

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

WEDNESDAY, NOVEMBER 17, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Eldon Coffey, Central Orchard Mesa Community
Church

APPOINTMENT

TO THE PLANNING COMMISSION AND BOARD OF APPEALS

CERTIFICATE OF APPOINTMENTS

TO THE FORESTRY BOARD

TO THE HOUSING AUTHORITY

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the Special Meeting of August 12, 2004, Summary of the November 1, 2004 Additional Workshop, the Summary of the November 1, 2004 Workshop and the Minutes of the November 3, 2004 Regular Meeting

2. **Setting a Hearing on the 2nd Supplemental Appropriation Ordinance for 2004** [Attach 2](#)

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

Proposed Ordinance Making Supplemental Appropriations to the 2004 Budget of the City of Grand Junction

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

Staff presentation: Ron Lappi, Administrative Services Director

3. **Setting a Hearing Regulating Newsracks in the Downtown Shopping Park** [Attach 3](#)

The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate newsracks have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to legitimate newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Commercial Activities in the Downtown and Authorizing Publication in Pamphlet Form

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

Staff presentation: Harold Staf, DDA Executive Director

4. **Vacating Utility and Ingress/Egress Easements Located at 2776 Highway 50** [Attach 4](#)
[File #VE-2004-202]

The applicant proposes to vacate two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, located in Meridian Park Subdivision. The Planning Commission recommended approval of this easement vacation request on November 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 110-04 – A Resolution Vacating Two 20' Utility Easements, One 30' Utility Easement and Three 60'x30' Ingress/Egress Easements Located at 2776 Highway 50

®Action: *Adopt Resolution No. 110-04*

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing on St. Mary's Rezone Located at 515 Patterson Road** [File # RZ-2004-117] [Attach 5](#)

Request to rezone 1.9 acres located 515 Patterson Road, consisting of one parcel, from the B-1(Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from B-1(Neighborhood Business) Zone District to PD (Planned Development) Zone District Located at 515 Patterson Road

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

Staff presentation: Ronnie Edwards, Associate Planner

6. **Conveyance of a Nonexclusive Easement Across City Property Located at B ¾ Road (Access to former DOE Compound)** [Attach 6](#)

Public Service Company is requesting an easement across City property adjacent to B ¾ Road to accommodate a new signal being installed at the request of the Union Pacific Railroad.

Resolution No. 111-04 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

®Action: *Adopt Resolution No. 111-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Setting a Hearing on Zoning the Meyers/Steele Annexation Located at 3020 E 1/2 Road** [File #ANX-2004-206] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac) located at 3020 E 1/2 Road.

Proposed Ordinance Zoning the Meyers/Steele Annexation to RSF-4 (Residential Single Family 4 du/ac) Located at 3020 E 1/2 Road

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

Staff presentation: Faye Hall, Planning Technician

8. **Setting a Hearing for the Campbell/Hyde Annexation Located at 351 & 353 30 Road** [File #ANX-2004-225] [Attach 8](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 23.31 acre Campbell / Hyde annexation consists of two parcels.

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

Resolution No. 112-04 – 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, Campbell/Hyde Annexation Located at 351 & 353 30 Road

Action: Adopt Resolution No. 112-04

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #1, Approximately 0.26 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #2, Approximately 0.56 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #3, Approximately 1.09 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #4, Approximately 21.39 Acres, Located at 351 & 353 30 Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for January 5, 2005*

Staff presentation: Faye Hall, Planning Technician

9. **Setting a Hearing for the Water's Edge Annexation Located at 2935 D Road**
[File #ANX-2004-221] [Attach 9](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.91 acre Water's Edge annexation consists of one parcel.

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

Resolution No. 113-04 – 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, Water's Edge Annexation Located at 2935 D Road

®Action: *Adopt Resolution No. 113-04*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge Annexation, Approximately 4.91 Acres, Located at 2935 D Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 5, 2005*

Staff presentation: Faye Hall, Planning Technician

10. **Setting a Hearing for the Vacation of an East/West Alley Right-of-Way Located between 9th and 10th Streets and D Road and Third Avenue** [File #VR-2004-183] [Attach 10](#)

Petitioner is requesting to vacate the east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue in anticipation of future expansion of the commercial laundry operation. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Proposed Ordinance Vacating Right-of-Way Located within Block 13 of the Milldale Subdivision

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

Staff presentation: Faye Hall, Planning Technician

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

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

- 11.*** **Ratify City & County Memorandum of Agreement for Operation and Maintenance of the Employee Parking Garage** [Attach 21](#)

City Council Ratification of a Memorandum of Agreement between the City and Mesa County for operation and maintenance of the employee parking garage located in the 500 block of White Avenue.

Action: Ratify the Memorandum of Agreement for Operation and Maintenance of the Mesa County-City of Grand Junction Parking Garage

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Holiday Parking Request for the Downtown** [Attach 11](#)

The Downtown Association (DTA) has requested that all parking downtown be free this year to best position downtown for the holiday shopping season. This matter has been recommended by the DTA and forwarded and endorsed by the DDA. City staff recommends a slight variation of this (i.e. free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas

and shared-revenue lots.) Metered spaces will be designated by covering the meter with the well-known “Seasons Greetings-Free Parking” red plastic bag.

Action: Authorize Vacation of Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year’s Day, except Loading, No Parking, Handicapped, and unbagged meter spaces surrounding government offices

Staff presentation: David Varley, Assistant City Manager
Harold Stalf, DDA Executive Director

13. **Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Purchase of a Mobile Communications Center** [Attach 12](#)

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the purchase of a Mobile Communications Center.

Resolution No. 114 -04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Purchase of a Mobile Communications Center

®Action: Adopt Resolution No. 114-04

Staff presentation: Sheryl Trent, Assistant to the City Manager
Greg Morrison, Police Chief
Rick Beaty, Fire Chief

14. **Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Construction of a Pedestrian Overpass** [Attach 13](#)

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the construction of a pedestrian overpass.

Resolution No. 115-04 - A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of a Pedestrian Overpass

®Action: Adopt Resolution No. 115-04

Staff presentation: Sheryl Trent, Assistant to the City Manager
Mark Relph, Public Works and Utilities Director

15. **Purchase of Property at 404 Noland Avenue for the Riverside Parkway Project** [Attach 14](#)

The City has entered a contract to purchase the property at 404 Noland Avenue, from Terry Gangle, for the Riverside Parkway Project. The City’s obligation to purchase this property is contingent upon Council’s ratification of the purchase contract.

Resolution No. 116-04 – A Resolution Authorizing the Purchase of Real Property at 404 Noland Avenue from Terry A. Gangle

®Action: *Adopt Resolution No. 116-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

16.*** **Economic Development Incentive to Jobsite** [Attach 22](#)

A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

Resolution No. 120-04 – A Resolution Authorizing an Economic Incentive to Jobsite for \$45,000 for the Benefit of Expanding an Existing Business

®Action: *Adopt Resolution No. 120-04*

Staff presentation: Ron Lappi, Administrative Services Director

17. **Public Hearing – Facilities and Construction in City Rights-of-Way Ordinance (TO BE CONTINUED TO DECEMBER 15, 2004)** [Attach 15](#)

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

®Action: *Continue Public Hearing to December 15, 2004*

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Public Hearing – Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive** [File #ANX-2004-175] [Attach 16](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive. The 4.274 acre annexation consists of two parcels of land.

Ordinance No. 3685 – An Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3685

Staff presentation: Faye Hall, Planning Technician

19. **Public Hearing – Fisher Annexation Located at 104 29 ¾ Road** [File #GPA-2004-191] [Attach 17](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Fisher Annexation, located at 104 29 ¾ Road. The 18.013 acre Fisher annexation consists of one parcel.

a. Accepting Petition

Resolution No. 117-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fisher Annexation, Located at 104 29 ¾ Road is Eligible for Annexation

®Action: Adopt Resolution No. 117-04

b. Annexation Ordinances

Ordinance No. 3686 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #1, Approximately 0.127 Acres, Located within US Hwy 50 and 29 ¾ Road Rights-of-Way

Ordinance No. 3687 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #2, Approximately 17.886 Acres, Located at 104 29 ¾ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3686 and No. 3687

Staff presentation: Faye Hall, Planning Technician

20. **Public Hearing – Meyers/Steele Annexation Located at 3020 E ½ Road and Portions of 30 Road and Orchard Avenue Rights-of-Way** [File #ANX-2004-206] [Attach 18](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Meyers/Steele Annexation, located at 3020 E ½ Road. The 2.7559 acre Meyers/Steele annexation consists of one parcel of land and portions of 30 Road and Orchard Avenue rights-of-way.

a. Accepting Petition

Resolution No. 118-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Meyers/Steele Annexation, Located at 3020 E ½ Road is Eligible for Annexation

®Action: Adopt Resolution No. 118-04

b. Annexation Ordinances

Ordinance No. 3688 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #1, Approximately .2559 Acres, Located Within 30 Road Right-of-Way

Ordinance No. 3689 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #2, Approximately 2.500 Acres, Located at 3020 E ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3688 and No.3689

Staff presentation: Faye Hall, Planning Technician

21. **Public Hearing – Manor Annexation Located at the NE Corner of 26 ½ Road & I Road** [File #GPA-2004-205] [Attach 19](#)

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Manor Annexation,

located at the NE corner of 26 ½ Road & I Road. The 11.753 acre Manor Annexation consists of one parcel.

a. Accepting Petition

Resolution No. 119-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Manor Annexation, Located on the NE Corner of 26 ½ Road and I Road is Eligible for Annexation

®Action: *Adopt Resolution No. 119-04*

b. Annexation Ordinance

Ordinance No. 3690 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Manor Annexation, Approximately 11.753 Acres, Located on the NE Corner of 26 ½ Road and I Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3690*

Staff presentation: Faye Hall, Planning Technician

22. **Public Hearing – Amend the Planned Development for Meadowlark Garden**
[File #PDR-2003-229] [Attach 20](#)

Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code, the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

Ordinance No. 3691 – An Ordinance Amending Ordinance No. 3162 Pertaining to a Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3691*

Staff presentation: Bob Blanchard, Community Development Director

23. **NON-SCHEDULED CITIZENS & VISITORS**
24. **OTHER BUSINESS**
- 25.*** **EXECUTIVE SESSION** - DISCUSSION OF PERSONNEL MATTERS UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES
26. **ADJOURNMENT**

Attach 1

Minutes from Previous Meetings

**CITY OF GRAND JUNCTION CITY COUNCIL
and
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY

ANNUAL JOINT PERSIGO MEETING
AUGUST 12, 2004**

Call to Order

The Grand Junction City Council and the Mesa County Commissioners met at 11:30 a.m. on August 12, 2004 at Two Rivers Convention Center, 159 Main Street, for the Annual Joint Persigo meeting.

County Commissioner Chair Doralyn Genova called the meeting to order at 11:37 a.m. and introduced her fellow Commissioners Tilman Bishop and Jim Baughman.

President of the Council Bruce Hill introduced his fellow Councilmembers: Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Gregg Palmer and Jim Spehar. Councilmember Bill McCurry was absent.

Also present were City staffers City Manager Kelly Arnold, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, Community Development Director Bob Blanchard, Utilities Manager Greg Trainor, Wastewater Treatment Superintendent Dan Tonello, Management Intern Seth Hoffman, Assistant to the City Manager Sheryl Trent, Planning Manager Kathy Portner, Utilities Engineer Bret Guillory and City Clerk Stephanie Tuin.

County staffers present were County Administrator Bob Jasper, County Attorney Lyle Dechant, Assistant County Attorney Valerie Robison, Planning and Development Director Kurt Larsen, Public Works Director Pete Baier, Long Range Planning Director Keith Fife and Clerk to the Board Bert Raley.

Public Hearing on Expansions and Deletions to 201 Sewer Service Area Boundary

Greg Trainor, Utilities Manager, reviewed how various affected parties were notified. A few individuals were heard back from and some stated they did not receive the notice.

He then summarized the areas to be considered for deletion.

F 1/2 Road and 31 Road, owned by Foraker, Kerr and Arnhold. This property is not in any other sewer service area. The proposal is to allow this property to be annexed by Clifton Sanitation District No. 2, to be served by them and delete it from the 201.

An area near F Road and 31 road (Cornerstone Christian School). This property could also be served by Clifton Sanitation District No. 2 (and is) so it can be deleted from the 201.

Commissioner Baughman noted that this property is bordered on three sides by the Persigo 201 boundary so he questioned how Clifton Sanitation District No. 2 serves this property. Utilities Manager Trainor responded it is served via the northeast corner of the property.

Council President Hill asked if there is any history on how the school got connected to Clifton Sanitation District No. 2 in the first place. Mr. Trainor did not know the history and no one was present to elaborate.

City Manager Arnold suggested that these two properties be addressed and if there is to be any action, to take care of that.

Councilmember Palmer inquired if the properties are part of the City. Mr. Trainor answered no. Councilmember Palmer noted that at some point the area may be enclaved by annexation. County Administrator Jasper clarified they will not ever be completely enclaved.

Commissioner Bishop felt the deletions are in the best interest of the entities and the citizens so recommended the governing bodies go forward with the deletions.

The public hearing was opened at 11:53 a.m. Council President Hill asked for public comments.

Chuck Slothower, Sunshine Construction and Development, addressed the first property and stated that the property will be accepted by Clifton Sanitation District No. 2 if deleted from the Persigo 201 and that will allow the owners to build on both parcels. He noted that Clifton Sanitation District No. 2 wants to build a new plant and will do so eventually.

There were no other comments.

The public hearing was closed at 11:55 a.m.

Councilmember Spehar moved to delete as proposed from the 201 the two properties as described. Councilmember Enos-Martinez seconded. Motion carried.

Commissioner Bishop moved to approve the request for changing the boundary lines as proposed from the 201 Persigo sewer service area boundaries removing the two areas. Commissioner Baughman seconded. Motion carried.

**I Road and 26.5 Road (Manor LLC)
(Addition to 201 Sewer Service Area Boundary)**

Utilities Manager Trainor reviewed this item. This property is located directly north of the Grand Vista Subdivision, the existing City limits and the 201 boundary. The Growth Plan Future Land Use Map designates this property Rural, 5 to 35 acres per dwelling unit. The North Central Valley Plan map shows this property located within an area termed "Joint Urban Plan Uses" implying future urban development. If development were to be considered at any higher density, both a Growth Plan Amendment and rezoning would be required (the property is currently zoned AFT) along with subdivision approval. A small portion of the property, located in the northeast corner, is in the Airport Critical Zone. No development will be allowed in this area.

The owners want to put 30 homes on this property. Mr. Trainor addressed the sewer availability. It is available; they have looked at capacity of the nearby lines, of the basin and of the plant. The basin has capacity for about 400 more homes.

Kurt Larson, County Planning Director, supports the request but development will require a Growth Plan Amendment and a Rezone.

Councilmember Kirtland discouraged further discussion on the plan as a vote for inclusion might give the perception of approval for the subdivision. City Attorney Shaver agreed but clarified that the number of lots is pertinent to the impact on the capacity of the sewer plant.

Councilmember Enos-Martinez inquired if any petition for annexation has been received at this point. Utilities Manager Trainor replied there has not.

The public hearing was opened at 12:02 p.m.

Bill Ballast, project engineer, said they understand there are additional procedures to be completed before development can take place and they will pursue them if this inclusion is approved.

There were no other comments.

The hearing was closed at 12:03 p.m.

Commissioner Baughman noted there is sufficient capacity in the interceptor lines, and in the plant, and the property is adjacent to the 201 boundary. Both Staffs support the request so it makes sense to include it. Commissioner Bishop concurred.

Utilities Manager Trainor advised that Pamela Fox, an adjacent property owner has made contact and also asked for inclusion. Her properties are directly to the west. It was noted that Ms. Fox would have to request inclusion through the normal process and be heard at a later date.

Councilmember Kirtland moved to include the I Road and 26.5 Road property in the 201 Persigo Sewer Service boundary. Councilmember Enos-Martinez seconded. Motion carried.

Commissioner Baughman moved that the Manor LLC property be added to the Persigo 201 boundary. Commissioner Bishop seconded. Motion carried.

**West of 25 Road, North of I-70 (First Assembly of God, petitioner; property owner Carley Peach)
(Addition to 201 Sewer Service Area Boundary)**

Utilities Manager Trainor reviewed this request from First Assembly of God Church. The original request had more property than being proposed today. Gay Johnson and Starley Hatch have both indicated they do not want their properties to be included. Sandra Van Gilder said she did not care one way or the other. Edmund and Monique Brown did not respond to the notice. This area is located directly north of Interstate 70, east of the Grand Valley Canal and west of 25 Road. In talking to the Church, they have not done studies to see how they will get sewer to the property. They first wanted to see if it could come into the 201 boundary before spending money on engineering the line. In regards to capacity, basin studies show sufficient capacity at the plant and in nearby sewer lines. However, the closest line is 900 feet south, south of the interstate and south of the Grand Valley Canal. Sewer was extended to Appleton School (as approved in 1999) due to a failing septic system. Some neighbors also wanted sewer, but some did not, so the City and County narrowly identified the extended area due to the mixed feelings of the neighborhood.

Commission Chair Genova noted that Starley Hatch is her first cousin but she has not spoken with him nor has he contacted her on this. She will not have any financial gain and therefore she will not exclude herself from participating. Both boards concurred.

City Community Development Director Bob Blanchard advised that some growth plan amendments in that area have been denied. Typically they look at changed conditions in the area and there have been none that would warrant any amendments. It is Staff's opinion that any amendment would require a more detailed study.

The public hearing was opened.

Sandra Van Gilder stated that Carley Peach, one of the owners, is her mom. She advised that further studies would have to be done by the Church before this can go forward. Mr. Trainor concurred, specifically whether and how they can hook up. It was the opinion of Staff that they need to make sure the sewer can really happen before a Growth Plan Amendment is done. Ms. Van Gilder saw no reason for the Church to conduct the study if they could not be included in the 201 boundary.

Councilmember Spehar clarified that the question is whether a study needs to be done first before expanding the boundary or vice versa.

Ms. Van Gilder expressed that the approval does not have a cost whereas the study does so she felt the boundary approval should be first.

Council President Hill recognized the dilemma and suggested that any approval be conditioned on the study.

Councilmember Enos-Martinez inquired if development could take place without sewer. Mr. Trainor answered they could request septic, it would depend on the density.

Jim Harper said his mother-in-law owns property south of this parcel (south of the interstate) within the 201, and the Church will need to negotiate an easement through her property for the line. He supported the study prior to inclusion. Mr. Trainor noted that Mr. Hatch had similar concerns. Mr. Harper said that way they can be assured that any line across their property serves the amount of density they may want.

John Davis, a developer, noted that if there is capacity, then it is just a matter of money on how they get there.

Council President Hill asked for additional public comments.

Tom Sharpe, a real estate broker working for the Peaches, stated there is no sense spending money on a study unless the property can be included in the 201 boundary.

There were no other comments. The hearing was closed at 12:23 p.m.

Councilmember Kirtland expressed concerns regarding the impact on the collection system south of interstate. Utilities Engineer Bret Guillory stated a more comprehensive basin study for this basin, including the capacity at the plant and the existing infrastructure that may be needed depending on the density requested, should be required.

Councilmember Kirtland noting the possibility for a larger study and that the capacity of existing line may be insufficient, plus extending further north of interstate, made this request premature in his mind.

Councilmember Spehar concurred adding that once the line is extended in that area, there will be development. He urged the two bodies to say no and preserve the area for larger parcels, keeping development south of I-70. Although he appreciates the Church's needs, there are already areas for this kind of use. He felt they should adhere to current land use plans and not encourage higher densities in this area.

Commissioner Baughman agreed although he understands the reason for the request. At some point the area north of I-70, between 24 Road and 27 Road, may need to be included but he felt it would be a mistake to take just one parcel. Commissioner Bishop also agreed and encouraged the neighborhood to get together and see if they want to be included as a whole.

Councilmember Kirtland moved to deny the request for addition of this area, west of 25 Road, north of I-70. Councilmember Spehar seconded. Motion carried with Councilmember Butler voting NO.

Commissioner Baughman moved to deny the request for inclusion in the 201 area of the property west of 25 Road and north of I-70 from First Assembly of God Church, property owned by Carley Peach, as it is premature. Commissioner Bishop seconded. Motion carried.

**2366 H Road (Fred Cunningham, property owner)
Addition to 201 Sewer Service Area Boundary**

Utilities Manager Greg Trainor reviewed this request. The property is owned by Fred Cunningham, 2366 H Road, and is also in the Appleton area, between 25 ½ Road and 26 Road. This property is currently bisected by the 201 boundary. There is sufficient capacity in the plant. There is infrastructure available. Again, the neighborhood is divided on extending sewer into the area.

Utilities Engineer Bret Guillory again recommended a basin study due to the density being planned for. County Planning Director Kurt Larson noted that the service line to the school is narrow and the area plan does not include further sewer extensions.

The public hearing was opened at 12:40 p.m.

Rich Livingston, representing the applicant, said there is a conundrum with only a portion of the property in the 201. Sewer is within 400 feet. Under the Persigo Agreement, the owner will have to apply to the City and be annexed for the south half of

the property and by State Law connect to the sewer system. The north half of the property is outside the 201 and would go through the County process and be on septic yet both the City and County have a program to eliminate septic systems whenever possible. Furthermore, if one portion of the property is annexed, State Law requires the whole parcel be annexed. The owner does not want to change land use designation or zoning, he only wants to develop at the current zoning which is one unit per two acres. Mr. Livingston said there is no reason not to include the whole parcel.

Commissioner Baughman inquired how long the current owner has been there. Mr. Livingston responded forever but he has the property under contract.

Trevor Brown, also representing the property owner, said the property could possibly support 7 units. They are not asking for any more capacity. As it stands, the parcel could be annexed and then a variance granted for the northern parcel to develop outside the 201.

There were no other comments and the public hearing was closed at 12:45 p.m.

Councilmember Kirtland asked if the property could be annexed but not included in the 201. City Attorney Shaver said they could but to what benefit. Such action would create an artificial boundary.

Councilmember Spehar said it is a matter of public policy – maintaining the original intent, preserving land use and planning. He suggested it remain as is and then the property owner can request a variance for the area outside the 201 boundary. That way they maintain the planning process done with the neighborhood.

Councilmember Enos-Martinez noted there is no guarantee a variance would be granted.

Commissioner Baughman stated that the Persigo Agreement stipulates that the City cannot annex outside the boundary for ten years from the date of the Agreement.

City Attorney Shaver advised that State Law would control the annexation process.

Commissioner Genova said to preserve the integrity of the Persigo Agreement, they must make a change.

Utilities Manager Trainor noted there are other properties split by the 201 boundary.

Further discussion took place with other options being laid out including an agreement allowing the Commissioners to consent to the exception, to change the boundary and then set in motion the study to involve the whole area, amend the boundary to take in

the property, structuring the amendment to limit the density to the current density, a conditional amendment, and the Commissioners allowing it to be annexed.

Mr. Livingston noted that as far as the public is concerned, they see no difference between a variance and an amendment. There is no public objecting to the amendment and it addresses health and safety issues.

Councilmember Spehar said the difference is the public policy statement. A variance only adds one step to the process. They solved an existing public health problem when sewer was extended to the school.

Commissioner Bishop said he understands the two sides and suggests further study and have Staff come back with more information. He asks his fellow Commissioners how they would feel about letting the City annex. Chair Genova and Commissioner Baughman favored a boundary adjustment to allow for an annexation.

Councilmember Palmer agreed they should recognize the error and correct it.

Councilmember Spehar stated that the boundary line placement was not arbitrary; the property is 700 feet from the existing sewer. The boundary line was not an error, it was a conscious decision.

Councilmember Palmer moved to amend the 201 boundary to include the Cunningham property at 2366 H Road that currently lies outside the boundary. Councilmember Enos-Martinez seconded. Motion carried with Councilmembers Spehar and Kirtland voting NO.

Commissioner Bishop moved to amend the 201 boundary to include the property at 2366 H Road. Commissioner Baughman seconded. Motion carried.

Commissioner Bishop suggested Staff look at the other properties in that area that are split. Councilmember Palmer added that Staff should start the study for the entire basin.

**2322 I-70 Frontage Road (GPD Global, property owner)
Addition to 201 Sewer Service Area Boundary**

Utilities Manager Greg Trainor reviewed this request, noting that the property is the northeast corner of I-70 and 23 Road. The property owner also owns property to the east that is within the 201 boundary. The property in question is currently zoned commercial, is designated as such in the Growth Plan. Although it might be difficult to get sewer to the property, plant capacity is sufficient for this development to be included.

Councilmember Kirtland inquired why this property was excluded. Mr. Trainor responded that previously there had been no requests or interest to be included.

The public hearing was opened at 1:20 p.m.

Sven Wedekin, Vice President of GPD Global and property owner, said he acquired property in early 90's. It is currently on septic, but he is willing to participate in the extension of the sewer if the property is included in the 201 boundary.

There were no other public comments and the hearing was closed at 1:21 p.m.

Councilmember Spehar said this request for inclusion makes sense, subject to the studies needed as indicated in the report. Commissioner Baughman agreed.

Councilmember Spehar moved to approve the addition of the GPD Global property at 2322 I-70 Frontage Road to the 201 subject to the feasibility studies. Councilmember Palmer seconded.

Council President Hill asked if the motion meant the property will not be included in the 201 until the study is completed. Councilmember Spehar said no, it will be included in the boundary but they will need to complete study in order to hook up to the system.

Motion carried.

Commissioner Baughman moved to add property as depicted in Exhibit 6 (2322 I-70 Frontage Road, GPD Global Property). Commissioner Bishop seconded. Motion carried.

Reports

Utilities Manager Greg Trainor introduced Wastewater Services Superintendent Dan Tonello.

Grease Handling and Biosolids Composting

Dan Tonello presented a PowerPoint presentation on the pilot programs with the composting of sludge at the Mesa County Landfill and on the grease treatment and disposal.

County Administrator Bob Jasper noted that a few years ago the City and County did not have any options for getting rid of this waste (grease and offal waste) yet now they have several options. Besides the project at the landfill, there is now a private handler.

It was noted that the treatment plant had two grease violations in 1997, and is now getting close to exceeding capacity again.

Commissioner Chair Genova and Commissioner Baughman had to leave the meeting at 1:45 p.m. Commissioner Bishop stayed.

Mr. Tonello explained the current grease disposal process. It is an inefficient process. The treatment plant is looking at a piece of equipment that allows the tank hauler to separate the grease that will be disposed of at the landfill. If it works, it could take the City/County into the future. However, there are some problems with the device so they are looking at other possibilities.

City Manager Kelly Arnold noted that Staff was told to fix this problem last year. One of the problems was Persigo was charging below-market rates for grease disposal. On January 1, the rates were increased to match the market thus creating a competitive market for a private handler to compete. The plant will continue to seek other solutions. Plant Superintendent Tonello agreed that the rate increase helped boost the business for the Deer Creek facility in Delta, the only existing private handler.

Commissioner Bishop supported encouraging the private sector and letting that market drive the business. Councilmember Spehar cautioned that at present there is only one outside alternative and they must be prepared to handle the situation if that is no longer available.

Updates and Questions

Written reports were provided on the Combined Storm Sewer Elimination Project, Septic System Elimination Program, Temporary Modification and Discharge Renewal and the Duck Pond Lift Station Replacement.

Public Works and Utilities Director Mark Relph only needed direction on one item, the Duck Pond Park Lift Station Replacement. It now looks like they may be able to design the system for a gravity feed rather than replace the lift station. The cost benefit analysis showed the two alternatives to be about equal. They are still weighing the two and want to come back to both bodies with the ultimate recommendation later in the summer.

City Manager Arnold urged that project to be coordinated with the Parks and Recreation Department as there may be some CDBG improvements planned for that area.

Councilmember Kirtland asked that the City and County combined staffs work on the study for north of I-70 and west of the airport and relation to the HDR study (Comprehensive Wastewater Basin Study). He asked when the last update was done

to the HDR study to which Utilities Engineer Bret Guillory responded 1997 but these areas were not a part of the update.

County Administrator Bob Jasper asked that the governing boards give direction to get back together in a couple of months to look at the north area again. He also noted that he would like consideration of inclusion for the Job Site area again, focusing on the industrial development there. At some point, the governing bodies will have to deal with sewerage the existing industrial facilities.

Councilmember Spehar cautioned that they be careful not to imply any land use changes in that area; he does not want to raise that dust again. He recommended they address existing densities only.

City Manager Arnold noted they will be back to both bodies to adopt 2005 Persigo budget. County Administrator Jasper reminded them that they usually do that individually but can certainly do that together, especially if talking about other issues.

Council President Hill stated in the interest of time, he was adjourning the meeting.

The meeting adjourned at 2:00 p.m.

Stephanie Tuin, MMC
City Clerk

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

NOVEMBER 1, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, November 1, 2004 at 11:35 a.m. at Two Rivers Convention Center, 159 Main Street, to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Summaries and action on the following topics:

1. **FACILITIES REPORT PRESENTATION AND DISCUSSION:** The Facilities Committee has conducted its research, discussed and evaluated different options and has developed its recommendations. City Manager Kelly Arnold referred the City Council to the Facilities Report provided and stated that Staff members, including most of the Facilities Committee members, are present to answer any questions. The Committee identifies four priorities in the City's facility needs: Parks Operations, Shop Operations, the Crime Lab/Evidence Storage and the Police/Fire Administration Offices. There are other considerations that may change how they move forward on these items, in particular the National Guard's release of their building on the City Shops property (National Guard Maintenance Facility).

Public Works and Utilities Director Mark Relph explained that the construction of the Riverside Parkway will change the access to the Guard's Maintenance Facility and that may persuade the National Guard to find another location. If that occurs, the building could be used for City functions, especially for the Crime Lab and Evidence Storage on a temporary basis and eventually for Shops (Public Works) Operations. The Police Department will be touring the building to see if it will meet their needs for a temporary relocation.

If the building is suitable, it may solve the Police Department's immediate need and Public Works' long term need.

Other considerations/ideas are:

- 1 - Construction of Public Works facilities on the Oda property, adjacent to the current shops property.
- 2 - After the Riverside Parkway project, the building and property being used for the Riverside Parkway office will be available for either other City operations or for sale.

3 - There will also be a number of remnant properties leftover from the Parkway project that may ultimately be useful for City operation facilities.

It was noted that Police and Fire Administration facilities will need to be replaced in the near future. It should be considered whether to keep Police and Fire Administration at the current location and move Fire Station No. 1 to another location or find a new location near the Mesa County Justice Center/Sheriff's Department, where sharing labs and evidence storage would be possible. Models will need to be run on possible new locations for Fire Station No. 1.

Regarding Parks Operations, the need is serious but whatever is done must be in conjunction with the recently drafted Lincoln Parks Master Plan. Whether Parks Operations are decentralized or kept centralized is another consideration. The irrigation system reconstruction at Lincoln Park Golf Course is needed soon and the design will depend on this outcome.

Although \$2.5 million has been set aside for facilities, and additional funds will be set aside annually, it will take a bond issue or some other funding mechanism to meet all these needs in the future.

Action summary: City Manager Arnold summarized the discussion: Staff will: 1 – pursue the opportunity to obtain the National Guard Maintenance Facility, 2 – meet with Mesa County on possibilities for consolidating Police and Sheriff operations, 3 – determine the value of the property that the Police and Fire Station No. 1 currently sits on (one block), 4 – verify that the use of the Oda property for staging the Parkway construction will be flexible, 5 – map the remnants from the Parkway project, 6 – coordinate the Lincoln Park Master Plan with the location of a Park Maintenance Facility. A report on these items will be brought back to City Council in 2-3 months.

The meeting adjourned at 12:55 pm.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY**

NOVEMBER 1, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, November 1, 2004 at 7:05 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Summaries and action on the following topics:

1. CHAMBER OF COMMERCE EXISTING BUSINESS EXPANSION

INCENTIVE REQUEST: Diane Schwenke, Executive Director of the Chamber of Commerce, presented a request for an incentive to Jobsite. She had the business owner, Mr. Bond Jacobs, present to answer questions. The company received an incentive for a new company previously. The company makes downspouts for gutters and a new product that makes steel beams. They export the majority of their product. At this point they are contemplating an investment of \$1.7 million, some of which is equipment and part of it will be a building for housing the new equipment. The committee, GJEP, and the Incubator reviewed the request. The request is for \$2,500 per job. The Chamber will also be approaching Mesa County for assistance, and they are also applying with Colorado Economic Development Council. Any State funding must be matched by local funds.

Mr. Jacobs said 8% of their business is in this area, and the rest is for companies which export their product. Much of their products go overseas and throughout the U.S. Their largest year was in 2002 when they sold 402 machines. As of this year to date they have sold 402 machines. Building a new plant will allow for expansion. As of 2002, they averaged 57 employees, in 2003, 46 employees and, as of October 4, 2004 they employ 65 employees, mostly Grand Junction residents. They make roll forming machines that form gutters.

Councilmember Kirtland asked how the price of steel has affected them.

Mr. Jacobs said that so far they have absorbed increases but will need to raise their prices. The price of steel has doubled, and the metal studs are made from recycled steel.

Councilmember Palmer asked if all the incentive is for new equipment and buildings. Mr. Jacobs said yes and showed a graph depicting the company's growth.

Councilmember Kirtland asked if they were able to find qualified workers in town. Mr. Jacobs said yes, at the entry level but skilled employees came mostly from out of town. The new employees will be mostly assembly people so will be local hires.

Councilmember Spehar asked in addition to the average wage, does the company provide additional benefits. Mr. Jacobs stated yes, 100% of health insurance for employees and 80% for their families.

Councilmember Butler asked if the company was ever considering moving out of town. Mr. Bond replied no, he loves it here.

Councilmember Palmer asked about after the payment of the incentive regarding hiring and firing. Chamber Director Schwenke said that there is a performance contract which includes a vesting period of five years.

City Manager Arnold asked the size of the expansion. Mr. Jacobs said about 30,000 square feet. It is needed it for the assembly of the machines. The sizes of the machines are up to 300 feet long once assembled.

Council President Hill asked if there are funds available to cover the request. Administrative Services Director Ron Lappi distributed handouts of the incentive program that showed the amount given already for the year 2004. The Economic Development Fund balance at the end of 2004 will be \$323,703.

Councilmember Palmer asked if the City has ever given incentives outside the Persigo 201 boundary. Mr. Lappi said there was only one on the list, Johns Manville located in Fruita. Most have been in the urbanized area. Chamber Director Schwenke said there was also one for Grand Mesa Eggs, but that was some time ago.

Mr. Lappi noted all expansion requests have been within the 201 boundary.

Councilmember Butler stated that it is in favor of incentives for the valley, that the wages are more than the current living wage. Councilmember McCurry agreed.

Councilmember Palmer stated that he is for pro business, but struggles with the idea of giving money to an existing business that is adding infrastructure and that has already been given incentives before, and is also outside the 201 area. He would feel better if the City had criteria that is more specific for granting incentive funds.

Councilmember Kirtland stated that manufacturing jobs are a great goal to establish in this community and generate a tremendous amount of spin off. It makes sense to continue to support these manufacturing companies and attract companion businesses.

Councilmember Spehar agreed with Councilmember Kirtland that they have generally accepted standards which include base jobs and jobs that bring money into the community. This is a performance-based issue but adding infrastructure at that location, outside the 201 sewer service area, when both entities have declined to expand the boundaries in this area, makes it hard to encourage this kind of expansion.

Councilmember Enos-Martinez supports the increase in jobs for the Grand Valley, and agrees with Councilmember Spehar with the issue of being outside the 201 area, but doesn't know if that will be a reason to deny the request.

Council President Hill stated that the issue is out there, but that is not the question for Council tonight. It may be a conflict at a later date. Council has discussed very interesting data which ties into GJEP's clustering idea, companies helping other companies. Council President Hill also stated he is supportive, but Council needs to be aware of the issues pointed out by Councilmember Spehar.

Chamber Director Schwenke stated that the Chamber of Commerce will need some kind of formal action from the City Council.

City Manager Arnold said they could develop a resolution by Wednesday.

Councilmember Spehar noted that City and County already said no to 201 expansions in this area so they shouldn't expect that for this building.

Action summary: Staff will prepare a resolution for Wednesday's City Council meeting.

- 2. GVRTC UPDATE AND FUTURE FUNDING DISCUSSION:** Grand Valley Transit currently received the majority of its funding from the Federal Transit Administration and an Intergovernmental Agreement among the following jurisdictions: the City of Grand Junction, Mesa County, the Town of Palisade, and the City of Fruita. The Intergovernmental Agreement will expire at the end of 2005. Mr. Todd Hollenbeck, GVRTC coordinator, introduced the new GVT executive director, Mr. Rod Ghearing. He then presented this discussion. He reviewed the history of the program including ridership and funding. Some of the funding sources for the Job Access Reverse Commute Grant and for the ADA Para transit service

have dried up. He then presented four possible scenarios for continued funding and there are also four options to be included with the scenarios.

Council President Hill noted that operating out of compliance is effectively not an option.

Councilmember Kirtland noted that receiving JARC would be \$200,000 so all of the options are still a reduction in funds overall.

Mr. Hollenbeck reviewed the existing IGA and the initial City contribution. He noted that Mesa County has made up for the shortfall although Grand Junction's contribution has been increased to \$208,000. Under the existing IGA, the annual contribution will increase by 4% under all four options. Mr. Hollenbeck reviewed Scenario 2 which is based on population, Scenario 3 is based on assessed valuation, and Scenario 4 is based on ridership. He then discussed the recommendation from the manager's meeting (Grand Junction's Manager did not vote) was to use Scenario 3, Assessed Value Formula. The proposal is for a four year period, 2006 – 2009. There are other authorities that can be looked at for models, RFTA in the Roaring Fork Valley is one example.

Councilmember Kirtland stated that RFTA did not address capital needs initially; this proposal does not anticipate an increase in the level of service, just keeping up the equipment and meeting the legal requirements. The community will have to decide if the level of service needs to be increased.

Councilmember Enos-Martinez stated that GVT has helped in the human services arena by getting folks back to work in the work force.

Council President Hill asked what is the City's current contribution. Mr. Hollenbeck said \$217,195 for 2004.

GVT Director Ghearing advised that there are 3 ways to raise funds, sales tax of 1%, vehicle registration fee of \$10, a room tax or a combination of the three.

Administrative Services Director Ron Lappi said that in the original RFTA legislation, authorities could use property tax as the only revenue source. It has since been expanded.

Councilmember Kirtland asked if it would need to be a separate governing board or could the County appoint members. Mr. Ghearing said that members are the various elected officials appointed by the Council/Commissioners.

Councilmember Spehar noted the City's Strategic Plan includes moving toward an independent funding source by 2009. The assessed value is the appropriate scenario if the long term funding will consider property tax for a revenue source. He is not in favor of looking at Scenario 3, the population scenario.

Council President Hill said the City needs to make sure the service is in compliance, so option D, the population calculation, makes better sense. Councilmember Enos-Martinez agreed.

Councilmember Kirtland stated Council had limited participation of \$50,000 in the past and moved up to the \$200,000 only after much discussion. City Council has tried to find a way to make the program work, but agreed it must be in compliance. They need to figure out collectively how to make up for the shortfall. They also need to at least be able to stay ahead of capital demands with formulas or to justify a good system that is frugal. By 2009, the community will have to decide how they will deal with this or the federal funds will continue to decrease.

Mr. Hollenbeck suggested setting up for the short term funding and use Mr. Ghearing's expertise in developing the long term funding source.

Councilmember Spehar stated there are other partners that may not be able to absorb these changes and they will need to hear what they have to say. He applauded GVRTC's work.

Action summary: City Manager Arnold advised that Councilmember Kirtland will report back to the RTC group Grand Junction's funding preference and try to reach a consensus. Then an IGA will be developed.

- 3. RIVERSIDE PARKWAY PROJECT UPDATE:** An update which covers the progress to date, the proposed schedule and proposed alignments. Mr. Jim Shanks, Project Director for the Riverside Parkway, introduced Mr. Trent Prall and Mr. Jay Basher of Carter Burgess. The public hearing for the Environmental Assessment will be on Wednesday at Two Rivers Convention Center. Public testimony will be taken and recorded by a court reporter. Comments that they have heard have been mixed. Very positive comments have come by property owners affected by the proposed alignment. Comments will be taken through November 19th. The public hearing will focus on the lower downtown 1601 area and the EA. He reviewed the progress to date. One year ago, the question went to the voters and after it passed, the 1601 process began in earnest with a goal to be through the process in one year. That is where they are today, on schedule. He reviewed the final three alternatives and the reason for selecting the preferred alternative, 30J, a southern route.

Councilmember Butler asked if any houses on Kimball are affected. Mr. Shanks said there are two at 7th and Kimball. Concurrently with the 1601 process, the development of the design and the RFP for the design/build teams is being developed. Design/build teams will look at alternate concepts to be reviewed. Proposals will be due at the end of February with a selection in March for the team. A notice to proceed will be issued in May and then construction begins. Mesa County has awarded the contract for the 29 Road Bridge. That project maybe included in the design/build team specifications for timing purposes.

Councilmember Spehar asked if all the right-of-way acquisitions will be completed by April. Mr. Shanks said that they cannot start on the lower downtown until the alternative is approved. The east and west sections will be cleared by then but the lower downtown will take some time. They will provide a right-of-way schedule to the design/build team.

Councilmember Spehar asked if the City is within budget on the acquisitions. Mr. Shanks said so far but the river areas are still in question.

Action summary: City Council expressed that it is exciting to be at this stage. They thanked the Riverside Parkway team.

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

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

November 3, 2004

The City Council of the City of Grand Junction convened into regular session on the 3rd day of November 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 11, 2004 AS "A SALUTE TO ALL VETERANS 2004"
IN THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER AS "HOME CARE MONTH" IN THE CITY OF
GRAND JUNCTION

PRESENTATION

PRESENTATION OF CHECK FROM GRAND VALLEY BEAUTIFICATION
COMMITTEE FOR THE BROADWAY BEAUTIFICATION LANDSCAPING
PROJECT

Bertie Deering and Curtis Swift of the Grand Valley Beautification Committee announced that a check of \$28,000 was sent to the City as a local match for a federal grant to help with the Broadway Beautification Project recently completed.

APPOINTMENTS

TO THE FORESTRY BOARD

Councilmember Spehar moved to reappoint Vince Urbina to the Forestry Board for a 3 year term expiring November 2007 and appoint Dave Gave to the Forestry Board for a 3 year term also expiring November 2007. Councilmember McCurry seconded the motion. Motion carried.

TO THE HOUSING AUTHORITY

Councilmember Butler moved to appoint Tisha Petelo to the Housing Authority for a 5 year term expiring October 2009. Councilmember Enos-Martinez seconded the motion. Motion carried.

ELECTION RESULTS

THE CITY CLERK WILL PRESENT THE CERTIFICATE OF ELECTION SO THAT THE COUNCIL CAN REVIEW AND CANVASS THE ELECTION RETURNS FOR BALLOT ISSUE 5T

City Clerk Stephanie Tuin presented the results of the November 2, 2004 Special Election and asked for Council to review the results. If the results appear to be in order, she asked the City Council to approve the returns by way of a motion followed by the signing of the Certificate of Election.

Councilmember Palmer applauded the efforts of the DDA and specifically the Executive Director Harold Staf. Council President Hill echoed those remarks and also those efforts of the State Legislators to get the measure adopted to allow the extension of the TIF.

Councilmember Spehar moved to accept the result of the election for Ballot Issue 5T. Councilmember Palmer seconded. Motion carried.

The City Council executed the Certificate of Election.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

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

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the October 18, 2004 Workshop and the Minutes of the October 20, 2004 Regular Meeting

2. **Setting a Hearing on Facilities and Construction in City Rights-of-Way**

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that is used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts

between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

Proposed Ordinance Adopting Regulations Concerning Facilities and Construction in City Rights-of-Way

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

3. **Setting a Hearing on the Reece/Ice Skating Inc. Annexation Located Along the Colorado River, 2499 River Road** [File # ANX-2004-240]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 75.3 acre Reece/Ice Skating Inc. Annexation consists of three (3) parcels of vacant land along the Colorado River, including a portion of land that will be utilized by Ice Skating Inc. in the development of their site. The petitioner's intent is to annex their property and donate one (1) of their three (3) properties to Ice Skating Inc. A Subdivision Plat will be reviewed with the development of the Ice Skating Inc. site.

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

Resolution No. 106-04 – 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, Reece/Ice Skating Inc., Annexation, Located Along the Colorado River, 2499 River Road

Action: Adopt Resolution No. 106-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reece/Ice Skating Inc., Annexation, Approximately 75.3 Acres, Located Along the Colorado River, 2499 River Road

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

4. **Setting a Hearing on the Arbors Annexation Located at 2910 Orchard Avenue** [File # ANX-2004-217]

The applicants for the Arbors Annexation, located at 2910 Orchard Avenue, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 22.84 acres of land and right-of-way along Orchard Avenue.

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

Resolution No. 107-04 – 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, the Arbors Annexation, Located at 2910 Orchard Avenue

Action: Adopt Resolution No. 107-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Arbors Annexation, Approximately 22.84 Acres Located at 2910 Orchard Avenue

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

5. **Setting a Hearing Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive** [File #ANX-2004-175]

Introduction of a proposed zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive.

