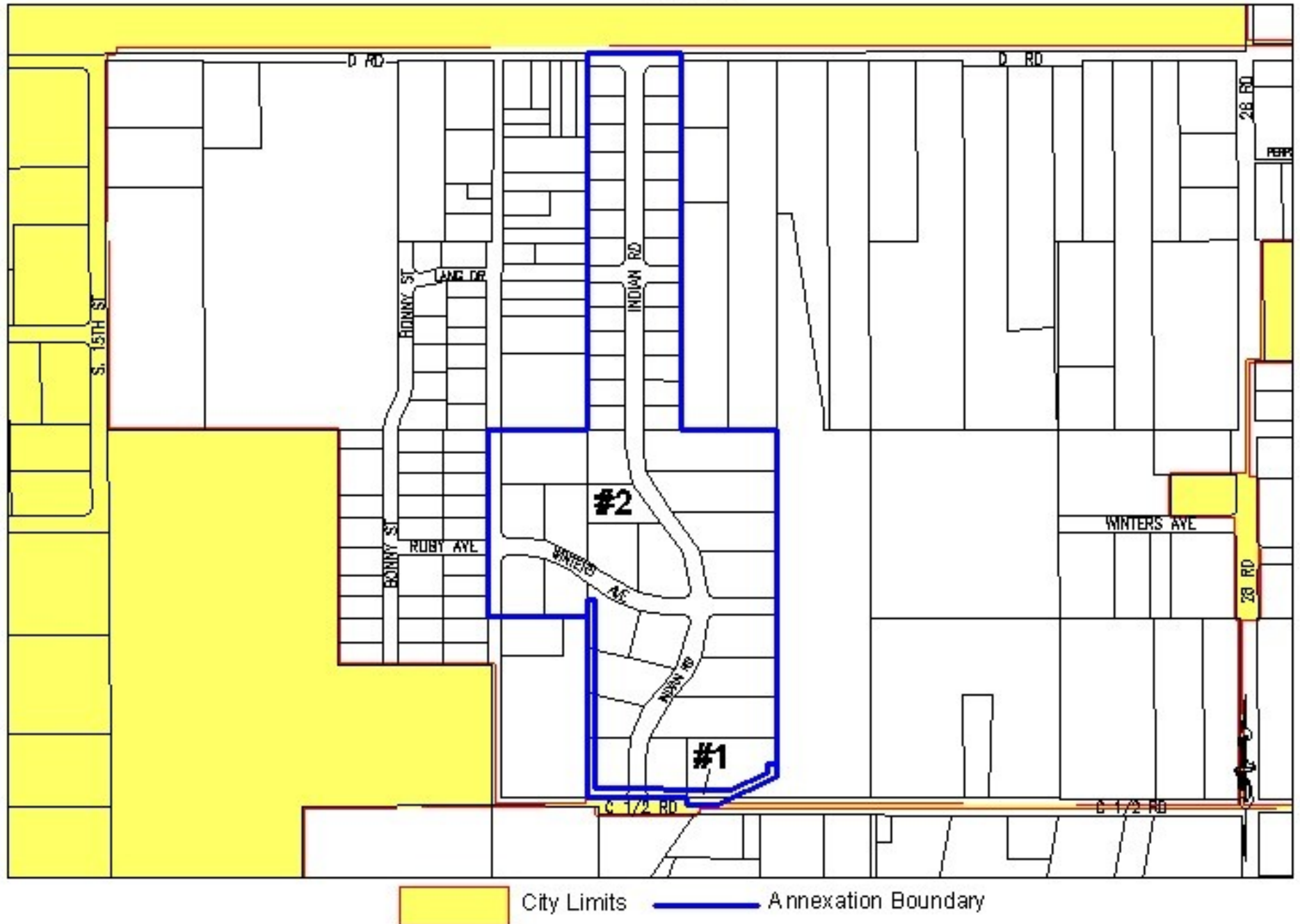
Figure 4



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."

Indian Road Industrial Subdivision 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 the 1st of September, 2004, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

INDIAN ROAD ANNEXATION

LOCATED BETWEEN C ½ ROAD AND D ROAD AT INDIAN ROAD

WHEREAS, on the 1st day of September, 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:

INDIAN ROAD ANNEXATION

INDIAN ROAD INDUSTRIAL SUBDIVISION ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 24, 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 Southwest corner of Indian Road Industrial Subdivision, as same is recorded in Plat Book 12, Page 43, Public Records of Mesa County, Colorado and assuming the South line of the NE 1/4 of said Section 24 bears N 89°46'25" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°07'37" E along the West line of said Indian Road Industrial Subdivision, a distance of 630.36 feet to a point being the Southeast corner of Lot 2, Block 5, of said Indian Road Industrial Subdivision; thence N 00°40'43" E a distance of 62.64 feet; thence S 89°52'23" E a distance of 30.00 feet; thence S 00°40'43" W a distance of 62.50 feet; thence S 00°07'37" W along a line 30.00 feet East of and parallel with, the West line of said Indian Road Industrial Subdivision, a distance of 600.27 feet; thence S 89°46'25" E a distance of 472.70 feet; thence N 65°11'29" E a distance of 139.62 feet; thence N 00° 07'37" E a distance of 30.00 feet; thence S 89°52'23" E a distance of 30.00 feet to a point on the Southerly projection of the East line of said Indian Road Industrial Subdivision; thence S 00°07'37" W along said Southerly projection, a distance of 49.14 feet; thence S 65°11'29" W a distance of 226.86 feet; thence N 89°46'25" W along a line 4.00 feet North of and parallel with the South line of the NE 1/4 of said Section 24, a distance of 106.29 feet; thence N 00°07'37" E a distance of 26.00 feet; thence N 89°46'25" W along the South line of said Indian Road Industrial Subdivision, a distance of 347.31 feet, more or less, to the Point of Beginning.

CONTAINING 1.017 Acres (44,321 Sq. Ft.) more or less, as described.