Proposed Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

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

6. **Setting a Hearing to Amend the Planned Development for Meadowlark Gardens** [File #PDR-2003-229]

Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code, the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

Proposed Ordinance Amending the Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

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

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

Economic Development Incentive to Jobsite

A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

It was announced that this item was pulled from the agenda prior to the start of the meeting.

Contract for Steam Plant Soil Removal Located at 531 South Avenue

Award of a contract to DLM, Inc. in the amount of \$131,631 for the removal of asbestos contaminated soil from the foundation area of the steam plant at 531 South Avenue. The work will be conducted through the oversight of the City's consultant, Walsh Environmental Scientists and Engineers, LLC under a work permit issued by the Colorado Department of Health and Environment (CDPHE).

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that eight bids were received. To determine the true low bid, there is an air monitoring requirement that must be figured in.

Councilmember Kirtland asked if there is any notification needed to the surrounding properties to ensure their safety. Mr. Relph said there are some requirements but they can go the extra step and make contact with all surrounding property owners.

City Attorney John Shaver noted that in earlier testing there were no emissions detected at the property line so emissions are not anticipated. All precautions will be taken when removing the pockets of solid asbestos.

Councilmember Kirtland moved to authorize the City Manager to sign a contract for the Steam Plant Asbestos Contaminated Soil Removal with DLM, Inc., in the amount of \$131,631. Councilmember Palmer seconded the motion. Motion Carried.

Hazard Elimination Funding Contract for Intersection Improvements at 7th & Patterson

Approve a contract with CDOT for a Federal Hazard Elimination Grant of \$60,000 to pay for design work and utility relocations required for construction of an east bound right turn lane on Patterson Road approaching 7th Street.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the project and advised that they are moving a portion of the work up to coordinate with improvements at St. Mary's. The other portion of the work will come back under another contract. The alignment at that intersection will also be corrected.

Councilmember Palmer asked for clarification on the location. Mr. Relph said it is a right turn lane off of Patterson from the west; it will also improve the site distance.

City Manager Arnold asked if pedestrian safety will be kept in mind. Mr. Relph assured him it will. City Manager Arnold asked about the funding available when such federal funds (enhancement funds) have not been reauthorized. Mr. Relph said he does not have all those answers but this funding is available for this project. City Manager Arnold noted that if additional federal funds are not reauthorized, the remainder of the project may be delayed. Mr. Relph said that is possible but only a small chance of that.

Resolution 108-04 – A Resolution Accepting a Grant of Federal Funds for the 7th and Patterson Right Turn Lane Hazard Elimination Project

Councilmember Enos-Martinez moved to adopt Resolution No. 108-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Purchase of Property at 1001 South 5th Street for the Riverside Parkway Project

The City has entered into a contract to purchase the property at 1001 South 5th Street from Angelita and Ernesto Hernandez for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon the Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that this acquisition is the first property where a relocation of the residents is required. He explained the process, how the appraisal came out and what the relocation policy will do to pay the residents a housing supplement to allow them to purchase replacement housing. Supplemental costs also include closing costs, moving costs, and the total being \$136,081.84.

Councilmember Palmer applauded the policy that goes beyond just the purchase of the property, but finds the residents equal or better housing and assists them in moving and with the closing costs.

Councilmember Spehar said a discussion of this is appropriate, especially in light of the afternoon's open house on the lower downtown alignment.

Council President Hill was pleased with the application of the policy but noted that the total amount may be in error. Mr. Relph made note of that and will check the figures.

Resolution No. 109-04 – A Resolution Authorizing the Purchase of Real Property at 1001 South 5th Street from Angelita and Ernesto Hernandez

Councilmember Butler moved to adopt Resolution No. 109-04. Councilmember Spehar seconded the motion. Motion carried by a roll call vote. The amount will be subject to the math being verified.

Request to Apply for a Lion's Club Grant for Kiddie Pool Improvements at Lincoln Park – Moyer Pool

The Parks and Recreation Department is requesting City Council authorization to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a water playground at Lincoln Park-Moyer Pool.

Councilmember Palmer stated that he serves on the Lion's committee that will review this grant so he will recuse himself from the discussion. He stepped down from the dais.

Joe Stevens, Director of Parks and Recreation, reviewed this item. He explained the plans for the wading pool improvements. If the grant is successful, the pool will also receive some interactive water features that will attract new users and capture the imagination of the existing users. They hope to have it completed by Memorial Day.

Councilmember Spehar, as a member of Lion's Club, stated that the Club collaborates with many agencies and it is not unusual for the Lion's Club to consider grants to public agencies.

Councilmember Kirtland moved to authorize the Parks and Recreation Department to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a zero depth (beach-like access) water experience for toddlers, mom's, dad's etc. at Lincoln Park-Moyer Pool. Councilmember Enos-Martinez seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

Councilmember Butler moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law relative to City Council employees and to determine the City's position and to instruct the City's negotiators regarding the Fire District contact pursuant to section 402 (4) (e) of the Colorado's Open Meetings Law.

ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Setting a Hearing on the 2nd Supplemental Appropriation Ordinance for 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		2nd Supplemental Appropriation Ordinance for 2004					
Meeting Date		November 17, 2004					
Date Prepared		11/09/04			File #		
Author		Lanny Paulson		Budget & Accounting Manager			
Presenter Name		Ron Lappi		Administrative Services Director			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

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

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$3,821,283. The following provides a summary of the requests by fund.

General Fund #100, \$244,591: Revisions to the General Fund include approximately \$28K for the new Paralegal position in the City Attorney's office, \$114K for overtime in the Police Department and various grant funded items including; \$56K in Community Development's budget for historic structure repairs and \$64K for stun guns/tasers and crime lab equipment for the Police Department.

E-911 Special Revenue Fund #101, \$134,371: Transfer to the Communications Center Fund for equipment purchases.

DDA Operations Fund #103, \$15,939: This adjustment is primarily related to how the contribution to the Downtown Association is handled.

CDBG Special Revenue Fund #104, \$292,757: Adjustments include \$50K for a Juvenile Accountability Incentive pass-through grant, a \$42K pass-through grant for the Western Colorado Business Development Corp. and a \$200K appropriation of fund balance to insure appropriation authority in the event a currently unforeseen grant is received and passed-through prior to the end of the year.

Parkland Expansion Fund #105, \$15,000: This adjustment is to insure adequate funds are budgeted for the operating expenses associated with the Matchet property farming operation.

Economic Development Fund #108, \$125,000: The budget increase is being requested to fund the \$300K contribution to the WCBDC Revolving Loan Fund program previously approved by the City Council.

Riverside Parkway CIP Fund #204, \$32,525: Increase for right-of-way acquisitions.

Water Fund #301, \$29,257: The requested budget increases are for pipe supplies, meters, yokes and postage for utility billing.

Solid Waste Fund #302, \$52,519: The majority of this request is to purchase automated trash containers but also includes \$20K in contingency.

Two Rivers Convention Center Fund #303, \$223,752: The cost increases for 2004 include \$43K for labor changes, \$135K for non-personnel operating expenses including food & bar stock, electricity and contract services. \$50K has also been budgeted as contingency in the event business activity during the holiday season is greater than anticipated.

Parking Fund #308, \$11,607: Changes to various operating maintenance and supply accounts totals \$1,607, \$10K is being appropriated as contingency

Data Processing #401, \$46,394: \$22K for a Retirement Payout and \$24K for two file servers and a scanner.

Self Insurance Fund #404, \$2,004,898: \$2 Million of the amount requested is the appropriation of fund balance so that sufficient appropriation authority is available in case a catastrophic event occurs.

PIAB Fund #703, \$26,000: Transfer to the Sales Tax CIP Fund for the Lincoln Park Stadium P.A. Replacement project.

Cemetery Perpetual Care Fund #704, \$10,000: Interest Income transfer to the General Fund.

Joint Sewer System Fund #900, \$422,302: Special District payments pursuant to the intergovernmental agreements with the Fruitvale, Orchard Mesa and the Central Grand Valley Sanitation Districts comprise \$418K of the total change.

Action Requested/Recommendation: First Reading of the appropriation ordinance on November 17th and adoption of the ordinance following the public hearing on December 1st, 2004.

Attachments: None

Background Information: The second supplemental appropriation ordinance is adopted every year at this time to fine tune the budget and ensure adequate appropriation authority for the current fiscal year.

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2004 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2004, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 244,591
Enhanced 911 Special Revenue	101	\$ 134,371
DDA Operations	103	\$ 15,939
CDBG Special Revenue	104	\$ 292,757
Parkland Expansion	105	\$ 15,000
Economic Development	108	\$ 125,000
Riverside Parkway Capital Improvement	204	\$ 32,525
Water	301	\$ 29,257
Solid Waste	302	\$ 52,519
Two Rivers Convention Center	303	\$ 223,752
Parking	308	\$ 11,607
Data Processing	401	\$ 46,394
Self-Insurance	404	\$ 2,004,898
Communications Center	405	\$ 134,371
Parks Improvement Advisory Board	703	\$ 26,000
Cemetery Perpetual Care	704	\$ 10,000
Joint Sewer	900	\$ 422,302
TOTAL ALL FUNDS		\$ 3,821,283

INTRODUCED AND ORDERED PUBLISHED this 17th day of November, 2004.

PASSED AND ADOPTED this 1st day of December, 2004.

Attest:

President of the Council

City Clerk

Attach 3

Setting a Hearing Regulating Newsracks in the Downtown Shopping Park

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Newsrack Ordinance					
Meeting Date	November 17, 2004					
Date Prepared	November 5, 2004				File #	
Author	Harold Stalf			Executive Director, DDA		
Presenter Name	Harold Stalf			Executive Director, DDA		
Report results back to Council	x	No		Yes	When	
Citizen Presentation		Yes	x	No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate newsracks have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to legitimate newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Budget: The DDA will fund the purchase and installation of the boxes and lease space with individual machines purchased by the vendors. Estimated cost of the initial installation is \$10,000.

Action Requested/Recommendation: Introduction of proposed ordinance limiting racks in the downtown area to approved locations with standardized equipment, and set a hearing for December 1, 2004.

Attachments: Ordinance.

Background Information: Informational meetings have been held with representatives of The Daily Sentinel, Free Press, Denver Newspaper Agency (Post & News), USA Today and the Wall Street Journal.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO COMMERCIAL ACTIVITIES IN THE DOWNTOWN AND AUTHORIZING PUBLICATION IN PAMPHLET FORM

Recitals.

Newspaper distribution machines (often called newspaper vending machines or news boxes) on or adjacent to public sidewalks are a valuable method of distributing news and other information to the public; however, they constitute an obstruction on public property and their often indiscriminate location on sidewalks and elsewhere can obstruct pedestrians and other users of the sidewalk. Newspaper vending machines can be unsightly and can distract drivers. Furthermore, commercial activities should not claim a right to physical occupation of the public sidewalk by proprietary structures in an unregulated manner. Even public utilities which have a high degree of autonomy from local regulation still must not interfere with the primary functions of the streets and sidewalks for which they have easements.

In accordance with Chapter 32 of the Grand Junction Code of Ordinances the Downtown Development Authority (“DDA”) has been delegated authority over commercial activities occurring on the Downtown Shopping Park on Main Street. Because of the serpentine street, the trees, flowers and planters, sidewalk dining and other frequent use of Downtown for special events, the DDA has determined that the form, placement and other regulation of newspaper distribution machines in Downtown is an important and necessary step. This ordinance will serve to cause the newspaper vending machines to be placed in a few orderly and carefully chosen locations which will cause a balance to be struck between the competing needs of Main Street uses and those who would serve them with publications. The continued vitality of the City’s downtown area has made downtown sidewalks increasingly congested, and thus, attractive locations for those who wish to disseminate information through newspaper distribution machines. There are many instances where the unregulated placement of these machines, whether individually or grouped together have interfered with access to fire hydrants and parking meters, blocked access from vehicle parking to the sidewalk, interfered with bus stops, obstructed views in the corner sight triangle and added to the difficulties that persons with mobility problems face in navigating the sidewalk and sidewalks. Further, significant portions of the downtown are undergoing historic renovation and the unregulated placement and appearance of proprietary newspaper distribution machines interferes with the historic appearance of the area.

Because of the tipping danger, wind, vandalism and other forces that tend to move news boxes and other racks and devices serving a similar function in the distribution of publications, news boxes shall be required to be firmly affixed to the ground and have a suitable cover so that the materials are not scattered about. Permanent installation

requires City ownership to allocate fairly the responsibilities and privileges to users of the right-of-way.

Accordingly, this ordinance is intended to regulate the design and placement of newspaper distribution machines within the sidewalk right-of-way in the downtown commercial area of the City. Because the amount of space which can be devoted to these machines is limited and thus of necessity, a method of allocating that space must be devised.

The City Council has carefully considered what the best method of allocating public property for newspaper distribution machines might be and has determined that the news box bank method best fits the circumstances of the downtown area, supplemented as needed with an additional joint use news box with multiple spaces for publications which are free and generally physically smaller.

The City Council has determined that joint use news boxes, which include individual slots or spaces, should be used in order to accommodate free publications whose publishers cannot afford a larger individual news box space.

The City Council has further determined that, at present, the problems caused by unregulated news boxes are most prevalent in the commercial area of downtown which for purposes of this ordinance has been defined as the boundary of the DDA.

The Council intends by its adoption of this ordinance and accordingly directs the DDA in its implementation of this ordinance, to avoid doing anything which could be construed as censorship of the content of the publications placed in news boxes or of vesting standardless or unreviewable discretion in any public official which could be used to affect the content of the publications that appear in these newspaper distribution machines or otherwise interfere with rights guaranteed under the First Amendment. This ordinance and any other provisions of the Code shall be interpreted so as to avoid any such unconstitutional application or effect.

Chapter 32, Section 62 is amended by the addition of the following definitions.

As used in this ordinance the following terms have the following meanings unless the context requires otherwise:

“Director” means the executive director of the Grand Junction Downtown Development Authority (DDA).

“Joint use news box” means a separate structure designed to hold newspapers or other publications and protect them from the elements, that can be installed as part of a news box bank and that contains at least four (4) single slots for the distribution of several free publications, which materials may be obtained by opening a common door or doors without payment.

“News box” means one space in a news box bank designed to hold newspapers or other publications and protect them from the elements, which materials may be obtained by opening a door, whether after depositing money in a device which unlocks the door or without payment by the customer, depending on the marketing of the publication. Where the context requires, news box also means a space in a joint use news box and is used to indicate rights and responsibilities which are common to lessees of either type of space.

“News box bank” or “bank” means a structure or group of structures in one location erected and owned by the DDA and firmly affixed to the ground with compartments which serve as a number of separate news boxes and which may include a joint use news box.

“Newspaper distribution machine” means a device designed to hold newspapers or other publications and from which publications may be obtained. Where depositing money in a device which unlocks a door is required, such machines are often called newspaper vending machines.

“Proprietary newspaper distribution machine” means such a machine placed or maintained on the public right-of-way within the Downtown Shopping Park (DDA boundary) by a person other than the DDA. Where prohibited, the term refers to the machine without regard for whether the publication contained in the machine is a “publication” within the meaning of this section, or even whether there is any printed or other material within the machine.

“Publication” means a periodical which:

- (a) Is published at least four times a year in different issues with sufficiently different content or format so each issue can be readily distinguished from previous or subsequent issues; and
- (b) Is formed of printed sheets. The sheets may be die cut or deckle-edged, and may be made of paper, cellophane, foil or other similar materials.¹

“Publisher” means the person who pays to have a publication printed or otherwise causes a publication to be printed or otherwise reproduced.

“Right-of-Way” means a public street from property line to property line and includes public alleys, paths and/or breezeways. It also includes an easement or other right which the City has acquired from the property owner for the purpose of locating news boxes.

¹ The requirements in this part of the definition are drawn from the United States Postal Service manual part of regulations which distinguish publications which are eligible for special mailing rates from those which are not. A deckle edge is a rough, untrimmed edge.

“Space” means a full sized news box with a separate door, which may be coin operated, or a slot, either double sized or single sized, in a joint use news box, installed as part of a news box bank.

Sections 32-72 *et. seq.* are created to read as follows.

Location of News Box Banks.

- (a) The City Council, in accordance with the authority given to the DDA for the administration of commercial activities in the downtown authorizes the Director of the DDA to survey the area within and the periphery of the Downtown Park to determine the locations of existing proprietary newspaper distribution machines, the locations which are suitable for news box banks and the appropriate size of each bank. The Director of the DDA shall use in evaluating each location criteria which include but shall not be limited to a determination of the effect on pedestrian and emergency access on, to and from streets and sidewalks, and public transportation, required maintenance of public facility infrastructure, vehicular safety and the effect of the location, mass and bulk of news box banks on the streetscape, aesthetics of each block and specifically the Director shall consider sidewalk width, sidewalk dining, parking (parking meter) access, including access by persons with disabilities, access to bicycle parking, access to fire hydrants, access to bus stops, access to benches and trash receptacles, maintenance access to street trees, planters, utility and signal poles, access generally from the street to the sidewalk and the sidewalk to the street, blocking of views at intersections, alleys and driveways, distance from intersections and driveways and alleys, distance from buildings and the visibility of public art. The Director shall determine the appropriate location for news box banks on each block after taking into consideration the current location and number of proprietary newspaper vending machines.
- (b) The Council has, after holding a public hearing, considered the determinations of the Director and hereby ratifies them and adopts them as reasonable place and manner regulations of news box bank locations. Those determinations are included in Appendix A to this ordinance.
- (c) Should any news box bank require temporary or permanent removal because of construction or reconfiguration of streets, sidewalks or other portions of the right-of-way, the Director is directed to provide a replacement(s) if the removal is reasonably expected to exceed 30 days, located as conveniently to the removed bank as is reasonably practical.
- (d) If leases for installed news boxes or slots in joint news boxes expire and no applicant enters into a new lease, the Director may remove the unused box, boxes or bank. If an application is received which could be satisfied by a

removed box, the Director shall reinstall the removed box as promptly as is practical.

32-73 Installation of News Box Banks.

- (a) The Director shall install news box banks as funds are appropriated for the purpose so that the existing proprietary newspaper distribution machines can be removed. The Director shall install news box banks on a per location basis and no owner of an existing proprietary newspaper distribution machine within that location shall fail to remove it within fourteen calendar days thereafter. Any proprietary newspaper distribution machine within the right-of-way at that location is declared to be a public nuisance and may be summarily removed by the Director. The Director shall require full payment by the owner of the reasonable cost of removal and storage of the machine, plus fifteen percent for administration, before releasing the machine.
- (b) The Director shall install at least one joint use news box as part of each bank at the time of initial implementation of this ordinance.
- (c) When installing news box banks the Director shall consult with the City Manager and shall in addition follow these standards:
 - (1) The linear footage of banks on any block shall not exceed five (5) percent of the linear footage of the block, measured from the property lines at each end of the block.
 - (2) No bank shall be longer than ten (10) linear feet.
 - (3) Except where vehicle parking or stopping is prohibited, no bank shall be installed within three (3) feet of the vertical face of the curb or of any other designated parking space or loading zone. No bank shall be installed so that the face of any box which opens is less than two (2) feet from the vertical face of the curb.
 - (4) No bank shall be closer than five (5) feet to a fire hydrant.
 - (5) No bank shall be closer than five (5) feet to a bus stop sign and no bank shall be installed in such a way as to interfere with access to buses at designated bus stops.
 - (6) No bank shall be closer than five (5) feet from a crosswalk.
 - (7) No bank shall be installed on or over a tree grate.
 - (8) No bank shall be closer than three (3) feet from any existing structure.
 - (9) No bank shall intrude into the intersection, alley, and driveway sight triangles.

32-74 News Box Use.

- (a) On and after January 1, 2005, no person shall install, use or maintain any proprietary newspaper distribution machine or similar device on the public right-

of-way within the boundaries of the DDA other than in accordance with this ordinance in a news box bank provided by the DDA.

- (b) Spaces in the news box banks are available for use by lease as provided in this ordinance. Such leases shall be governed by the provisions of this ordinance and without reference to principles of landlord-tenant law.
- (c) A news box lease for an individual news box, a double sized slot in a joint use news box or a single slot in a joint use news box may be available to any publisher that desires to place that publisher's publication therein. A news box lease is available for any particular publication for only one space in each of the banks within the regulated area and only one publication may be placed within a space. In order to be eligible for a lease, the applicant must be the publisher of the publication placed within a space or an agent of the publisher. Where the applicant is an agent, the applicant shall so indicate and the lease shall be valid only for the publication(s) of such publisher and may not be assigned or transferred.
- (d) At the discretion of the Director, a lessee may be required to install its own mechanical box designed to accommodate lessee's publication inside the shell of the DDA's news box.
- (e) The lessee may place a coin lock mechanism on an individual news box at the lessee's expense. Slots in joint use news box(es) shall contain only publications which are free².
- (f) The lessee shall not place anything on the exterior of the news box other than the City and/or Downtown Partnership logo(s) or other identifying wording and/or contact information.
- (g) If the box allows the user may place a copy of the publication found in the box vertically inside the face plate so that it is visible but may not place anything other than such publication in that location.
- (h) The Director shall not permit the placing of any other advertising on the outside of the news box banks. The City Manager may use any side of a news box bank other than the front face (where access to the publications is gained), at no cost, for designs or graphics designed to enhance the identity of the City or as a location for a directory or map showing where public and/or private services may be found. This exception shall not be construed to permit the City Manager to place or permit paid advertisements nor to cause the boxes or banks to become any kind of public forum for the purposes of exercising free speech.

² The configuration and design of the joint news boxes contemplated precludes coin or similar operation for a fee.

32-75 Obligations of Users.

- (a) A news box lessee shall control and maintain the leased interior of the news box space and for individual news boxes, all mechanical workings of the individual box, including, without limitation, the window and face plate, the coin mechanism, the coin tray and the lock, if any.
- (b) The news box lessee may supply and affix its logo to its leased individual news box or leased portion of a joint news box. The identifying picture or wording shall be no larger than two inches high by fourteen inches wide for an individual news box or two inches high and five and one half inches wide for a slot in a joint use news box. The identification shall be white text on a black background and shall be attached by self-stick tape of a type approved by the Director considering its adhesiveness and ease of removal. Identification shall be affixed on the face or elsewhere on the front of the box specified by the Director for all such boxes.
- (c) The Director may revoke a news box lease when the machine is not stocked with the lessee's publication for a period of thirty days or if the user has failed to maintain the news box for thirty days. The Director shall not revoke a lease without notice to the user and an opportunity for a hearing. One seven-day opportunity to cure shall be extended in any calendar year prior to revocation.

32-76 Term, Expiration and Revocation.

- (a) A news box lease is valid for one calendar year unless prepaid in which case the lease shall be valid for up to three (3) years. A news box lease expires if not renewed before expiration. Except for emergencies, unanticipated construction, changes in the location of benches and/or transit stops and other situations in which relocation is necessary in the public interest, lease locations shall not be changed by the DDA during any calendar year but with notice on or before renewal a lessee(s) may be relocated during the following calendar year.
- (b) A lease may be prepaid for up to three years in advance, in which case no application for renewal shall be required during such period. If a lessee surrenders a lease to the DDA in writing, the Director shall refund the unused prepayment pro rata based on the number of whole calendar years remaining.
- (c) No lease may be assigned or transferred except incidental to the sale of the publication from one publisher to another and no lessee shall be deemed to possess any equity in the lease, although an existing lessee has priority in renewing. It shall be grounds for revocation of the lease for any lessee to attempt profit from the scarcity of sites for news boxes. No refund shall be made if a lease is revoked or expires.

- (d) Upon denial of renewal of a lease, revocation or expiration for failure to renew, the Director may remove the contents of any machine, change the locks, hold any contents and money as abandoned property and issue a new lease for the news box or joint use news box slot to another person.

32-77 Priority and Transition.

- (a) News box leases, other than renewals, are available on a first-come, first served basis based on date of receipt of the application during normal business hours at the place where this ordinance (DDA offices) is administered. The priority between any applications received by the Director on the same day shall be determined by lot.
- (b) Owners of proprietary newspaper vending machines within the boundary of the DDA as of the effective date of this ordinance shall be given preference for space.
- (c) The Director shall structure the waiting list so that it is for a specific location.

32-78 Inapplicability of Other Code Sections.

Given the First Amendment implications of this ordinance, the Zoning and Development Code and Section 127 of the Charter concerning Revocable Permits shall not have applicability to the installation and administration of news boxes by the Director pursuant to this ordinance.

32-79 Non-periodical Newspaper Vending Machines.

- (a) The Director shall designate one newspaper vending machine box in each bank for use by permitted purveyors of printed material which is not eligible for the periodicals mailing privileges of the United States Postal Service. Such non-periodical newspaper vending machine boxes shall contain only materials available free to the public and only one shelf of one box in each bank of boxes shall be available for use for any one such publication or other printed material. If the box(es) is configured to hold more than one publication, then the Director shall determine the maximum number of shelves in such box(es) and shall issue such permits on a per shelf basis.
- (b) The fee for permits to use such boxes shall be that set for periodical newspaper vending machine boxes, except that the Director shall prorate the fee based on the number of shelves covered by the particular permit.
- (c) In the event that there are unused periodicals news boxes in any bank, the Director may make the space available as temporary non-periodical newspaper

vending machine boxes, except that temporary permits issued on this basis shall be revocable at any time that a new applicant for a regular news box receives approval of the application. Priority shall be given to periodical publications. In the case of a revocation based on this priority, the permittee displaced shall be entitled to a refund based on the number of full three-month periods paid but not used.

32-63 is amended by the addition of the following.

- (a) The fees for use of news boxes are set based on covering the DDA's administrative costs, the capital costs and installation cost for the box structures and the annual cost of exterior maintenance.
- (b) The capital and installation costs are figured based on an amortization schedule determined by the Director and may be adjusted, based on replacement cost and to accrue a fund therefor and to reflect actual installation costs.
- (c) The maintenance cost will be set based on actual cost for the previous year of operation (the maintenance cost component is estimated for the first year of operation), based on a projection at the time the fees are set and adjusted up or down depending on whether the maintenance fund has a shortfall or a surplus. The administrative costs are based, initially, on the DDA's experience with commercial activity permit administration and may be adjusted in future years.
- (d) The fee for a news box lease shall be specified annually by the DDA Board and must be submitted with the application for the lease or renewal of the lease if a box is immediately available at a location desired by the applicant. If such a box is not available, the applicant shall pay the waiting list fee. An applicant on a waiting list that is notified that a box is available shall pay the annual fee within ten days of the date of mailing by first class mail. The waiting list fee does not reduce the annual fee.

All other provisions of Chapter 32 shall remain in full force and effect.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON THE _____ DAY OF _____ 2004.

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN
PAMPHLET FORM ON _____ DAY OF _____, 2004.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 4

Vacating Utility and Ingress/Egress Easements Located at 2776 Highway 50

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Easement Vacation – 2776 Highway 50					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004			File #VE-2004-202		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The applicant proposes to vacate two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, located in Meridian Park Subdivision. The Planning Commission recommended approval of this easement vacation request on November 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

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

Attachments:

1. Vicinity Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing Zoning Map
5. Original Meridian Park Plat
6. Meridian Park Replat
7. Resolution with exhibit map

Background Information: See attached

BACKGROUND INFORMATION					
Location:		2776 Highway 50			
Applicants:		Best Buy Homes Colorado, Inc.			
Existing Land Use:		Vacant			
Proposed Land Use:		Commercial Park			
Surrounding Land Use:	North	Single family residence			
	South	Mesa County Fairgrounds			
	East	Residential and Trucking Company			
	West	Commercial Park			
Existing Zoning:		C-1			
Proposed Zoning:		C-1			
Surrounding Zoning:	North	County PUD (density of 8 du/ac)			
	South	County PUD (fairgrounds)			
	East	County C-2 & RSF-4 and City RSF-4			
	West	C-1			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Applicant is requesting approval to vacate two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, located in Meridian Park Subdivision.

ANALYSIS:

1. Background:

The subject property was originally approved in 1981 by the City and was recorded as Meridian Park in 1984, which consisted of 12 commercial lots. Eight of these lots fronted on B ½ Road. The recorded plat included three shared access easements for those lots and three utility easements.

The entire subdivision also had an additional 15' utility easement adjacent to the exterior property lines.

The previous owner never developed the property and the land was still standing vacant until 2003, when new owners applied for an administrative review for a replat to reconfigure the lots and develop a commercial park. The new subdivision was approved August 10, 2004.

the reconfiguration of the lots with the appropriate dedication of interior streets rendered the previously dedicated shared access easements unnecessary. The original 15' utility easement and the new 14' multi-purpose easement will remain in place, making the 20' and 30' utility easements unnecessary.

The Utility Coordinating Committee (UCC) reviewed this application and approved the project on October 13, 2004, with the condition the 14' multi-purpose easement and the 15' utility easement remained for their use.

2. Consistency with the Growth Plan:

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

By allowing the described easements to be vacated, the new reconfigured lots will not be encumbered by unnecessary easements. The new dedicated multi-purpose/utility easements and the interior street network will handle all underground utilities and services and will not affect the adjacent individual neighborhoods.

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

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

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

Granting these easements to be vacated does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with this vacation. These particular easements are all interior to a previously recorded subdivision and are now unnecessary. The dedication of interior streets within the newly recorded subdivision creates access for all lots.

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

Access to the reconfigured parcels are not restricted. The proposal is only affecting the applicant's property.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation request. All new facilities and services will be provided in the easements that are remaining within the subdivision.

- 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.

Proposal provides a benefit to the City by adjusting utility easement locations to coincide with the reconfigured lots of this subdivision.

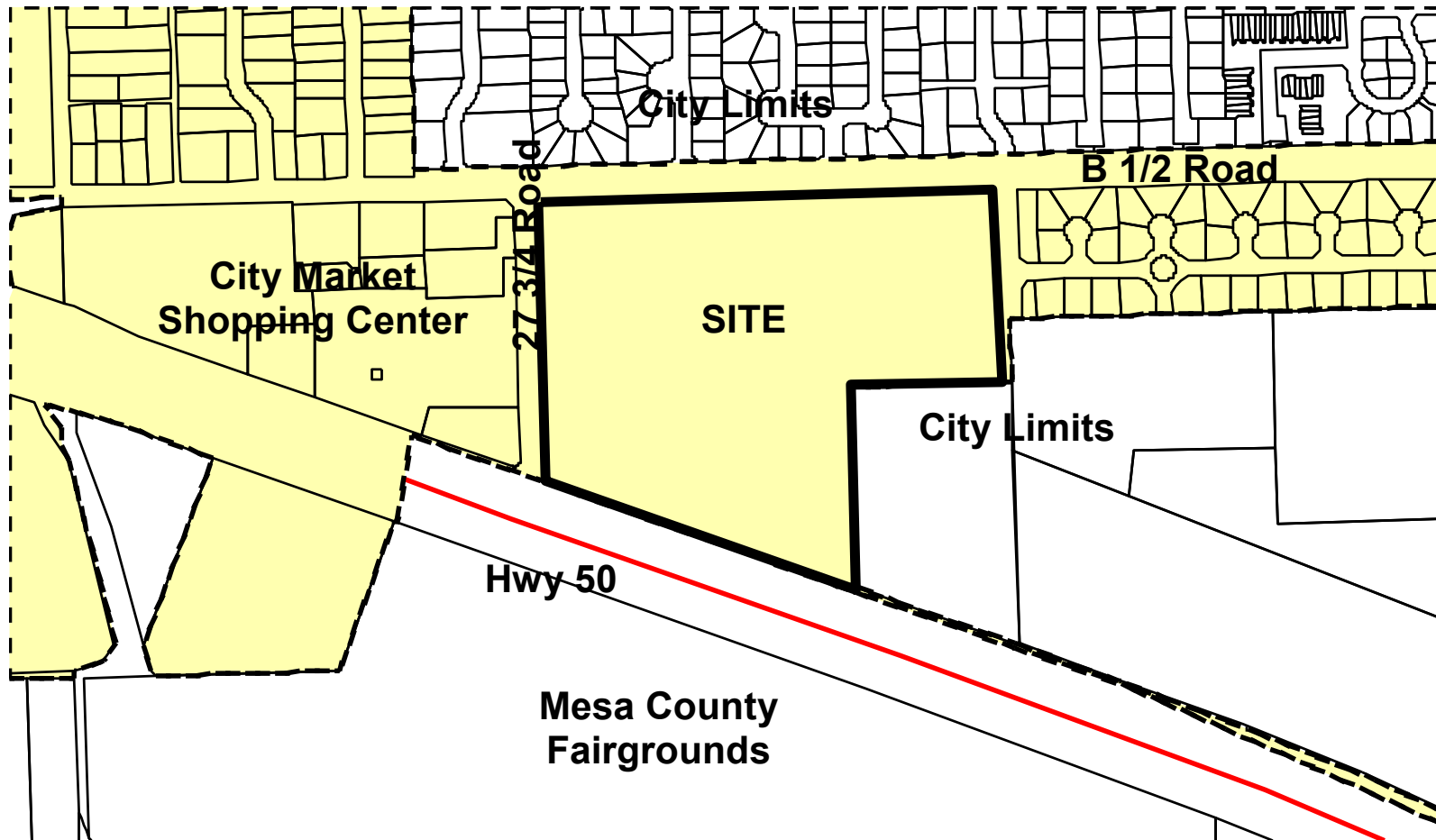
FINDINGS OF FACT/CONCLUSIONS:

After reviewing this Easement Vacation application, VE-2004-202, for the vacation of two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, staff recommends that City Council makes the following findings of fact and conclusions:

- The requested easement vacations are 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



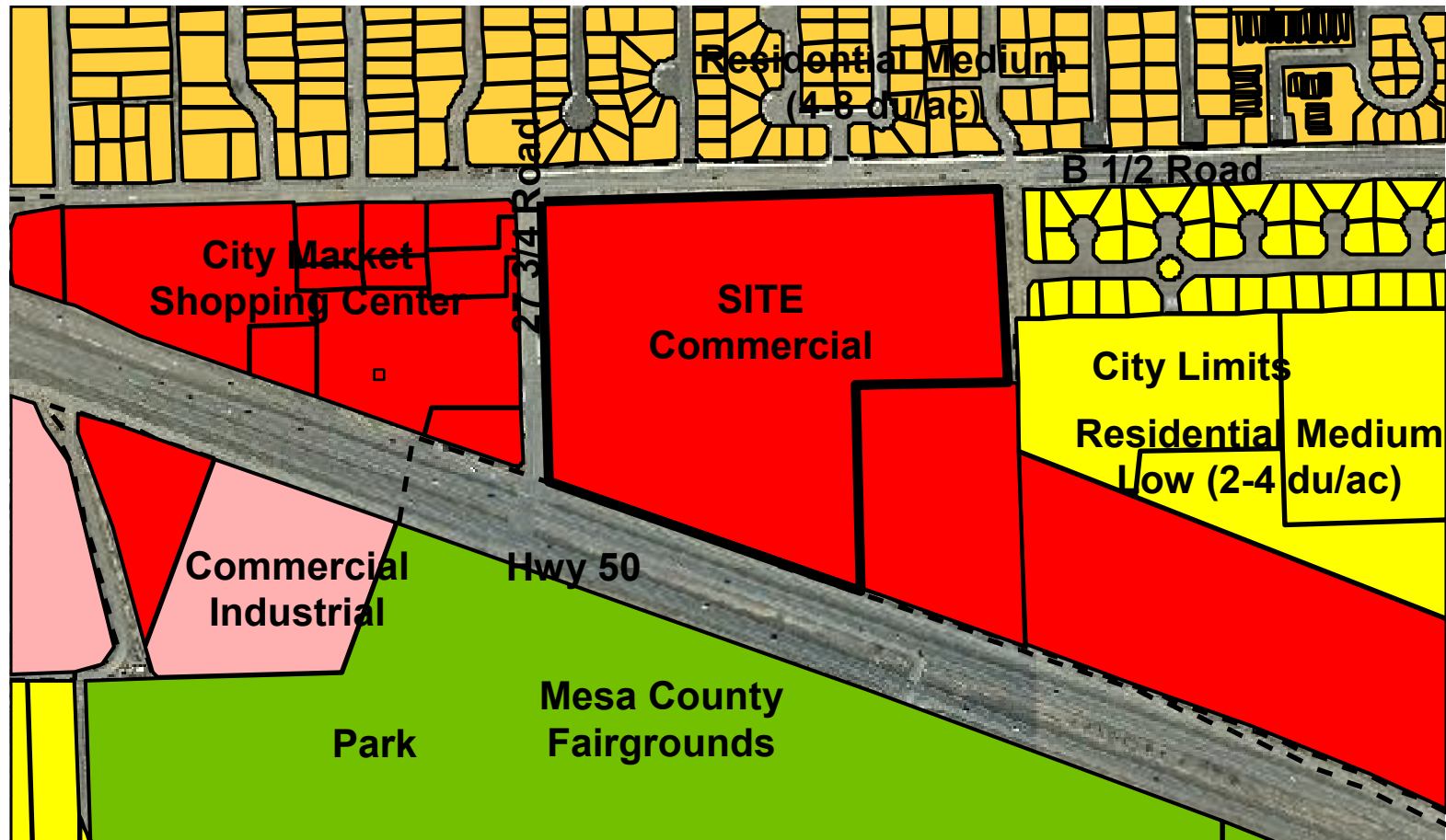
Aerial Photo Map

Figure 2



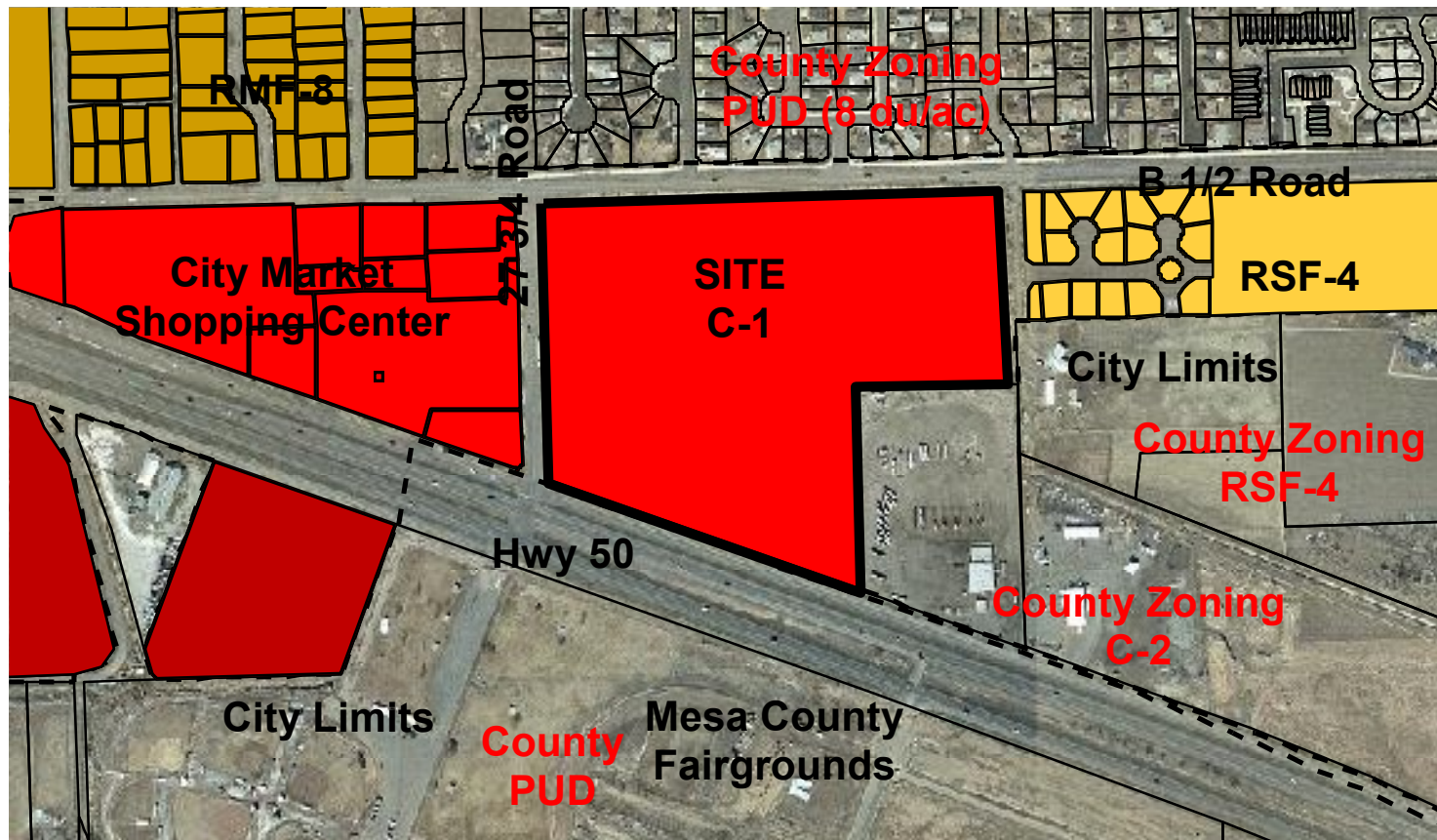
Future Land Use Map

Figure 3



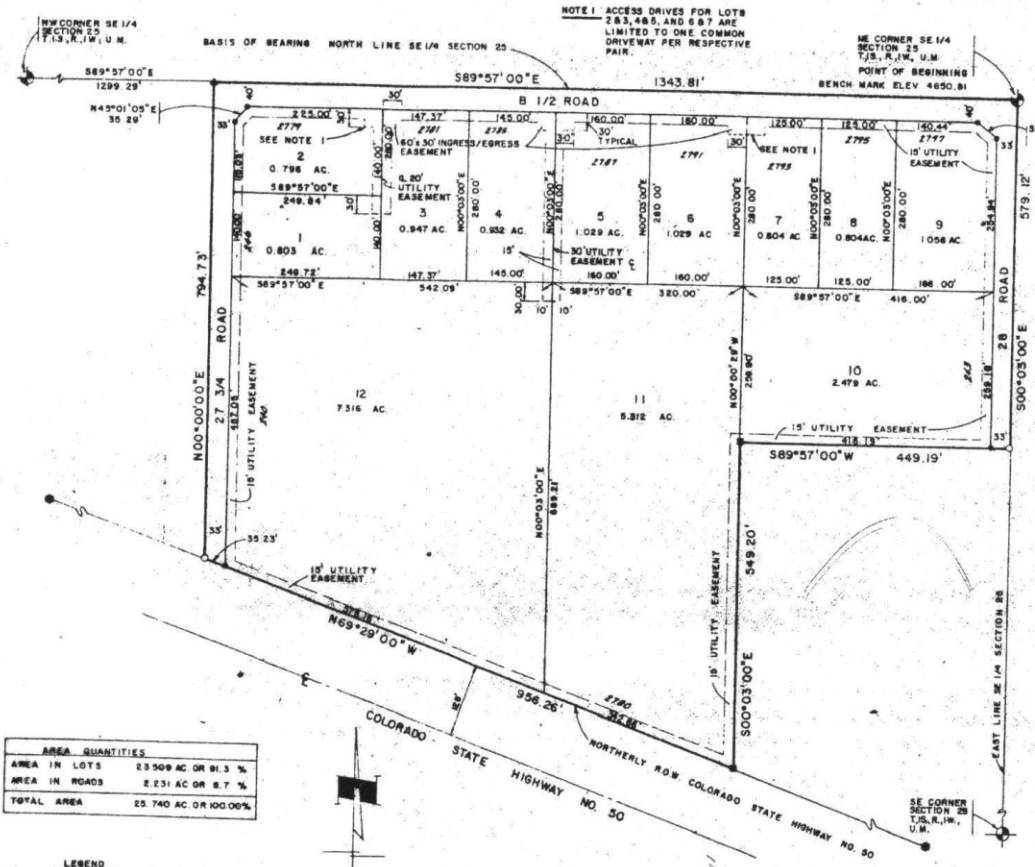
Existing City and County Zoning

Figure 4



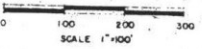
NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

MERIDIAN PARK



AREA QUANTITIES	
AREA IN LOTS	23,509 AC OR 91.3 %
AREA IN ROADS	2,231 AC OR 8.7 %
TOTAL AREA	25,740 AC OR 100.00%

- LEGEND**
- INDICATES MESA COUNTY BRASS CAP
 - ⊕ INDICATES 5/8" REBAR & CAP SET IN CONCRETE (L.S. 9960)
 - ⊕ INDICATES 3/4" REBAR & CAP AT ALL LOT CORNERS
 - FOUND 3/8" REBAR SET IN CONCRETE
 - SET 3/8" REBAR AND MONUMENT CAP (L.S. 9960)
 - FOUND HIGHWAY RIGHT-OF-WAY MARKER
 - ▲ FOUND PK NAIL



File # 54-81
Zone: HO

Building Permit Guarantees

NOTE 1 ACCESS DRIVES FOR LOTS 2, 3, 4, 5, AND 6 ST ARE LIMITED TO ONE COMMON DRIVEWAY PER RESPECTIVE PAIR.

NE CORNER SE 1/4 SECTION 25 T. 2 S., R. 1 W., U. M.
POINT OF BEGINNING
BENCH MARK ELEV. 4650.51

KNOW ALL MEN BY THESE PRESENTS:

That I, the undersigned John A. Nelson, do hereby certify that the accompanying plat is a true and correct copy of the original plat on file in the office of the County Clerk of Mesa, State of Colorado, and being a part of the 25 1/4 of section 25, described as follows:
 The plat is the NE corner of the SE 1/4 of said Section 25; Thence S 90° 03' 00" E along the east line of the SE 1/4 of said Section 25 a distance of 574.12 feet; Thence S 89° 57' 00" W 449.19 feet; Thence S 00° 03' 00" E a said northerly right of way a distance of 549.20 feet; Thence N 00° 03' 00" W 549.20 feet to a point on the north line of the SE 1/4 of said Section 25; Thence N 69° 29' 00" W along said north line of the SE 1/4 of Section 25 a distance of 1343.81 feet to the point of beginning, containing 25.740 acres.

That said owner does hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever, and hereby dedicates to the public utilities above portions of said real property which are labeled as utility easements on the accompanying plat as hereinafter described: easements for the installation and maintenance of utilities, irrigation and drainage facilities, including but not limited to electric lines, gas lines, telephone lines and together with the right to both intersecting trees and brush; such easements shall be subject to the installation and maintenance of such lines. Such easements and rights shall be subject to the reasonable and prudent manner.

IN WITNESS WHEREOF said owner has caused their names to be hereunto subscribed this 28th day of March, A.D., 1968.

John A. Nelson
John A. Nelson

STATE OF COLORADO)
COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me this 28th day of March, A.D., 1968 by John A. Nelson.

My commission expires: May 21, 1968 Witness my hand and official seal, March 28, 1968
 City Engineer
 CITY BOARDS
 City Boarder
 City Engineer
 Chairman, Grand Junction Planning Commission
 Grand Junction City Engineer

STATE OF COLORADO)
COUNTY OF MESA) ss
 I, Earl Sawyer, do hereby certify that this instrument was filed in my office at 2:45 P.M. this 28th day of March, A.D., 1968 and is duly recorded in Plat Book 13 Page 277
Earl Sawyer Clerk and Recorder
Janet A. Rose Deputy
 March 16, 1968

I, James T. Patty Jr., do hereby certify that the accompanying plat of Meridian Park, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, has been prepared under my direction and accurately represents a field survey of same.
James T. Patty Jr.
James T. Patty Jr.
Registered Land Surveyor
Colorado Registration No. 9968

I, Earl Sawyer, do hereby certify that the following was updated under my direction based on a boundary survey conducted by L.S. 9960:
 a. Boundary Monuments and Legend
 b. State Monument Records
 c. Bench Marks
 d. Title Block
Earl Sawyer Date 4/2/68
 Registered Land Surveyor
 Colorado Registration No. 6700

MERIDIAN PARK
 Located in Plot 31
 SE 1/4 SECTION 25 T. 2 S., R. 1 W., U. M. MERIDIAN
T.A.L. THOMAS A. LOGUE
 LAND SURVEYOR

MERIDIAN PARK REPLAT

A REPLAT OF MERIDIAN PARK SUBDIVISION

SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN

NOTE: The previous plat of Meridian Park referenced in this plat is at the intersection of 27th Road and 8th Road as a subdividing monument. This monument was not identified on an official corner. This position is currently occupied by the hinge post shown herein. The monument also contains other data south of 8th Road. Section 25 north of 8th Road see the position currently marked by a PLS post as a subdividing monument and identify it as the hinge post. The existing PLS post occupies the proportional position between adjacent corners measured center-to-center. The existing PLS post occupies the proportional position between adjacent corners measured center-to-center to corner. As it is not the controlling monument for this subdivision it was not upgraded by Thompson-Langford Corporation.

BASIS OF BEARINGS
N89°54'41" W 2642.72'

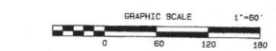
LINE TABLE

LINE	BEARING	DISTANCE
L1	N23°37'18" W	42.48'
L2	N21°52'23" E	32.56'
L3	N59°07'42" E	32.16'
L4	N25°18'45" W	19.63'
L5	N15°34'04" E	10.27'
L6	N50°04'45" E	10.27'
L7	S44°58'53" E	32.43'
L8	S45°10'17" E	32.43'
L9	N89°57'23" W	10.62'
L10	N59°04'45" E	4.12'
L11	N74°34'37" W	10.14'
L12	N30°58'15" W	4.11'
L13	N21°35'23" E	6.68'
L14	N20°55'15" W	6.87'
L15	N63°00'08" W	6.56'
L16	N00°05'37" E	11.40'
L17	N45°05'37" E	30.12'
L18	S45°05'37" W	30.56'
L19	N45°05'37" E	6.45'
L20	N00°00'00" E	18.77'
L21	N45°00'00" E	18.57'
L22	S89°54'23" E	7.44'
L23	N44°54'23" W	36.38'
L24	S21°35'23" W	10.43'
L25	N16°34'08" E	9.96'
L26	S89°07'43" W	27.03'
L27	N44°57'10" W	30.60'
L28	N44°57'10" W	27.07'
L29	N00°02'19" E	30.15'
L30	N44°56'54" E	30.15'
L31	S78°24'37" E	27.07'
L32	N59°04'45" E	6.88'
L33	N16°34'08" E	6.68'
L34	S70°55'15" E	6.56'
L35	S21°35'23" W	31.56'
L36	S20°05'15" E	8.89'
L37	S63°25'52" E	6.68'
L38	S69°26'27" E	20.00'
L39	S20°38'02" W	20.00'
L40	N69°26'27" W	10.00'
L41	N69°26'27" W	10.00'
L42	N20°38'02" E	20.00'
L43	N19°04'45" E	30.56'
L44	N70°55'15" W	31.41'
L45	S19°04'45" W	30.59'

Durango Acres Subdivision
Filing One
Receipt No. 2091868

CURVE TABLE

CURVE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C1	217.19'	300.00'	41°28'52"	N00°10'48" W	212.46'
C2	110.23'	300.00'	21°50'52"	N10°24'49" W	109.42'
C3	161.70'	300.00'	30°52'58"	S74°31'14" W	155.75'
C4	162.13'	300.00'	30°57'52"	S74°33'41" W	156.16'
C5	49.85'	274.00'	18°16'40"	N16°28'17" E	49.08'
C6	149.22'	274.00'	31°12'12"	N09°19'58" W	147.36'
C7	100.68'	326.00'	17°41'40"	S67°50'25" W	100.26'
C8	76.04'	326.00'	13°11'18"	S83°29'04" W	74.87'
C9	147.69'	274.00'	30°56'58"	N74°31'14" E	145.91'
C10	286.97'	186.00'	79°29'40"	N18°19'33" E	286.19'
C11	27.57'	326.00'	4°50'43"	N16°51'24" W	27.56'
C12	86.66'	326.00'	14°31'39"	N07°10'13" W	82.44'
C13	9.34'	355.00'	1°38'29"	S20°38'02" W	9.34'
C14	92.66'	274.00'	18°24'54"	S09°30'50" E	92.40'
C15	176.88'	170.00'	58°28'49"	S71°23'34" E	169.10'
C16	175.18'	285.00'	30°57'09"	N74°33'14" E	172.04'
C17	148.08'	274.00'	30°57'52"	S74°33'41" W	146.28'
C18	161.66'	30.41'	94°26'27"	S21°34'28" W	145.93'
C19	25.66'	326.00'	3°50'17"	S19°58'38" E	25.69'
C20	213.33'	326.00'	37°29'35"	S01°49'50" W	209.54'



BASIS OF BEARINGS
The bearings herein are grid bearings of the Heald County Survey 5th-12-65 determined by GPS observation on a Heald County Survey Marker brass cap for the east quarter corner of Section 25 and a Heald County Survey Marker brass cap for the center quarter corner of Section 25, Township 1 South, Range 1 West of the Ute Meridian. The bearing of the tie is North 89°54'41" West.

- LEGEND
- found PLS brass monument
 - found PLS aluminum monument
 - found aluminum monument as noted
 - found marker and cap as noted
 - calculated position - no monument
 - set aluminum cap PLS 18480 in concrete
 - set 24" #5 rebar/aluminum cap PLS 18480

SEE SHEET 1 FOR SURVEYOR'S STATEMENT

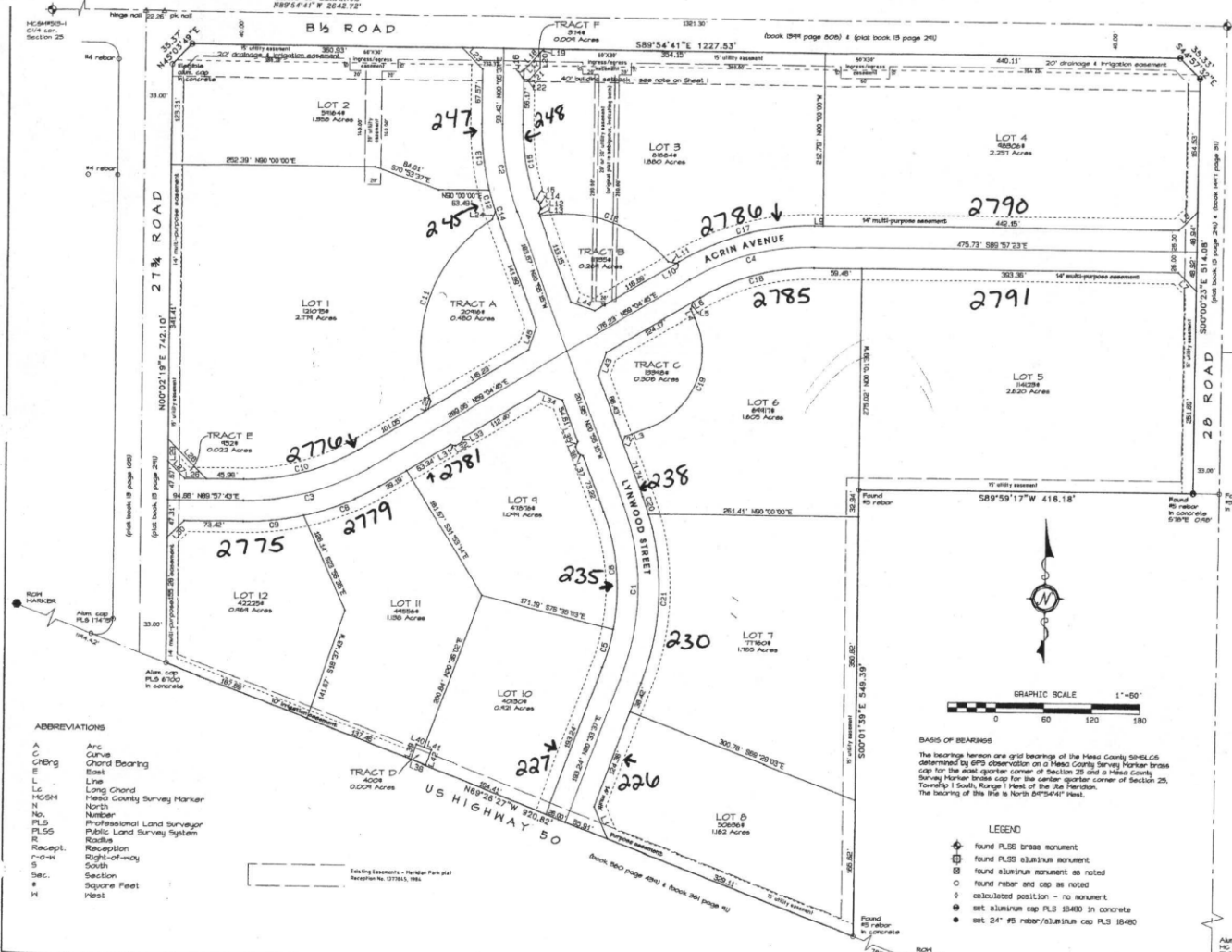
MERIDIAN PARK REPLAT

Meridian Park Sub.
Best Buy Homes Colorado, Inc.

1/4 Section 25, Township 1 South, Range 1 West, Ute Meridian

THOMPSON-LANGFORD CORPORATION
529 25 1/2 ROAD - B-210 (970) 243-6067
Grand Junction CO 81505 tlc@tlcwest.com

S:\Survey\0418 bestbuy\005 Meridian Park\0418-005.dwg
Drawn kst Checked drs Date June 3, 2004 Sheet 2 of 2



- ABBREVIATIONS
- A Arc
 - C Curve
 - CBng Chord Bearing
 - E East
 - L Line
 - LC Long Chord
 - HCSM Heald County Survey Marker
 - N North
 - No. Number
 - PLS Professional Land Surveyor
 - PLSG Public Land Survey System
 - R Radius
 - Recept. Reception
 - r-o-n Right-of-way
 - S South
 - Sec. Section
 - Sq. Plst. Square Plat
 - H West

Existing Monument, Meridian Park plat
Reception No. 071611, 1984



CITY OF GRAND JUNCTION

Resolution No. _____

**A RESOLUTION VACATING TWO 20' UTILITY EASEMENTS, ONE 30' UTILITY
EASEMENT AND THREE 60' X 30' INGRESS/EGRESS EASEMENTS
LOCATED AT 2776 HIGHWAY 50**

RECITALS:

The applicant proposes to vacate two 20' utility easements, one 30' utility easement and three 60' x 30' ingress/egress easements located in Meridian Park Subdivision. A replat of said subdivision has been recorded with new easements and interior infrastructure making these easements unnecessary.

At its November 9, 2004 hearing the Grand Junction Planning Commission found that the request satisfies the review criteria set forth in Section 2.11.C of the Zoning and Development Code and recommended approval.

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

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

Easement Vacation

Two 20' utility easements, one 30' utility easement and three 60' x 30' ingress/egress easements described and shown on the subdivision plat of Meridian Park, a plat on file and recorded in the office of the Mesa County Clerk and Recorder at Reception No. 1377045.

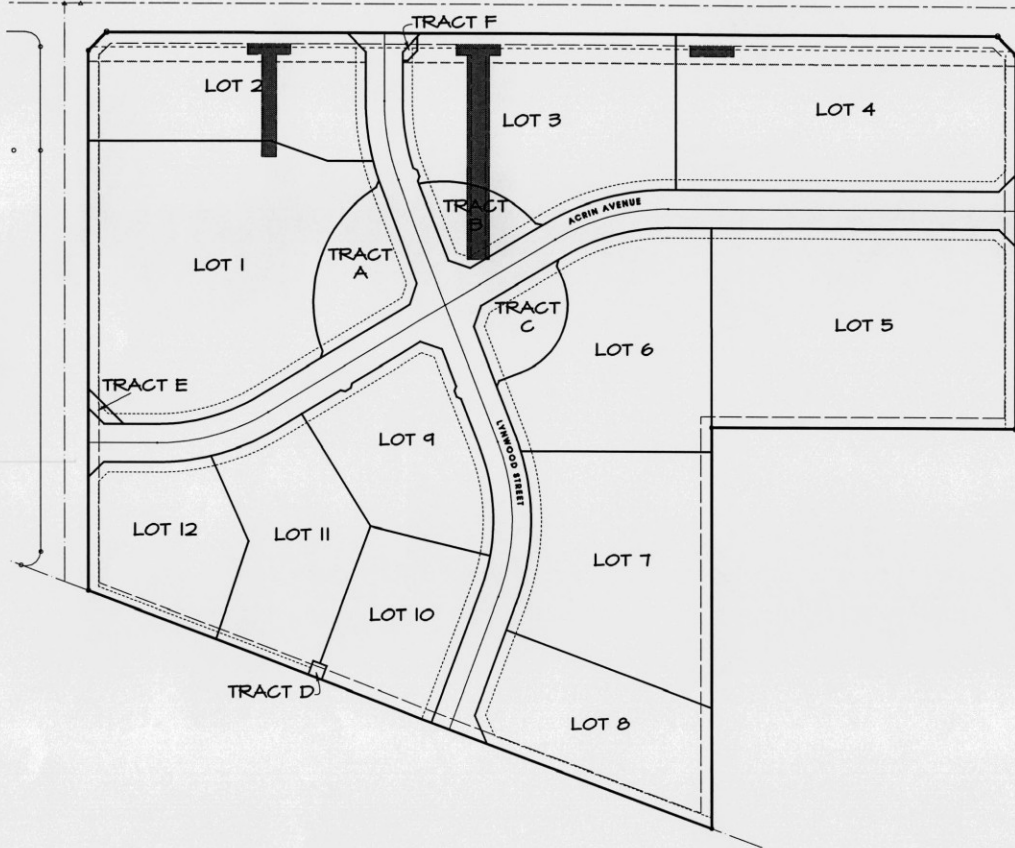
PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

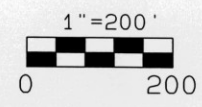
City Clerk

President of City Council

EXHIBIT B
VACATION OF EASEMENTS
MERIDIAN PARK REPLAT



*Durango Area Subdivision
 Paving Ord.
 Resol. No. 2091988*



THOMPSON-LANGFORD CORP. 529 25 1/2 ROAD - B-210 Grand Junction CO 81505	Best Buy Homes Colorado, Inc. S:\Survey\0418 bestbuy\005 Meridian Park\0418-005 Drawn: kst Checked: drs	Date: Oct 20, 2004 Job No. 0418-005
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Attach 5

Setting a Hearing on St. Mary's Rezone Located at 515 Patterson Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	St. Mary's Rezone located at 515 Patterson Road						
Meeting Date	November 17, 2004						
Date Prepared	November 3, 2004			File #RZ-2004-117			
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: Request to rezone 1.9 acres located 515 Patterson Road, consisting of one parcel, from the B-1(Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and schedule a public hearing for the second reading of the ordinance for December 1, 2004.

Attachments:

1. Aerial Map
2. Growth Plan Map
3. Zoning Map
4. Zoning Ordinance

BACKGROUND INFORMATION				
Location:		515 Patterson Road		
Applicants:		St. Mary's Hospital		
Existing Land Use:		Vacant (previously Mesa County Health Department building)		
Proposed Land Use:		58-space parking lot		
Surrounding Land Use:	North	Commercial Retail/Offices		
	South	St. Mary's Hospital/Retail/Offices		
	East	St. Mary's Medical Center/Parking Lot		
	West	Residential Single Family		
Existing Zoning:		B-1		
Proposed Zoning:		PD		
Surrounding Zoning:	North	B-1		
	South	PD and B-1		
	East	PD		
	West	RSF-4		
Growth Plan Designation:		Public		
Zoning within density range?		N/A	Yes	No

BACKGROUND: The subject property was formerly owned by Mesa County for the Health Department Offices. St. Mary's has purchased the property for expansion and site circulation improvements. The applicant is requesting that the property be rezoned from B-1 to PD, consistent with the zoning of the balance of the hospital property.

St. Mary's has demolished all the structures in anticipation of constructing a new entrance from Patterson Road to the Hospital's West Campus. This new entrance will replace four curb cuts that exist along Patterson Road between the northwest property corner and 7th Street. The entrance will be located approximately 385' east of Mira Vista and 687' west of 7th Street. The proposed entrance does not meet spacing requirements from Mira Vista, but was approved through a TEDs Exception. The new entrance will include a deceleration and right turn lane for eastbound traffic entering St. Mary's and the existing utilities will be installed underground.

This new entrance is an amendment to the St. Mary's 2000 Master Plan. The original plan called for Center Avenue to remain, for Mira Vista Road to be closed, and Mira Vista traffic to be re-routed onto Center Avenue. The residents of Mira Vista were adamantly opposed to mixing the traffic. The purchase of this property enables this reconfiguration to occur.

The proposed parking lot is consistent with the approved St. Mary's Master Plan. The new 58-space parking lot will be constructed concurrently with the Center Avenue intersection closure and will include all required landscaping and lighting. The new parking area will serve to ease the current parking congestion for the medical office building.

A. Consistency with the Growth Plan:

Policy 1.7 states that City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed development is compatible with the planned development of adjacent property.

The Planned Development (PD) zone district is consistent with the Future Land Use Map and the Growth Plan. The adjacent property is zoned Planned Development (PD) and this is considered an expansion of an existing medical facility, which is a part of the approved St. Mary's Hospital Master Plan.

B. Section 2.6.A of the Zoning and Development Code:

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria for approval:

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

There was not an error at the time of adoption in establishing the current zoning of Neighborhood Business (B-1). St. Mary's Hospital has acquired the property and now wishes to develop it as proposed in the St. Mary's Master Plan as a parking lot. The PD zoning will establish permitted uses for this property and is consistent with the rest of the hospital property.

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

St. Mary's Hospital has recently acquired the property for which the rezone is requested. St. Mary's has demolished all structures anticipating a new parking lot for the west campus and providing better traffic circulation and access. The proposed parking lot was shown in the 2003 Amended Master Plan for the Hospital.

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

The requested rezone will be compatible with existing and surrounding land uses, and will not create adverse impacts. All development standards of the Zoning and Development Code and other City regulations have been considered and incorporated into the design of the proposed improvements to ensure that there are no adverse impacts.

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

The proposal is in conformance with the Growth Plan and the policies and requirements of the Code and other City regulations and guidelines. The rezone request has been made to establish consistent and appropriate land uses with the remaining campus.

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

Adequate public facilities and services are available and existing. All utilities will be installed underground with development of the site.

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

This property has recently been acquired by St. Mary's Hospital in an effort to meet the parking demands of existing hospital staff and patients. The rezone request is an effort to incorporate the recently acquired property into the existing hospital campus.

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

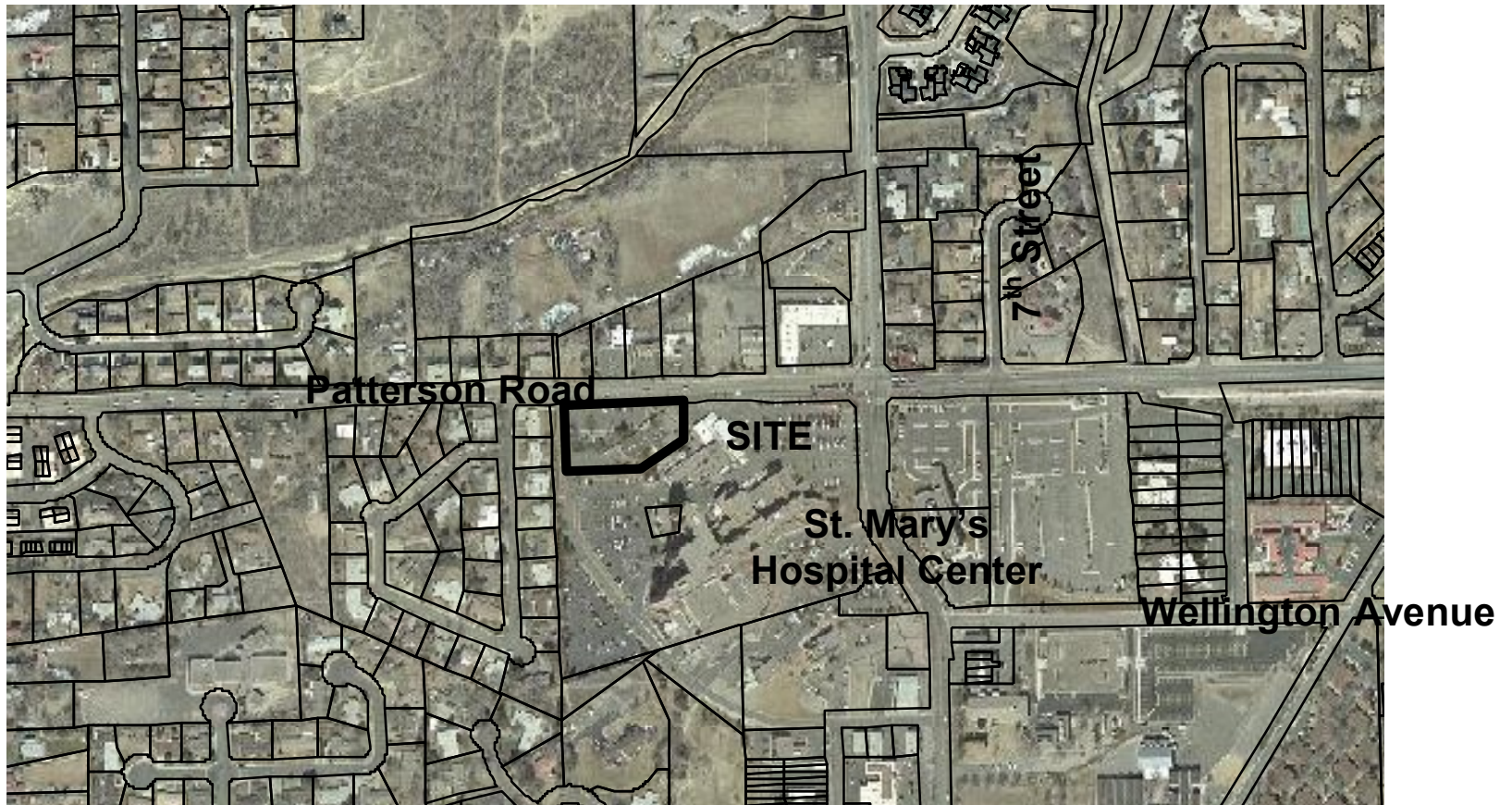
The surrounding neighborhood and community would benefit from the proposed rezone by providing development which meets the goals and policies of the Growth Plan.

PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS:

1. The requested rezone is consistent with the St. Mary's Hospital Master Plan, the Growth Plan and Section 4-4-4 of the 1997 Zoning and Development Code.

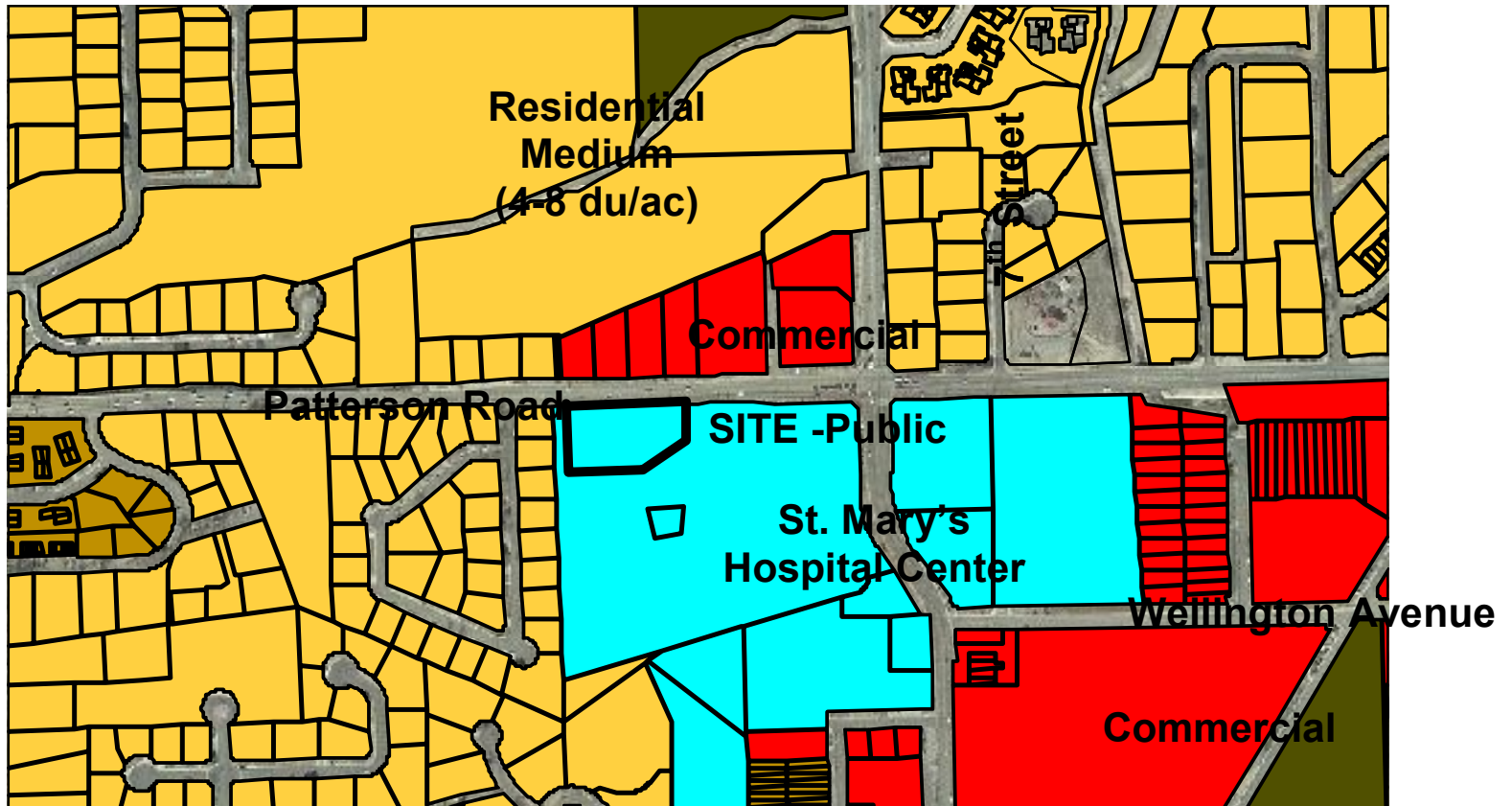
Aerial Photo Map

Figure 2



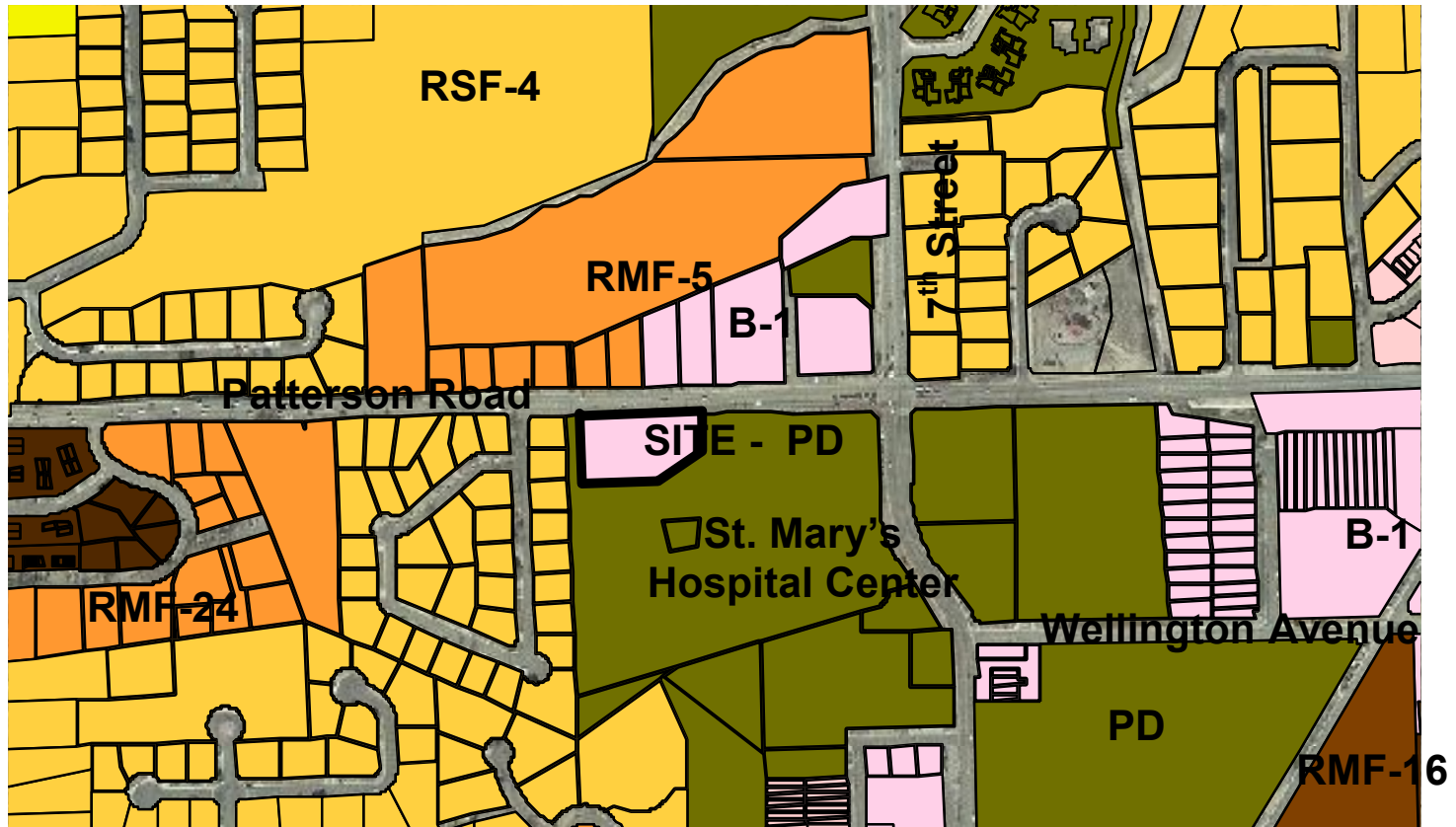
Future Land Use Map

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 A PARCEL OF LAND FROM
B-1 (NEIGHBORHOOD BUSINESS) ZONE DISTRICT
TO PD (PLANNED DEVELOPMENT) ZONE DISTRICT**

LOCATED AT 515 PATTERSON ROAD (ST. MARY'S HOSPITAL)

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 the rezone request from B-1 zone district to the PD zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as forth by the Growth Plan, Industrial. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied for the following reasons:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE PD ZONE DISTRICT:

Beginning at a point from which the North $\frac{1}{4}$ corner of Section 11, T1S, R1W of the UM, bears North 30' and East 546.20', running thence West a distance of 382.58' to a point on the West line of the tract of land which was conveyed by Mesa County Junior College District to the Sisters of Charity of Leavenworth by deed dated October 22, 1946, recorded October 24, 1946 in Book 453 at Page 291, said point being 30' South of the Northwest corner of said tract; running thence South along the West line of said tract a distance of 200'; thence East a distance of 252.80'; thence North $57^{\circ}37'$ East a distance of 154.02'; thence North a distance of 117.9' to the POB, EXCEPT beginning at a point from which the North $\frac{1}{4}$ corner of Section 11, T1S, R1W of the UM bears North 30' and East 888.88'; running thence West a distance of 39.90' to a point on the West line of the tract of land which was conveyed by Mesa County Junior College District to the Sisters of Charity of Leavenworth by deed dated October 22, 1946, recorded October 24, 1946 in Book 453 at Page 291; thence South along the West line of said tract a distance of 200'; thence East a distance of 39.90'; thence North a distance of 200' to the POB, AND EXCEPT two parcels of land conveyed to the City of Grand Junction in deed recorded March 10, 1988 in Book 1683 at Page 689, more particularly described as follows: A parcel of land for road and utility right of way purposes being a portion of the North $\frac{1}{2}$ of said Section 11, beginning at a point from which the North $\frac{1}{4}$ corner of said Section 11 bears

North 30' and East 546.20'; thence South 12.00'; thence West along a line which is parallel with and 42.00' South of the North line of said Section 11, a distance of 261.76'; thence North 88°55'33" West 80.83'; thence North 00°36' West 10.49' to a point in the present South right of way line of Patterson Road; thence East along the present South right of way line of Patterson Road 342.68' to the POB, and a parcel of land for utility easement purposes being a portion of the North ½ of said Section 11, Commencing at a point from which the North ¼ corner of said Section 11 bears North 30' and East 546.20'; thence South 12.00' to the POB; thence South a distance of 5.00'; thence West along a line parallel with and 47.00' South of the North line of said Section 11, a distance of 342.50'; thence North 00°36' West 6.52'; thence South 88°55'33" East 80.83'; thence East along a line parallel with and 42.00' South of the North line of said Section 11, a distance of 261.76' to the POB.

CONTAINING 1.9 Acres, more or less, as described.

Introduced on first reading on the 17th day of November, 2004.

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

Attest:

City Clerk

President of the Council

Attach 6

Conveyance of a Nonexclusive Easement Across city Property Located at B ¾ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Authorize the Conveyance of a Nonexclusive Easement across City property at B ¾ Road to the Public Service Company of Colorado								
Meeting Date		November 17, 2004								
Date Prepared		November 10, 2004				File #				
Author		Peggy Holquin			Interim City Real Estate Manager					
Presenter Name		Mark Relph			Director of Public Works & Utilities					
Report results back to Council		X	No		Yes	When				
Citizen Presentation		X	Yes		No	Name				
	Workshop	X	Formal Agenda			X	Consent	Individual Consideration		

Summary: Public Service Company is requesting an easement across City property adjacent to B ¾ Road to accommodate a new signal being installed at the request of the Union Pacific Railroad.

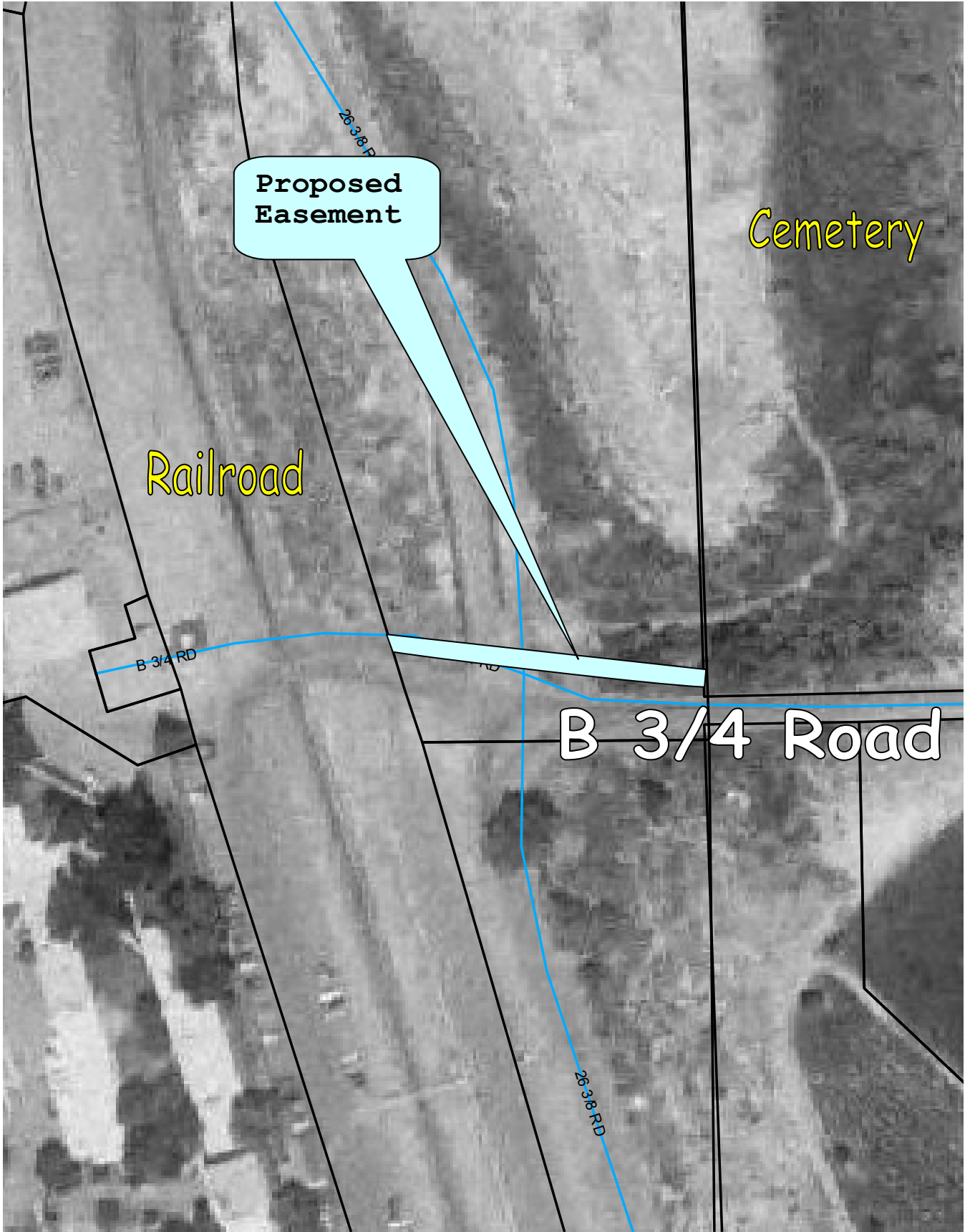
Budget: No Fiscal Impact, however, if the Council chose to be compensated, this easement might be valued at about \$250.00.

Action Requested/Recommendation: Adopt resolution authorizing the City Manager to execute a Grant of Easement Agreement with the Public Service Company of Colorado.

Attachments: 1) Vicinity Map; 2) Proposed Resolution including Easement Agreement.

Background Information: Public Service Company is responding to the Railroad request to vacate the crossing at B ¾ Road into the former DOE Compound. The US Army did not agree so the Railroad is now requesting traffic signals and crossbars at the crossing. The most economical and practical way for Public Service provide power to this crossing is to continue power from the line located on City property and run the power line along the North side of B ¾ Road. In order to install this extension Public Service Company needs an easement from the City to get to the Railroad right-of-way.

The easement would be nonexclusive, meaning the City reserves the right to use and occupy the encumbered property for any purpose. To comply with the City's Charter, the initial term of the proposed easement is for a period of 25 years with an option to extend for additional 25 year terms.



Proposed Easement

Cemetery

Railroad

B 3/4 Road

26 3/8 RD

B 3/4 RD

26 3/8 RD

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE GRANTING OF A
NON-EXCLUSIVE ELECTRIC UTILITY EASEMENT
TO THE PUBLIC SERVICE COMPANY OF COLORADO**

WHEREAS, the City of Grand Junction believes it is the owner of certain real property described as All of Lot 1 East of the Denver and Rio Grande Railroad Right-of-way situate in Section 27, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; and

WHEREAS, the Public Service Company of Colorado has requested a non-exclusive electric utility easement across said City property for the purposes of installing, operating, maintaining repairing and replacing electric utilities and facilities appurtenant thereto.

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

That the City Manager is hereby authorized, on behalf of the City and as the act of the City, to execute the attached Easement Agreement conveying to the Public Service Company of Colorado a non-exclusive easement over and across the limits of the City property described therein.

PASSED and ADOPTED this _____ day of _____
_____, 2004.

Attest:

President of the Council

City Clerk

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into as of the _____ day of _____, 2004, by and between The City of Grand Junction, a Colorado home rule municipality ("City"), whose address is 250 North 5th Street, Grand Junction, Colorado 81501, and Public Service Company of Colorado, a Colorado corporation ("Public Service"), whose address is Seventeenth Street Plaza, 1225 17th Street, Denver, Colorado 80202-5533.

RECITALS

A. The City believes it is the owner of certain real property described as All of Lot 1 East of the Denver and Rio Grande Railroad Right-of-way situate in Section 27, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; and

B. The parties desire to provide for the conveyance of a non-exclusive easement required for the Project pursuant to the terms and conditions stated in this Agreement.

NOW, THEREFORE, in consideration of the recitals above and the terms, covenants, conditions, restrictions, duties and obligations contained herein, the parties agree as follows:

1. Consideration, Grant. For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the City hereby grants and conveys to Public Service, by quit claim, a non-exclusive easement on, along, over, under, through and across the limits of the City Property described in Exhibit "A" attached hereto and incorporated herein by reference ("Easement"), and Public Service accepts such grant and conveyance subject to the terms and conditions of this Agreement.
2. Term. The initial term of this grant shall be twenty-five (25) years, beginning on the day and year first above written.
3. Option to Extend. Subject to the provisions of paragraph 5 below, Public Service shall be entitled to exercise successive extensions of this grant and conveyance, and the City hereby grants such right, for additional twenty-five (25) year periods ("later terms"). If the grant is extended for later terms, each such later term shall be upon the same terms and conditions of this Agreement or upon such other terms as may hereafter be negotiated between the City and Public Service.
4. Abandonment/Automatic Termination. In the event of permanent abandonment of the Easement by Public Service, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have

occurred if Public Service shall fail to use the Easement for any twelve (12) consecutive month period.

5. Express Limitations. Public Service's utilization of the Easement shall be specifically limited to the installation, operation, maintenance and repair of underground electric service lines and facilities directly related or appurtenant thereto. The easement rights herein granted do not include the right to expand utilization of the Easement for any other purposes unless such uses are authorized by subsequent conveyance instrument(s).

6. General Indemnification. Public Service hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold the City, its officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including reasonable attorneys' fees and costs (except those caused by the City's gross negligence or its willful or wanton acts) to any person or with regard to any property, including claims arising from injury or death, resulting from Public Service's gross negligence or willful act or failure to act pursuant to this Agreement. The foregoing indemnification obligations shall extend to claims which are not reduced to a suit and any claim which may be compromised by Public Service prior to the culmination of any litigation or the institution of any litigation.

7. Default. Should Public Service (a) default in the performance of this Agreement and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to Public Service, or (b) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed, or (c) fail to timely cure such default, the City, at its option, may file an action to cancel and annul this Agreement and obtain an order from a court of competent jurisdiction to enter and take possession of the Easement. This Agreement shall then terminate upon such occupation. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against Public Service, including, but not limited to, the right of the City to obtain injunctive relief. If the City succeeds in such effort, Public Service shall pay the City's reasonable attorneys' fees.