INDIAN ROAD INDUSTRIAL SUBDIVISION ANNEXATION NO. 2

A certain parcel of land lying in the North Half (N 1/2) of Section 24, 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 Southwest corner of Indian Road Industrial Subdivision, as same is recorded in Plat Book 12, Page 43, Public Records of Mesa County, Colorado and assuming the South line of the NE 1/4 of said Section 24 bears N 89°46'25" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°07'37" E along the West line of said Indian Road Industrial Subdivision, a distance of 630.36 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°49'23" W along the South line and the Westerly projection of, Lots 1 and 2, Block Five of said Indian Road Industrial Subdivision, a distance of 342.50 feet to a point on the East line of the Replat of Pleasant View Subdivision, as same is recorded in Plat Book 8, Page 63, Public Records of Mesa County, Colorado; thence N 00°07'37" E along said East line, being a line 12.50 feet West of and parallel with, the West line of the Northeast Quarter (NE 1/4) of said Section 24, a distance of 660.06 feet, more or less, to a point being the Northeast corner of Lot 1, Block One of said Replat of Pleasant View Subdivision; thence S 89°51'16" E a distance of 12.50 feet to a point being the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of said Section 24; thence S 89°52'24" E along the North line of Lot 13, Block Five of said Indian Road Industrial Subdivision, a distance of 330.00 feet; thence N 00°08'44" E along the West line of said Indian Road Industrial Subdivision, a distance of 1348.15 feet to a point on the South line of the Darren Davidson Annexation, as same is recorded with the City of Grand Junction with Ordinance Number 3205; thence S 89°59'19" E along a line 28.00 feet North of and parallel with, the North line of the NE 1/4 of said Section 24, a distance of 325.51 feet; thence S 00°02'56" W along the East line of said Indian Road Industrial Subdivision, a distance of 1348.81 feet; thence S 89°52'24" E along the North line of Lot 7, Block Three of said Indian Road Industrial Subdivision, a distance of 331.52 feet; thence S 00°07'37" W along the East line of said Indian Road Industrial Subdivision, a distance of 1172.73 feet; thence N 89°52'23" W a distance of 30.00 feet; thence S 00°07'37" W a distance of 30.00 feet; thence S 65°11'29" W a distance of 139.62 feet; thence N 89°46'25" W along a line 30.00 feet North of and parallel with, the South line of said Indian Road Industrial Subdivision, a distance of 472.70 feet; thence N 00°07'37" E along a line 30.00 feet East of and parallel with, the West line of said Indian Road Industrial Subdivision, a distance of 600.27 feet; thence N 00°40'43" E a distance of 62.79 feet; thence N 89°52'23" W a distance of 30.00 feet; thence S 00°40'43" W a distance of 62.64 feet, more or less, to the Point of Beginning.

CONTAINING 33.789 Acres (1,471,878 Sq. Ft.) more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 6th day of October, 2004, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 1st day of September, 2004.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
September 3, 2004
September 10, 2004
September 17, 2004
September 24, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

INDIAN ROAD ANNEXATION #1

APPROXIMATELY 1.017 ACRES

LOCATED AT C ½ ROAD and INDIAN ROAD

WHEREAS, on the 1st day of September, 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 6th day of October, 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:

INDIAN ROAD ANNEXATION #1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 24, 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 Southwest corner of Indian Road Industrial Subdivision, as same is recorded in Plat Book 12, Page 43, Public Records of Mesa County, Colorado and assuming the South line of the NE 1/4 of said Section 24 bears N 89°46'25" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°07'37" E along the West line of said Indian Road Industrial Subdivision, a distance of 630.36 feet to a point being the Southeast corner of Lot 2, Block 5, of said Indian Road Industrial Subdivision; thence N 00°40'43" E a distance of 62.64 feet; thence S 89°52'23" E a distance of 30.00 feet; thence S 00°40'43" W a distance of 62.50 feet; thence S 00°07'37" W along a line 30.00 feet East of and

parallel with, the West line of said Indian Road Industrial Subdivision, a distance of 600.27 feet; thence S 89°46'25" E a distance of 472.70 feet; thence N 65°11'29" E a distance of 139.62 feet; thence N 00° 07'37" E a distance of 30.00 feet; thence S 89°52'23" E a distance of 30.00 feet to a point on the Southerly projection of the East line of said Indian Road Industrial Subdivision; thence S 00°07'37" W along said Southerly projection, a distance of 49.14 feet; thence S 65°11'29" W a distance of 226.86 feet; thence N 89°46'25" W along a line 4.00 feet North of and parallel with the South line of the NE 1/4 of said Section 24, a distance of 106.29 feet; thence N 00°07'37" E a distance of 26.00 feet; thence N 89°46'25" W along the South line of said Indian Road Industrial Subdivision, a distance of 347.31 feet, more or less, to the Point of Beginning.

CONTAINING 1.017 Acres (44,321 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the 1st day of September, 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**

INDIAN ROAD ANNEXATION #2

APPROXIMATELY 33.789 ACRES

LOCATED AT D ROAD and INDIAN ROAD

WHEREAS, on the 1st day of September, 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 6th day of October, 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:

INDIAN ROAD ANNEXATION #2

A certain parcel of land lying in the North Half (N 1/2) of Section 24, 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 Southwest corner of Indian Road Industrial Subdivision, as same is recorded in Plat Book 12, Page 43, Public Records of Mesa County, Colorado and assuming the South line of the NE 1/4 of said Section 24 bears N 89°46'25" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°07'37" E along the West line of said Indian Road Industrial Subdivision, a distance of 630.36 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°49'23" W along the South line and the Westerly projection of, Lots 1 and 2, Block Five of said Indian Road Industrial Subdivision, a distance of 342.50 feet to a point on the East line of the Replat of Pleasant View Subdivision, as

same is recorded in Plat Book 8, Page 63, Public Records of Mesa County, Colorado; thence N 00°07'37" E along said East line, being a line 12.50 feet West of and parallel with, the West line of the Northeast Quarter (NE 1/4) of said Section 24, a distance of 660.06 feet, more or less, to a point being the Northeast corner of Lot 1, Block One of said Replat of Pleasant View Subdivision; thence S 89°51'16" E a distance of 12.50 feet to a point being the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of said Section 24; thence S 89°52'24" E along the North line of Lot 13, Block Five of said Indian Road Industrial Subdivision, a distance of 330.00 feet; thence N 00°08'44" E along the West line of said Indian Road Industrial Subdivision, a distance of 1348.15 feet to a point on the South line of the Darren Davidson Annexation, as same is recorded with the City of Grand Junction with Ordinance Number 3205; thence S 89°59'19" E along a line 28.00 feet North of and parallel with, the North line of the NE 1/4 of said Section 24, a distance of 325.51 feet; thence S 00°02'56" W along the East line of said Indian Road Industrial Subdivision, a distance of 1348.81 feet; thence S 89°52'24" E along the North line of Lot 7, Block Three of said Indian Road Industrial Subdivision, a distance of 331.52 feet; thence S 00°07'37" W along the East line of said Indian Road Industrial Subdivision, a distance of 1172.73 feet; thence N 89°52'23" W a distance of 30.00 feet; thence S 00°07'37" W a distance of 30.00 feet; thence S 65°11'29" W a distance of 139.62 feet; thence N 89°46'25" W along a line 30.00 feet North of and parallel with, the South line of said Indian Road Industrial Subdivision, a distance of 472.70 feet; thence N 00°07'37" E along a line 30.00 feet East of and parallel with, the West line of said Indian Road Industrial Subdivision, a distance of 600.27 feet; thence N 00°40'43" E a distance of 62.79 feet; thence N 89°52'23" W a distance of 30.00 feet; thence S 00°40'43" W a distance of 62.64 feet, more or less, to the Point of Beginning.