8. Public Service Acceptance Subject to Existing Conditions.

8.1 Public Service has inspected the Easement and accepts the same in its present condition and location. Public Service agrees that the condition of the Easement is sufficient for the purposes of Public Service. The City makes no warranties, promises or representations, express or implied, that the Easement is sufficient for the purposes of Public Service. If the Easement is damaged due to fire, flood or other casualty, or if the Easement is damaged or deteriorates to the extent that it is no longer functional for the purposes of Public Service, the City shall have no obligation to repair the Easement nor to otherwise make the

Easement usable or occupiable, since such damages shall be at Public Services' own risk.

8.2 The City makes no representations or warranties regarding the presence or existence of any toxic, hazardous or regulated substances on, under or about the Easement, except to the extent that the City states it has not deposited or caused to be deposited any toxic, hazardous or regulated substances on, under or about the Easement.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

10. Total Agreement, Applicable to Successors. This Agreement contains the entire agreement between the parties and, except for automatic termination or expiration, cannot be changed or modified except by a written instrument subsequently executed by both parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have each executed and entered into this Easement Agreement as of the day and year first above written.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Public Service Company of Colorado,
a Colorado corporation

By _____

As for Public Service Company of Colorado

Exhibit "A"

Legal Description of Easement

A ten-foot wide non-exclusive easement, situated in Lot 1 of Section 27, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, lying five feet on each side of the following described centerline:

Commencing at the North one-sixteenth corner of the east line of said Section 27, whence the Northeast corner of said Section 27 bears North 00°22'16" West, and with all bearings herein relative thereto;

Thence North 56°50'14" West, a distance of 102.77 feet to the **Point of Beginning**;

Thence North 82°24'40" West, a distance of 20.00 feet to an existing electrical pole;

Thence North 82°24'40" West, a distance of 171.08 feet to the Easterly right-of-way line of the Union Pacific Railroad, the Point of Termination of the centerline herein described.

The sidelines of said easement shall be shortened or extended to intersect at the Union Pacific Railroad right-of-way line.

END OF EXHIBIT "A"

Attach 7

Setting a Hearing Zoning the Meyers/Steele Annexation Located at 3020 E ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Meyers/Steele Annexation, located at 3020 E ½ Road to RSF-4 (Residential Single Family 4 du/ac)						
Meeting Date	November 17, 2004						
Date Prepared	November 10, 2004				File #ANX-2004-206		
Author	Faye Hall		Planning Technician				
Presenter Name	Faye Hall		Planning Technician				
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 Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac) located at 3020 E ½ Road

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for December 1, 2004. The Planning Commission recommended approval of the RSF-4 zoning at their October 26, 2004 meeting.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3020 E ½ Road	
Applicants:		Evelyn Steele & Carolyn Meyers	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4 & PUD 4.49 du/ac	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?	X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

2. There has been a change of character in the neighborhood due to installation

of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

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

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

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

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

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

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

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

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

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

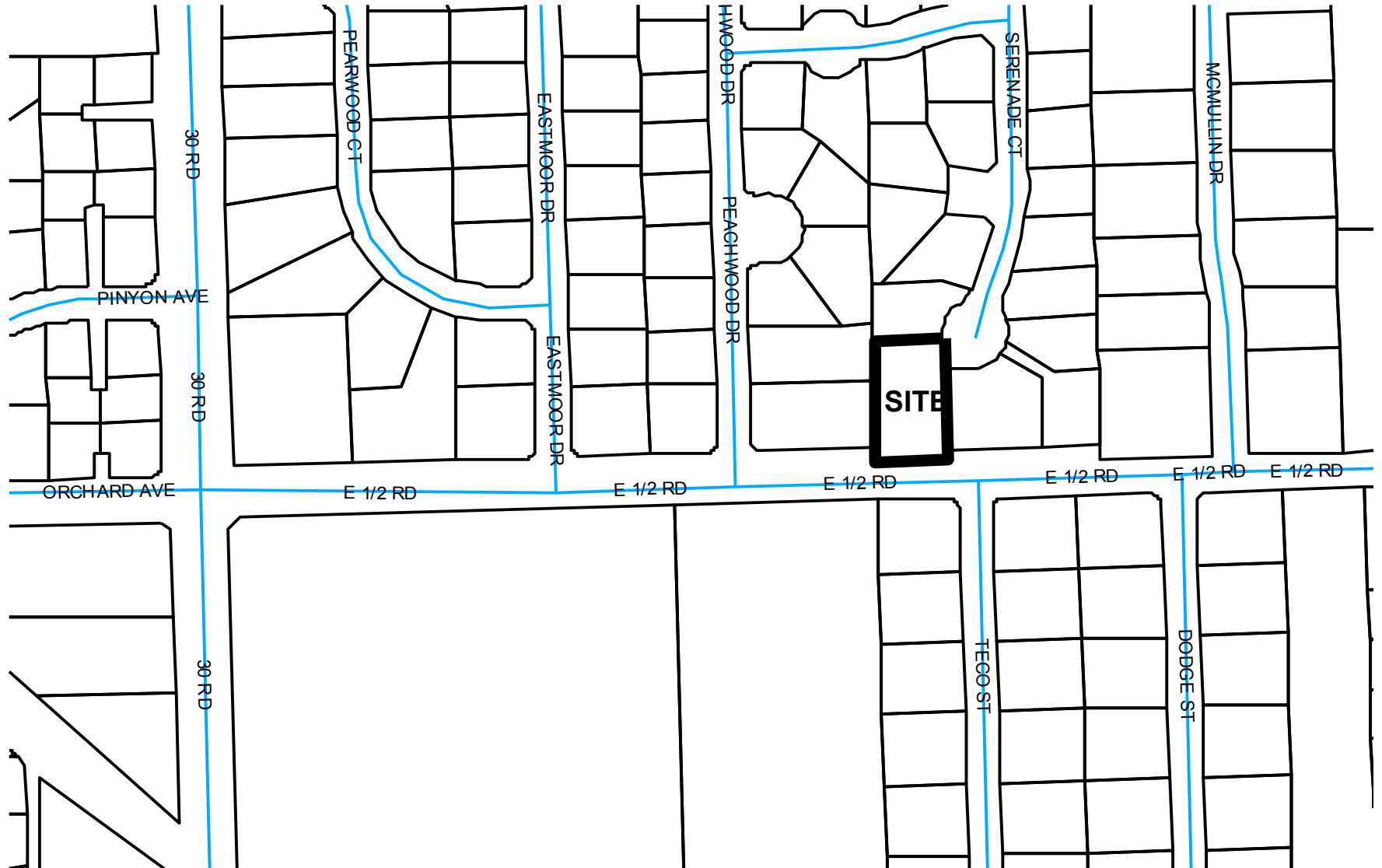
7. The community or neighborhood will benefit from the proposed zone.

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



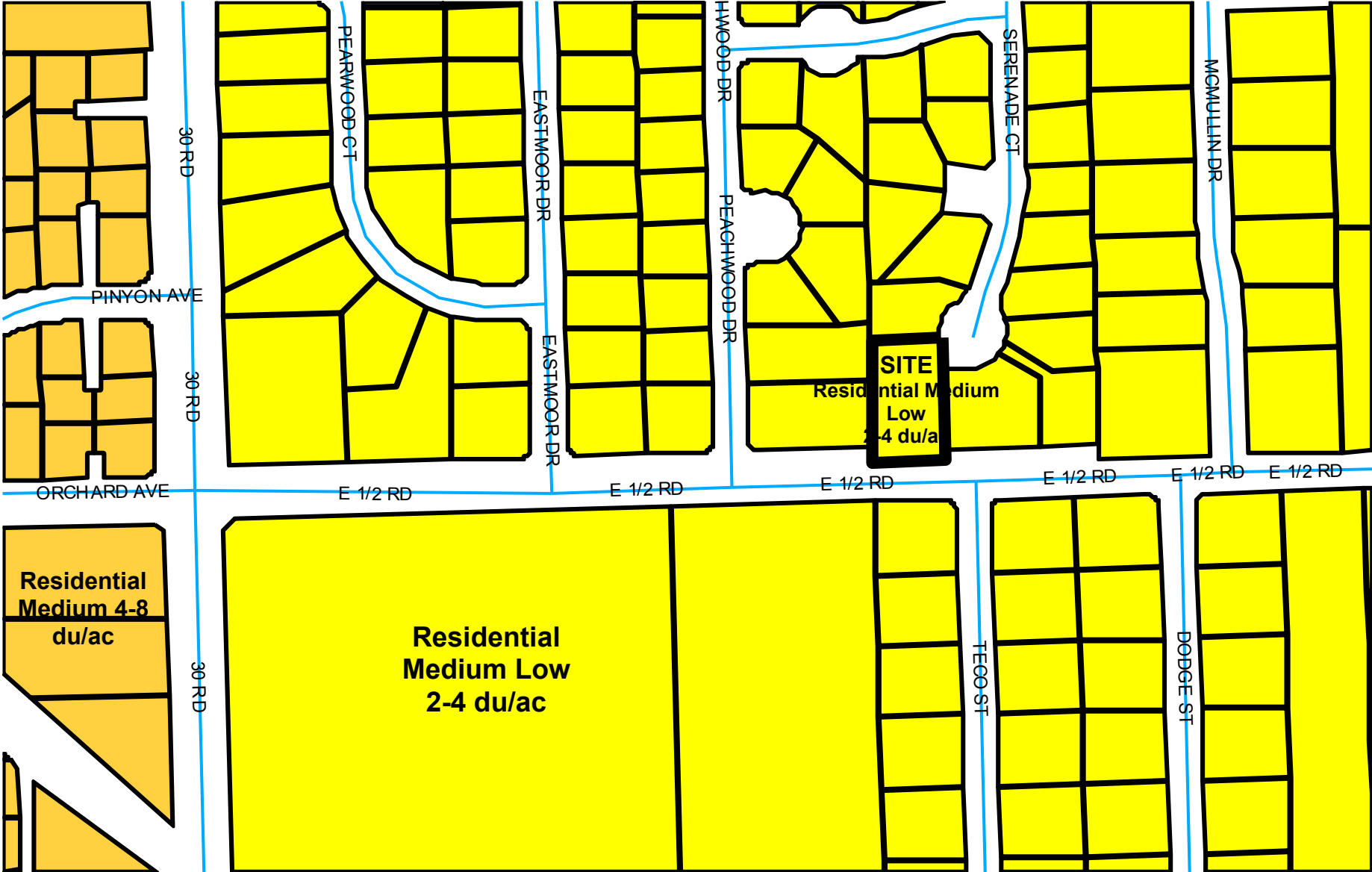
Aerial Photo Map

Figure 2



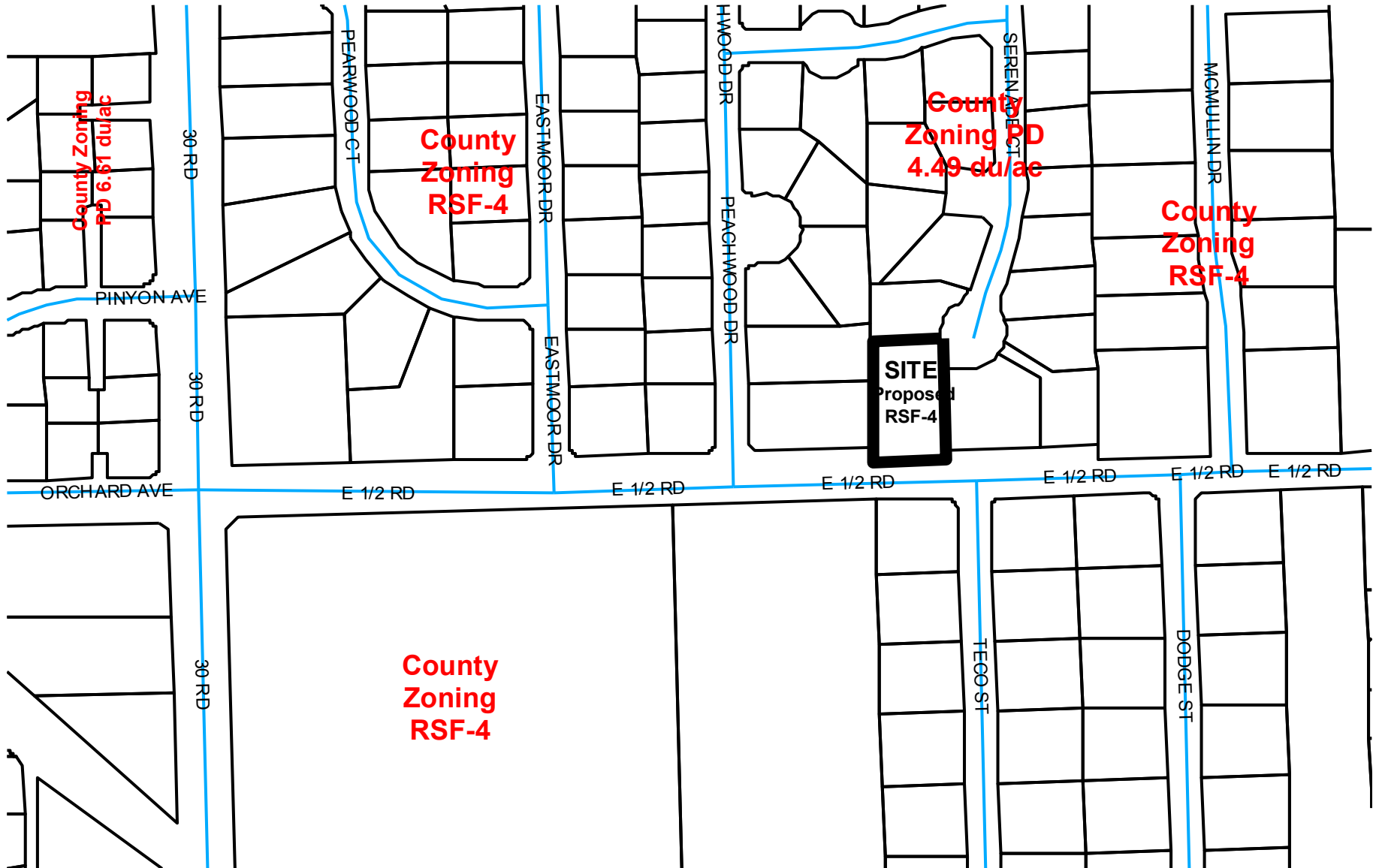
Future Land Use Map

Figure 3



Existing City and County Zoning

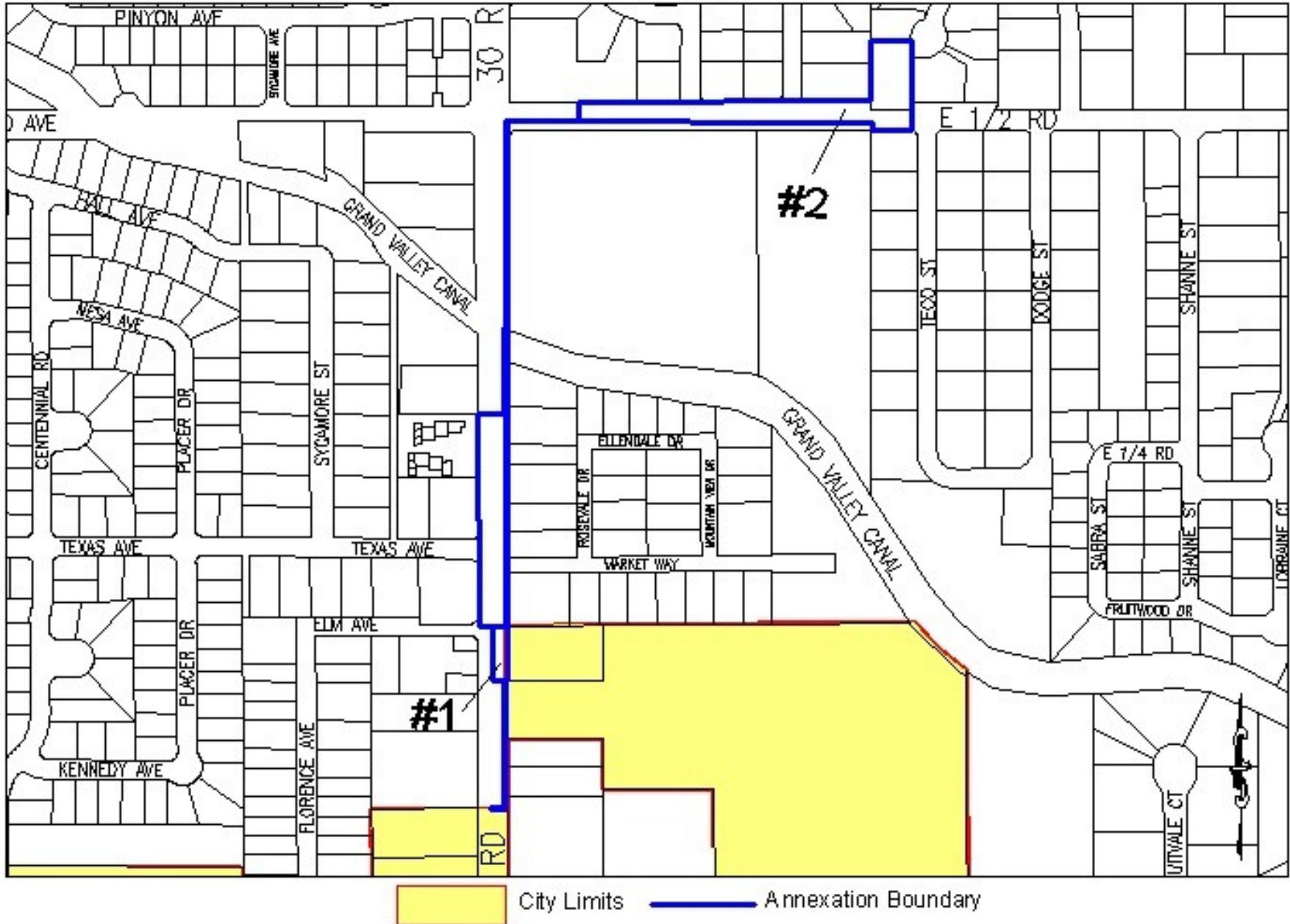
Figure 4



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

MEYERS/STEELE ANNEXATIONS NO. 1 & 2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MEYER/STEELE ANNEXATION TO
RSF-4 (RESIDENTIAL SINGLE FAMILY 4 DU/AC)**

LOCATED AT 3020 E 1/2 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 zoning the Meyers/Steele Annexation to the RSF-4 (Residential Single Family 4 du/ac) 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 (Residential Single Family 4 du/ac) zone district be established.

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

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

The following property shall be zoned RSF-4, Residential Single Family with a density not to exceed 4 units per acre.

MEYERS/STEELE ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings

contained herein being relative thereto; thence from said Point of Beginning, N 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, a distance of 36.00 feet; thence N 00°07'39" W along a line 36.00 feet East of and parallel with, the West line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 9, a distance of 1005.93 feet; thence N 89°52'21" E a distance of 4.00 feet to a point on the East right of way for 30 Road, as now in use; thence S 00°07'39" E along the East right of way for 30 Road, being a line 40.00 feet East of and parallel with, the West line of the NW 1/4 SW1/4 of said Section 9, a distance of 1146.94 feet; thence S 89°59'06" W a distance of 4.00 feet; thence S 00°07'39" E along a line 36.00 feet East of and parallel with, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 338.87 feet; thence S 89°52'21" W a distance of 36.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 4.00 feet; thence N 89°52'21" E a distance of 32.00 feet; thence N 00°07'39" W along a line 32.00 feet East of and parallel with, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 334.88 feet; thence S 89°59'06" W a distance of 32.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 140.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.2559 Acres (11,147 Sq. Ft.), more or less, as described.

Introduced on first reading this 17th day of November, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 8

Setting a Hearing Campbell/Hyde Annexation Located at 351 & 353 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Setting a hearing for the Campbell / Hyde Annexation located at 351 & 353 30 Road					
Meeting Date		November 17, 2004					
Date Prepared		November 10, 2004			File #ANX-2004-225		
Author		Faye Hall		Planning Technician			
Presenter Name		Faye Hall		Planning Technician			
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 proposed ordinances. The 23.31 acre Campbell / Hyde annexation consists of two parcels.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Campbell / Hyde Annexation petition and introduce the proposed Campbell / Hyde Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for January 5, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		351 & 353 30 Road		
Applicants:		Owners: Franklin & Jesse Hyde, Developer/Representative: John Slothower – Sonshine II Construction & Development LLC		
Existing Land Use:		Residential / Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential / Gravel Pit / Future Park		
	East	Single Family Residential / Agricultural		
	West	Single Family Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	County PUD (~5000 sq ft lots) & RSF-R		
	South	County PUD (Gravel Pit) & RSF-R		
	East	County RSF-R		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 23.31 acres of land and is comprised of two parcels. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Campbell / Hyde Annexation is eligible to be annexed because of compliance with the following:

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

single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

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

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
November 17, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 23, 2004	Planning Commission considers Zone of Annexation
December 15, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council
January 5, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 6, 2005	Effective date of Annexation and Zoning

CAMPBELL / HYDE ANNEXATION SUMMARY

File Number:	ANX-2004-225
Location:	351 & 353 30 Road
Tax ID Number:	2943-201-00-020 & 033
Parcels:	2
Estimated Population:	6
# of Parcels (owner occupied):	2
# of Dwelling Units:	2
Acres land annexed:	23.31
Developable Acres Remaining:	21.39
Right-of-way in Annexation:	1.91 acres in 30 Road right of way
Previous County Zoning:	RSF-R
Proposed City Zoning:	RSF-4
Current Land Use:	Residential / Agricultural
Future Land Use:	Residential
Values:	Assessed: \$17,790
	Actual: \$197,060
Census Tract:	N/A
Address Ranges:	351 thru 353 (odd only) 30 Road
Special Districts:	Water: Ute
	Sewer: Central Grand Valley Sanitation
	Fire: Grand Junction Rural
	Irrigation/ Drainage: Grand Valley Irrigation / Grand Junction Drainage
	School: School District 51
	Pest: None

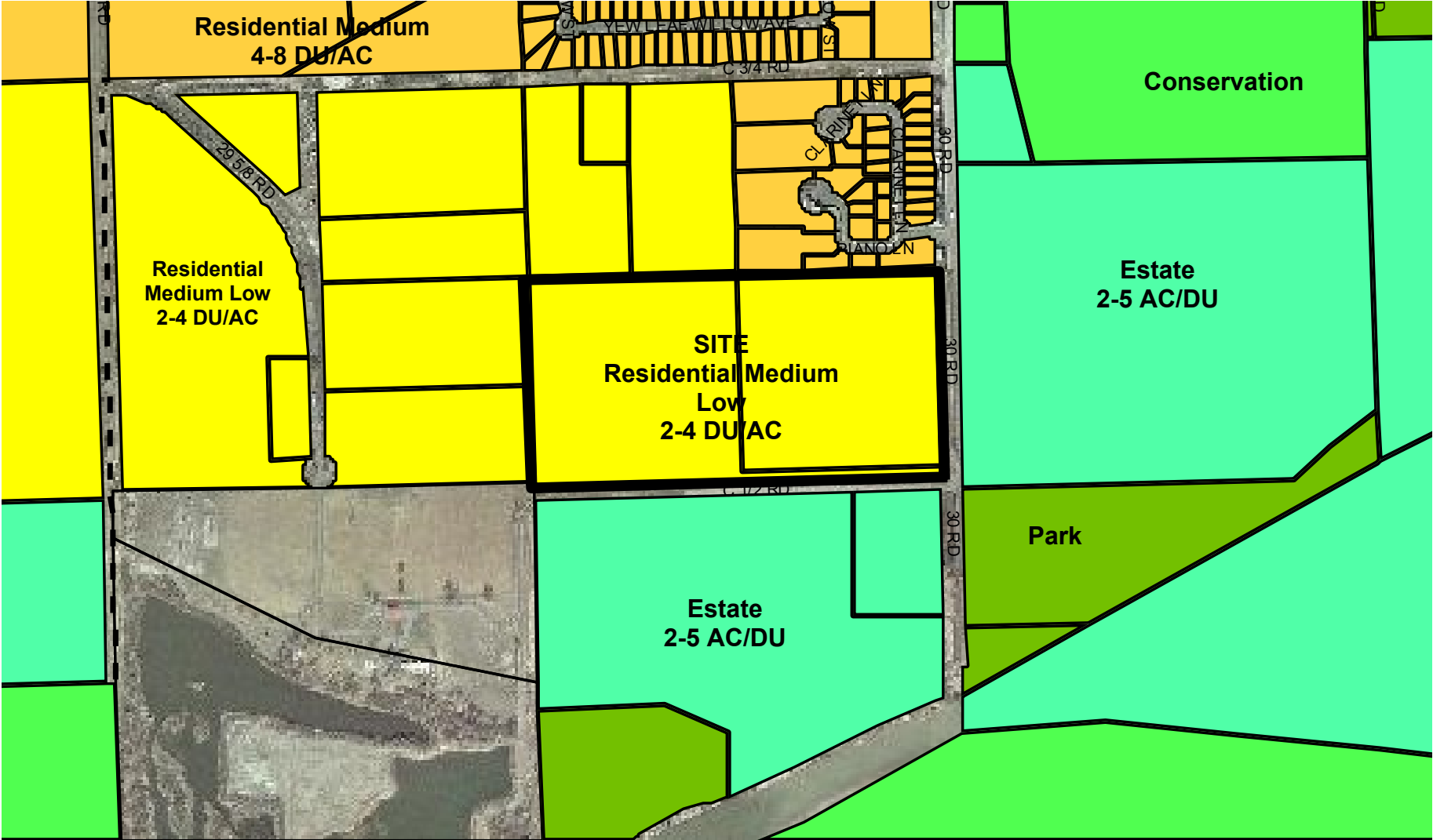
Aerial Photo Map

Figure 1



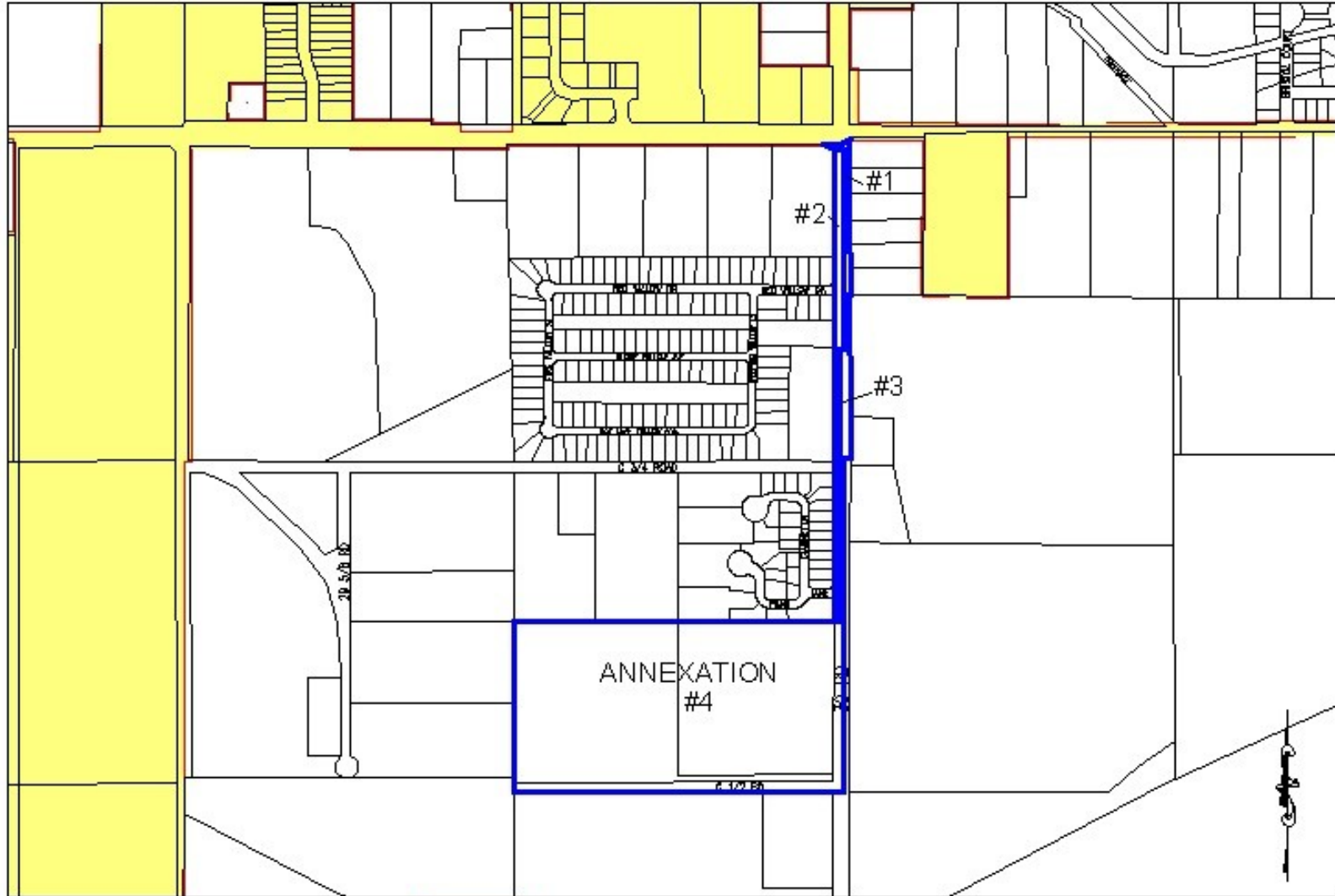
Future Land Use Map

Figure 2

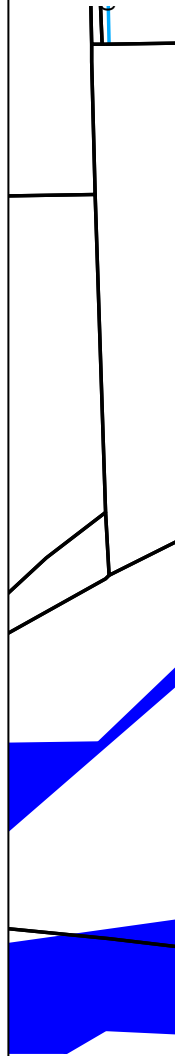


Campbell-Hyde Annexations #1-4

Figure 5



 City Limits  Annexation Boundary



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of November, 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**

CAMPBELL / HYDE ANNEXATION

LOCATED at 351 & 353 30 ROAD

WHEREAS, on the 17th day of November, 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:

CAMPBELL / HYDE ANNEXATION

CAMPBELL-HYDE ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20 and the Northwest Quarter (NW 1/4) of Section 21, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 10.00 feet; thence N 89°54'55" E along a line 40.00 feet South of and parallel with, the North line of the NW 1/4 of said Section 21, a distance of 53.00 feet; thence S 44°43'43" W a distance of 28.39 feet; thence S 00°03'01" E along the West line of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado, being a line 33.00 feet West of and parallel with, the East line of the NE 1/4 of said Section 20, a distance of 263.88 feet; thence S 89°56'59" W a distance of 33.00 feet; thence N 00°03'01" W along the East line of the NE 1/4 of said Section 20, a distance of 252.97 feet; thence S 89°56'59" W a distance of 30.00 feet; thence N 20°24'07" W a distance of 15.13 feet; thence N 46°58'57" W a distance of 32.92 feet; thence N 69°25'31" W a distance of 12.47 feet; thence N 89°58'31" E along a line 30.00 feet South of and parallel with, the North line of

the NE 1/4 of said Section 20, a distance of 70.98 feet, more or less, to the Point of Beginning.

CONTAINING 0.2614 Acres (11,384.46 Sq. Ft.), more or less, as described.

CAMPBELL-HYDE ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 71.03 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 815.00 feet; thence S89°56'59" W a distance of 30.00 feet; thence N 00°03'01" W along the West right of way for 30 Road, being a line 30.00 feet West of and parallel with, the East line of the NE 1/4 of said Section 20, a distance of 815.00 feet; thence N 89°56'59" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.5613Acres (24,448.62 Sq. Ft.), more or less, as described.

CAMPBELL-HYDE ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20 and the Northwest Quarter (NW 1/4) of Section 21, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 324.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°56'59" E a distance of 33.00 feet to a point on the West line of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado and being the East right of way for 30 Road; thence S 00°03'01" E along said East right of way, being a line 33.00 feet East of and parallel with, the East line of the NE 1/4 of said Section 20, a distance of 338.02 feet; thence S 89°50'11" W along the South line of said La Veta Subdivision, a distance of 3.00 feet; thence S 00°03'01" E along the East right of way for said 30 Road, being the West line of the Hitchcock Major Boundary Line Adjustment, as same is recorded in Plat Book 16, Page 257, Public Records of Mesa County, Colorado, a distance of 662.15 feet to a point on the South line of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 21; thence S 89°57'03" W along

said South line, a distance of 30.00 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 20; thence S 00°02'53" E along the East line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 20, a distance of 661.96 feet; thence S 89°56'37" along the Easterly prolongation of the South line of Melody Estates Filing One, as same is recorded in Plat Book 13, Pages 81 and 82, Public Records of Mesa County, Colorado, a distance of 15.00 feet; thence N 00°02'53" W along a line 15.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet to a point on the South line of the NE 1/4 NE 1/4 of said Section 20; thence N 00°03'01" W along a line 15.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet; thence N 89°56'59" E a distance of 15.00 feet; thence N 00°03'01" W along the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 562.03 feet, more or less, to the Point of Beginning.

CONTAINING 1.0909 Acres (47,521.18 Sq. Ft.), more or less, as described.

CAMPBELL-HYDE ANNEXATION NO. 4

A certain parcel of land lying in the Northeast Quarter (NE 1/4) and the Southeast Quarter (SE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the East Quarter (E 1/4) corner of said Section 20, and assuming the South line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 20 bears S 89°54'37" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°04'01" E along the East line of the SE 1/4 of said Section 20, a distance of 33.00 feet; thence S 89°54'37" W along the South right of way for C-1/2 Road, as same is depicted on the Virginia Acres Subdivision, as same is recorded in Plat Book 12, Page 280, Public Records of Mesa County, Colorado, a distance of 1,319.01 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 20; thence N 00°02'04" E along said West line, a distance of 33.00 feet to the Southwest corner of the SE 1/4 NE 1/4 of said Section 20; thence N 00°00'37" W along the West line SE 1/4 NE 1/4 of said Section 20, a distance of 661.69 feet; thence N 89°56'37" E along the North line of the South half of the SE 1/4 NE 1/4 of said Section 20, a distance of 1288.52 feet to a point being the Southeast corner of Melody Estates Filing One, as same is recorded in Plat Book 13, Pages 81 and 82, Public Records of Mesa County, Colorado; thence N 00°02'53" W along the West right of way for 30 Road, being a line 30.00 feet West of and parallel to, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 20; thence N 00°03'01" W along a line 30.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet; thence N 89°56'59" E a distance of 15.00 feet; thence S 00°03'01" E along a line 15.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet to a point on the South line of the NE 1/4 NE 1/4 of said Section 20; thence S 00°02'53" E along a line 15.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet; thence N 89°56'37" E a distance of 15.00 feet to a point on the

East line of the SE 1/4 NE 1/4 of said Section 20; thence S 00°02'53" E along the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 660.93 feet, more or less, to the Point of Beginning.

CONTAINING 21.3895 Acres (932,119.80 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 5th day of January 2005, 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 17th day of November, 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>
November 19, 2004
November 26, 2004
December 03, 2004
December 10, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CAMPBELL / HYDE ANNEXATION #1

APPROXIMATELY 0.26 ACRES

LOCATED WITHIN 30 ROAD RIGHT-OF-WAY

WHEREAS, on the 17th day of November, 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 5th day of January, 2005; 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:

CAMPBELL-HYDE ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20 and the Northwest Quarter (NW 1/4) of Section 21, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 10.00 feet; thence N 89°54'55" E along a line 40.00 feet South of and parallel with, the North line of the NW 1/4 of said Section

21, a distance of 53.00 feet; thence S 44°43'43" W a distance of 28.39 feet; thence S 00°03'01" E along the West line of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado, being a line 33.00 feet West of and parallel with, the East line of the NE 1/4 of said Section 20, a distance of 263.88 feet; thence S 89°56'59" W a distance of 33.00 feet; thence N 00°03'01" W along the East line of the NE 1/4 of said Section 20, a distance of 252.97 feet; thence S 89°56'59" W a distance of 30.00 feet; thence N 20°24'07" W a distance of 15.13 feet; thence N 46°58'57" W a distance of 32.92 feet; thence N 69°25'31" W a distance of 12.47 feet; thence N 89°58'31" E along a line 30.00 feet South of and parallel with, the North line of the NE 1/4 of said Section 20, a distance of 70.98 feet, more or less, to the Point of Beginning.

CONTAINING 0.2614 Acres (11,384.46 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 17th day of November, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

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**

CAMPBELL / HYDE ANNEXATION #2

APPROXIMATELY .56 ACRES

LOCATED WITHIN 30 ROAD RIGHT-OF-WAY

WHEREAS, on the 17th day of November, 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 5th day of January, 2005; 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:

CAMPBELL-HYDE ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 71.03 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 815.00 feet; thence S89°56'59" W a distance of 30.00 feet; thence N 00°03'01" W along the West right of way for 30 Road, being a line 30.00 feet West of and parallel with, the East line of the NE 1/4 of said

Section 20, a distance of 815.00 feet; thence N 89°56'59" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.5613Acres (24,448.62 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 17th day of November, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____ , 2005.

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**

CAMPBELL / HYDE ANNEXATION #3

APPROXIMATELY 1.09 ACRES

LOCATED WITHIN 30 ROAD RIGHT-OF-WAY

WHEREAS, on the 17th day of November, 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 5th day of January, 2005; 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:

CAMPBELL-HYDE ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 20 and the Northwest Quarter (NW 1/4) of Section 21, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S 00°03'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'01" E along the East line of the NE 1/4 of said Section 20, a distance of 324.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°56'59" E a distance of 33.00 feet to a point on the West line of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado and being the East right of way for 30 Road; thence S 00°03'01" E along said East right of way, being a line 33.00 feet East of and parallel with, the East line of the NE 1/4 of said Section 20, a

distance of 338.02 feet; thence S 89°50'11" W along the South line of said La Veta Subdivision, a distance of 3.00 feet; thence S 00°03'01" E along the East right of way for said 30 Road, being the West line of the Hitchcock Major Boundary Line Adjustment, as same is recorded in Plat Book 16, Page 257, Public Records of Mesa County, Colorado, a distance of 662.15 feet to a point on the South line of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 21; thence S 89°57'03" W along said South line, a distance of 30.00 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 20; thence S 00°02'53" E along the East line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 20, a distance of 661.96 feet; thence S 89°56'37" along the Easterly prolongation of the South line of Melody Estates Filing One, as same is recorded in Plat Book 13, Pages 81 and 82, Public Records of Mesa County, Colorado, a distance of 15.00 feet; thence N 00°02'53" W along a line 15.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet to a point on the South line of the NE 1/4 NE 1/4 of said Section 20; thence N 00°03'01" W along a line 15.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet; thence N 89°56'59" E a distance of 15.00 feet; thence N 00°03'01" W along the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 562.03 feet, more or less, to the Point of Beginning.

CONTAINING 1.0909 Acres (47,521.18 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 17th day of November, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

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**

CAMPBELL / HYDE ANNEXATION #4

APPROXIMATELY 21.39 ACRES

LOCATED AT 351 & 353 30 ROAD

WHEREAS, on the 17th day of November, 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 5th day of January, 2005; 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:

CAMPBELL-HYDE ANNEXATION NO. 4

A certain parcel of land lying in the Northeast Quarter (NE 1/4) and the Southeast Quarter (SE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the East Quarter (E 1/4) corner of said Section 20, and assuming the South line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 20 bears S 89°54'37" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°04'01" E along the East line of the SE 1/4 of said Section 20, a distance of 33.00 feet; thence S 89°54'37" W along the South right of way for C-1/2 Road, as same is depicted on the Virginia Acres Subdivision, as same is recorded in Plat Book 12, Page 280, Public Records of Mesa County, Colorado, a distance of 1,319.01 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 20; thence

N 00°02'04" E along said West line, a distance of 33.00 feet to the Southwest corner of the SE 1/4 NE 1/4 of said Section 20; thence N 00°00'37" W along the West line SE 1/4 NE 1/4 of said Section 20, a distance of 661.69 feet; thence N 89°56'37" E along the North line of the South half of the SE 1/4 NE 1/4 of said Section 20, a distance of 1288.52 feet to a point being the Southeast corner of Melody Estates Filing One, as same is recorded in Plat Book 13, Pages 81 and 82, Public Records of Mesa County, Colorado; thence N 00°02'53" W along the West right of way for 30 Road, being a line 30.00 feet West of and parallel to, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 20; thence N 00°03'01" W along a line 30.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet; thence N 89°56'59" E a distance of 15.00 feet; thence S 00°03'01" E along a line 15.00 feet West of and parallel with, the East line of the NE 1/4 NE 1/4 of said Section 20, a distance of 438.15 feet to a point on the South line of the NE 1/4 NE 1/4 of said Section 20; thence S 00°02'53" E along a line 15.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 661.97 feet; thence N 89°56'37" E a distance of 15.00 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 20; thence S 00°02'53" E along the East line of the SE 1/4 NE 1/4 of said Section 20, a distance of 660.93 feet, more or less, to the Point of Beginning.

CONTAINING 21.3895 Acres (932,119.80 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 17th day of November, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 9

Setting a Hearing for the Water's Edge Annexation Located at 2935 D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Water's Edge Annexation located at 2935 D Road						
Meeting Date	November 17, 2004						
Date Prepared	November 10, 2004				File #ANX-2004-221		
Author	Faye Hall			Planning Technician			
Presenter Name	Faye Hall			Planning Technician			
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 4.91 acre Water's Edge annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Water's Edge Annexation petition and introduce the proposed Water's Edge Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for January 5, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2935 D Road		
Applicants:		Owner: Travis O'Connor – River's Edge Investment LLC, Developer: Duncan McArthur – TML Enterprises, Representative: Jo Mason – Planning Solutions		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential / Agricultural		
	South	Gravel Pit		
	East	Gravel Pit / Residential		
	West	Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		RMF-8		
Surrounding Zoning:	North	County RSF-R & City RMF-8		
	South	City RSF-R		
	East	City RSF-R		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.91 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Water's Edge Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
November 17, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
November 23, 2004	Planning Commission considers Zone of Annexation
December 15, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council
January 5, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 6, 2005	Effective date of Annexation and Zoning

WATER'S EDGE ANNEXATION SUMMARY

File Number:		ANX-2004-221
Location:		2935 D Road
Tax ID Number:		2943-202-00-044
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		4.91
Developable Acres Remaining:		4.91
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-8
Current Land Use:		Residential
Future Land Use:		Residential Medium 4-8 du/ac
Values:	Assessed:	\$2180
	Actual:	\$21,270
Census Tract:		N/A
Address Ranges:		2935 D Road
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	GJ Rural
	Irrigation/ Drainage:	Grand Junction Drainage / Grand Valley Irrigation
	School:	School District 51
	Pest:	None

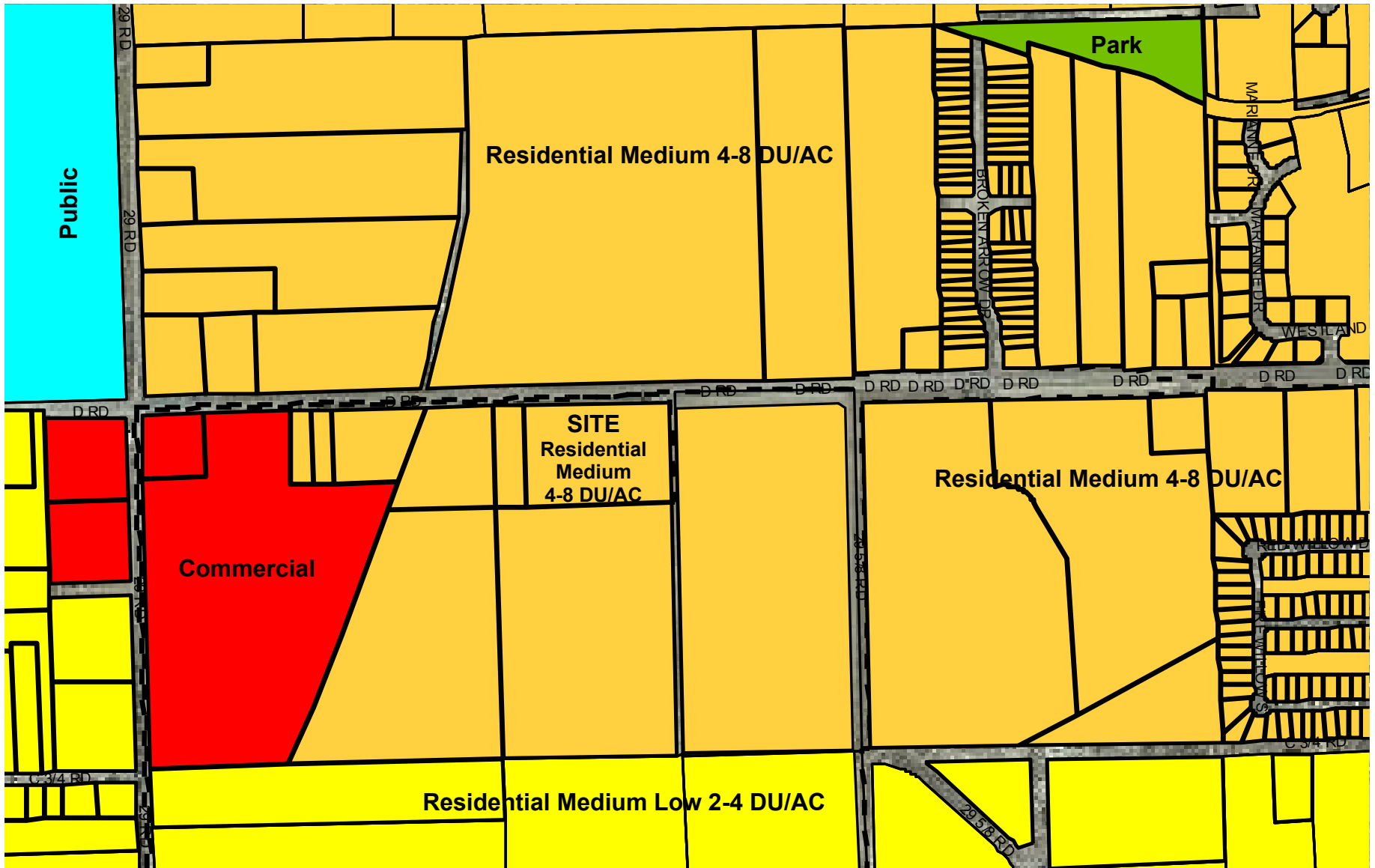
Aerial Photo Map

Figure 1



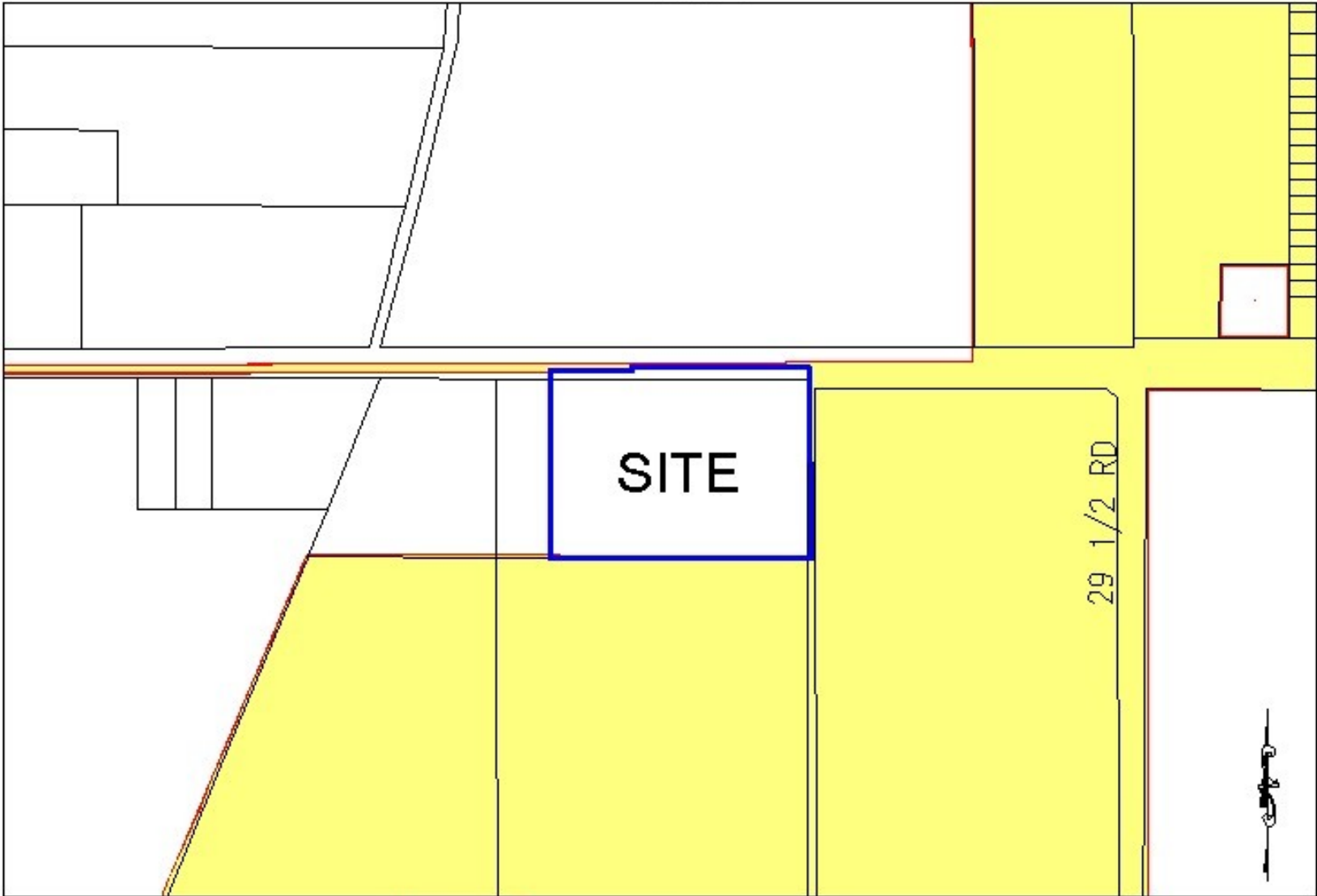
Future Land Use Map

Figure 2



Water's Edge Annexation

Figure 5



 City Limits  Annexation Boundary

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of November, 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**

WATER'S EDGE ANNEXATION

LOCATED at 2935 D Road

WHEREAS, on the 17th day of November, 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:

WATER'S EDGE ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20 and assuming the West line of the NE 1/4 NW 1/4 of said Section 20 bears S 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'15" W along the West line of the NE 1/4 NW 1/4 of said Section 20, a distance of 403.00 feet; thence N 89°58'45" E a distance of 108.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'15" E a distance of 393.00 feet; thence N 89°58'45" E along a line 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 20, a distance of 167.99 feet; thence N 00°03'19" E a distance of 5.00 feet; thence N 89°58'45" E along a line 5.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 20, a distance of 372.02 feet; thence S 00°03'19" W a distance of 398.00 feet; thence S 89°58'45" W a distance of 540.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9146 Acres (214,081.45 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 5th day of January, 2005, 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 17th day of November, 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>
November 19, 2004
November 26, 2004
December 03, 2004
December 10, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

WATER'S EDGE ANNEXATION

APPROXIMATELY 4.91 ACRES

LOCATED AT 2935 D ROAD

WHEREAS, on the 17th day of November, 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 5th day of January, 2005; 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:

WATER'S EDGE ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20 and assuming the West line of the NE 1/4 NW 1/4 of said Section 20 bears S 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'15" W along the West line of the NE 1/4 NW 1/4 of said Section 20, a distance of 403.00 feet; thence N 89°58'45" E a distance of 108.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'15" E a distance of 393.00 feet; thence N 89°58'45" E along a line 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 20, a distance of 167.99 feet; thence N

00°03'19" E a distance of 5.00 feet; thence N 89°58'45" E along a line 5.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 20, a distance of 372.02 feet; thence S 00°03'19" W a distance of 398.00 feet; thence S 89°58'45" W a distance of 540.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9146 Acres (214,081.45 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 17th day of November, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 10

Setting a Hearing for the Vacation of an E/W Alley ROW

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Vacation of an east/west alley right-of-way located between 9 th and 10 th Streets and D Road and Third Avenue.					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004			File #VR-2004-183		
Author	Faye Hall		Planning Technician			
Presenter Name	Faye Hall		Planning Technician			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Petitioner is requesting to vacate the east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue in anticipation of future expansion of the commercial laundry operation. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance and set a public hearing for December 1, 2004

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		702 S 9 th Street	
Applicants:		Owners: ALSCO Inc, - Clyde Opfinger; Munro Properties – Allen Munro; Kroft Family Investments – John Kroft; George and Bill Crawford: Mark Cremeens Representative: Design Specialists – Rob Rowlands	
Existing Land Use:		American Linen	
Proposed Land Use:		Commercial Laundry	
Surrounding Land Use:	North	Industrial / Commercial	
	South	Industrial / Commercial	
	East	Industrial / Commercial	
	West	Industrial / Commercial	
Existing Zoning:		I-2	
Proposed Zoning:		I-2	
Surrounding Zoning:	North	I-2	
	South	I-2	
	East	I-2	
	West	I-2	
Growth Plan Designation:		Industrial	
Zoning within density range?	X	Yes	No

Staff Analysis:

The petitioners are requesting to vacate the east/west alley between 9th and 10th Streets and D Road and Third Avenue. Upon approval of the requested vacation by the City, a 20' Multipurpose Easement will be dedicated for the sanitary sewer line. A Simple Subdivision Plat will also be filed that will combine six (6) lots into one (1) in anticipation of an expansion to the existing commercial laundry facility.

Consistency with the Growth Plan:

The site is currently zoned I-2 (General Industrial) with the Growth Plan Designation showing this area as Industrial.

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.

The request is in compliance with the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcels will be landlocked as a result of this vacation.

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

The accesses to all adjacent parcels will not be affected by this vacation. All of the adjacent properties have and utilize access from adjacent streets.

- 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 on the health, safety, and/or welfare of the general community and the quality of public facilities and services will not be reduced. All properties are accessible via adjacent streets.

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

The provision of adequate public facilities and services shall not be inhibited to any properties as they all have access to adjacent streets in the area.

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

The proposal provides benefits to the City in the reduction of alley maintenance and future upgrades.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the alley vacation application located at 702 S 9th Street, VR-2004-183 for the vacation of a 20' alley right-of-way, the Planning Commission at their November 9th, 2004 meeting made the following findings of fact and conclusions:

1. The requested 20' alley right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. Approval of the alley vacation request is contingent upon the retention of the 20' Multipurpose Easement for the benefit of the existing sanitary sewer line.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Ordinance & Exhibit A

Site Location Map

Figure 1



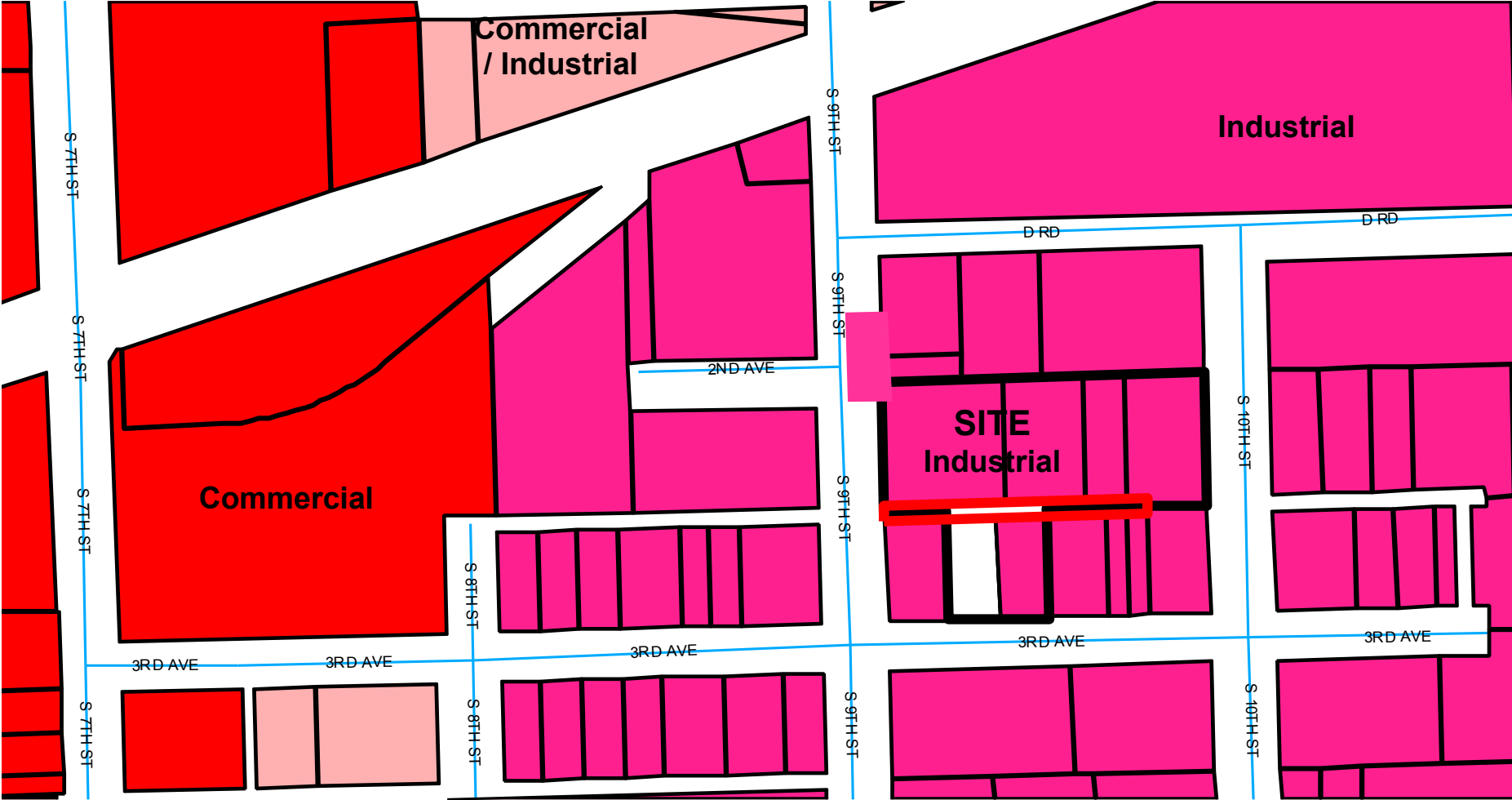
Aerial Photo Map

Figure 2



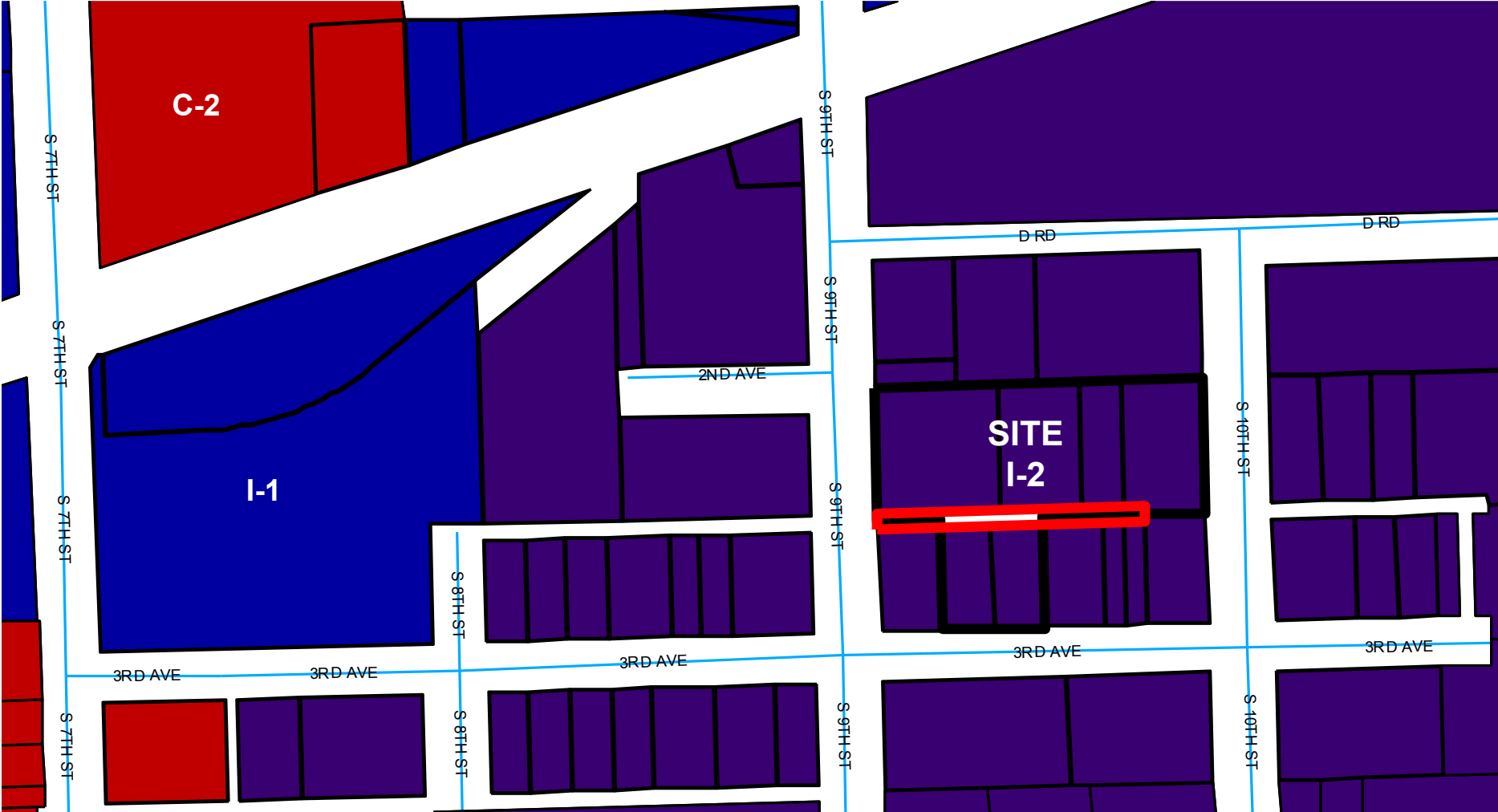
Future Land Use Map

Figure 3



Existing City 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 WITHIN BLOCK 13
OF THE MILLDALE SUBDIVISION**

Recitals:

A request to vacate the remaining portion of the public right-of-way within Block 13 of the Milldale Subdivision adjacent to the southern edge of Lots 1 through 13 and adjacent to the north edge of Lots 20 through 32. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated.

The City Council finds that the request to vacate the herein described right-of-way with the reservation to retain the easement 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 on November 9, 2004, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-way.

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

The described right-of-way in the attached Exhibit A which is incorporated herein as if fully rewritten is hereby vacated and a perpetual Multipurpose Easement is hereby reserved and retained on, along, over, under, through and across the entire area of the described right-of-way for the use of City-approved: utilities and public providers as perpetual easement for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this 17th day of November, 2004.

PASSED and ADOPTED this _____ day of _____, 2004.

President of City Council

ATTEST:

City Clerk

Attach 11
Holiday Parking

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Holiday Parking Request for the Downtown					
Meeting Date	November 17, 2004					
Date Prepared	November 5, 2004				File #	
Author	Harold Stalf David Varley		Executive Director, DDA Assistant City Manager			
Presenter Name	Harold Stalf David Varley		Executive Director, DDA Assistant City Manager			
Report results back to Council	x	No		Yes	When	
Citizen Presentation	x	Yes		No	Name	Sharme Perucchini
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: The Downtown Association (DTA) has requested that all parking downtown be free this year to best position downtown for the holiday shopping season. The merchants realize that this policy may be tempting for employees to abuse by remaining throughout the day. However, they will develop a mailing to downtown businesses requesting their cooperation and noting the support of the City Council. This matter has been recommended by the DTA and forwarded and endorsed by the DDA. City staff recommends a slight variation of this as described below under background information. (i.e. Free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas and shared-revenue lots.)

Budget: Parking Revenues forfeited for this time period are estimated to be \$30,000.

Action Requested/Recommendation: Vacate parking enforcement at all designated downtown metered spaces and signed parking from Thanksgiving to New Year's day, except loading, no parking, handicapped, and unbagged meter spaces surrounding government offices. Metered spaces will be designated by covering the meter with the well-known "Seasons Greetings-Free Parking" red plastic bag.

Background Information: Over the last five years the method for implementing Free Holiday Parking has been different each time. Each method has been met with varying degrees of success and objection. DTA feels the simplest and clearest method would be open/free parking for all spaces and that is what they

are requesting for this year. However, based on direct feedback from citizens and our experience from the last five years, City staff believes that while allowing the large majority of parking to be free and unrestricted, it is critical to maintain parking available for short-term visitors to our government offices (120 out of 1,100 metered spaces). In order to do this, staff recommends continued enforcement of the short-term meters surrounding the Post Office (4th & White), the Federal Building (4th & Rood), the City Hall/County Administration block (5th & Rood to 6th & White), and the State Building (6th & Colorado). This will allow parking access to these buildings without adversely affecting the main retail/shopping corridors. Additionally, the shared-revenue lots at the State Building and the United Methodist Church (5th & Grand) as always, are excluded from Free Holiday Parking and will continue to be enforced.

Attach 12

Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant – Mobile Communications

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Application for an Energy and Mineral Impact Assistance Grant for a Mobile Communications Center					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004				File #	
Author	Sheryl Trent		Assistant to the City Manager			
Presenter Name	Sheryl Trent Chief Greg Morrison Chief Rick Beaty		Assistant to the City Manager Police Chief Fire Chief			
Report results back to Council		No	X	Yes	When	On Approval
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent x Individual Consideration

Summary: A City Council Resolution authorizing the submission of the above grant application to assist in the purchase of a mobile communications center.

Budget: The City of Grand Junction has programmed funds in the budget in the amount of \$400,000 to purchase a mobile communications center in 2005. Based on staff research, the center will cost \$562,000 and a storage structure will be approximately \$38,000 for a total cost of \$600,000. Therefore the grant application in the amount of \$200,000 will cover the shortfall in the budget.

Action Requested/Recommendation: Adopt Resolution No -04 which authorizes the grant application.

Attachments:

1. Grant Data Sheet
2. Resolution

Background Information: The need for a mobile communications center has been a top priority for the regional communication and safety personnel of Mesa County. This mobile center vehicle will function as our communications and dispatch center during a major catastrophe or destruction of our existing communications center in the City of Grand Junction, and also as a command post for major incidents. The vulnerability of our dispatch and communication center, which is the sole source of communication for nineteen agencies in Mesa County, has been identified in the Hazard Vulnerability Analysis as a top priority. The motor home configuration will allow for both replacement and support to meet the demands of a major safety event in the County, such as the recent visit of Vice President Cheney. This project seems to meet the guidelines for

funding from this grant source. This recommendation is based on our analysis and assumptions.

Department of Local Affairs
ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM APPLICATION
 Public Facilities/Public Services/Community Development Projects
 (Refer to back page for application filing information)

A. GENERAL AND SUMMARY INFORMATION

1. Name/Title of Proposed Project: Mobile Communications Center
2. Applicant: City of Grand Junction
 (In the case of a multi-jurisdictional application, name of the "lead" municipality, county, special districts or other political subdivision).

In the case of a multi-jurisdictional application, names of other directly participating political subdivisions:

None

If applying on behalf of a non-profit corporation, the eligible local government must assume responsibility for the administration of any funds awarded. Name of the non-profit corporation: _____

3. Chief Elected Official (In the case of a multi-jurisdictional application, chief elected official of the "lead" political subdivision):

Name: Bruce Hill Title: Mayor

Mailing Address: 250 N. 5th St, Grand Junction, CO 81501 Phone: (970) 244-1508

E-mail Address: bruceh@gjcity.org Fax: (970) 244-1456

4. Designated Contact Person for the Application:

Name: Sheryl Trent Title: Asst to the City Manager

Mailing Address: 250 N 5th Street Phone: 970-256-4085

E-mail Address: sheryltr@gjcity.org Fax: 970-256-1456

5. Amount requested: \$200,000 Does the applicant jurisdiction have the ability to receive and spend state grant funds under TABOR spending limitations? Yes No _____ If no, please explain.

6. Brief Description of Proposed Project (100 words or less): _____

The need for a mobile communications center has been a top priority for the regional communication and safety personnel of Mesa County. This mobile center vehicle will function as our communications and dispatch center during a major catastrophe or destruction of our existing communications center in the City of Grand Junction, and also as a command post for major incidents. The vulnerability of our dispatch and communication center, which is the sole source of communication for nineteen agencies in Mesa County, has been identified in the Hazard Vulnerability Analysis as a top priority. The motor home configuration will allow for both replacement and support to meet the demands of a major safety event in the County, such as the recent visit of Vice President Cheney.

7. a. Local priority as assigned by county-wide impact team (if applicable), or if more than one application from the same local government (e.g., 1 of 2, 2 of 4, etc.).

B. DEMOGRAPHIC AND FINANCIAL INFORMATION

1. Population

- a. What was the 2000 population of the applicant jurisdiction? 41,986
- b. What is the current estimated population for the applicant jurisdiction? 50,000
 (Current/most recent lottery distribution estimate is acceptable.) What is the source of the estimate?
Community Development Department
- c. What is the population projection for the applicant in 5 years? 56,570
 What is the source of the projection? Based on historical annual growth rate of 2.5%

2. Financial Information

(Provide for all municipalities, counties, and political subdivisions directly participating in the application and for any entity on whose behalf the application is being submitted. Attach additional sheets if necessary).

Entity Name	City of Grand Junction	<input type="checkbox"/>	<input type="checkbox"/>
a. Assessed Valuation (Year <u>2004</u>)	530,454,290		
b. Mill Levy/Annual Revenue	8.00/\$4.24 million	/	/
c. Overlapping Mill Levy <input type="checkbox"/>	71.49		
d. Sales Tax Rate (%) /Annual Revenue	2.75%/\$32.3 million	/	/
e. Long-Term Finance Obligation, by Type/Amount	GF Revenue Bonds/\$57.1 million	/	/
f. Annual Budget (relevant fund) General Fund Year <u>2004</u>	\$44.9 million		
Total Amount All Funds	\$129.4 million		
Fund Cash Balance (as of 1/1/04)	\$63.6 million		
g. Water <input type="checkbox"/> (water projects only)	\$3.6 million		
Tap Fee	\$1,000 each		
Avg. Monthly User Charges <input type="checkbox"/>	\$16.00 per		
Number of Taps Served by Applicant	9,300		
Fund Cash Balance (as of 1/1/04)	\$6.1 million		
h. Sewer <input type="checkbox"/> (sewer projects only)	\$9.1 million		
Tap Fee	\$1,250 each		
Avg. Monthly User Charges <input type="checkbox"/>	\$13.23 per		
Number of Taps Served by Applicant	25,000		
Fund Cash Balance (as of 1/1/04)	\$12.4 million		

- Sum of mill levies of overlapping jurisdictions (e.g., sum of levies including applicant's levy and other taxing entities such as special districts, school district, etc.).
- For fund most relevant to application (e.g., General Fund, Sewer Fund, etc.).
- Use only in the case of multi-jurisdictional or on-behalf-of applications to provide the requested information for other directly participating entities.
- Not required if not relevant to application.
- ▼ Divide sum of monthly residential revenues by number of residential taps served.

C. PROJECT BUDGET & FUNDING SOURCES

PROJECT EXPENDITURES		PROJECT REVENUES			
Project Budget Line Items: (Examples: architect, engineering, equipment, construction etc.)	Total Cost	Impact Assistance	Other Funds Requested or Committed		
			Amount	Source	Status*
Purchase	\$562,000		\$400,000	Emergency 911 telephone authority funds	Committed
Storage Building	\$ 38,000				
TOTAL	\$600,000	\$200,000	\$400,000		

*e.g., committed, in application stage, etc.

D. RELATIONSHIP TO ENERGY/MINERAL IMPACT. The statutory purpose to the Energy and Mineral Impact Assistance program is to provide financial assistance to “political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels.” This section of the application is intended to provide an opportunity for the applicant to describe its energy/mineral impacts, both *direct and indirect*, and the relationship of application to those impacts.

1. Explain how this project is directly or indirectly related to energy/mineral impacts, including whether it mitigates any adverse impacts.

The City of Grand Junction has a long history of a boom and bust economy based on the energy resources. Historically, energy exploration has had (and continues to have) a significant effect on our local and regional economy in the form of unemployment, wages, growth patterns and infrastructure improvements. Due to the rapid commercial and residential growth during the last 1970’s and early 1980’s due largely to the oil shale industry, many new residents moved to the area and major subdivisions were built. This has placed an additional burden on fire and safety both in the form of personnel and appropriate, functional buildings.

2. a. What direct energy/mineral impacts are being experienced by the applicant? Examples of direct impacts include: road/bridge/culvert damage, fire protection/emergency medical services, dust suppression, sound/visual mitigation, weed control, economic boom/busts and other direct physical, social or economic impacts.

Direct impacts include historic and continued growth of the area due in part to energy exploration and development. This growth has created many demands on local resources, which are inadequate to meet the needs.

- b. What types and amounts of local funds and resources are being used by the applicant to address direct energy/mineral impacts? Examples of funds and resources include: road and bridge funds, Highway User Trust Fund allocations, industry assessments or contributions, sales or property taxes, staff time, etc.

The City of Grand Junction has a ¾ cent sales tax that is solely dedicated to capital construction of roads, bridges, parks, emergency facilities, and other growth related impacts. The City reinvests an average of \$18,000,000 per year in public infrastructure needs. Another department affected by the growth in the energy industry is the street department with an annual budget of \$3,500,000. Regional

population growth of the energy industry has driven our entire general fund operating growth for almost all departments including police and fire. The growth has averaged 7% each year.

3. List energy/mineral activities (past, present and future) affecting the applicant. Be as specific as possible by listing company names, locations, production levels, employment levels, etc. Include not only production projects (e.g., oil, gas, carbon dioxide, coal, molybdenum, gold, etc.), but also processing, transmission (e.g., oil/gas pipelines, electric transmission lines, etc.), transportation (e.g., roads, rail lines, etc.) and energy conversion facilities (e.g., coal and gas-fired electric generating facilities).

See above descriptions.

4. Are energy/mineral companies that impact the applicant jurisdiction aware of and supportive of this request?
Yes _____ No X Attach supporting documentation when appropriate.

E. OTHER PROJECT INFORMATION

1. Why is the project needed? What are the specific goals of the project?
2.

Growth has created many demands on local resources, such as expanded public safety. The City of Grand Junction has a regional communication center that serves nineteen (19) agencies: Grand Junction Police Department, Grand Junction Fire Department, Mesa County Sheriff's Office, Clifton Fire Department, Fruita Police Department, Lower Valley Fire Department, Palisade Police Department, Palisade Fire Department, Colbran Marshal, Central Orchard Mesa Fire Department, Debeque Marshal, East Orchard Mesa Fire Department, Colorado National Monument, Glade Park Fire Department, Debeque Fire Department, Plateau Valley Fire Department, Lands End Rescue and Gateway-Unaweep Fire Department. Our resources have been inadequate to meet the needs for communication with those agencies because all of our communications and dispatch functions are housed in one location.

The purchase of the mobile communication center will provide backup dispatch and communications functions for those nineteen agencies in the even of a major catastrophe, even if our existing communications center is damaged or destroyed. In addition if a critical incident or large scale special event occurs we can mobilize the unit and go on site for communications needs. This will be the only mobile communications center on the western slope of Colorado.

3. How were the cost estimates arrived at? Have preliminary architectural/engineering studies been completed? What additional design work must still be completed? (Attach preliminary engineering reports, architectural drawings, cost estimates, detailed project budget.)

4. **The cost estimates were determined based on research from the various companies that provide mobile communications centers. The cost includes the vehicle, radios, consoles, antennae, computers, software, networking capacity, and logging recorder. Licenses and installation labor is also included.**

3. a. Describe local commitment to the project, including local fees or regulations altered to ensure project success, local taxing efforts to address continuing development and maintenance needs, and local citizen support. Describe any in-kind contributions, by type and value, in support of this project.

The City of Grand Junction is committing revenue from the E 911 telephone fund that has been expressly saved over several years for this purpose. The Telephone Authority Board took deliberate action to set aside these monies in the City budget for the express purpose of funding a mobile communications center.

- b. Was the cash value of the in-kind contributions calculated into the Project Budget (C)? Yes ___ **N/A**

5. What other funding alternatives have been explored?

6.

To that end, the Incident Management Group and the E 911 Telephone Authority Board applied for a grant for the mobile communications center in 2004 but the grant request was not funded.

5. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Has the applicant sought voter approval to keep revenues above fiscal spending limits? Yes No
If yes, please explain.

In November 2002 the City unsuccessfully sought voter approval to keep revenues above Tabor spending limitations. The City has refunded excess revenues in the past via property tax reductions, however does not anticipate that this grant would necessitate a refund for FY2005.

6. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Yes No Please explain. **Not applicable.**

7. If the project is funded, what on-going operational obligations will be incurred? What is the applicant's plan for addressing these additional costs? (Attach a detailed budget showing annual operating revenues and expenses, by amounts and sources.)

Storage and maintenance of the mobile communications vehicle will be necessary. The City of Grand Junction anticipates that the annual accrual and maintenance costs for the mobile communications center will be \$59,270. There will be no revenue generated and this expenditure will be funded each year by E 911 funds.

8. When do you expect the project to start? June 2005 When will it be completed? December 2005

9. Indicate below whether any of the proposed project activities:

a. Will be undertaken in flood hazard areas. Yes No List flood plain maps/studies reviewed in reaching this conclusion. Describe alternatives considered and mitigation proposed.

b. Will affect historical, archeological or cultural resources, or be undertaken in geological hazard area? Yes No Describe alternatives considered and mitigation proposed.

c. Create or fail to address any other related public health or safety concerns? Yes No
Describe.

To the best of my knowledge and belief, the statements and data in this application are true and correct.

Signature, Chief Elected Official

Name (typed or printed)

Title

Date

Please submit one original and three copies to:

Sue Schneider
Department of Local Affairs
222 South Sixth Street #409
Grand Junction, Colorado 81501

Also submit:

- ▶ 1 copy to the local Council of Governments or Regional Planning Commission
▶ 1 copy to the local county impact (prioritization) team (if applicable)

Attachments List (check and submit if applicable; one set per application):

- ▶ Preliminary Engineering Reports _____
▶ Architectural Drawings _____
▶ Cost Estimates _____
▶ Detailed Budget _____
▶ Map showing location of the project _____



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ASSIST IN THE FUNDING OF THE PURCHASE OF A MOBILE COMMUNICATIONS CENTER

RECITALS:

The City Council of the City of Grand Junction, hereby resolved in Resolution No. to apply for an Energy and Mineral Impact Assistance Grant in the amount of \$200,000.

State Mineral Severance Tax funds are allotted for such purposes.

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

That submittal of an application for Energy and Mineral Impact Assistance Grant funding for the purchase of a mobile communications center is hereby approved in the amount of \$200,000.

ADOPTED AND APPROVED THIS DAY OF November, 2004.

President of the
Council

Attest:

City Clerk

Attach 13

Authorizing Submittal for an Energy and Mineral Impact Assistance Grant – Construction of a Pedestrian Overpass

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Application for an Energy and Mineral Impact Assistance Grant for the construction of a pedestrian overpass					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004				File #	
Author	Sheryl Trent		Assistant to the City Manager			
Presenter Name	Sheryl Trent Mark Relph		Assistant to the City Manager Public Works Director			
Report results back to Council		No	X	Yes	When	On Approval
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: A City Council Resolution authorizing the submission of a grant application to assist in the funding of the construction of a pedestrian overpass.

Budget: The City of Grand Junction has programmed funds in the Capital Improvement Plan (CIP) to construct the above overpass as a part of the Riverside Parkway. These funds amount to \$1,000,000 in 2005 to begin construction, which should be complete by October of 2006. Due to increases in construction cost, the grant in the amount of \$500,000 would help cover a portion of the increased cost of the project.

Action Requested/Recommendation: Adopt Resolution No. -04 which authorizes the grant application.

Attachments:

1. Grant Data Sheet
2. Resolution

Background Information:

The project will replace a 50 year old pedestrian tunnel with a new overpass that is compliant with the American’s with Disabilities Act. The overpass will serve to allow pedestrians safe access to downtown Grand Junction over seven tracks of the Union Pacific Railroad as well as the proposed five lane Riverside Parkway. This project also ties the Riverside neighborhood into the El Poso area; both are previous Energy and Mineral Impact Grant recipients and Community Development Block Grant recipients. The bridge will terminate in the Riverside neighborhood in a plaza area next to the proposed Riverside Community Center. This project seems to meet the guidelines for funding from this grant source. This recommendation is based on our analysis and assumptions.

Department of Local Affairs
ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM APPLICATION
 Public Facilities/Public Services/Community Development Projects
 (Refer to back page for application filing information)

A. GENERAL AND SUMMARY INFORMATION

1. Name/Title of Proposed Project: Main Street Pedestrian Bridge
2. Applicant: City of Grand Junction
 (In the case of a multi-jurisdictional application, name of the "lead" municipality, county, special districts or other political subdivision).

In the case of a multi-jurisdictional application, names of other directly participating political subdivisions:

None

If applying on behalf of a non-profit corporation, the eligible local government must assume responsibility for the administration of any funds awarded. Name of the non-profit corporation: _____

3. Chief Elected Official (In the case of a multi-jurisdictional application, chief elected official of the "lead" political subdivision):

Name: Bruce Hill Title: Mayor

Mailing Address: 250 N. 5th St, Grand Junction, CO 81501 Phone: (970) 244-1508

E-mail Address: bruceh@gjcity.org Fax: (970) 244-1456

4. Designated Contact Person for the Application:

Name: Trent Prall Title: Riverside Parkway Project Mngr

Mailing Address: 2529 High Country Ct. Phone: 970-244-1542

E-mail Address: trentonp@gjcity.org Fax: 970-256-4014

5. Amount requested: \$500,000 Does the applicant jurisdiction have the ability to receive and spend state grant funds under TABOR spending limitations? Yes No _____ If no, please explain.

7. Brief Description of Proposed Project (100 words or less): _____

The project will replace a 50 year old pedestrian tunnel with a new overpass that is compliant with the American's with Disabilities Act. The overpass will serve to allow pedestrians safe access to downtown Grand Junction over seven tracks of the Union Pacific Railroad as well as the proposed five lane Riverside Parkway. This project also ties the Riverside neighborhood into the El Poso area; both are previous Energy and Mineral Impact Grant recipients and Community Development Block Grant recipients. The bridge will terminate in the Riverside neighborhood in a plaza area (see Attachment C-7) next to the proposed Riverside Community Center.

7. a. Local priority as assigned by county-wide impact team (if applicable), or if more than one application from the same local government (e.g., 1 of 2, 2 of 4, etc.).

B. DEMOGRAPHIC AND FINANCIAL INFORMATION

1. Population

- a. What was the 2000 population of the applicant jurisdiction? 41,986
- b. What is the current estimated population for the applicant jurisdiction? 50,000
 (Current/most recent lottery distribution estimate is acceptable.) What is the source of the estimate?
Community Development Department
- c. What is the population projection for the applicant in 5 years? 56,570
 What is the source of the projection? Based on historical annual growth rate of 2.5%

2. Financial Information

(Provide for all municipalities, counties, and political subdivisions directly participating in the application and for any entity on whose behalf the application is being submitted. Attach additional sheets if necessary).

Entity Name	City of Grand Junction	<input type="checkbox"/>	<input type="checkbox"/>
a. Assessed Valuation (Year <u>2004</u>)	530,454,290		
b. Mill Levy/Annual Revenue	8.00/\$4.24 million	/	/
c. Overlapping Mill Levy <input type="checkbox"/>	71.49		
d. Sales Tax Rate (%) /Annual Revenue	2.75%/\$32.3 million	/	/
e. Long-Term Finance Obligation, by Type/Amount	General Fund Revenue Bonds/\$57.1 million	/	/
f. Annual Budget (relevant fund) General Fund Year <u>2004</u> __	\$44.9 million		
Total Amount All Funds	\$129.4 million		
Fund Cash Balance (as of 1/1/04)	\$63.6 million		
g. Water <input type="checkbox"/> (water projects only)	\$3.6 million		
Tap Fee	\$1,000 each		
Avg. Monthly User Charges <input type="checkbox"/>	\$16.00 per		
Number of Taps Served by Applicant	9,300		
Fund Cash Balance (as of 1/1/04)	\$6.1 million		
h. Sewer <input type="checkbox"/> (sewer projects only)	\$9.1 million		
Tap Fee	\$1,250 each		
Avg. Monthly User Charges <input type="checkbox"/>	\$13.23 per		
Number of Taps Served by Applicant	25,000		
Fund Cash Balance (as of 1/1/04)	\$12.4 million		

- Sum of mill levies of overlapping jurisdictions (e.g., sum of levies including applicant’s levy and other taxing entities such as special districts, school district, etc.).
- For fund most relevant to application (e.g., General Fund, Sewer Fund, etc.).
- Use only in the case of multi-jurisdictional or on-behalf-of applications to provide the requested information for other directly participating entities.
- Not required if not relevant to application.
- ▼ Divide sum of monthly residential revenues by number of residential taps served.

C. PROJECT BUDGET & FUNDING SOURCES

PROJECT EXPENDITURES		PROJECT REVENUES				
Project Budget Line Items: (Examples: architect, engineering, equipment, construction etc.)	Total Cost	Impact Assistance	Other Funds Requested or Committed			
			Amount	Source	Unit Cost	Status*
Engineering	\$50,000		\$50,000	City Sales Tax		Committed
Construction	\$1,500,000	\$500,000	\$1,000,000	CIP Fund		Committed
TOTAL	\$1,550,000	\$500,000	\$1,050,000			

*e.g., committed, in application stage, etc.

D. RELATIONSHIP TO ENERGY/MINERAL IMPACT. The statutory purpose to the Energy and Mineral Impact Assistance program is to provide financial assistance to “political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels.” This section of the application is intended to provide an opportunity for the applicant to describe its energy/mineral impacts, both *direct and indirect*, and the relationship of application to those impacts.

2. Explain how this project is directly or indirectly related to energy/mineral impacts, including whether it mitigates any adverse impacts.

The City of Grand Junction has a long history of a boom and bust economy based on the energy resources. Historically, energy exploration has had (and continues to have) a significant effect on our local and regional economy in the form of unemployment, wages, growth patterns and infrastructure improvements. Due to the rapid commercial and residential growth during the last 1970’s and early 1980’s due largely to the oil shale industry, many new residents moved to the area and major subdivisions were built. This created congestion and physical street and traffic flow problems, especially for pedestrians. As a result, the overwhelming approval of the bond issue to build the Riverside Parkway project, of which this pedestrian bridge is a part, demonstrates the community support for the priority need of addressing access to and around the City.

In addition, the project links a lower income neighborhood separated by seven tracks of the Union Pacific Railroad with the rest of downtown Grand Junction as shown on Attachment A. Through the Grand Junction area, most of the trains are exporting coal to out of state markets.

2. a. What direct energy/mineral impacts are being experienced by the applicant? Examples of direct impacts include: road/bridge/culvert damage, fire protection/emergency medical services, dust suppression, sound/visual mitigation, weed control, economic boom/busts and other direct physical, social or economic impacts.

Direct impacts include historic and continued growth of the area due in part to energy exploration and

development. Growth has created many demands on local resources, especially circulation and traffic related demands, and our resources have been inadequate to meet the needs of the community. Our aging streets, failing pavement, inadequate curb gutter, and sidewalk, and lack of ability to meet safety and disability guidelines has been an ongoing issue in our capital improvement plans for the future.

- b. What types and amounts of local funds and resources are being used by the applicant to address direct energy/mineral impacts? Examples of funds and resources include: road and bridge funds, Highway User Trust Fund allocations, industry assessments or contributions, sales or property taxes, staff time, etc.

The City of Grand Junction has a $\frac{3}{4}$ cent sales tax that is solely dedicated to capital construction of roads, bridges, parks, emergency facilities, and other growth related impacts. The City reinvests an average of \$18,000,000 per year in public infrastructure needs. Another department affected by the growth in the energy industry is the street department with an annual budget of \$3,500,000. Regional population growth of the energy industry has driven our entire general fund operating growth for almost all departments including police and fire. The growth has averaged 7% each year.

3. List energy/mineral activities (past, present and future) affecting the applicant. Be as specific as possible by listing company names, locations, production levels, employment levels, etc. Include not only production projects (e.g., oil, gas, carbon dioxide, coal, molybdenum, gold, etc.), but also processing, transmission (e.g., oil/gas pipelines, electric transmission lines, etc.), transportation (e.g., roads, rail lines, etc.) and energy conversion facilities (e.g., coal and gas-fired electric generating facilities).

Please see above statements.

4. Are energy/mineral companies that impact the applicant jurisdiction aware of and supportive of this request?
Yes _____ No X Attach supporting documentation when appropriate.

E. OTHER PROJECT INFORMATION

1. Why is the project needed? What are the specific goals of the project?

The project is needed to replace a 50+ year old pedestrian underpass that fails to comply with the American's with Disabilities Act. Because of the hidden nature of the existing underpass, it has become a homeless hangout especially during the summer heat or the winter cold. This unintended use makes it unattractive and unsafe for pedestrians to use. The goal is to construct a new structure over the seven Union Pacific Railroad tracks as well as the five lane urban arterial Riverside Parkway that will provide safe, ADA compliant, pedestrian and bike access between the Riverside neighborhood, the El Poso neighborhood, and downtown Grand Junction.

2. How were the cost estimates arrived at? Have preliminary architectural/engineering studies been completed? What additional design work must still be completed? (Attach preliminary engineering reports, architectural drawings, cost estimates, detailed project budget.)

30% engineered plans and artist renderings have been developed for the project and are included in Attachment C.

3. a. Describe local commitment to the project, including local fees or regulations altered to ensure project success, local taxing efforts to address continuing development and maintenance needs, and local citizen support. Describe any in-kind contributions, by type and value, in support of this project.