CONTAINING 33.789 Acres (1,471,878 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the 1st day of September, 2004 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 7
Public Hearing – Rezoning the Ice Skating Inc. Property
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject	Rezoning the Ice Skating Inc property, located at 2515 River Road, from I-1 (Light Industrial) to CSR (Community Services & Recreation)						
Meeting Date	September 1, 2004 CONTINUED TO SEPTEMBER 15, 2004						
Date Prepared	August 20, 2004				File #RZ-2004-125		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: A continuance to the September 15, 2004 City Council meeting is requested to hold a public hearing and consider final passage of the zoning ordinance to rezone the Ice Skating Inc property from I-1 (Light Industrial) to CSR (Community Services & Recreation), located at 2515 River Rd. At that time a Growth Plan Amendment request will also be heard to change the subject property from a Commercial / Industrial designation to a Park designation.

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:

- 16. Staff report/Background information
- 17. General Location Map
- 18. Aerial Photo
- 19. Growth Plan Map
- 20. Zoning Map
- 21. Annexation map
- 22. 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:		Park	
Zoning within intensity range?		X	Yes
			No

Staff Analysis:

Rezoning: The requested rezone to the CSR district is consistent with the Growth Plan Goals and Policies and the Future Land Use Map. 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.

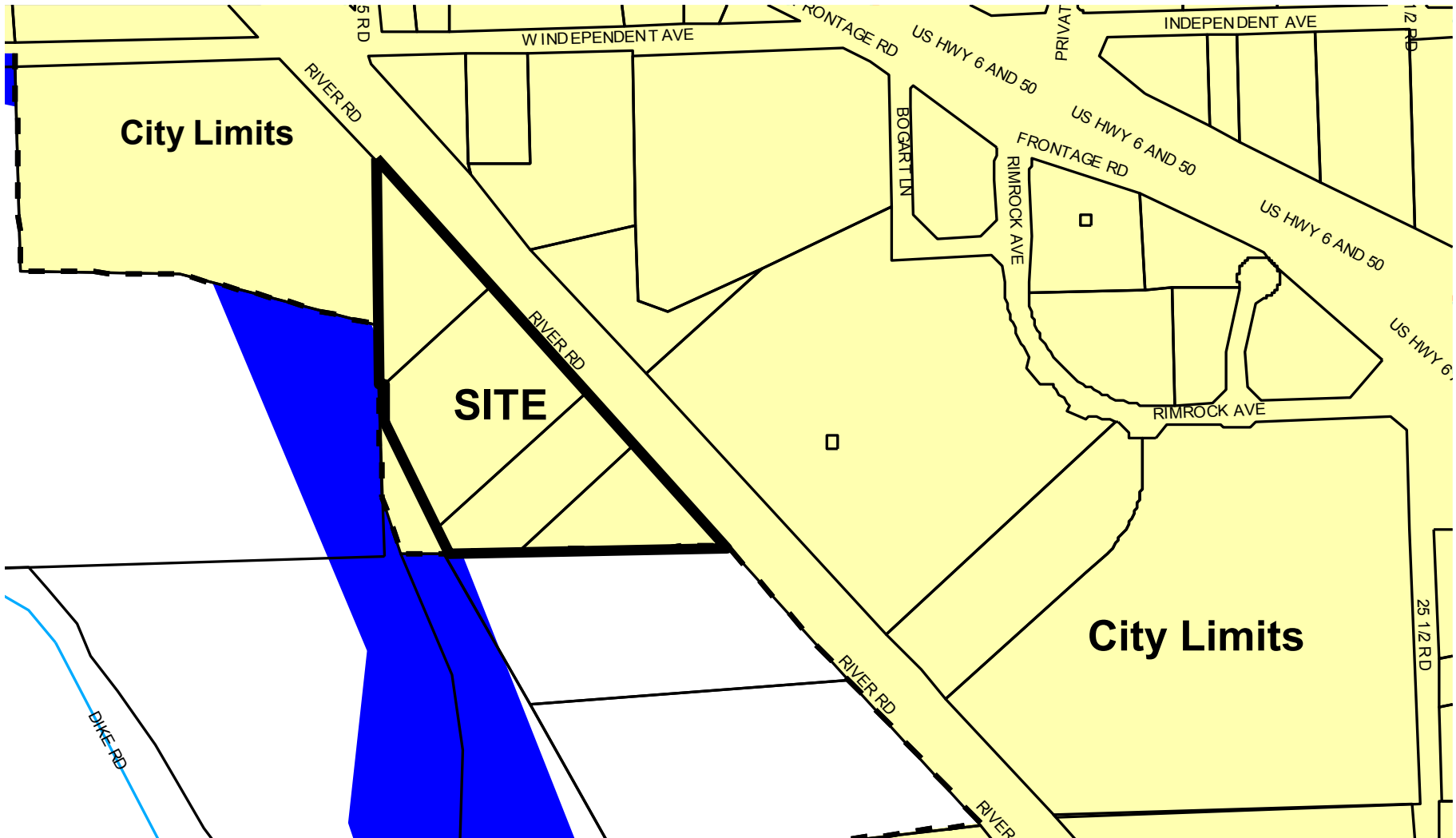
STAFF RECOMMENDATION

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.