The City of Grand Junction is committing revenue from $\frac{3}{4}$ cent capital improvement program sales tax for the City's \$1,050,000 share of the \$1,550,000 project. Maintenance of the structure will be handled by the City's Public Works and Utilities Department's Street Maintenance Division. The Riverside Task Force has submitted a letter of support as has the El Poso neighborhood.

b. Was the cash value of the in-kind contributions calculated into the Project Budget (C)? Yes ___ No

4. What other funding alternatives have been explored?

The City had budgeted \$1,000,000 for the pedestrian bridge from ¾ cent sales tax revenues that are dedicated to just capital improvement projects. The bridge was proposed to be constructed as part of the Riverside Parkway in mid-2005, however extra costs due to longer span requirements from the Union Pacific Railroad and escalating steel prices have pushed the price for the structure to \$1,550,000. Other Riverside Parkway project increases jeopardize the construction of the bridge due to the additional \$500,000.

Therefore, as the pedestrian bridge appears to meet the guidelines, goals, and objectives for the Energy and Mineral Impact Assistance Program, the City is requesting consideration for an Energy and Mineral Impact Grant.

5. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Has the applicant sought voter approval to keep revenues above fiscal spending limits? Yes No ___
If yes, please explain.

In November 2002 the City unsuccessfully sought voter approval to keep revenues above Tabor spending limitations. The City has refunded excess revenues in the past via property tax reductions, however does not anticipate that this grant would necessitate a refund for FY2005.

6. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Yes ___ No ___ Please explain. **Not applicable.**

7. If the project is funded, what on-going operational obligations will be incurred? What is the applicant's plan for addressing these additional costs? (Attach a detailed budget showing annual operating revenues and expenses, by amounts and sources.)

8. When do you expect the project to start? June 2005 When will it be completed? October 2006

9. Indicate below whether any of the proposed project activities:

a. Will be undertaken in flood hazard areas. Yes ___ No List flood plain maps/studies reviewed in reaching this conclusion. Describe alternatives considered and mitigation proposed.

Floodplain map 080117006E Effective Date 7/15/92 depicts this area as Zone X. A FIRMette created from this map is shown on Attachment B.

b. Will affect historical, archeological or cultural resources, or be undertaken in geological hazard area? Yes ___ No Describe alternatives considered and mitigation proposed.

c. Create or fail to address any other related public health or safety concerns? Yes No ___ Describe.

The existing railroad underpass is a hangout for transients who can be intimidating to most citizens. An overpass, with its high visibility makes this less likely of a venue for crime and harassment. Furthermore, the grade separation over the railroad tracks will enable pedestrians and bicyclists of the Riverside neighborhood to safely travel to and from downtown Grand Junction.

To the best of my knowledge and belief, the statements and data in this application are true and correct.

Signature, Chief Elected Official

Name (typed or printed)

Title

Date

Please submit one original and three copies to:

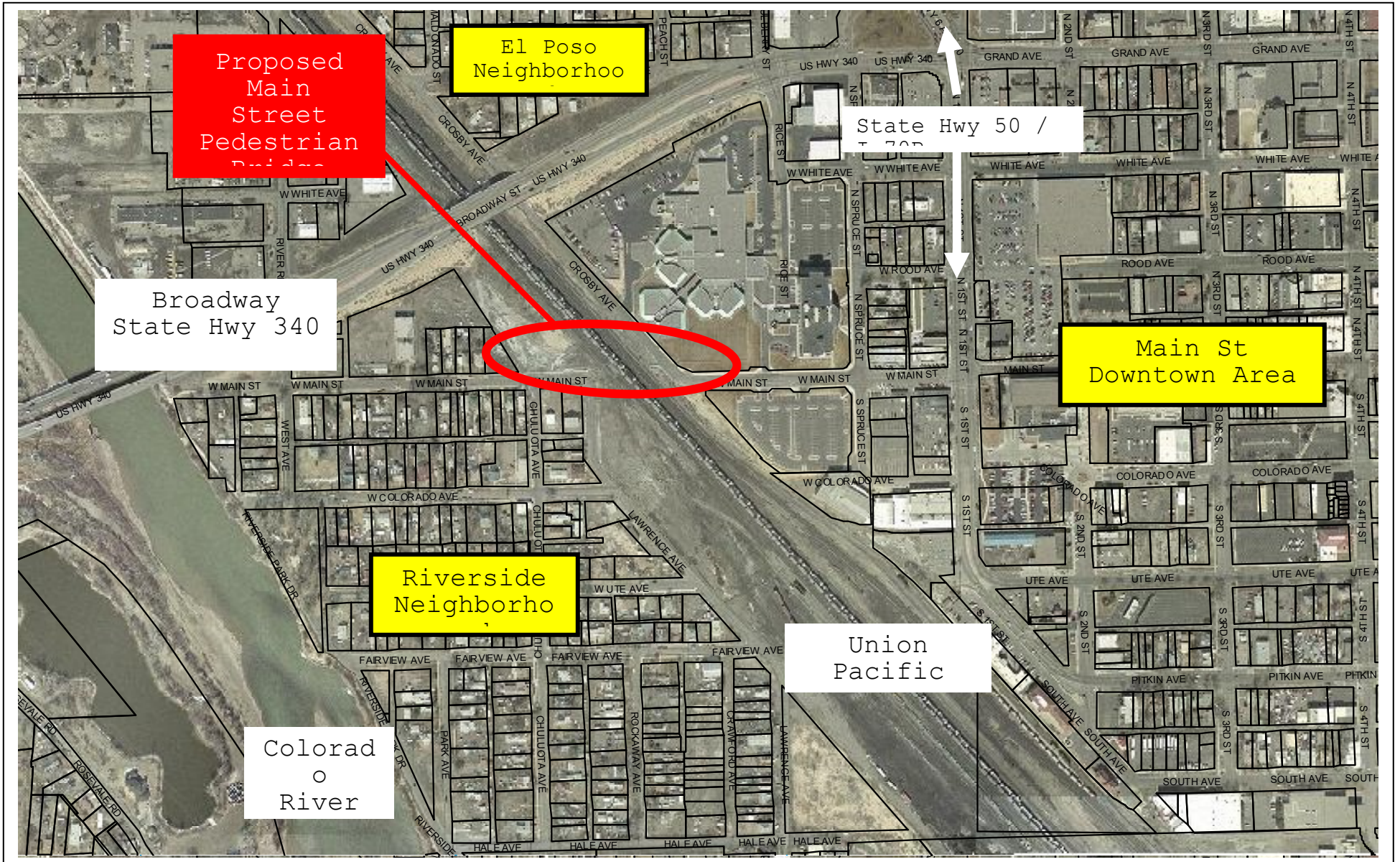
Sue Schneider
Department of Local Affairs
222 South Sixth Street #409
Grand Junction, Colorado 81501

Also submit:

- ▶ 1 copy to the local Council of Governments or Regional Planning Commission
- ▶ 1 copy to the local county impact (prioritization) team (if applicable)

Attachments List (check and submit if applicable; one set per application):

- ▶ Preliminary Engineering Reports X
- ▶ Architectural Drawings X
- ▶ Cost Estimates
- ▶ Detailed Budget
- ▶ Map showing location of the project X



Proposed
Main
Street
Pedestrian
Bridges

El Poso
Neighborhood

State Hwy 50 /
1705

Broadway
State Hwy 340

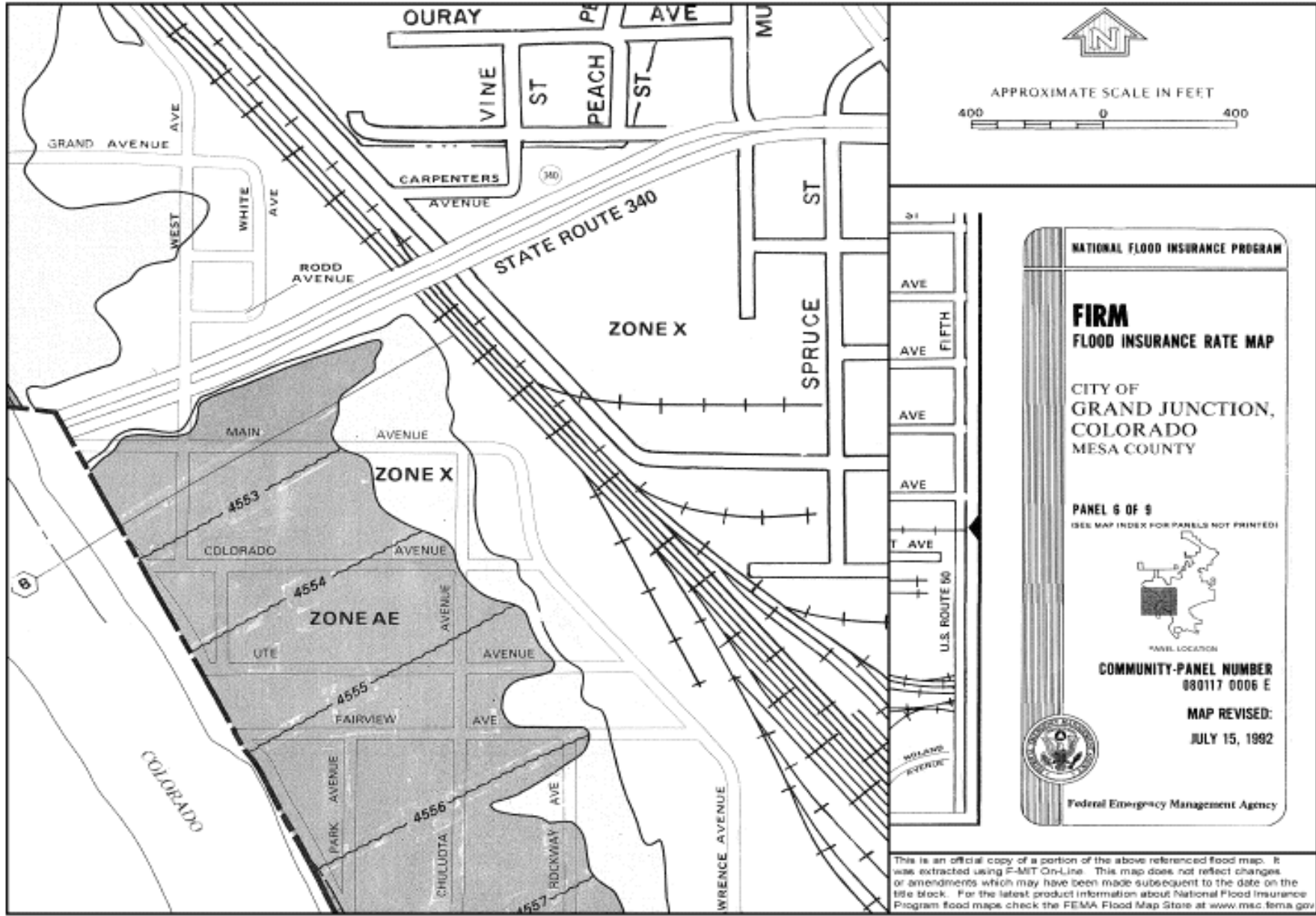
Main St
Downtown Area

Riverside
Neighborhood

Union
Pacific

Colorado
River

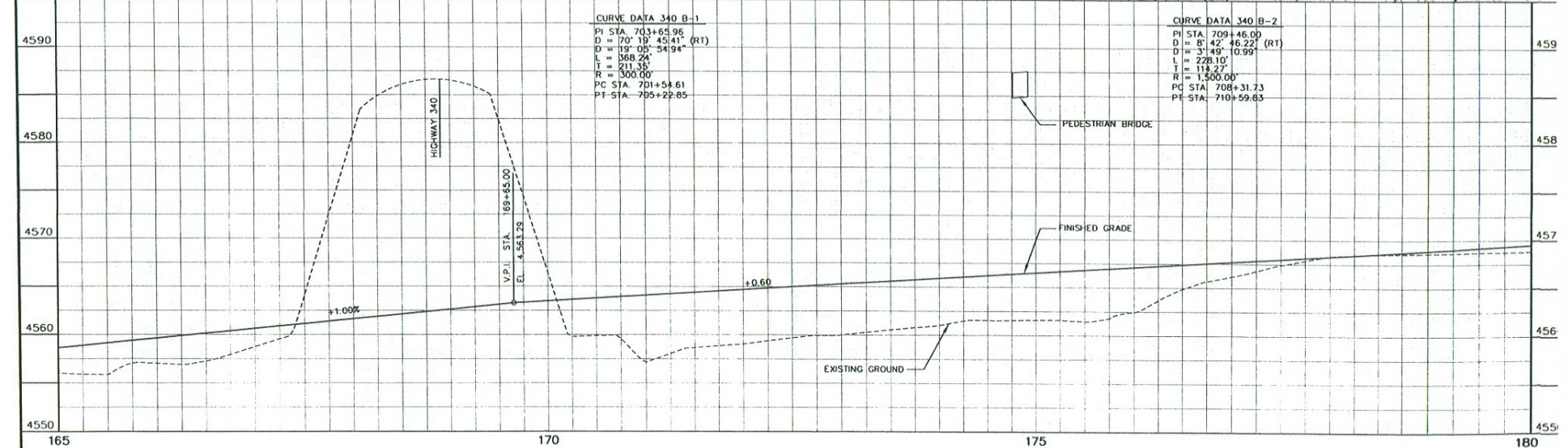
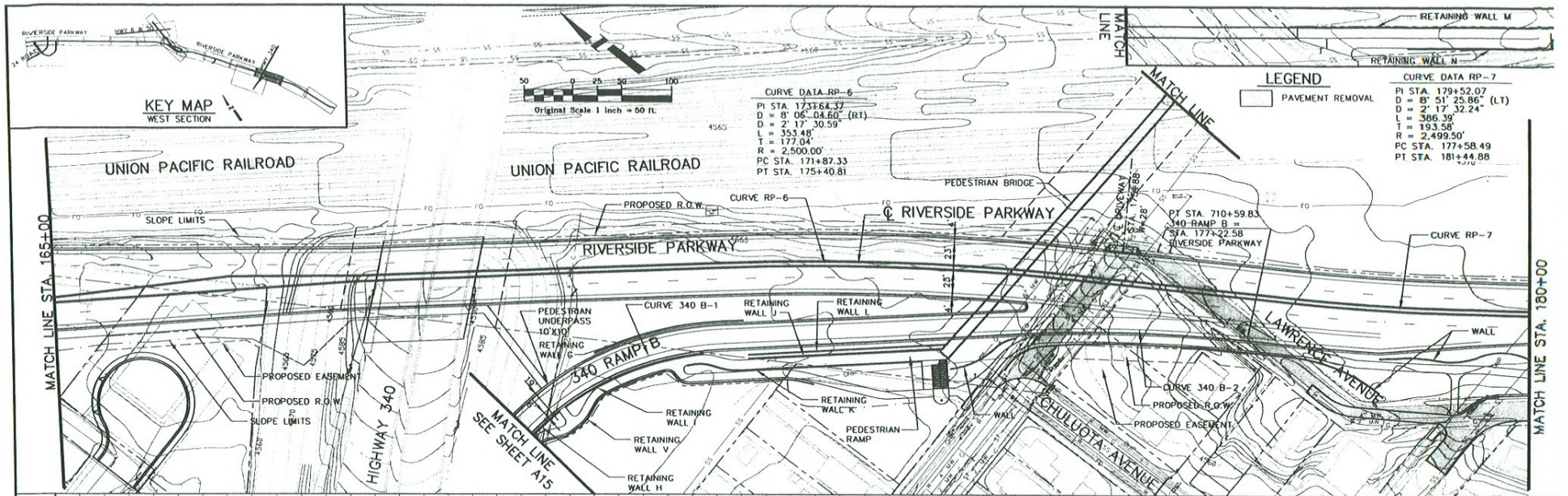
Vicinity Map
Attachment A



City of Grand Junction / Riverside Pedestrian Bridge
 Floodplain Map
Attachment B

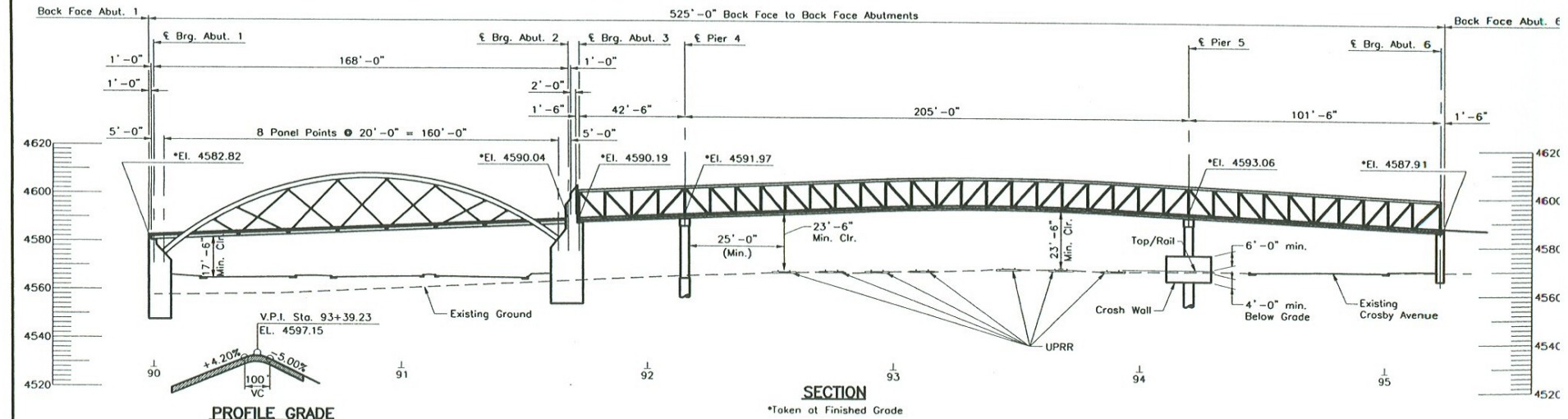
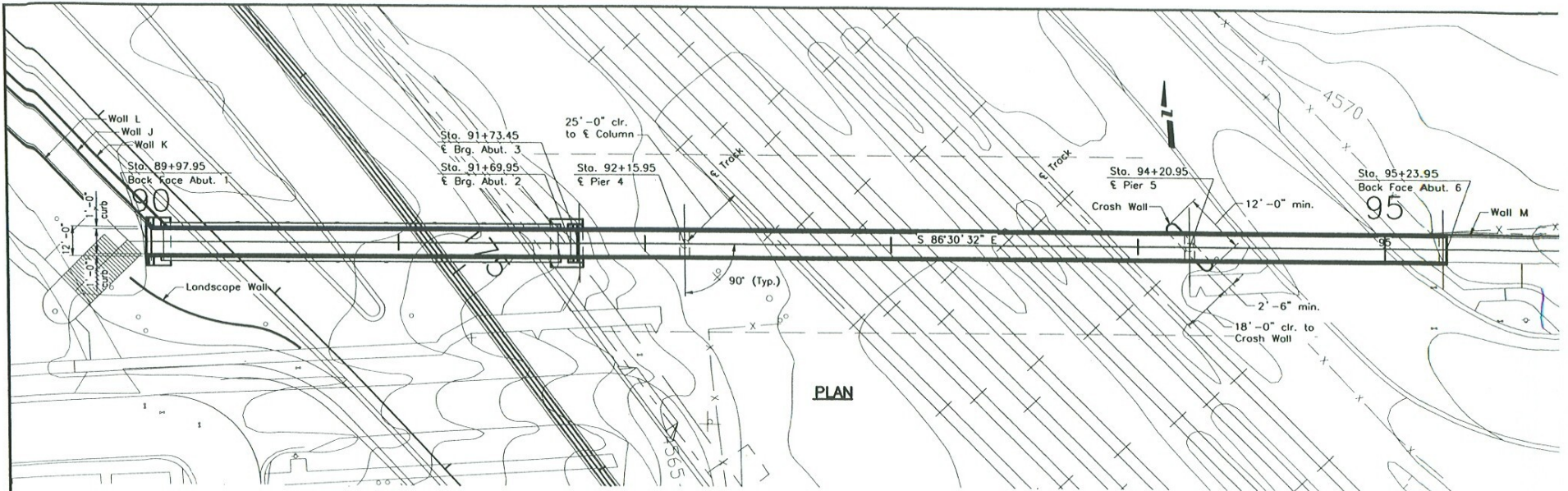
Index to Preliminary Engineering and Architectural Drawings

- A14 Riverside Parkway 30% plans at Main Street Pedestrian Bridge
- S07 Main Street Pedestrian Bridge Plan and Elevation
- S08 Main Street Pedestrian Bridge Typical Section
- UA35 Riverside Parkway / Utility and Drainage Plan at Main Street
Pedestrian Bridge
- LA09 Landscaping / Urban Design Plan for Main Street Pedestrian Bridge
- L01 Urban Design Details for Main Street Pedestrian Bridge
- L04 Urban Design Details for Main Street Pedestrian Bridge /
Riverside Landing



REVISION Δ	DESCRIPTION	DATE	DRAWN BY	DB	DATE	10/05/04	SCALE	Grand Junction Carter Burgess	Riverside Parkway	ROADWAY PLAN & PROFILE RIVERSIDE PARKWAY STA. 165+00 TO STA. 180+00	A14
REVISION Δ			DESIGNED BY		DATE		PLAN				
REVISION Δ			CHECKED BY		DATE		HORIZ. 1"=50'				
REVISION Δ			APPROVED BY		DATE		VERT.				

City of Grand Junction / Riverside Pedestrian Bridge
 A14 Riverside Parkway 30% plans at Main Street
 Pedestrian Bridge
Attachment C-2



REVISION Δ	DESCRIPTION	DATE	DRAWN BY	DATE	ORIGINAL SCALE
REVISION Δ			DESIGNED BY	DATE	PLAN
REVISION Δ			CHECKED BY	DATE	PROFILE
REVISION Δ			APPROVED BY	DATE	HORIZ.
					VERT.

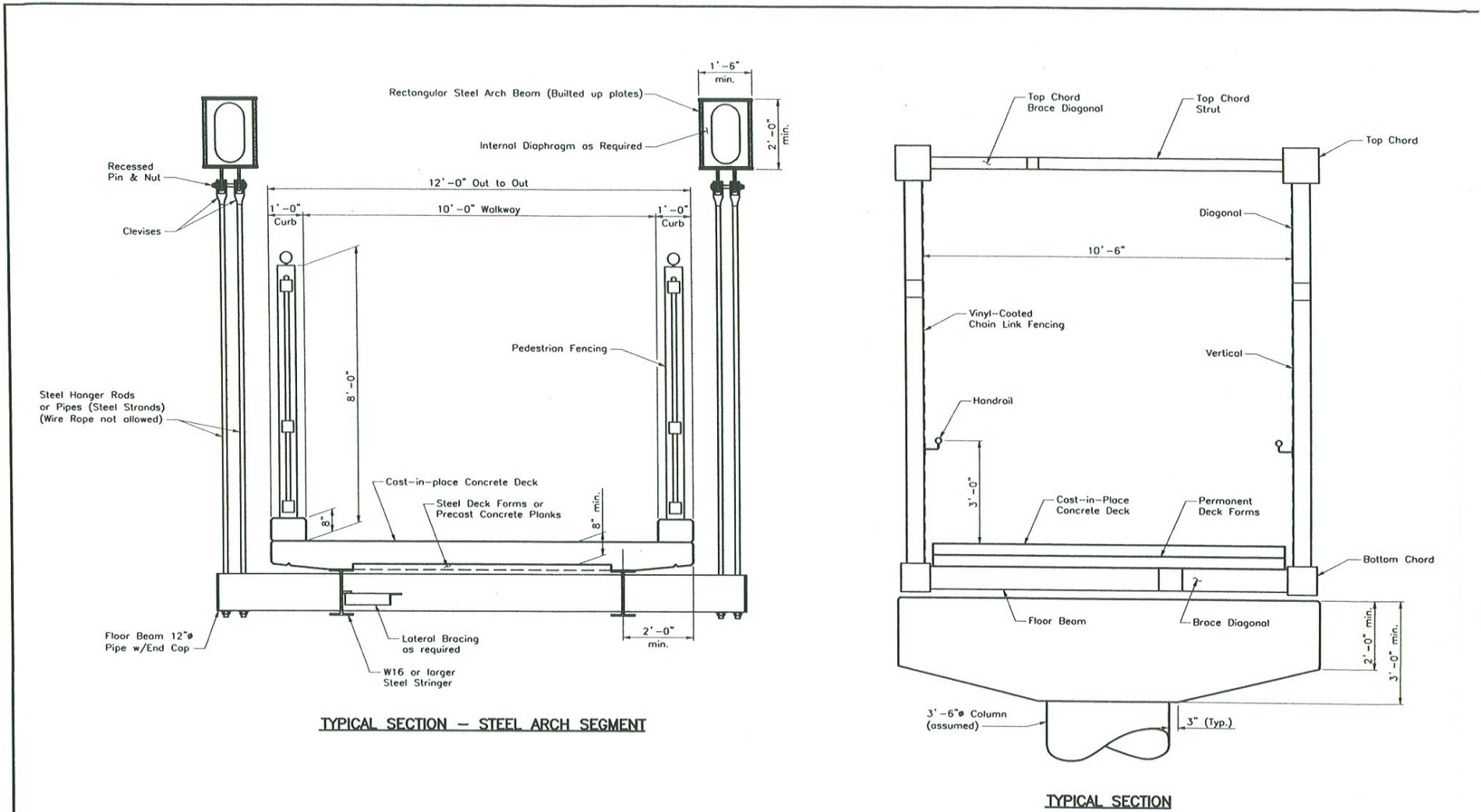
Grand Junction
Carter-Burgess

Riverside Parkway

**MAIN STREET PEDESTRIAN BRIDGE
PLAN AND ELEVATION**

S07

City of Grand Junction / Riverside Pedestrian Bridge
S07 Main Street Pedestrian Bridge Plan and Elevation
Attachment C-3



TYPICAL SECTION - STEEL ARCH SEGMENT

TYPICAL SECTION

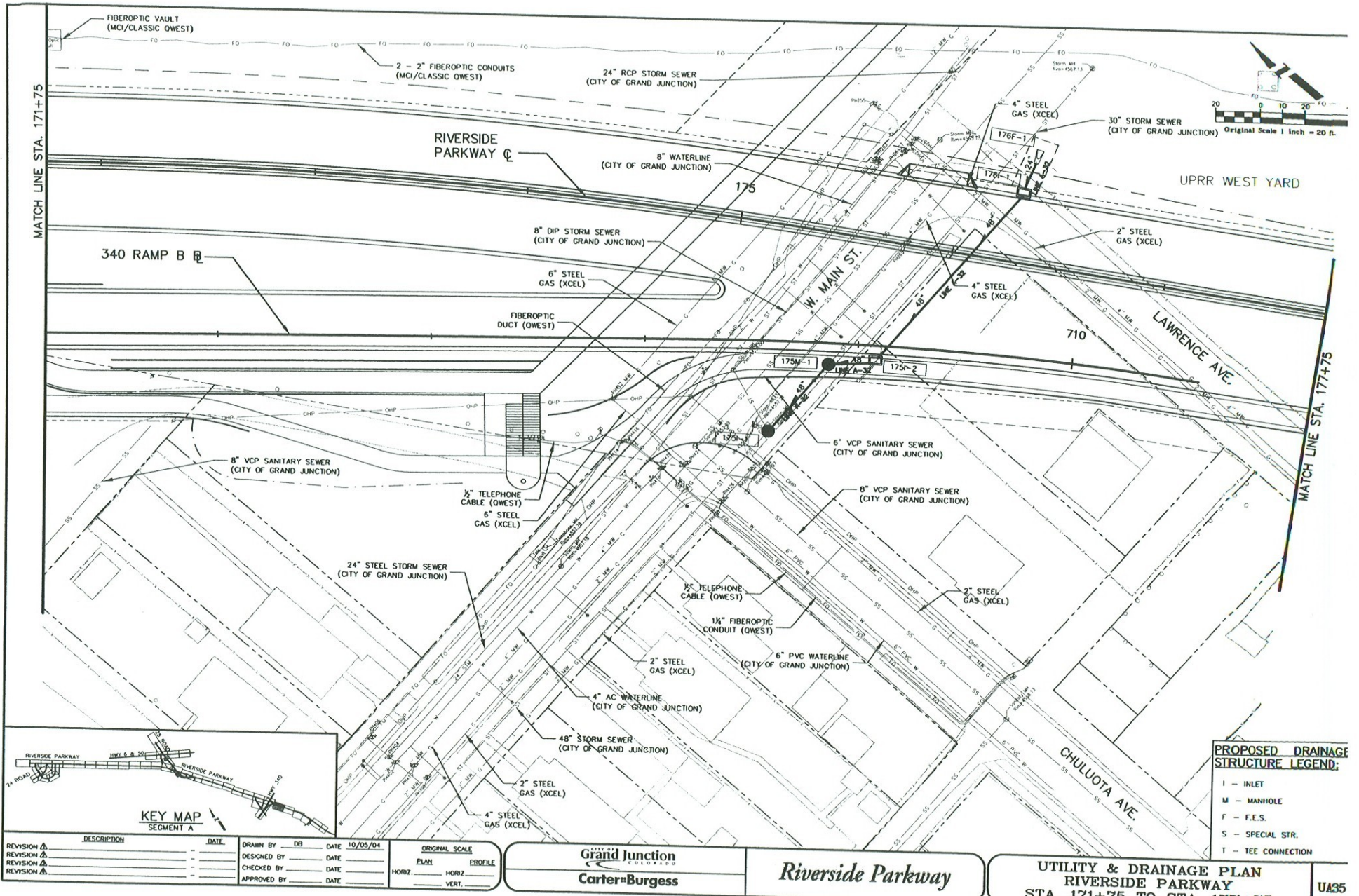
REVISION	DESCRIPTION	DATE	DRAWN BY	DATE	DESIGNED BY	DATE	CHECKED BY	DATE	APPROVED BY	DATE
REVISION A										
REVISION B										
REVISION C										
REVISION D										

ORIGINAL SCALE
 PLAN PROFILE
 HORIZ. _____ HORZ. _____
 VERT. _____

City of Grand Junction
 Carter-Burgess
 Riverside Parkway

MAIN STREET PEDESTRIAN BRIDGE
 TYPICAL SECTIONS

S08



REVISION	DESCRIPTION	DATE	DRAWN BY	DATE	10/05/04	ORIGINAL SCALE
REVISION			DB			PLAN
REVISION						HORIZ.
REVISION						VERT.

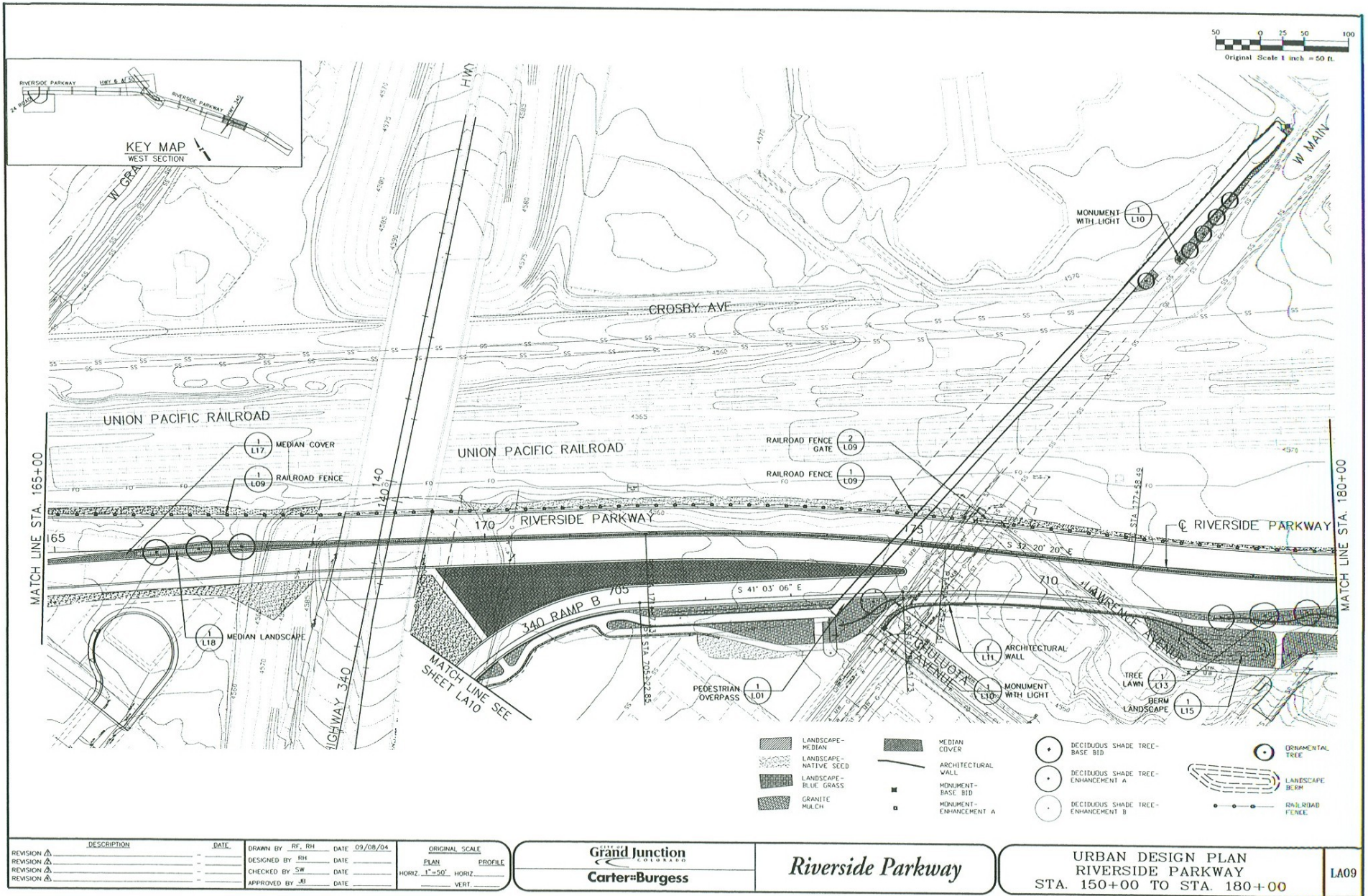
CITY OF Grand Junction
 COLORADO
Carter-Burgess

Riverside Parkway

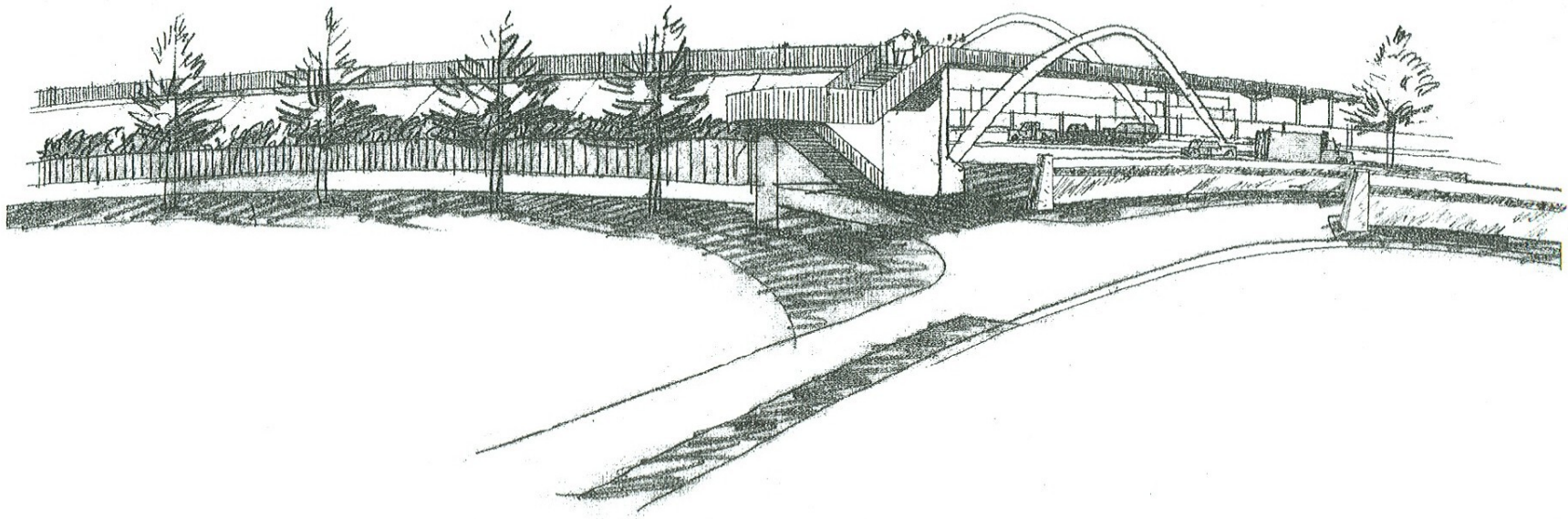
UTILITY & DRAINAGE PLAN
RIVERSIDE PARKWAY
 STA. 171+75 TO STA. 177+75

UA35

City of Grand Junction / Riverside Pedestrian Bridge
 UA35 Riverside Parkway / Utility and Drainage Plan at Main Street
 Pedestrian Bridge
-Attachment C-5



City of Grand Junction / Riverside Pedestrian Bridge
LA09 Landscaping / Urban Design Plan for Main Street
Pedestrian Bridge



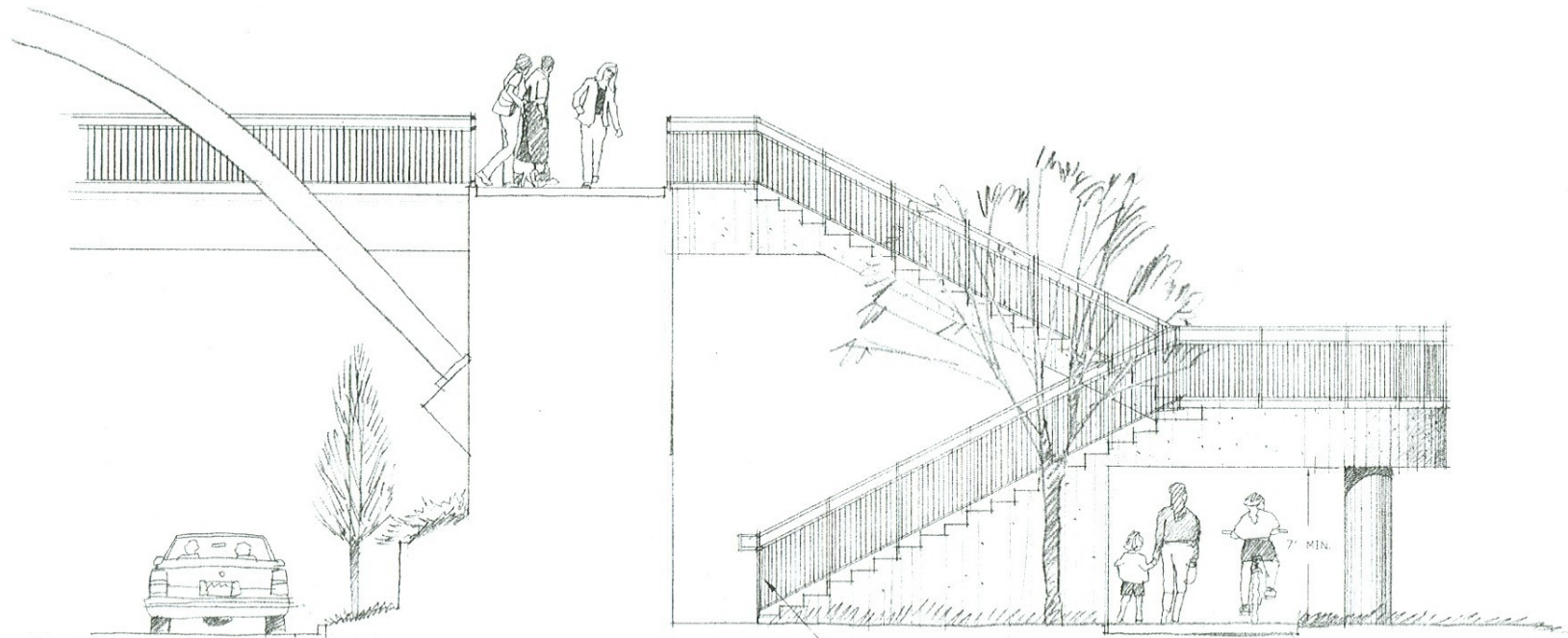
1 PEDESTRIAN OVERPASS
L01 SCALE: NTS

REVISION	DESCRIPTION	DATE	DRAWN BY	DATE	ORIGINAL SCALE
Δ			SW/RH	09/08/04	
Δ			RH		
Δ			SW		
Δ			SB		

GRAND JUNCTION
Grand Junction
 COLORADO
Carter-Burgess

Riverside Parkway

URBAN DESIGN DETAILS
 RIVERSIDE PARKWAY
 PEDESTRIAN OVERPASS



RAILING: STEEL, POWDER COATED,
 COLOR: DARK GREEN (TO MATCH
 5TH ST. AMENITIES)

1 PEDESTRIAN CROSSING AT RIVERSIDE NEIGHBORHOOD
 L04 SCALE: NTS

REVISION	DESCRIPTION	DATE	DRAWN BY	RE_RH	DATE	09/09/04	ORIGINAL SCALE
REVISION			DESIGNED BY	RH	DATE		PLAN PROFILE
REVISION			CHECKED BY	SW	DATE		HORIZ HORIZ
REVISION			APPROVED BY	JB	DATE		VERT VERT

Grand Junction

 URBAN DESIGN

Carter-Burgess

Riverside Parkway

URBAN DESIGN DETAILS
 RIVERSIDE PARKWAY
 PEDESTRIAN CROSSING

L04

City of Grand Junction / Riverside Pedestrian Bridge
 L04 Urban Design Details for Main Street Pedestrian Bridge /
 Riverside Landing

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ASSIST IN THE FUNDING OF THE CONSTRUCTION OF A PEDESTRIAN OVERPASS

RECITALS:

The City Council of the City of Grand Junction, hereby resolved in Resolution No. to apply for an Energy and Mineral Impact Assistance Grant in the amount of \$500,000.

State Mineral Severance Tax funds are allotted for such purposes.

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

That submittal of an application for Energy and Mineral Impact Assistance Grant funding for the construction of a pedestrian overpass is hereby approved in the amount of \$500,000.

ADOPTED AND APPROVED THIS DAY OF November, 2004.

President of the Council

Attest:

City Clerk

Attach 14

Purchase of Property 404 Noland Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 404 Noland Ave for the Riverside Parkway Project					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004				File #	
Author	Trent Prall			Riverside Pkwy Project Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered a contract to purchase the property at 404 Noland Avenue, from Terry Gangle, for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2004 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

2004 Right-of-Way Budget	\$5,000,000
2004 Right-of-Way Related Expenses to Date:*	\$3,674,186
Costs Related to this Property Purchase:	
Purchase Price	\$365,000
Moving Costs (in lieu payment)	\$12,189
Closing Costs	\$1,274
Environmental Inspections (by owner)	\$0
Asbestos Removal (by owner)	\$0
Demolition (primarily by owner / foundation only by City)	\$5,000
Misc environmental cleanup	\$1,000
Total Costs Related to This Request	\$384,463
2004 Remaining Right-of-Way Funds	\$941,351
Total Project Budget	
	\$75,000,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$4,001,612
Other Prelim. Engineering	\$1,483,627
Construction Engineering	\$5,329,193
Construction	\$48,447,206
Right-of-Way & Land Purchases	\$10,387,822
Relocation Expenses	\$2,906,500
Total Estimated Project Costs	\$72,555,960
Remaining Funds / Contingency	\$2,444,040
*Includes anticipated expenditures recently approved by Council for 1001 S. 5th St (\$154,032), 526 25 Rd LLC (\$630,000) and 635 W. Grand (\$381,000) that will be paid in next few weeks.	

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 404 Noland Ave from Terry A Gangle.

Attachments:

1. Proposed Resolution.

Background Information: On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

This is the first business to be purchased in the Lower Downtown area. It is located just west of Highway 50 (5th St) across from the entrance to Van Gundy's. The subject property contains 0.287 acres of C-2 zoned land and a 9,000 square foot owner occupied business. The building was constructed in 1977.