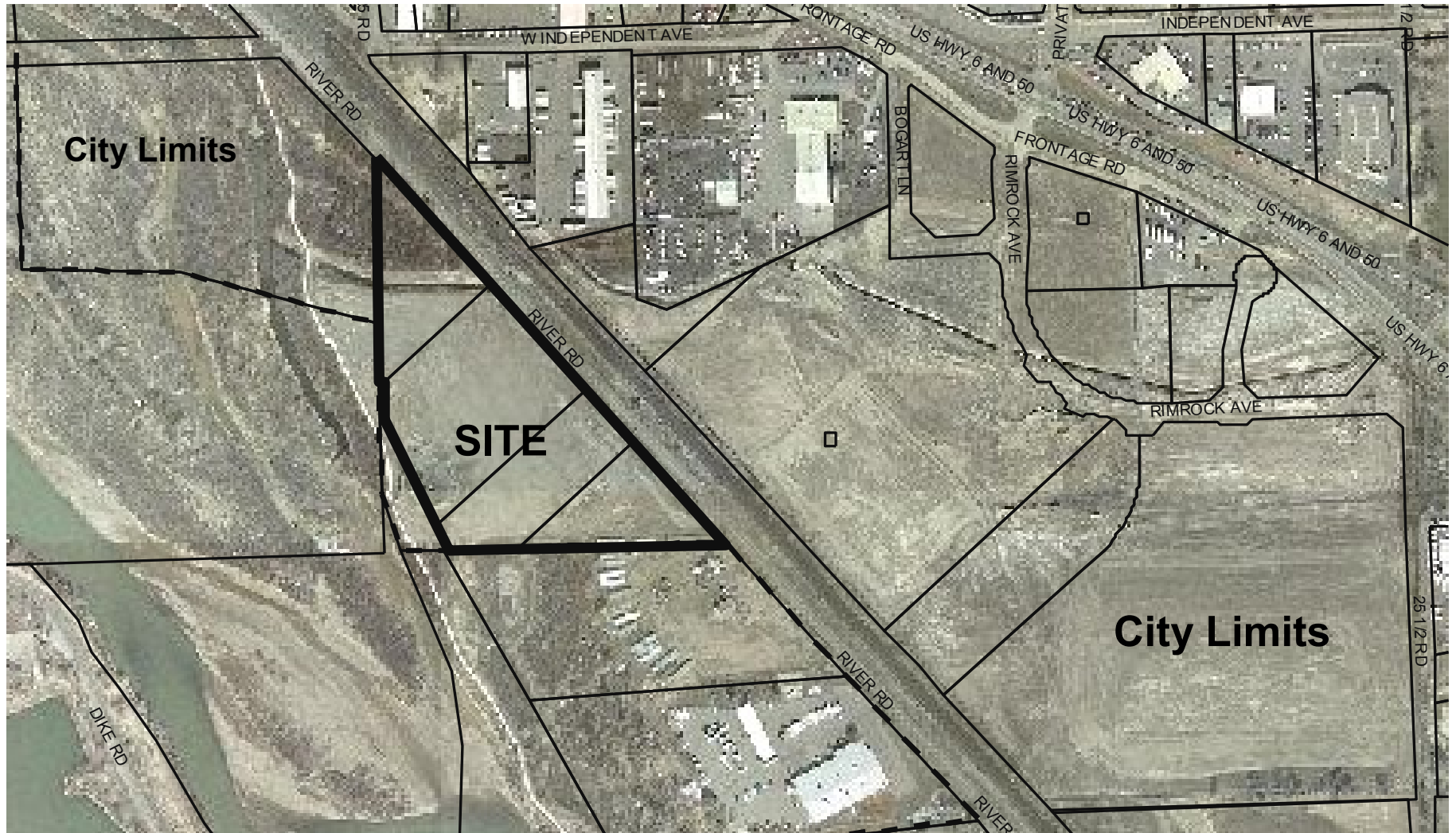
Site Location Map

Figure 1



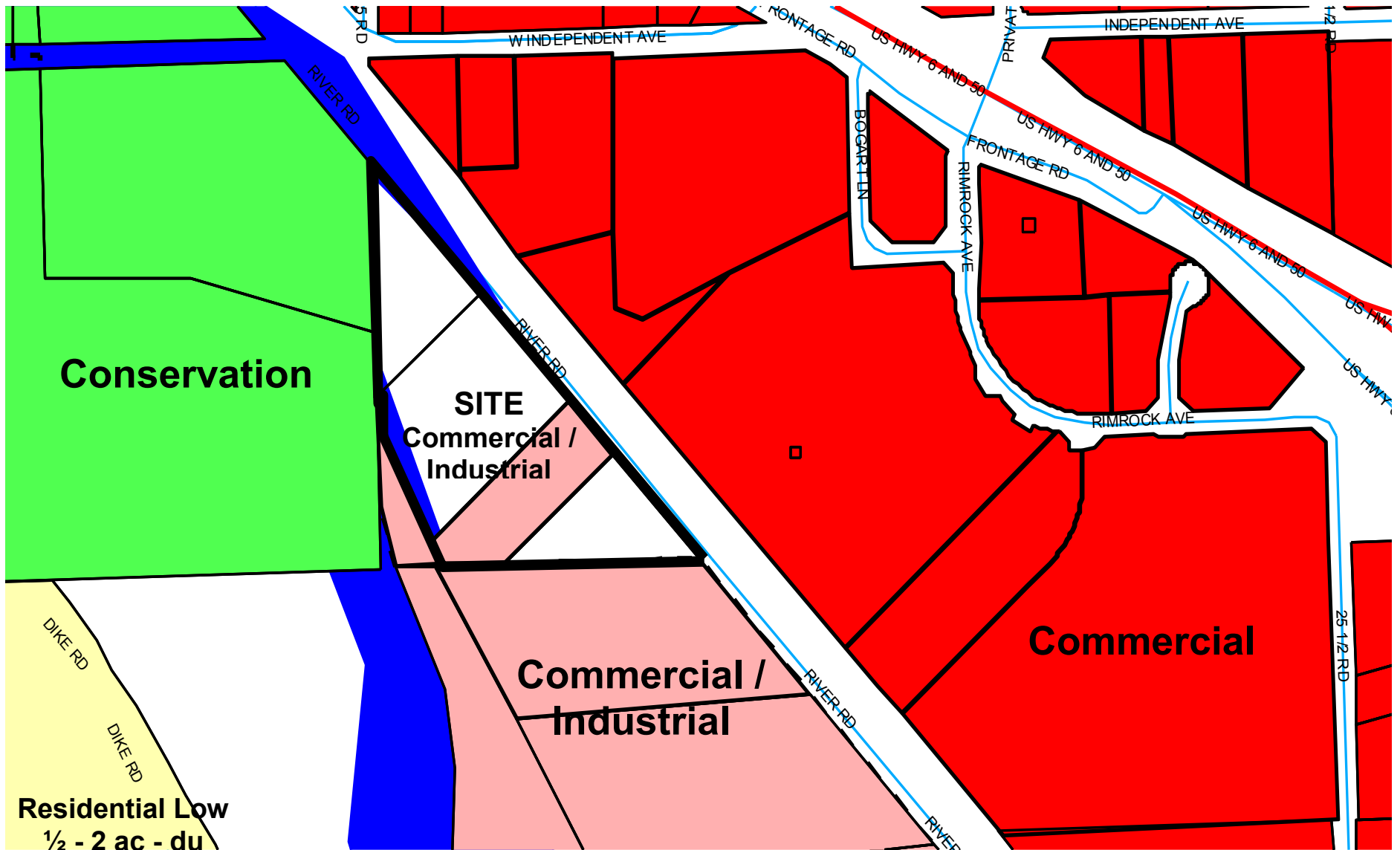
Aerial Photo Map

Figure 2



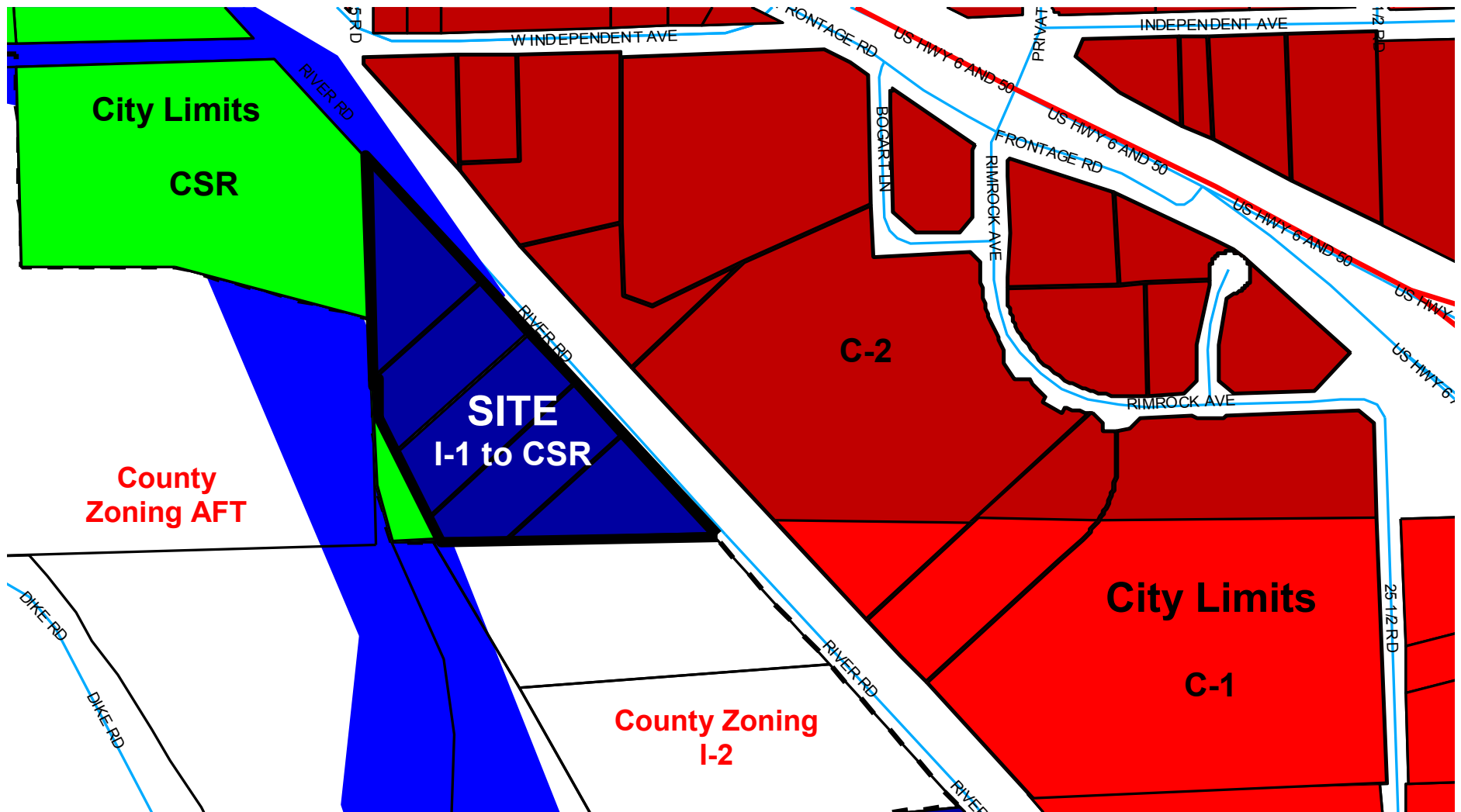
Future Land Use Map

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 8
Public Hearing – Zoning the Castanha Annexation
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: Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Castanha Annexation. The request is for RSF-2 zoning. Castanha Annexation is a serial annexation comprised of 4.895 acres, located at 2250 Saddlehorn Road.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

- 23. Staff report/Background information
- 24. Letters of Concern
- 25. General Location Map
- 26. Aerial Photo
- 27. Future Land Use Map
- 28. Zoning Map
- 29. Annexation map
- 30. Zoning Ordinance

<i>STAFF REPORT/BACKGROUND INFORMATION</i>				
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.

August 9 - 2004

Planning Commission;
Lou Bowers;

R.E. App - 2004-135 - Castana Connection - 2250
Saddlehorn Road

I am the current property owner of the adjoining property to the north of the proposal.

My immediate and future concerns are as follows:

Detail attention needs to be given to:

1. Destruction and damage to the present gravel right-of-way road that extends North from the parcel 22 1/2 Road to the dead end.
2. No turn around at the north end of the 22 1/2 road right-of-way
3. Width of the present right-of-way
4. Access to the property to the Left & Right of the right-of-way.
5. Damage to the present underground utilities
6. Drainage of waste water
7. Driving on private property while making a turn around
8. Fire equipment and bus loading turn arounds.

9. Sewer-line extension
10. House construction
 - a. Square footage
 - b. exterior design
11. Landscaping
12. Fences - West-North-East
13. Width of 22½ Road right-a-way.
14. Air pollution, noise pollution and anything that prevents the normal use of the present grand right-of-way.

I expect attention to be given to each of the above concerns and that the concerned property owners can be highly satisfied with the finished product.

Thank You,
Wallace. Gross
599-22½ Road
81503

- ✓ ce
- ✓ file
- ✓ attorney
- ✓ planning comm.
- ✓ adjoining property owners

RECEIVED

July 27, 2004

JUL 27 2004

To: Grand Junction Planning Commission

COMMUNITY DEVELOPMENT
DEPT.

Regarding: ANX-2004-135 ZONE OF ANNEXATION - CASTANHA ANNEXATION

For the record, the annexation of this parcel and the roadway between it and the Mountain Acres Subdivision brings focus upon the need for improvement to the roadway (22 1/2 Road) and to the resulting drainage associated with it.

Roadway - 22 1/2 Road:

22 1/2 road is in need of upgrading to meet its use as a main thoroughfare into the Redlands Village subdivision. The existing road is a minimal 20 foot width at best. Substantial open ditches have been constructed on each side of the road. Most recently Mesa County constructed an open ditch on the east side of the road leaving little or no shoulder. This improvement was a questionable piece meal approach and included a partial path that ends with nowhere for young children and pedestrians to exit except into the street. Safety and functionality of the road are questionable with the current condition of the roadway.

SOLUTION: The road needs to be properly upgraded to meet current usage. The upgrade needs to occur in the near future for safety and for functionality.

DRAINAGE:

The additional asphalt from the new partial path and the new open ditch that was constructed by Mesa County has increased the volume of drainage and focused on the need for drainage to be dealt with at 22 1/2 road from Mountain Acres Subdivision (Perona Court) to the northern edge of the Castanha Annexation. Additional lots will further increase drainage volume. Currently 22 1/2 road north of Saddlehorn is being washed out by drainage as it occurs and flows north onto that section. The "Engineering Design for Mountain Acres Subdivision conducted by Rhino Engineering, Inc." dated November 22, 2002 states, "The drainage along 22 1/2 Road could be a future problem, and if it does become a problem, the County (or City upon annexation) will need to address this issue if 22 1/2 Road is improved.". This study recognizes that drainage is an issue.