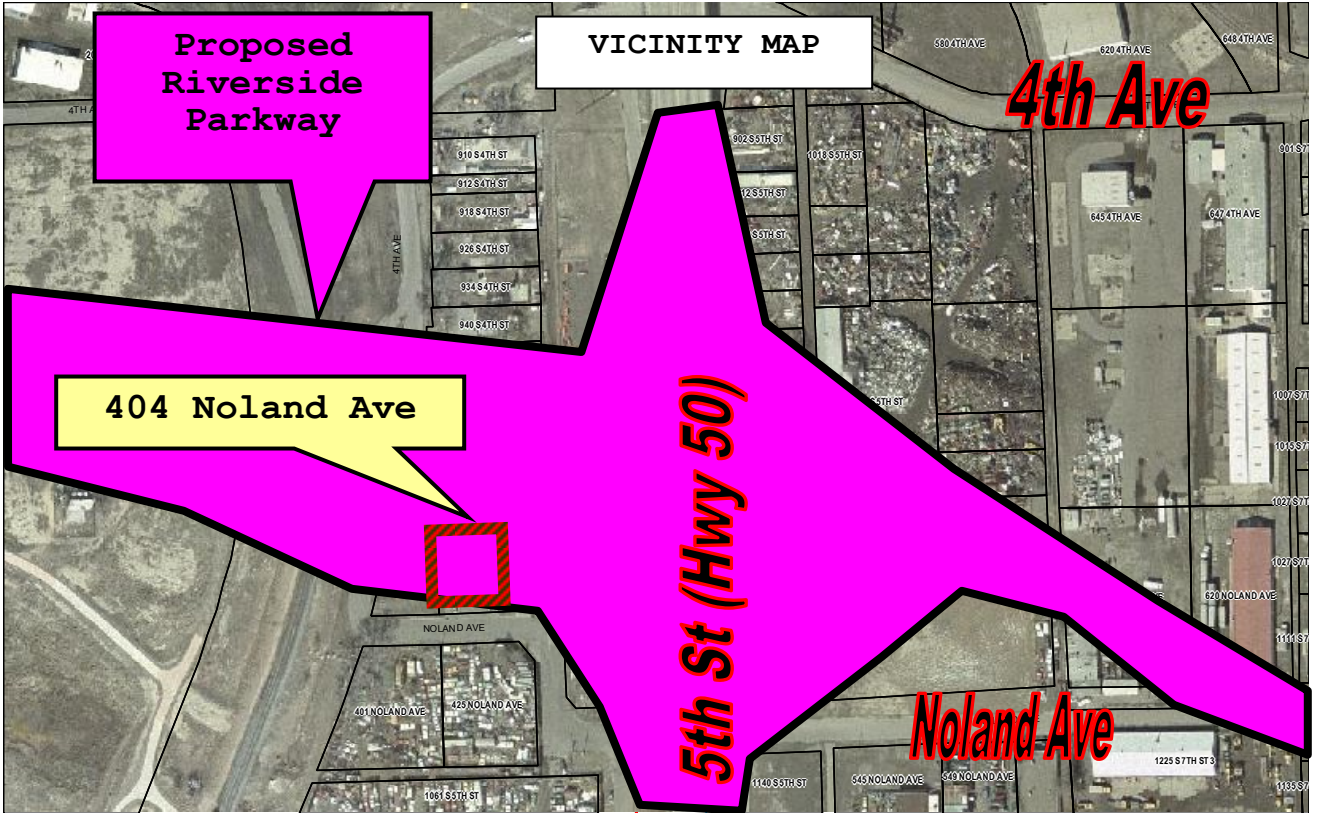
A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. City staff, as well as the City's real estate consultant HC Peck and Associates, has reviewed the two independently prepared appraisals and believes that the purchase price for the subject property is indicative of the fair market value.

The agreement allows for the owner to remove the fixtures as well as the building prior to January 30, 2005. Therefore City incurred demolition costs should be limited to foundation removal.

The owner has agreed to take a payment in lieu of moving expenses which is based on the previous two years tax returns. This payment will be \$12,189.00. The total to be paid to Terry A Gangle is \$377,189.00. Closing is set for November 18, 2004.

Staff recommends this purchase as it is necessary for the construction of the proposed 5th St and Riverside Parkway interchange.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 404 NOLAND AVE FROM TERRY A GANGLE**

Recitals.

- A. The City of Grand Junction has entered into a contract with Terry A Gangle for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 404 Noland Ave and the Mesa County Assessor parcel number is 2945-232-01-007, designated as Project Parcel No. E-12.
- B. The purchase contract provides that on or before November 17, 2004, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.
- C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property.

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

1. The above described property shall be purchased for a price of \$365,000.00. In addition, the City pays a relocation benefit of \$12,189.00 for a payment "in lieu of" moving expenses as the owner will not be relocating the business at this time. The total acquisition cost is \$377,189.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.
2. Said \$377,189.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.
3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this _____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 15

Public Hearing – Facilities and Construction in City ROW
 TO BE CONTINUED TO DECEMBER 15, 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Facilities and Construction in City Rights-of-Way					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004				File #	
Author	Tim Moore			Public Works Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

Budget: The net effect will be to require that utilities pay for the actual costs incurred by the City to issue permits, inspect work for the placement of utilities in the ROW, and the compensate the City for delays and increased costs incurred when City capital projects must be delayed or altered to accommodate the infrastructure of other utilities.

Action Requested/Recommendation: Staff recommends that this issue be continued until the City Council meeting of December 15, 2004. We make this recommendation based upon a conference call between the City and Qwest Communications on Monday, November 8. Staff requires additional time to evaluate these comments.

Attachments: None

Background Information: This is the first update of the City's ordinance regulating street cuts and use of the public right of way in many years. It is needed in response to current construction practices of some utility providers, changes in federal law and in the technology of locating and mapping underground facilities. Its purpose is to allow the City to manage street cuts, coordination of utilities and their construction with City capital projects, and give the City modern and accurate information on what utilities are located where. A key provision is that utility providers must now coordinate their construction efforts with the City's, and provide computer-compatible "as built" of their system, so that the City can incorporate such data into the City's GIS system. .

Utility companies including Xcel, Grand Valley Power, Ute Water, area sanitation districts and telecommunication providers have had the opportunity to review and comment on the draft ordinance.

Key Provisions of Ordinance

- Coordination of Construction Activities among all providers
- GIS compatible "as-builts" will be submitted
- Minimize Street Cuts
- Standards for location of new and or replaced utilities
- Potholing of utilities for design phase of projects
- Systematic method of permitting ROW activities

Attach 16

Public Hearing – Zoning the Kronvall Annexation, 2263 Greenbelt Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Kronvall Annexation, located at 2263 Greenbelt Drive, to RSF-4 (Residential Single Family 4 du/ac).					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004			File #ANX-2004-175		
Author	Faye Hall		Planning Technician			
Presenter Name	Faye Hall		Planning Technician			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Hold a public hearing and consider final passage of the Zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive. The 4.274 acre annexation consists of 2 parcels of land.

Budget: N/A

Action Requested/Recommendation: Conduct a public hearing and consider final passage of the zoning ordinance. Planning Commission recommended approval of the RSF-4 zoning at their October 26, 2004 meeting.

Background Information: See attached Staff Report/Background Information

Attachments:

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

Staff Report/ Background Information

BACKGROUND INFORMATION			
Location:		2263 Greenbelt Drive	
Applicants:		Owner/Developer: Milo Johnson – Peak Const. Representative: Brian Hart - Landesign	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County PD 4.01 du/ac, PD 14.88 du/ac	
	South	County RSF-4	
	East	City CSR, RSF-4, PD 2 du/ac	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac. GPA-2004-207 approved by City Council on Oct. 20, 2004	
Zoning within density range?	X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

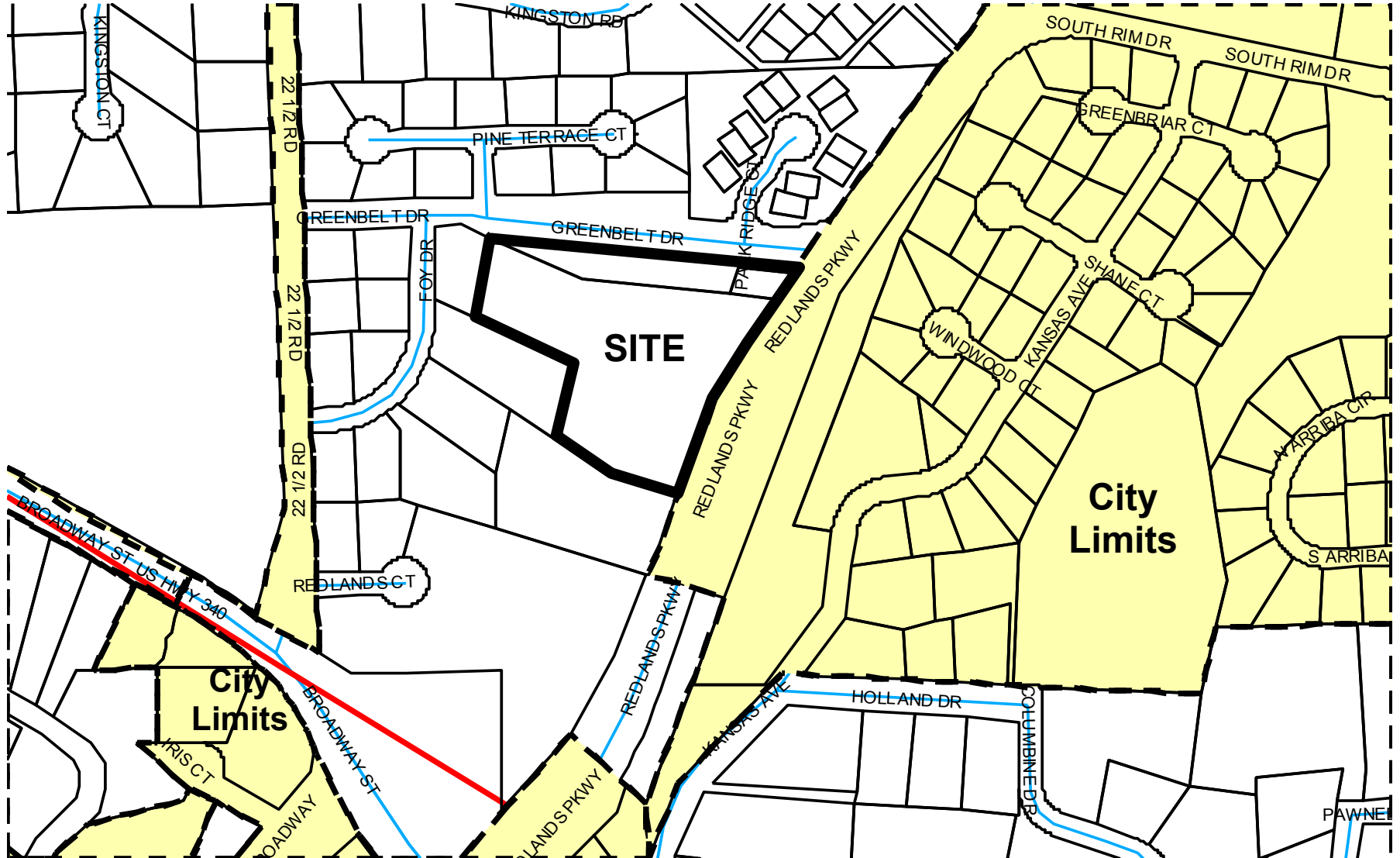
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the

Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



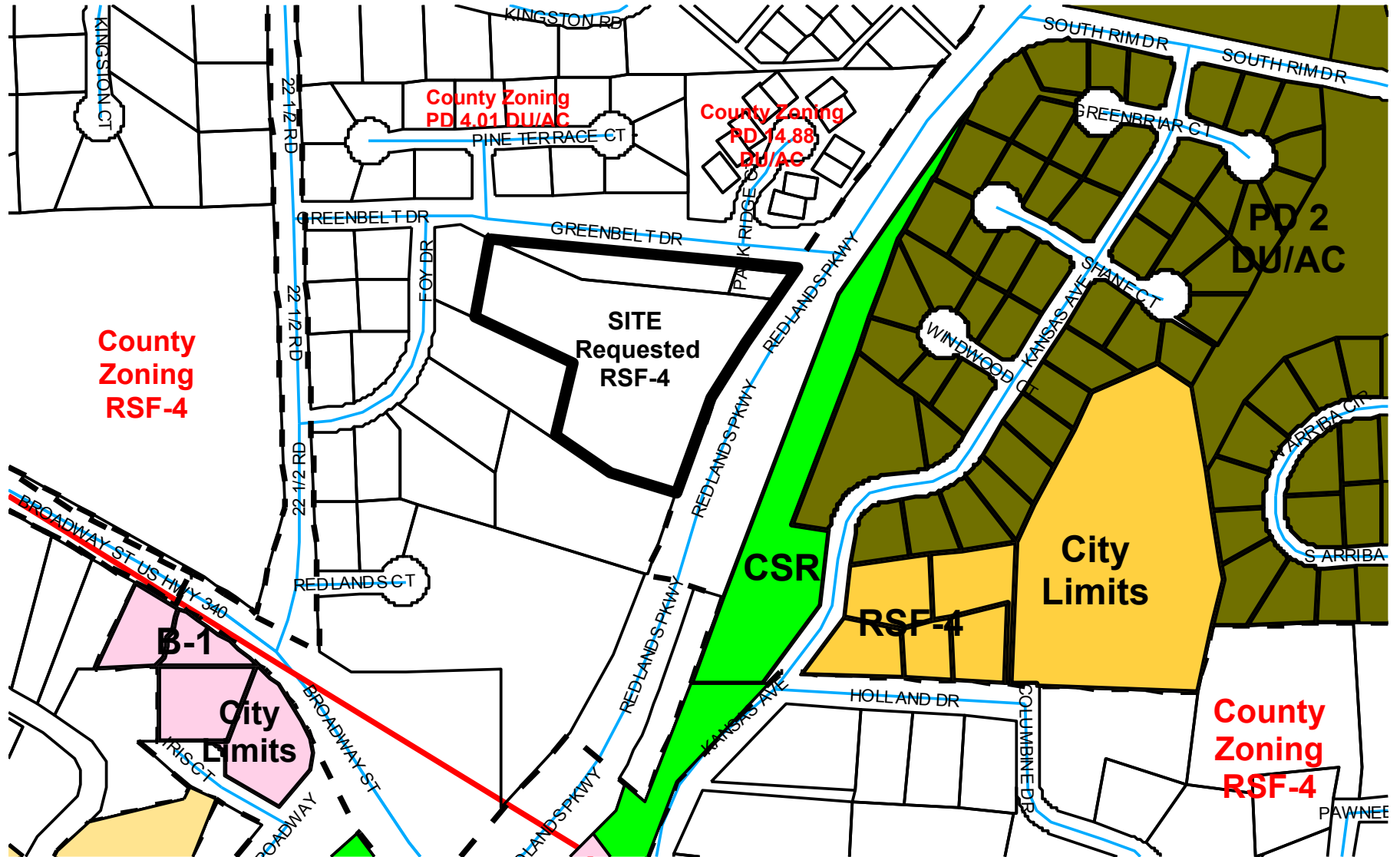
Aerial Photo Map

Figure 2



Existing City and County Zoning

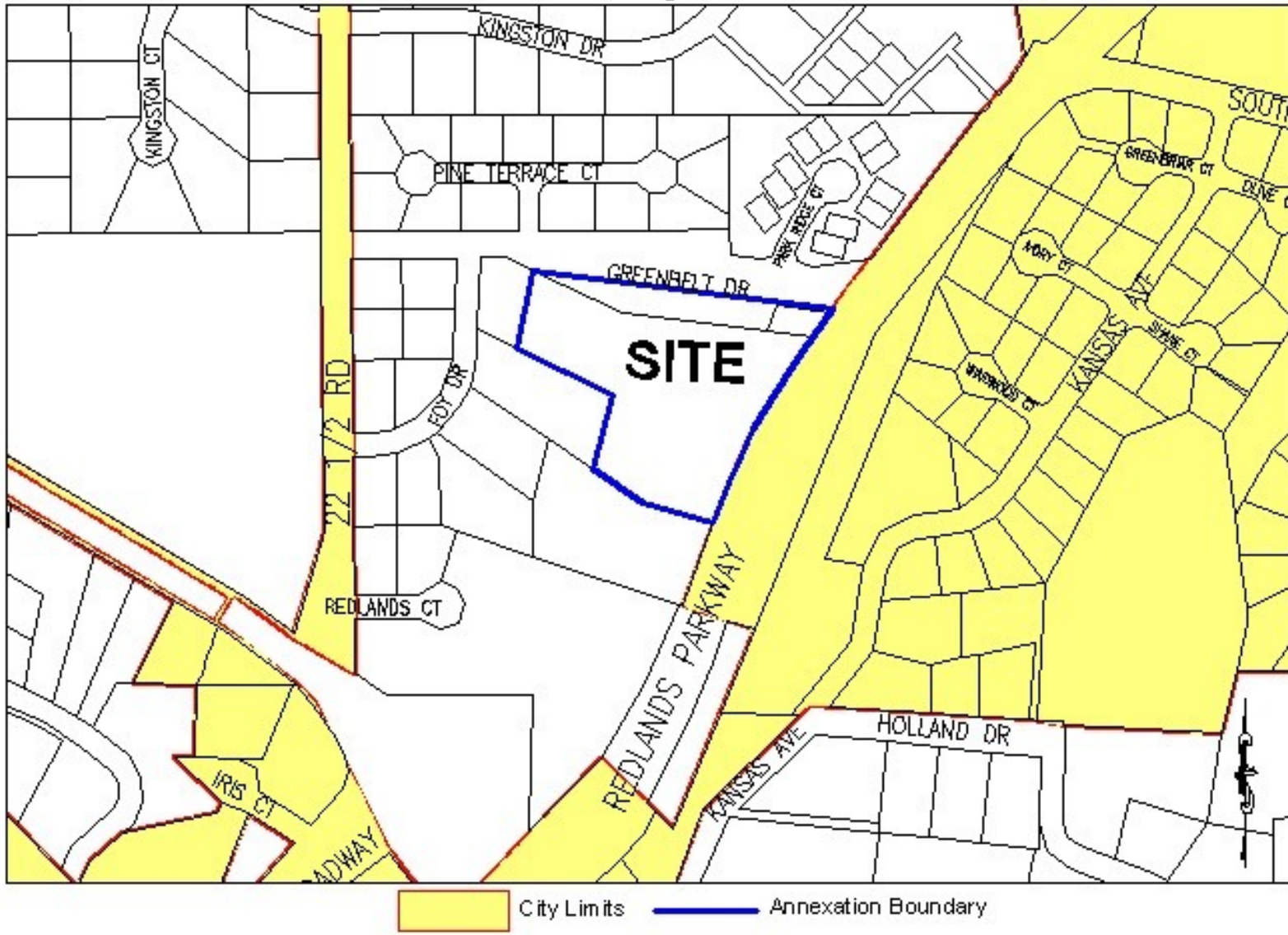
Figure 4



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."

Kronvall Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE KRONVALL ANNEXATION TO
RSF-4 (RESIDENTIAL SINGLE FAMILY 4 DU/AC)**

LOCATED AT 2263 GREENBELT 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 zoning the Kronvall 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 (Residential Single Family 4 du/ac) zone district be established.

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

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

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

KRONVALL ANNEXATION

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 2, Greenbelt Subdivision, as same is recorded in Book 3671, Page 249, Public Records of Mesa County, Colorado, together with a parcel of land shown and labeled within the Northeast portion of said Lot 2 having a Mesa County Parcel Number of 2945-074-00-002, all being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 2, Greenbelt Subdivision and assuming the North line of said Lot 2 bears S 82°26'11" E with all other bearings mentioned herein in reference thereto; thence from said Point of Beginning, N 73°00'10" W along the South line of said Lot 2, a distance of 151.23 feet; thence continuing along said South line, N 56°07'10" W a distance of 128.84 feet to a point being the Southeast corner of Lot 1, Kronvall Subdivision, as same is recorded in Book 3602, Page 477, Public Records of Mesa County, Colorado; thence N 16°45'36" E along the East line of said Lot 1, Kronvall Subdivision, a distance of 151.81 feet to a point being the Northeast corner of said Lot 1, Kronvall Subdivision; thence N 62°57'41" W a distance of 203.26 feet to a point being the Southeast corner of Lot 1 of said Greenbelt Subdivision; thence N 12°08'01" E along the East line of said Lot 1, Greenbelt Subdivision, a distance of 172.00 feet to a point being the Northwest corner of Lot 2, Greenbelt Subdivision; thence S 82°26'11" E along the North line of said Lot 2, Greenbelt Subdivision, a distance of 606.45 feet to a point being the Northeast corner of said Lot 2, Greenbelt Subdivision; thence S 36°48'00" W along the East line of said Lot 2, Greenbelt Subdivision, being the West right of way for the Redlands Parkway, a distance of 9.45 feet; thence S 35°34'34" W along said West right of way, a distance of 54.72 feet to a point being the Southeast corner of that certain parcel of land with Mesa County parcel control number of 2945-074-00-002; thence S 35°32'54" W along the West right of way for the Redlands Parkway, a distance of 71.68 feet; thence S 28°40'28" W along the East line of said Lot 2 and the West right of way for the Redlands Parkway, a distance of 284.08 feet; thence S 21°48'03" W along the East line of said Lot 2 and the West right of way for the Redlands Parkway, a distance of 88.85 feet, more or less, to the Point of Beginning.

CONTAINING 4.274 Acres (186,189 Sq. Ft.), more or less, as described.

Housing type, density and bulk standards shall be for the RSF-4 zone district.

Introduced on first reading this 3rd day of November, 2004 and ordered published.

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

President of the Council

ATTEST:

City Clerk

Attach 17

Public Hearing – Fisher Annexation Located at 104 29 ¾ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	A hearing for the Fisher Annexation located at 104 29 ¾ Road					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004				File #GPA-2004-191	
Author	Faye Hall			Planning Technician		
Presenter Name	Faye Hall			Planning Technician		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Fisher Annexation, located at 104 29 ¾ Road. The 18.013 acre Fisher annexation consists of one parcel.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT/BACKGROUND INFORMATION

Location:		104 29 ¾ Road		
Applicants:		Owner: Albert Fisher Representative: Robert Jones II		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential Medium Low 2-4 du/ac		
	South	Public		
	East	Rural 5-35 ac/du		
	West	Conservation/ Residential Medium Low 2-4 du/ac		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-R		
	South	County RSF-R		
	East	County RSF-R		
	West	County RSF-R/ Planned Commercial		
Growth Plan Designation:		Existing: Rural 5-35 ac/du Requesting: Residential Medium Low 2-4 du/ac		
Zoning within density range?		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of 18.013 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide the property. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

ZONING: No recommendation for zoning is being forwarded at this time. The petitioner has requested a Growth Plan Amendment to increase the allowable density on the site. Once action has occurred on the Growth Plan Amendment, a recommendation on the appropriate zoning for the property will be forwarded to the Planning Commission and the City Council.

The following annexation and zoning schedule is being proposed.

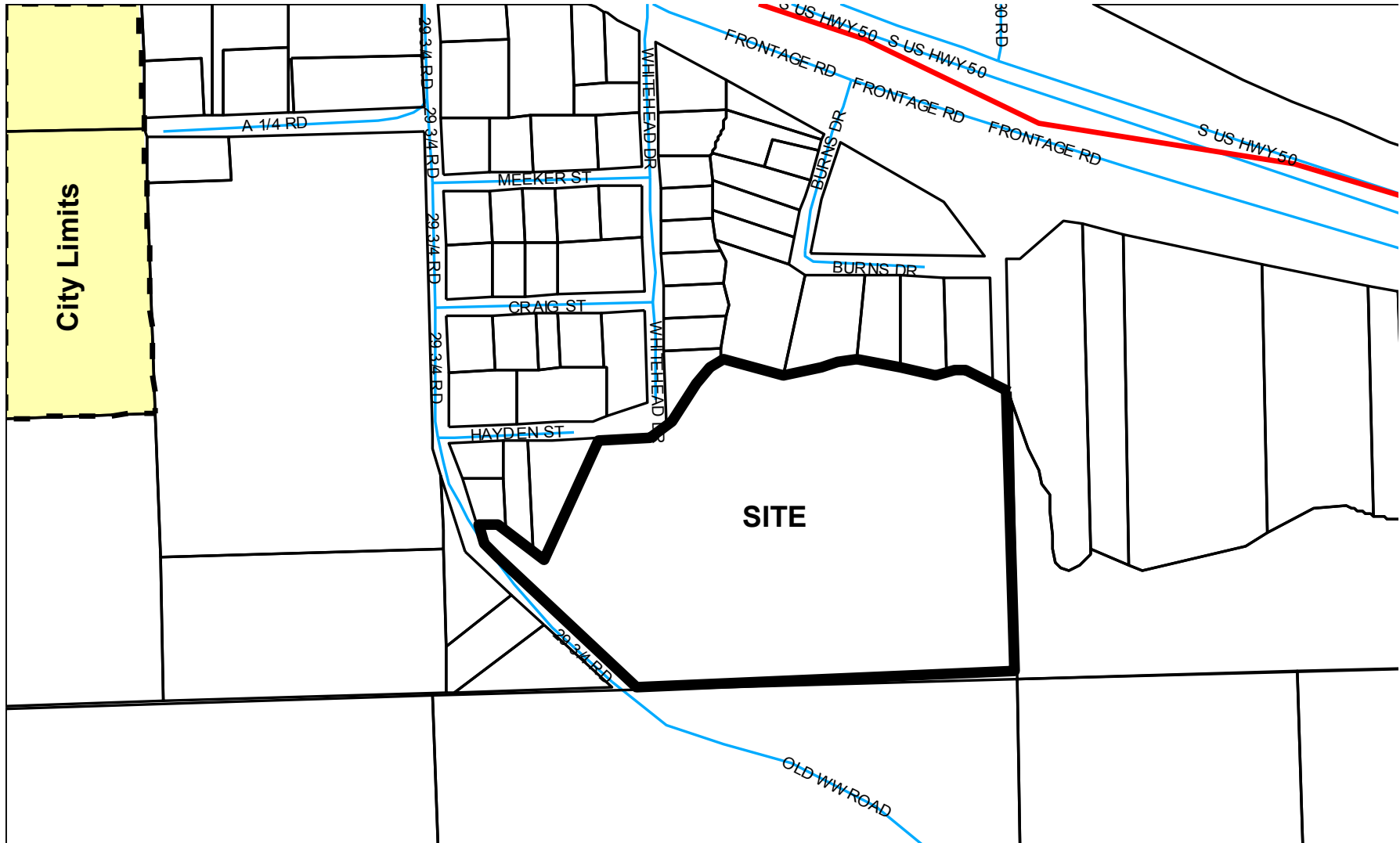
<i>ANNEXATION SCHEDULE</i>	
October 6, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To Be Scheduled	Planning Commission considers Zone of Annexation
To Be Scheduled	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
To Be Scheduled	Zoning by City Council
December 19, 2004	Effective date of Annexation

FISHER ANNEXATION SUMMARY

File Number:		GPA-2004-191
Location:		104 29 ³ / ₄ Road
Tax ID Number:		2943-324-10-001
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		18.013
Developable Acres Remaining:		16
Right-of-way in Annexation:		0.127 ac within US Hwy 50 and 29 ³ / ₄ Road Right Of Way
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		<i>Vacant</i>
Future Land Use:		<i>Residential</i>
Values:	Assessed:	\$22,110
	Actual:	\$76,230
Address Ranges:		104 29 ³ / ₄ Road
Special Districts:	Water:	Ute
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Orchard Mesa
	School:	School District 51

Site Location Map

Figure 1



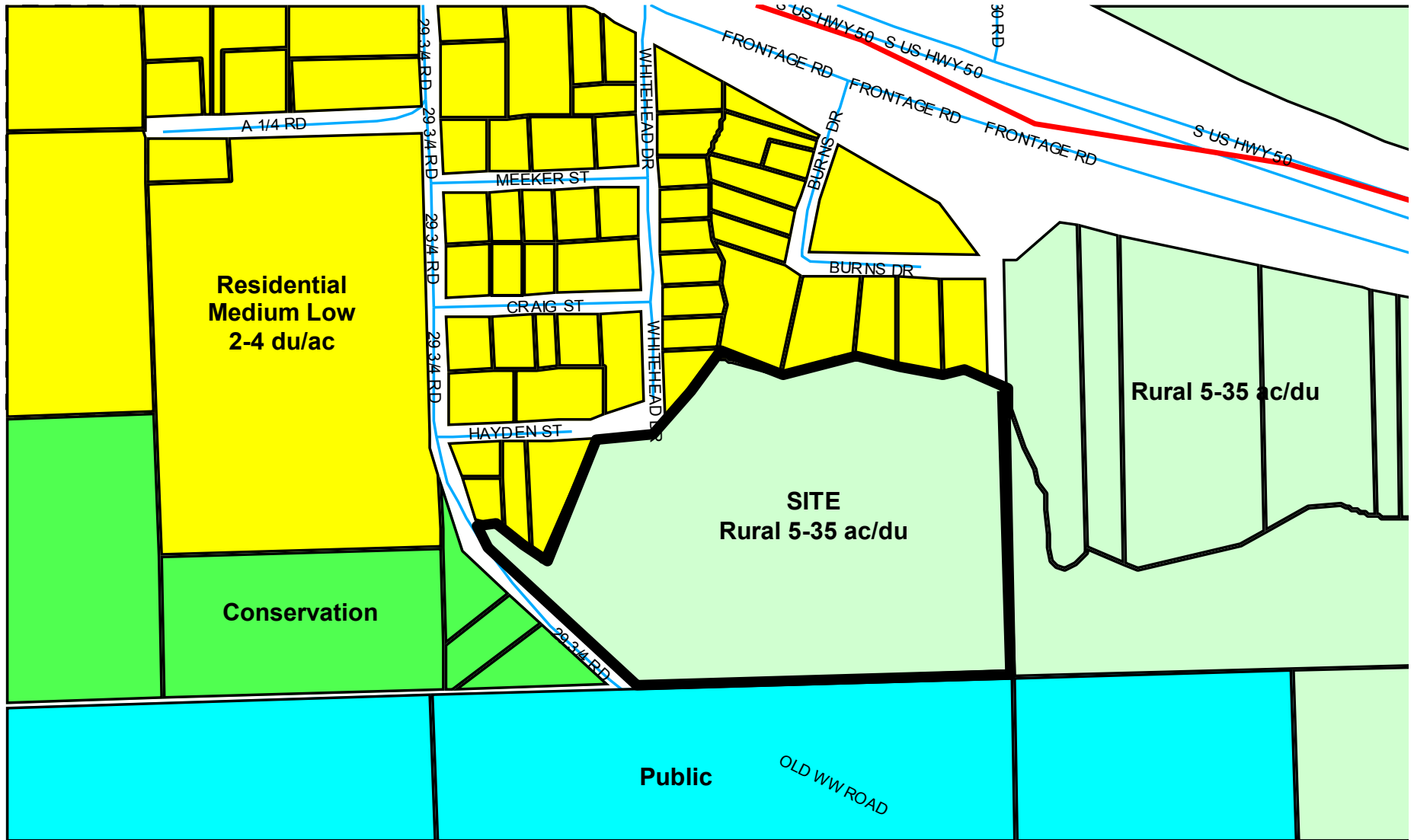
Aerial Photo Map

Figure 2



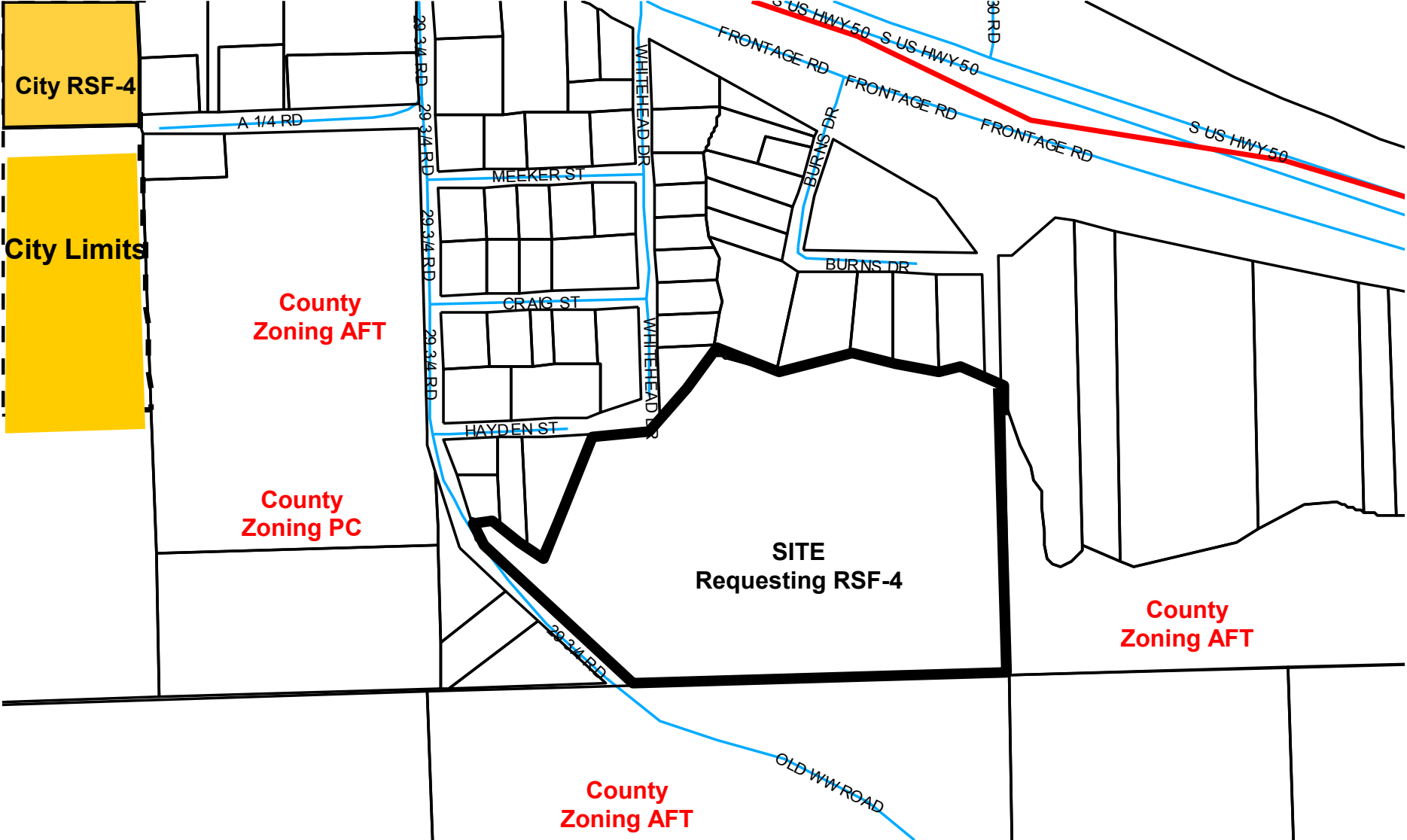
Future Land Use Map

Figure 3



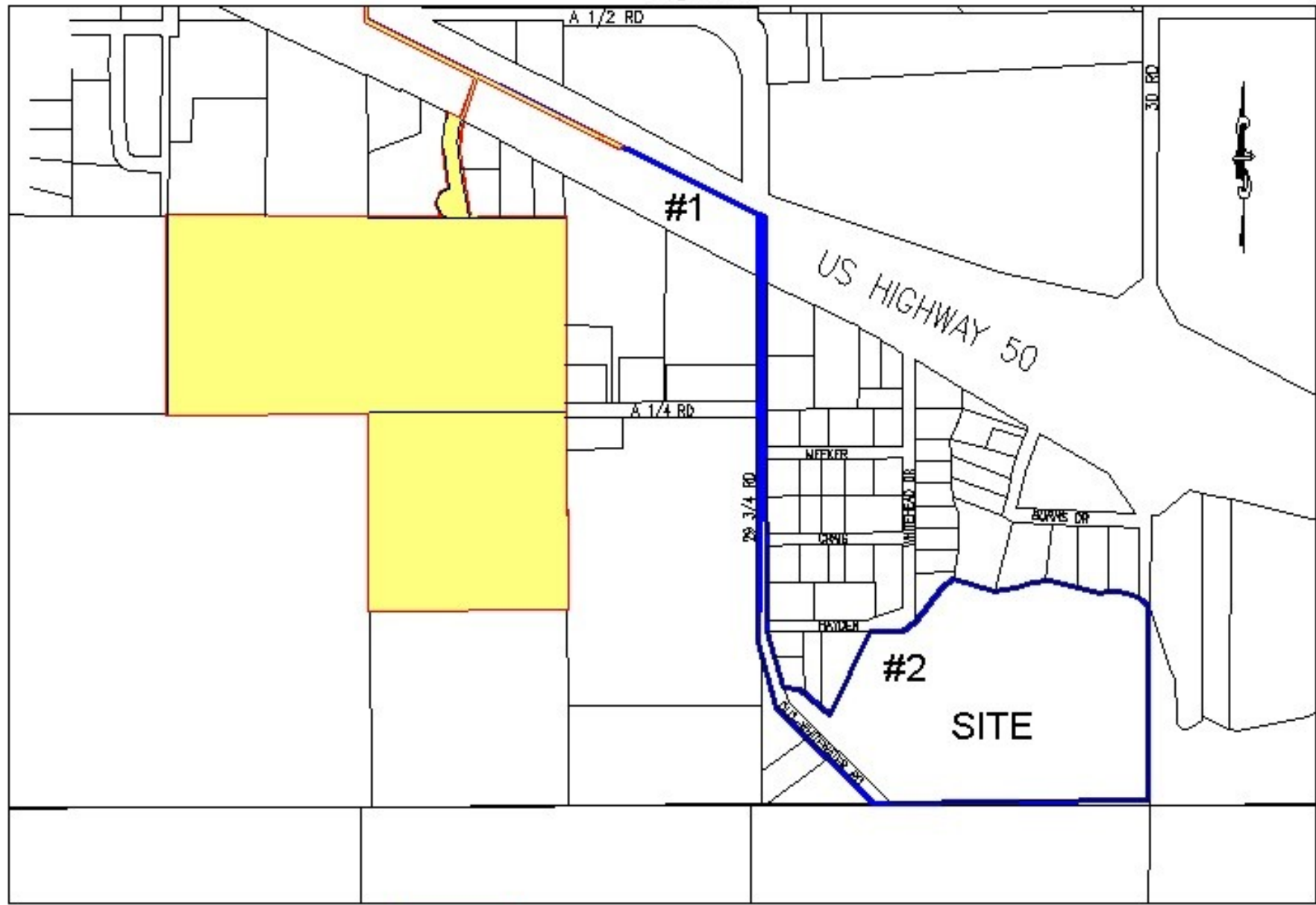
Existing City and County Zoning

Figure 4



Fisher Annexations #1 and #2

Figure 5



City Limits



Annexation Boundary

RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

LOCATED at 104 29 ³/₄ ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of October, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FISHER ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SE 1/4 (Center Quarter corner) of said Section 32 and assuming the North line of the SE 1/4 of said Section 32 bears N 89°43'07" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°43'07" E along the North line of the SE 1/4 of said Section 32, a distance of 4.48 feet; thence S 63°44'41" E a distance of 1457.31 feet; thence S 00°07'03" E along a line 2.00 feet East of and parallel with, the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 659.02 feet to a point on the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 32; thence S 00°01'28" W along a line 2.00 East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.50 feet; thence N 89°58'32" W a distance of 2.00 feet; thence N 00°01'28" E, along the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.48 feet to the Southeast corner of the NW 1/4 SE 1/4 of said Section 32; thence N 00°07'03" W along the East line of the NW 1/4 SE 1/4 of said Section 32, a distance of 657.79 feet; thence N 63°44'41" W a distance of 1460.08 feet, more or less, to the Point of Beginning.

CONTAINING 0.127 Acres (5,551.0 Sq. Ft.), more or less, as described.

FISHER ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32 and assuming the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 32 bears N 89°29'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°29'32" E along the North line of the SE 1/4 SE 1/4 of said Section 32, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°07'03" W along a line 2.00 feet East of and parallel with, the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 659.02 feet; thence S 63°44'41" E a distance of 20.09 feet; thence S 00°07'03" E along a line 20.00 feet East of and parallel with, the East line of the NW 1/4 SE 1/4 of said Section 32, a distance of 649.97 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 32; thence S 00°01'28" E along a line 20.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 745.03 feet, more or less, to a point being the Northwest corner of Lot 1, Block 4, Burns Subdivision, as same is recorded in Plat Book 7, Page 63, Public Records of Mesa County, Colorado; thence S 16°04'09" E along the West line of said Lot 1 (being common with the East right of way for Whitewater Road (29-3/4 Road)), a distance of 205.22 feet; thence along the North line of Lot 1, Block 9 of said Burns Subdivision, the following sixteen (16) courses:

1. N 83°00'04" E a distance of 50.49 feet; thence...
2. S 48°55'45" E a distance of 132.59 feet; thence...
3. N 25°51'43" E a distance of 312.51 feet; thence...
4. N 89°29'32" E a distance of 113.81 feet; thence...
5. N 27°03'40" E a distance of 88.00 feet; thence...
6. N 45°23'47" E a distance of 184.86 feet; thence...
7. S 70°51'42" E a distance of 146.80 feet; thence...
8. N 80°40'50" E a distance of 87.29 feet; thence...
9. N 68°32'18" E a distance of 53.73 feet; thence...
10. N 87°16'18" E a distance of 60.00 feet; thence...
11. S 76°09'42" E a distance of 61.60 feet; thence...
12. S 75°15'42" E a distance of 61.87 feet; thence...
13. S 78°21'42" E a distance of 50.92 feet; thence...
14. N 83°25'18" E a distance of 50.28 feet; thence...
15. S 73°38'42" E a distance of 51.96 feet; thence...
16. S 56°49'42" E a distance of 64.05 feet, more or less, to a point on the East line of the SE 1/4 SE 1/4 of said Section 32;

thence S 00°14'18" W along the East line of the SE 1/4 SE 1/4 of said Section 32, a distance of 687.66 feet to the Southeast corner of said Section 32; thence S 89°58'35" W along the South line of the SE 1/4 SE 1/4 of said Section 32, a distance of 930.47 feet to a point being the Southeast corner of Lot 1, Block 8 of said Burns Subdivision; thence N 45°20'00" W along the Northeasterly line of said Lot 1, Block 8, a distance of 451.91 feet; thence N 16°04'09" W a distance of 186.59 feet to a point on the West line of the SE 1/4 SE 1/4 of said Section 32; thence N 00°01'28" E, along the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 161.34 feet; thence S 89°58'32" E a

distance of 2.00 feet; thence N 00°01'28" E along a line 2.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.50 feet, more or less, to the Point of Beginning.

CONTAINING 17.886 Acres (779,137.0 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17TH day of November, 2004; and

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

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

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

ADOPTED this 17th day of November, 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**

FISHER ANNEXATION #1

APPROXIMATELY 0.127 ACRES

LOCATED WITHIN US HWY 50 AND 29 ¾ ROAD RIGHTS OF WAY

WHEREAS, on the 6th day of October, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 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:

FISHER ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SE 1/4 (Center Quarter corner) of said Section 32 and assuming the North line of the SE 1/4 of said Section 32 bears N 89°43'07" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°43'07" E along the North line of the SE 1/4 of said Section 32, a distance of 4.48 feet; thence S 63°44'41" E a distance of 1457.31 feet; thence S 00°07'03" E along a line 2.00 feet East of and parallel with, the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 659.02 feet to a point on the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of

said Section 32; thence S 00°01'28" W along a line 2.00 East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.50 feet; thence N 89°58'32" W a distance of 2.00 feet; thence N 00°01'28" E, along the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.48 feet to the Southeast corner of the NW 1/4 SE 1/4 of said Section 32; thence N 00°07'03" W along the East line of the NW 1/4 SE 1/4 of said Section 32, a distance of 657.79 feet; thence N 63°44'41" W a distance of 1460.08 feet, more or less, to the Point of Beginning.

CONTAINING 0.127 Acres (5,551.0 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 6th day of October, 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**

FISHER ANNEXATION #2

APPROXIMATELY 17.886 ACRES

LOCATED AT 104 29 ³/₄ ROAD

WHEREAS, on the 6th day of October, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 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:

FISHER ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32 and assuming the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 32 bears N 89°29'32" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°29'32" E along the North line of the SE 1/4 SE 1/4 of said Section 32, a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°07'03" W along a line 2.00 feet East of and parallel with, the East line of the Northwest

Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 659.02 feet; thence S 63°44'41" E a distance of 20.09 feet; thence S 00°07'03" E along a line 20.00 feet East of and parallel with, the East line of the NW 1/4 SE 1/4 of said Section 32, a distance of 649.97 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 32; thence S 00°01'28" E along a line 20.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 745.03 feet, more or less, to a point being the Northwest corner of Lot 1, Block 4, Burns Subdivision, as same is recorded in Plat Book 7, Page 63, Public Records of Mesa County, Colorado; thence S 16°04'09" E along the West line of said Lot 1 (being common with the East right of way for Whitewater Road (29-3/4 Road)), a distance of 205.22 feet; thence along the North line of Lot 1, Block 9 of said Burns Subdivision, the following sixteen (16) courses:

1. N 83°00'04" E a distance of 50.49 feet; thence...
2. S 48°55'45" E a distance of 132.59 feet; thence...
3. N 25°51'43" E a distance of 312.51 feet; thence...
4. N 89°29'32" E a distance of 113.81 feet; thence...
5. N 27°03'40" E a distance of 88.00 feet; thence...
6. N 45°23'47" E a distance of 184.86 feet; thence...
7. S 70°51'42" E a distance of 146.80 feet; thence...
8. N 80°40'50" E a distance of 87.29 feet; thence...
9. N 68°32'18" E a distance of 53.73 feet; thence...
10. N 87°16'18" E a distance of 60.00 feet; thence...
11. S 76°09'42" E a distance of 61.60 feet; thence...
12. S 75°15'42" E a distance of 61.87 feet; thence...
13. S 78°21'42" E a distance of 50.92 feet; thence...
14. N 83°25'18" E a distance of 50.28 feet; thence...
15. S 73°38'42" E a distance of 51.96 feet; thence...
16. S 56°49'42" E a distance of 64.05 feet, more or less, to a point on the East line of the SE 1/4 SE 1/4 of said Section 32;

thence S 00°14'18" W along the East line of the SE 1/4 SE 1/4 of said Section 32, a distance of 687.66 feet to the Southeast corner of said Section 32; thence S 89°58'35" W along the South line of the SE 1/4 SE 1/4 of said Section 32, a distance of 930.47 feet to a point being the Southeast corner of Lot 1, Block 8 of said Burns Subdivision; thence N 45°20'00" W along the Northeasterly line of said Lot 1, Block 8, a distance of 451.91 feet; thence N 16°04'09" W a distance of 186.59 feet to a point on the West line of the SE 1/4 SE 1/4 of said Section 32; thence N 00°01'28" E, along the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 161.34 feet; thence S 89°58'32" E a distance of 2.00 feet; thence N 00°01'28" E along a line 2.00 feet East of and parallel with, the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 658.50 feet, more or less, to the Point of Beginning.