SOLUTION: Drainage needs to be mitigated to correct the current conditions.

Respectfully Submitted by:
Jon and Mary Ann Sink
597 Ravenwood Lane
Grand Junction, CO 81503

Date: August 10, 2004

To: City of Grand Junction

From: Howard and Elizabeth Watson

Re: Annexation of 22 ½ Rd at 2250 Saddlehorn Development

Dear City of Grand Junction,

We would like to express our concerns about the 22 ½ Rd. improvements as it relates to development at 2250 Saddlehorn Rd.

We live at the north end of 22 ½ Rd, and currently the section of the road from Saddlehorn to our property is gravel road. If the road becomes annexed, we want to make sure that:

- 1) It will be asphalted and is wide enough for 2 cars to pass each other.
- 2) There is a turnaround at the end of the road so that cars don't use our driveway to turnaround and head back south to Saddlehorn, and that there is a turnaround for a firetruck should a fire break out.
- 3) There is proper drainage so that future problems don't develop with erosion.

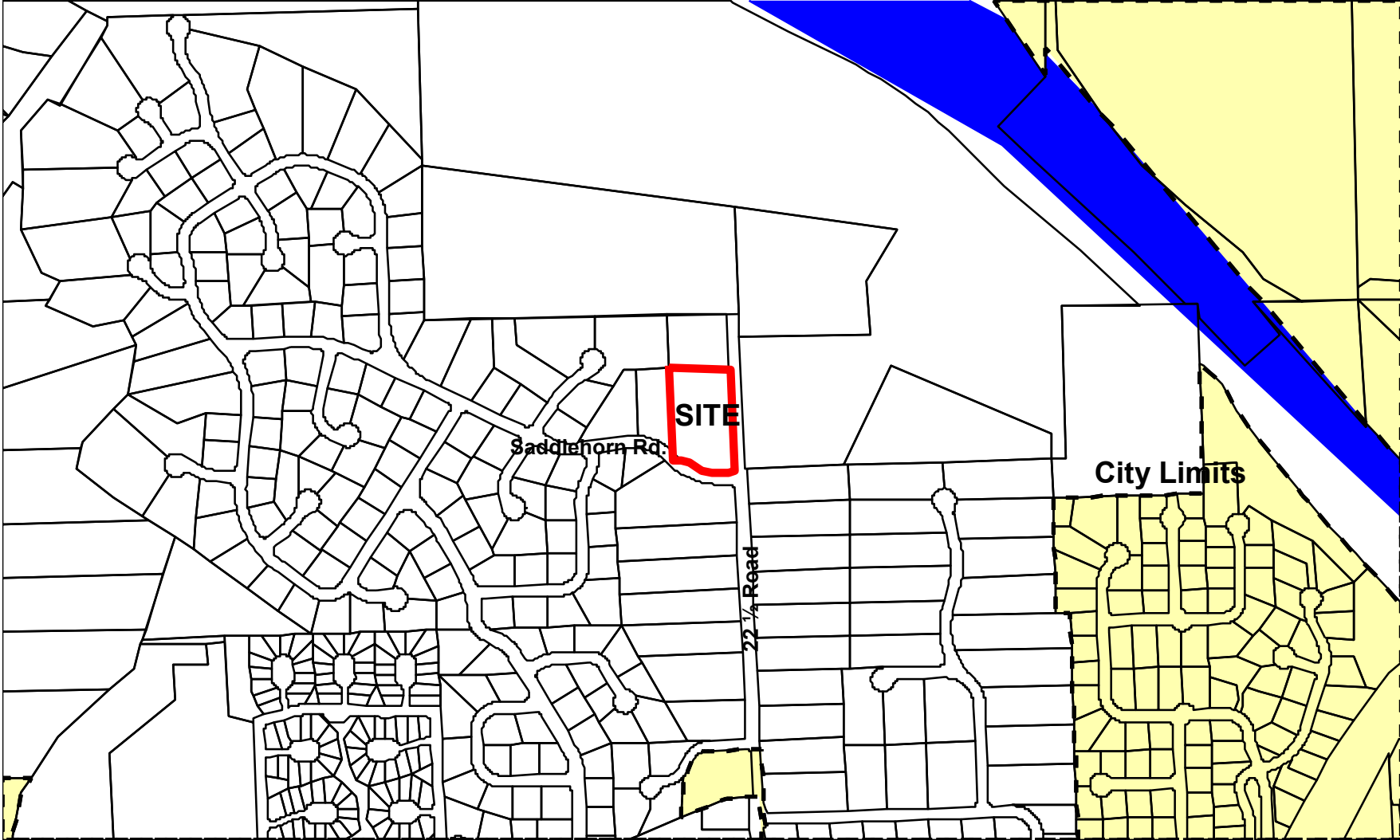
Thank you and we look forward to responsible development in our area of the Redlands.

Elizabeth Watson
Howard Watson

Howard and Elizabeth Watson
580 22 ½ Rd.
Grand Junction, CO 81503
970-243-8268

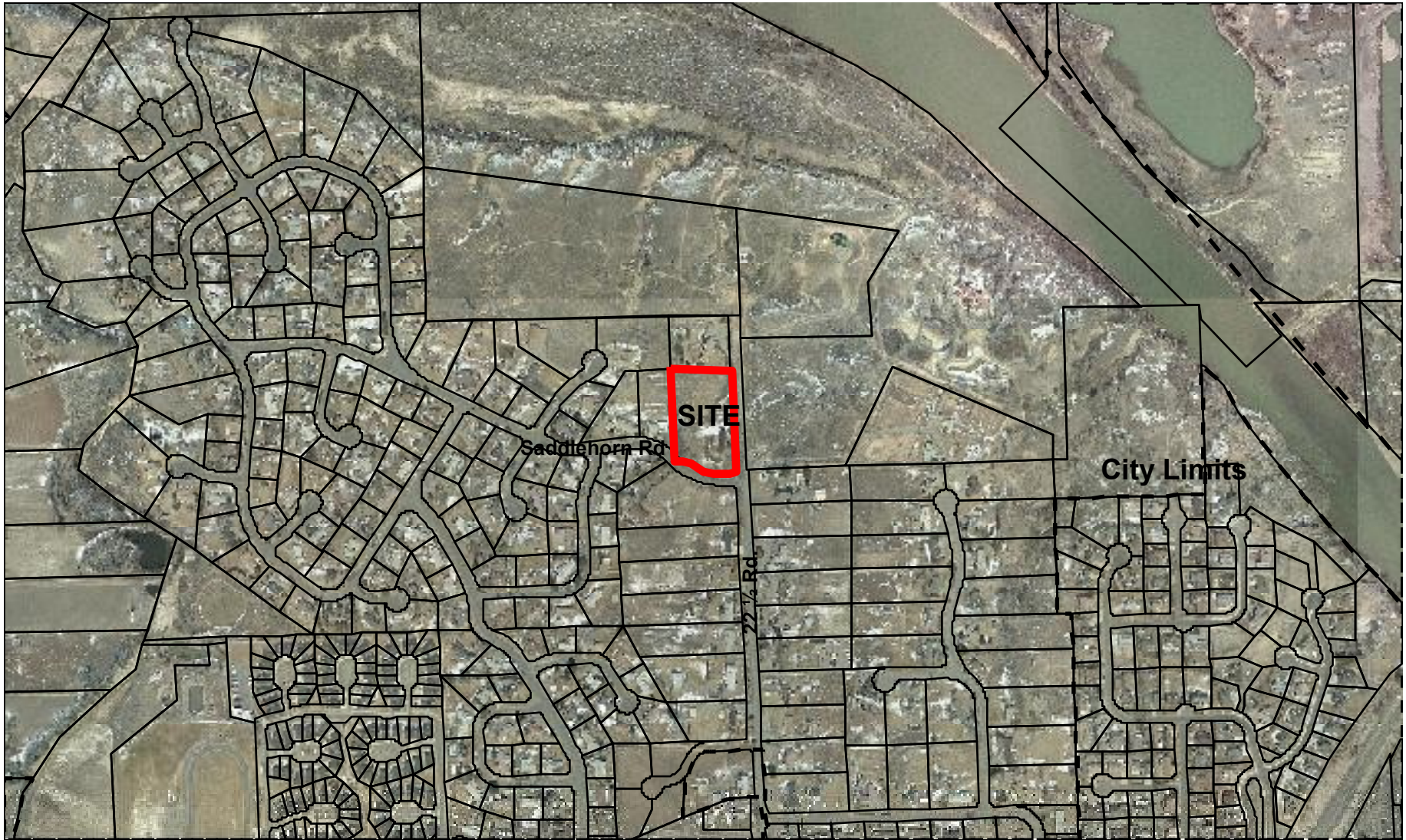
Site Location Map

Figure 1



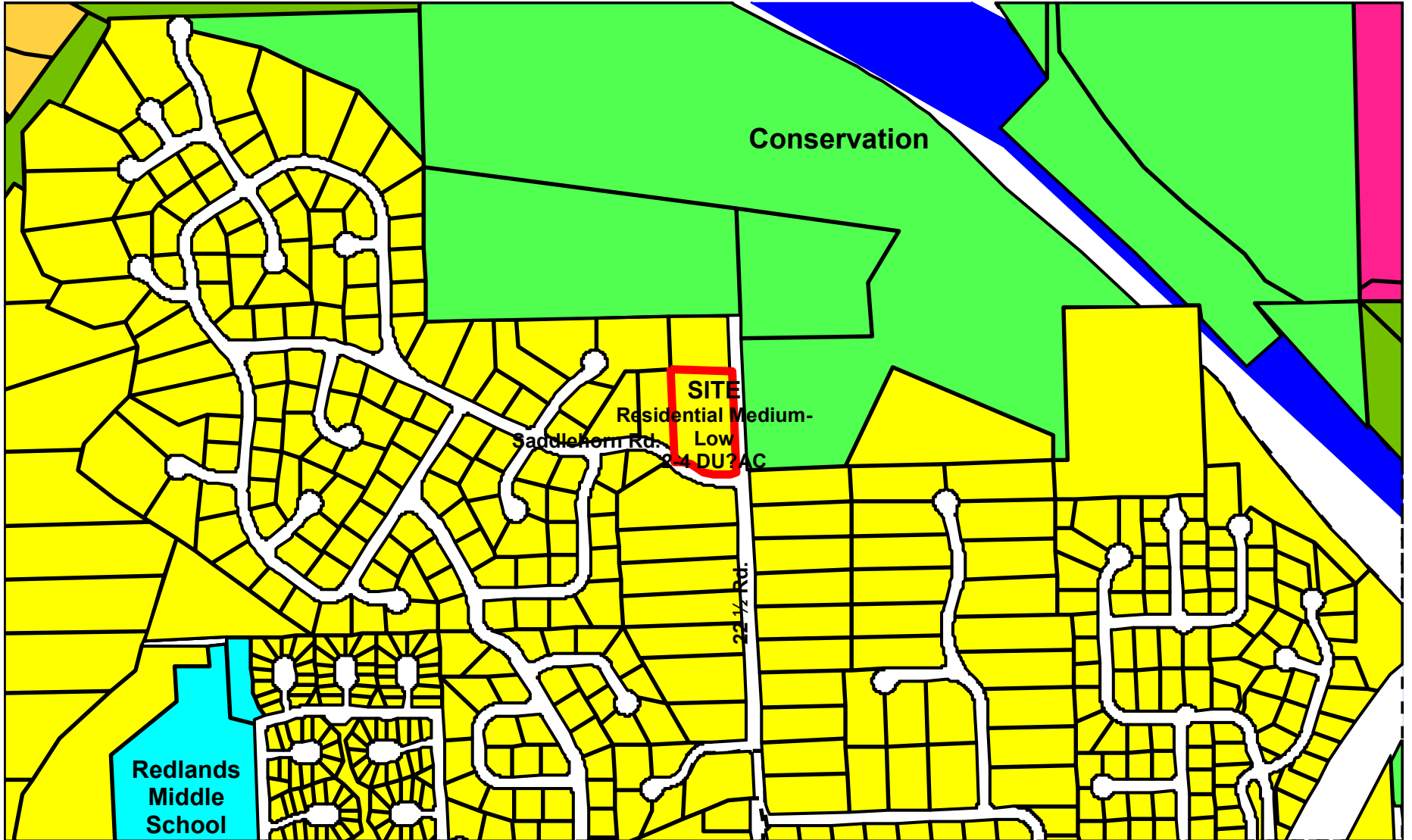
Aerial Photo Map

Figure 2



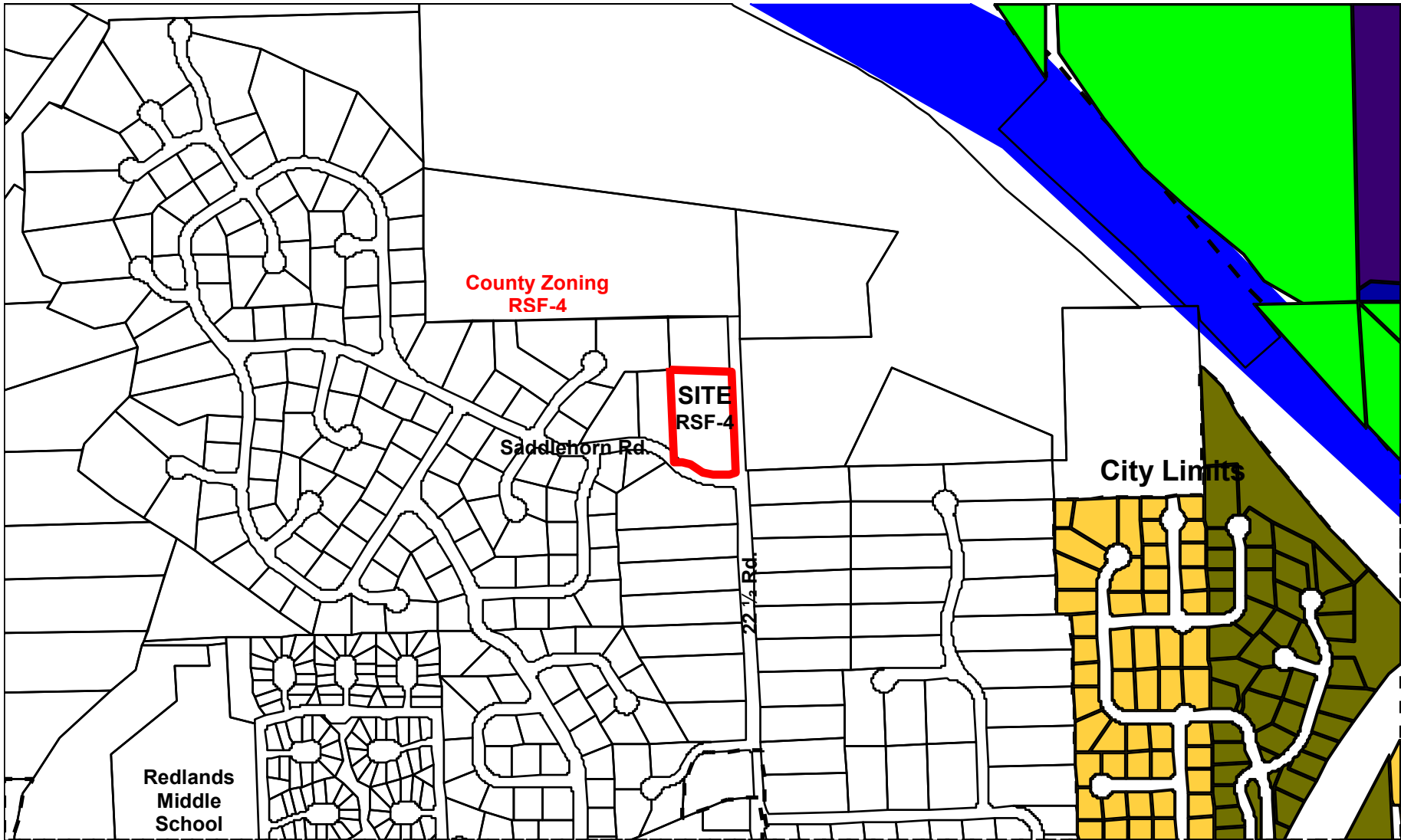
Future Land Use Map

Figure 3



Existing City and County Zoning

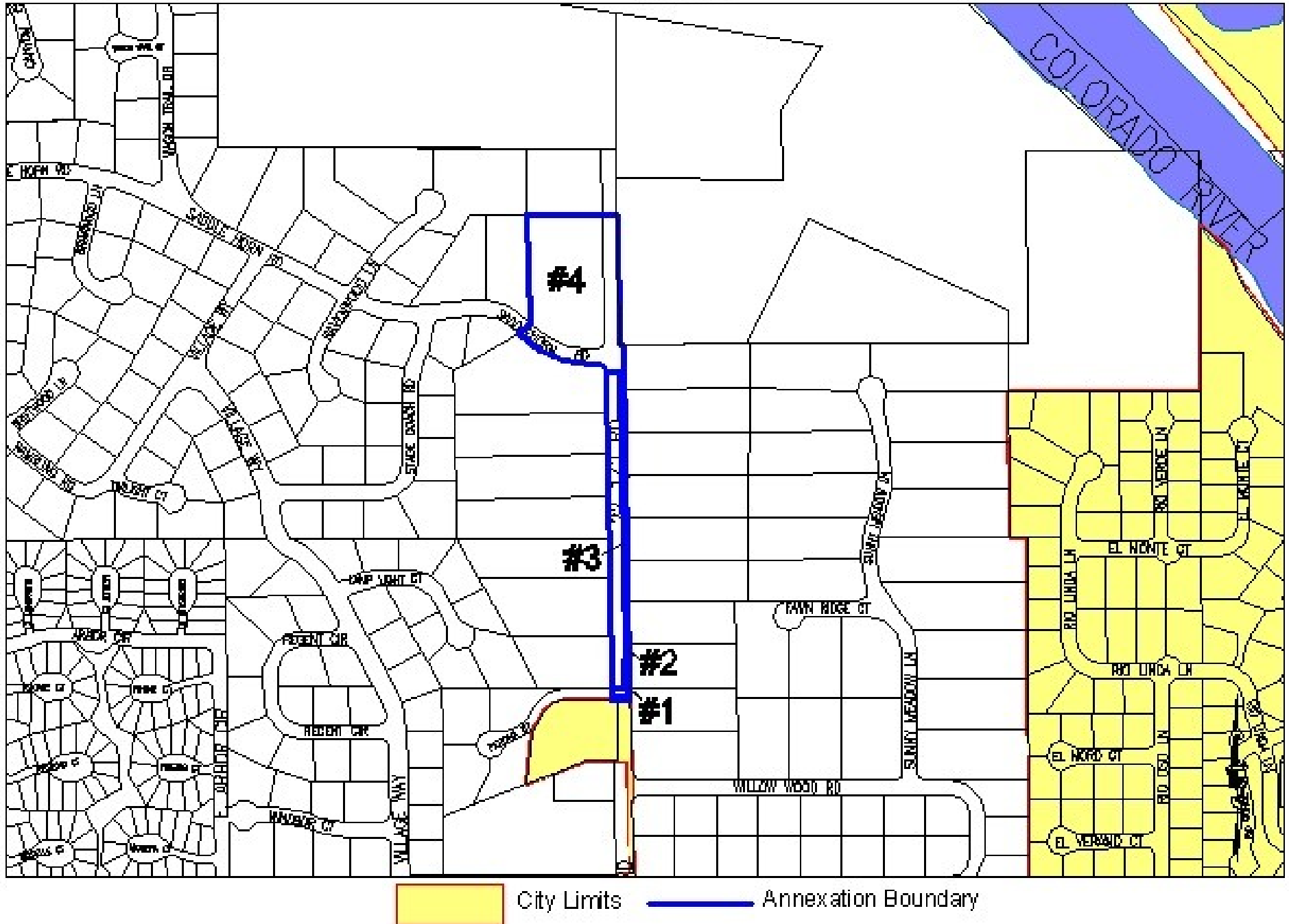
Figure 4



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