CONTAINING 17.886 Acres (779,137.0 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 6th day of October, 2004 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 18

Public Hearing – Meyers/Steele Annexation Located at 3020 E ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	A hearing for the Meyers/Steele Annexation located at 3020 E ½ Road						
Meeting Date	November 17, 2004						
Date Prepared	November 10, 2004				File #ANX-2004-206		
Author	Faye Hall			Planning Technician			
Presenter Name	Faye Hall			Planning Technician			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Meyers/Steele Annexation, located at 3020 E ½ Road. The 2.7559 acre Meyers/Steele annexation consists of one parcel of land and portions of 30 Road and Orchard Avenue rights-of-way.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT/BACKGROUND INFORMATION					
Location:		3020 E ½ Road			
Applicants:		Evelyn Steele & Carolyn Meyers			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RSF-4			
Proposed Zoning:		City RSF-4			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-4 & PUD 4.49 du/ac			
	West	County RSF-4			
Growth Plan Designation:		Residential Medium Low 2-4 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 2.7559 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a request to subdivide the property. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Meyers/Steele Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
October 6, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 26, 2004	Planning Commission considers Zone of Annexation
November 17, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
December 1, 2004	Zoning by City Council
December 19, 2004	Effective date of Annexation and Zoning

MEYERS/STEELE ANNEXATION SUMMARY

File Number:	ANX-2004-206	
Location:	3020 E ½ Road	
Tax ID Number:	2943-092-00-024	
Parcels:	1	
Estimated Population:	3	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	2.7559	
Developable Acres Remaining:	.25	
Right-of-way in Annexation:	101,345 sq ft of 30 Road & E ½ Road	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-4	
Current Land Use:	<i>Residential</i>	
Future Land Use:	<i>Residential Medium Low 2-4 du/ac</i>	
Values:	Assessed:	\$5790
	Actual:	\$72,670
Address Ranges:	3020 E ½ Road	
Special Districts:	Water:	Clifton
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage Grand Valley Irrigation
	School:	District 51

Site Location Map

Figure 1



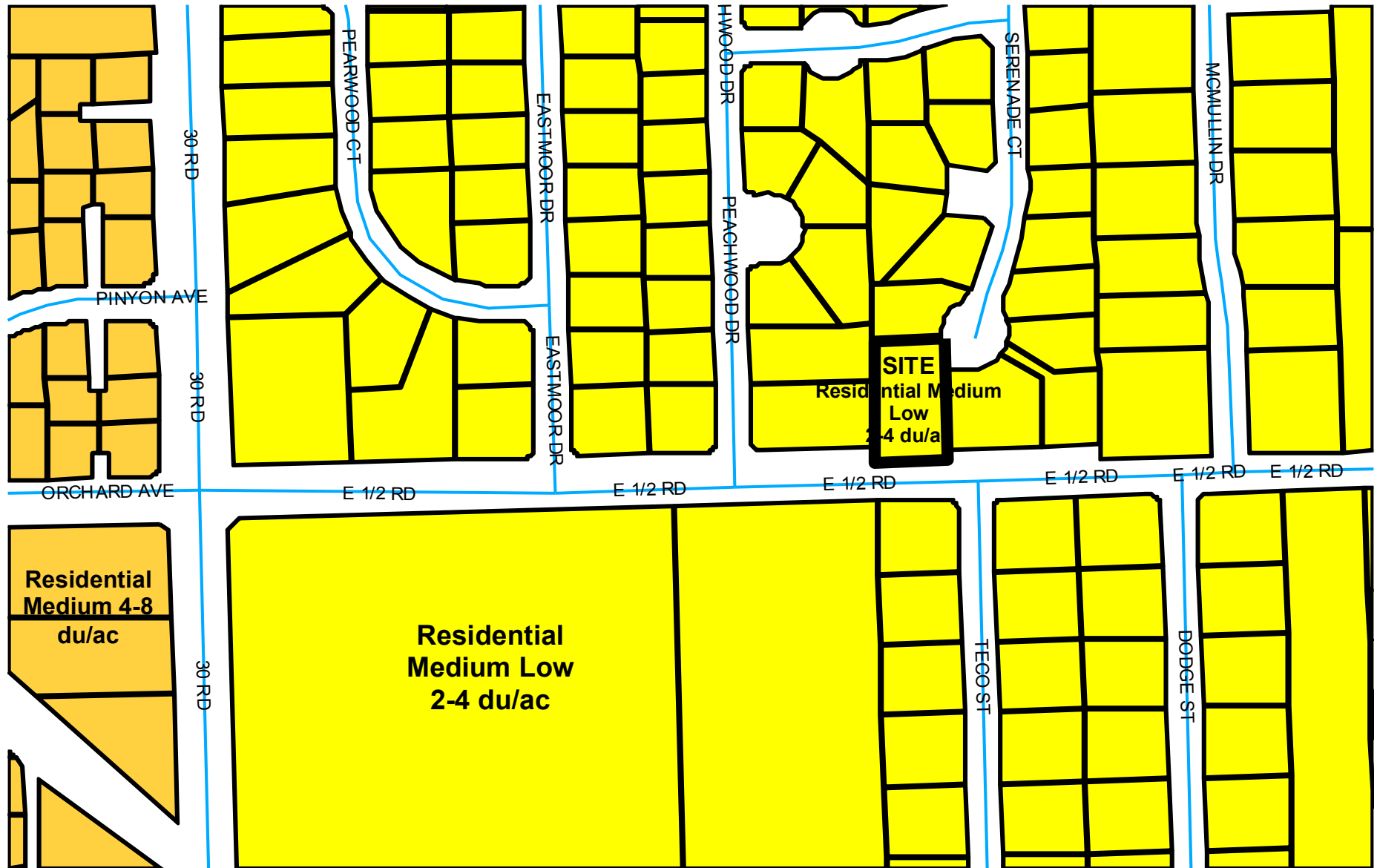
Aerial Photo Map

Figure 2



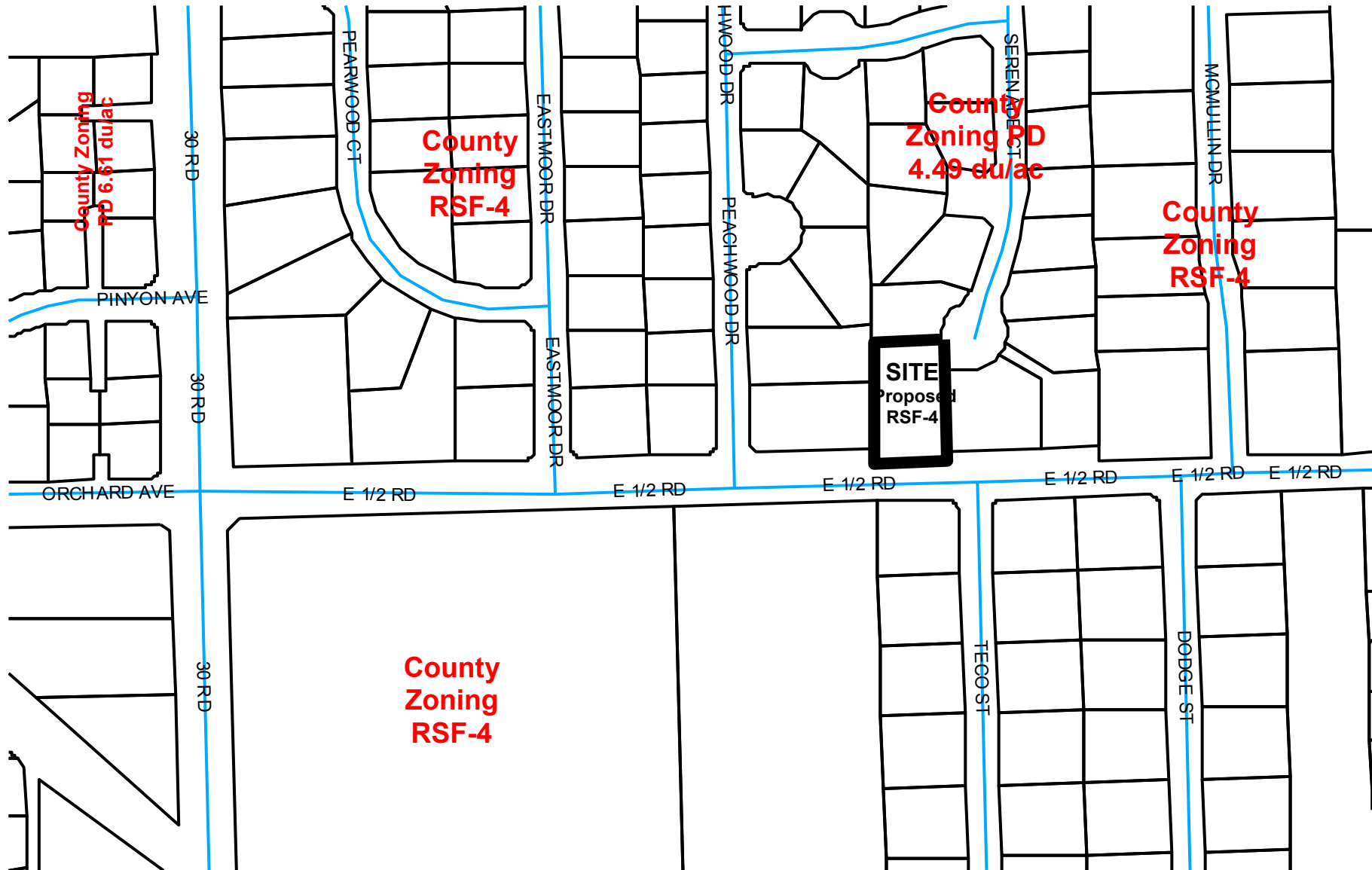
Future Land Use Map

Figure 3



Existing City and County Zoning

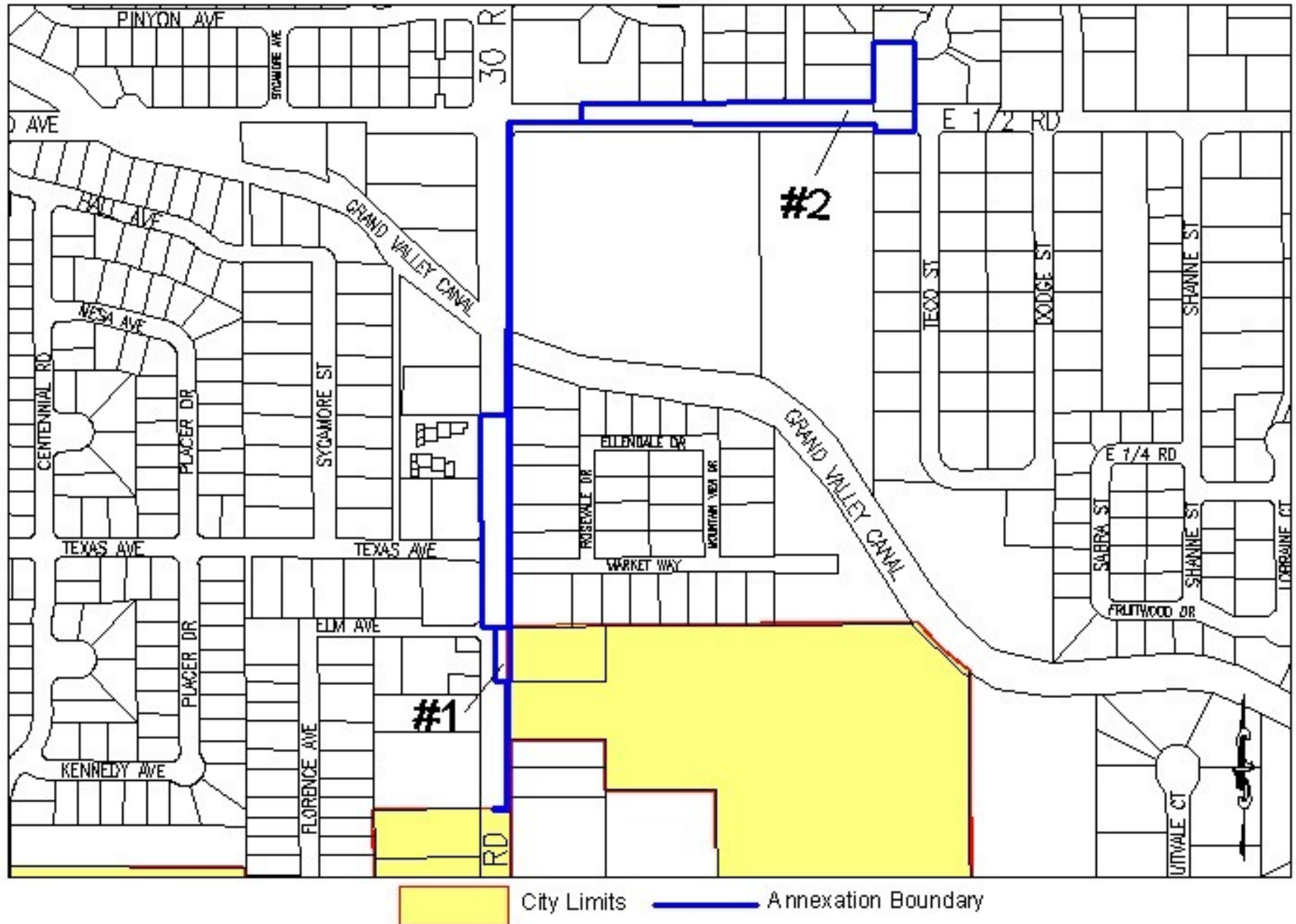
Figure 4



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

MEYERS/STEELE ANNEXATIONS NO. 1 & 2

Figure 5



RESOLUTION NO. ____

A RESOLUTION ACCEPTING A

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

MEYERS/STEELE ANNEXATION

LOCATED at 3020 E ½ ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6TH day of October, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MEYERS/STEELE ANNEXATION

MEYERS/STEELE ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, a distance of 36.00 feet; thence N 00°07'39" W along a line 36.00 feet East of and parallel with, the West line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 9, a distance of 1005.93 feet; thence N 89°52'21" E a distance of 4.00 feet to a point on the East right of way for 30 Road, as now in use; thence S 00°07'39" E along the East right of way for 30 Road, being a line 40.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 1146.94 feet; thence S 89°59'06" W a distance of 4.00 feet; thence S 00°07'39" E along a line 36.00 feet East of and parallel with, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 338.87 feet; thence S 89°52'21" W a distance of 36.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 4.00 feet; thence N 89°52'21" E a distance of 32.00 feet; thence N 00°07'39" W along a line 32.00 feet East of and parallel with, the West line of the SW 1/4 SW

1/4 of said Section 9, a distance of 334.88 feet; thence S 89°59'06" W a distance of 32.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 140.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.2559 Acres (11,147 Sq. Ft.), more or less, as described.

MEYERS/STEELE ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 8 and the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of Section 9, all in 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 Northwest corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 9 and assuming the West line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 9 bears N 00°07'39" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, a distance of 36.00 feet; thence N 00°07'39" W along a line 36.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 1005.93 feet; thence N 89°52'21" E a distance of 4.00 feet to a point on the East right of way for 30 Road, as now laid out and in use; thence N 00°07'39" W along said East right of way, being a line 40.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 313.88 feet, more or less, to a point on the North line of the NW 1/4 SW 1/4 of said Section 9; thence S 89°58'32" E along the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 951.06 feet, more or less, to a point on the Northerly projection of the West line of El Central Subdivision, as same is recorded in Plat Book 10, Page 1, Public Records of Mesa County, Colorado; thence S 00°01'28" W along said projected line, a distance of 30.00 feet, to a point being the Northwest corner of said El Central Subdivision; thence S 89°58'32" E along the North line of said El Central Subdivision, being a line 30.00 feet South of and parallel with, the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 104.37 to a point on the Southerly projection of the West line of Lot 1, Block 4, Stonebridge Subdivision, as same is recorded in Plat Book 14, Page 346, Public Records of Mesa County, Colorado; thence N 00°06'39" W along said projected line, a distance of 238.70 feet to a point being the Southeast corner of Lot 1, Block 1 of said Stonebridge Subdivision; thence N 89°58'32" W along the South line of said Lot 1, Block 1 of Stonebridge Subdivision, a distance of 104.30 feet to a point being the Southwest corner of said Lot 1, Block 1; thence S 00°06'39" E along the East line of Lots 1 and 2, Block Six, Eastmoor II Subdivision, as same is recorded in Plat Book 11, Page 222, Public Records of Mesa County, Colorado, a distance of 158.70 feet, more or less, to a point on the North right of way for Orchard Avenue (E-1/2 Road); thence N 89°58'32" W along the North right of way for Orchard Avenue (E-1/2 Road), being a line 50.00 feet North of and parallel with,

the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 766.05 feet; thence S 00°06'17" E a distance of 46.00 feet; thence N 89°58'32.3" W along a line 4.00 feet North of and parallel with, the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 189.00 feet; thence S 00°07'39" E along a line 36.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 313.89 feet; thence S 89°52'21" W a distance of 4.00 feet; thence S 00°07'39" E along a line 32.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 458.99 feet; thence N 89°55'30" W along the Easterly projection of the North line of 30 Road Homes Condominium, as same is recorded in Condominium Book 3, Page 117, Public Records of Mesa County, Colorado, a distance of 72.00 feet to a point being the Northeast corner of said 30 Road Homes Condominium; thence S 00°07'39" E along the West right of way for 30 Road, as now laid out and in use, being a line 40.00 feet West of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 551.14 feet, more or less, to a point on the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 8; thence N 89°52'21" E along the North line of the SE 1/4 SE 1/4 of said Section 8, a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 2.500 Acres (108,926 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 2004; and

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

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

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

ADOPTED this 17th day of November, 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**

MEYERS/STEELE ANNEXATION #1

APPROXIMATELY .2559 ACRES

LOCATED WITHIN 30 ROAD RIGHT OF WAY

WHEREAS, on the 6th day of October, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 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:

MEYERS/STEELE ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S 00°07'39" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, a distance of 36.00 feet; thence N 00°07'39" W along a line 36.00 feet East of and parallel with, the West line of the Northwest Quarter of the Southwest Quarter

(NW 1/4 SW 1/4) of said Section 9, a distance of 1005.93 feet; thence N 89°52'21" E a distance of 4.00 feet to a point on the East right of way for 30 Road, as now in use; thence S 00°07'39" E along the East right of way for 30 Road, being a line 40.00 feet East of and parallel with, the West line of the NW 1/4 SW1/4 of said Section 9, a distance of 1146.94 feet; thence S 89°59'06" W a distance of 4.00 feet; thence S 00°07'39" E along a line 36.00 feet East of and parallel with, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 338.87 feet; thence S 89°52'21" W a distance of 36.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 4.00 feet; thence N 89°52'21" E a distance of 32.00 feet; thence N 00°07'39" W along a line 32.00 feet East of and parallel with, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 334.88 feet; thence S 89°59'06" W a distance of 32.00 feet; thence N 00°07'39" W along the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 140.99 feet, more or less, to the Point of Beginning.

CONTAINING 0.2559 Acres (11,147 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 6th day of October, 2004 and ordered published.

ADOPTED this ____ day of _____, 2004.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MEYERS/STEELE ANNEXATION #2

APPROXIMATELY 2.500 ACRES

LOCATED AT 3020 E 1/2 ROAD

WHEREAS, on the 6th day of October, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 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:

MEYERS/STEELE ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 8 and the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of Section 9, all in 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 Northwest corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 9 and assuming the West line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 9 bears N 00°07'39" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°57'58" E along the North line of the SW 1/4 SW 1/4 of said Section 9, a distance of 36.00 feet; thence N 00°07'39" W along a line 36.00 feet East of and parallel with, the West line of the

NW 1/4 SW 1/4 of said Section 9, a distance of 1005.93 feet; thence N 89°52'21" E a distance of 4.00 feet to a point on the East right of way for 30 Road, as now laid out and in use; thence N 00°07'39" W along said East right of way, being a line 40.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 313.88 feet, more or less, to a point on the North line of the NW 1/4 SW 1/4 of said Section 9; thence S 89°58'32" E along the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 951.06 feet, more or less, to a point on the Northerly projection of the West line of El Central Subdivision, as same is recorded in Plat Book 10, Page 1, Public Records of Mesa County, Colorado; thence S 00°01'28" W along said projected line, a distance of 30.00 feet, to a point being the Northwest corner of said El Central Subdivision; thence S 89°58'32" E along the North line of said El Central Subdivision, being a line 30.00 feet South of and parallel with, the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 104.37 to a point on the Southerly projection of the West line of Lot 1, Block 4, Stonebridge Subdivision, as same is recorded in Plat Book 14, Page 346, Public Records of Mesa County, Colorado; thence N 00°06'39" W along said projected line, a distance of 238.70 feet to a point being the Southeast corner of Lot 1, Block 1 of said Stonebridge Subdivision; thence N 89°58'32" W along the South line of said Lot 1, Block 1 of Stonebridge Subdivision, a distance of 104.30 feet to a point being the Southwest corner of said Lot 1, Block 1; thence S 00°06'39" E along the East line of Lots 1 and 2, Block Six, Eastmoor II Subdivision, as same is recorded in Plat Book 11, Page 222, Public Records of Mesa County, Colorado, a distance of 158.70 feet, more or less, to a point on the North right of way for Orchard Avenue (E-1/2 Road); thence N 89°58'32" W along the North right of way for Orchard Avenue (E-1/2 Road), being a line 50.00 feet North of and parallel with, the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 766.05 feet; thence S 00°06'17" E a distance of 46.00 feet; thence N 89°58'32" W along a line 4.00 feet North of and parallel with, the North line of the NW 1/4 SW 1/4 of said Section 9, a distance of 189.00 feet; thence S 00°07'39" E along a line 36.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 313.89 feet; thence S 89°52'21" W a distance of 4.00 feet; thence S 00°07'39" E along a line 32.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 458.99 feet; thence N 89°55'30" W along the Easterly projection of the North line of 30 Road Homes Condominium, as same is recorded in Condominium Book 3, Page 117, Public Records of Mesa County, Colorado, a distance of 72.00 feet to a point being the Northeast corner of said 30 Road Homes Condominium; thence S 00°07'39" E along the West right of way for 30 Road, as now laid out and in use, being a line 40.00 feet West of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 9, a distance of 551.14 feet, more or less, to a point on the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 8; thence N 89°52'21" E along the North line of the SE 1/4 SE 1/4 of said Section 8, a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 2.500 Acres (108,926 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 6th day of October, 2004 and ordered published.

ADOPTED this _____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 19

Public Hearing – Manor Annexation NE Corner of 26 ½ Road & I Road

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	A hearing for the Manor Annexation located at the NE corner of 26 ½ Road & I Road					
Meeting Date	November 17, 2004					
Date Prepared	November 10, 2004			File #GPA-2004-205		
Author	Faye Hall		Planning Technician			
Presenter Name	Faye Hall		Planning Technician			
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes		No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Manor Annexation, located at the NE corner of 26 ½ Road & I Road. The 11.753 acre Manor annexation consists of one parcel.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT/BACKGROUND INFORMATION			
Location:		NE corner of 26 ½ Road and I Road	
Applicants:		Owner/Developer: Manor Road LLC Representative: Balaz and Associates Inc	
Existing Land Use:		Agricultural	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Rural 5-35 ac/du	
	South	Residential Medium Low 2-4 du/ac	
	East	Rural 5-35 ac/du / Public	
	West	Estate 2-5 ac/du	
Existing Zoning:		County RSF-R	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-R	
	South	City RSF-4	
	East	City PAD	
	West	County RSF-R	
Growth Plan Designation:		Existing: Rural 5-35 ac/du Requesting: Residential Medium Low 2-4 du/ac	
Zoning within density range?		Yes	<input checked="" type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of 11.753 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

ZONING: No recommendation for zoning is being forwarded at this time. The petitioner has requested a Growth Plan Amendment to increase the allowable density on the site. Once action has occurred on the Growth Plan Amendment, a recommendation on the appropriate zoning for the property will be forwarded to the Planning Commission and the City Council.

The following annexation and zoning schedule is being proposed.

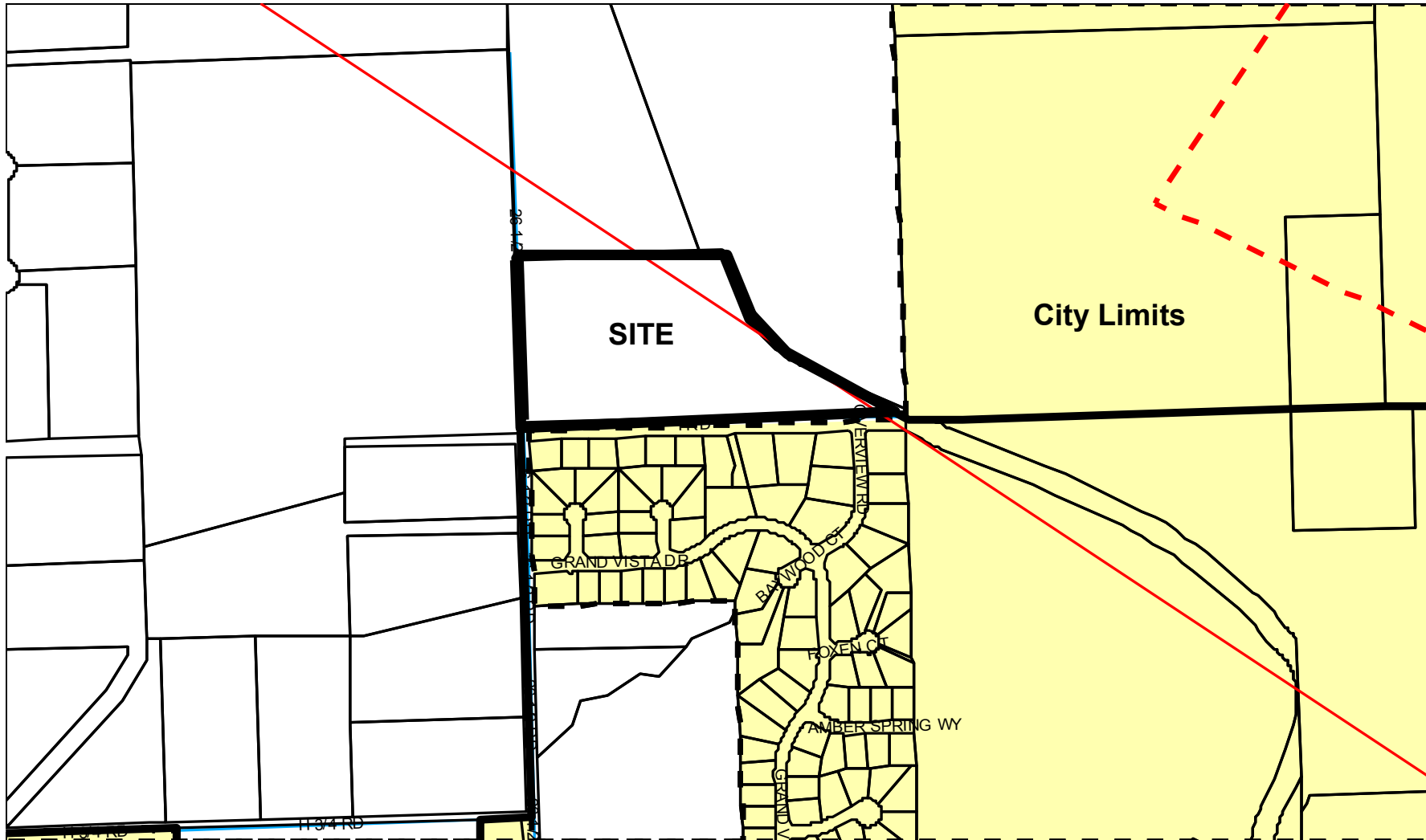
<i>ANNEXATION SCHEDULE</i>	
October 6, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be scheduled	Planning Commission considers Zone of Annexation
To be scheduled	Introduction Of A Proposed Ordinance on Zoning by City Council and Acceptance of Petition and Public Hearing on Annexation
To be scheduled	Zoning by City Council
December 19, 2004	Effective date of Annexation and Zoning

MANOR ANNEXATION SUMMARY

File Number:		GPA-2004-205
Location:		NE corner of 26 ½ Road and I Road
Tax ID Number:		2701-234-00-552
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		11.753
Developable Acres Remaining:		11.753
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		<i>Agricultural</i>
Future Land Use:		<i>Residential</i>
Values:	Assessed:	\$49,660
	Actual:	\$171,230
Address Ranges:		2650 thru 2674 I Road
Special Districts:	Water:	Ute
	Sewer:	Grand Junction
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Junction Drainage
	School:	District 51

Site Location Map

Figure 1



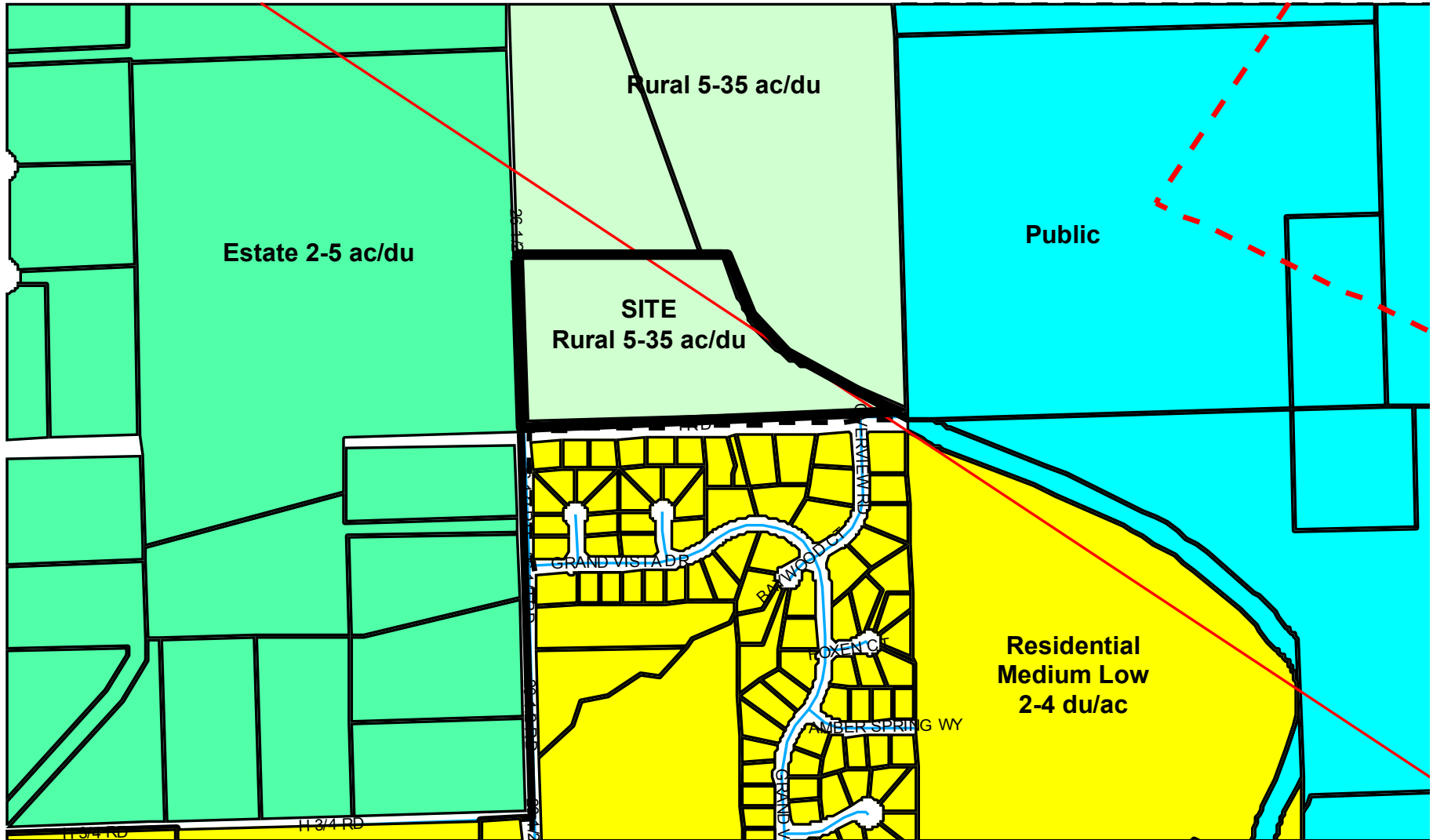
Aerial Photo Map

Figure 2



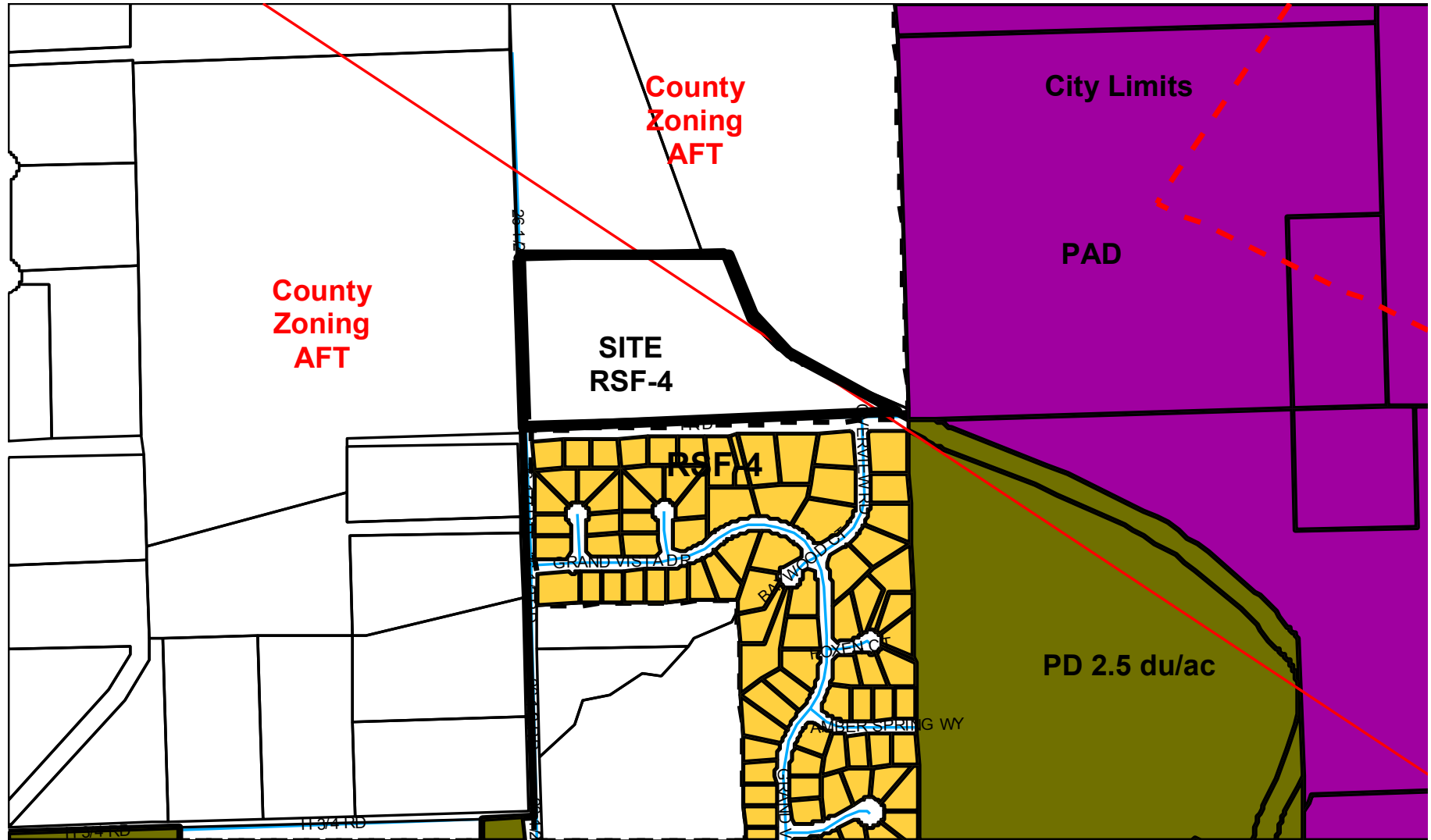
Future Land Use Map

Figure 3



Existing City and County Zoning

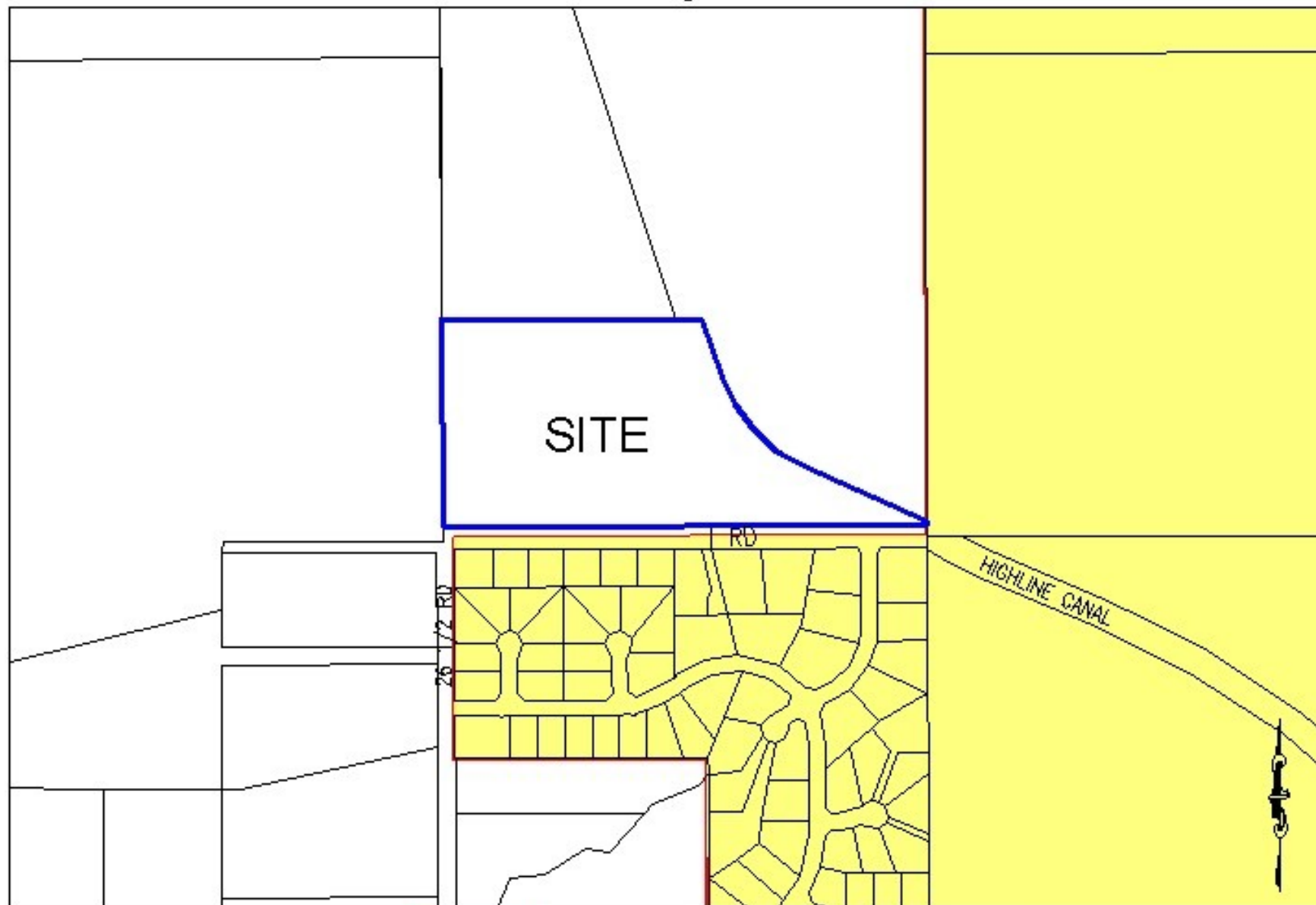
Figure 4



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

Manor Annexation

Figure 5



 City Limits  Annexation Boundary

RESOLUTION NO. ____

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

MANOR ANNEXATION

LOCATED on the NE corner of 26 ½ ROAD & I ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of October, 2004, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MANOR ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 23, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) corner of said Section 23 and assuming the South line of the SW 1/4 SE 1/4 of said Section 23 bears S 89°54'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°02'14" W, along the West line of the SW 1/4 SE 1/4 of said Section 23 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'14" W along the West line of the SW 1/4 SE 1/4 of said Section 23, a distance of 566.00 feet; thence N 89°54'21" E a distance of 706.24 feet to a point on the centerline of the Highline Canal; thence S 18°47'24" E along said centerline, a distance of 166.77 feet to the beginning of a 409.23 foot radius curve, concave Northeast, whose long chord bears S 42°21'02" E with a long chord length of 327.15 feet; thence 336.56 feet Southeasterly along the arc of said curve, being the centerline of said Highline Canal, through a central angle of 47°07'16"; thence S 65°54'40" E along said centerline, a distance of 369.38 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 23; thence S 00°01'36" E along the East line of the SW 1/4 SE 1/4 of said Section 23, a distance of 14.57 feet; thence S 89°54'21" W along a line 30.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 23, a distance of 1317.20 feet, more or less, to the Point of Beginning.

CONTAINING 11.753 Acres (511,953.3 Sq. Ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 2004; and

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

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

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

ADOPTED this 17th day of November, 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**

MANOR ANNEXATION

APPROXIMATELY 11.753 ACRES

LOCATED AT NE CORNER OF 26 ½ ROAD AND I ROAD

WHEREAS, on the 6th day of October, 2004, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 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:

Manor Annexation

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 23, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) corner of said Section 23 and assuming the South line of the SW 1/4 SE 1/4 of said Section 23 bears S 89°54'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°02'14" W, along the West line of the SW 1/4 SE 1/4 of said Section 23 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'14" W along the West line of the SW 1/4 SE 1/4 of said Section 23, a distance of 566.00 feet; thence N 89°54'21" E a distance of 706.24 feet to a point on the

centerline of the Highline Canal; thence S 18°47'24" E along said centerline, a distance of 166.77 feet to the beginning of a 409.23 foot radius curve, concave Northeast, whose long chord bears S 42°21'02" E with a long chord length of 327.15 feet; thence 336.56 feet Southeasterly along the arc of said curve, being the centerline of said Highline Canal, through a central angle of 47°07'16"; thence S 65°54'40" E along said centerline, a distance of 369.38 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 23; thence S 00°01'36" E along the East line of the SW 1/4 SE 1/4 of said Section 23, a distance of 14.57 feet; thence S 89°54'21" W along a line 30.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 23, a distance of 1317.20 feet, more or less, to the Point of Beginning.

CONTAINING 11.753 Acres (511,953.3 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 6th day of October, 2004 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 20

Public Hearing – Amend the Planned Development for Meadowlark Garden

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Meadowlark Garden Planned Development (PD) Amendment and Amended Development Plan							
Meeting Date	November 17, 2004							
Date Prepared	October , 2004			File # PDR-2003-229				
Author	Bob Blanchard		Community Development Director					
Presenter Name	Bob Blanchard		Community Development Director					
Report results back to Council	X	No		Yes	When			
Citizen Presentation	X	Yes		No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Summary: Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

Budget: N/A

Action Requested/Recommendation: Hear and approve the amendments to the Meadowlark Planned Development and Preliminary Plan.

Attachments:

1. Vicinity Map
2. Aerial Photo
3. Growth Plan Map
4. Zoning Map
5. Section 7-1, June, 1997 Zoning and Development Code
6. Proposed Sign Plan Allocation
7. Proposed Ordinance Amending the Meadowlark Garden PD
8. Proposed Meadowlark Gardens Planned Development, Land Use Regulations and Development Standards and Preliminary Plan

BACKGROUND INFORMATION				
Location:		2231 Broadway		
Applicants: Prop owner, developer, representative		Owner: Ed DelDuca, Anne Barrett Developer: Ed DelDuca, Anne Barrett		
Existing Land Use:		Existing Meadowlark Garden nursery, Wells Fargo Bank, Western Valley Family Practice, Vacant		
Proposed Land Use:		Mixed Residential, Non-Residential		
Surrounding Land Use	North	Highway 340, Redlands Parkway, Residential, Vacant		
	South	Residential, Vacant		
	East	Highway 340, Residential		
	West	Redlands Parkway, Residential, Vacant		
Existing Zoning:		Planned Development (PD)		
Proposed Zoning:		Same		
Surrounding Zoning:	North	B-1, CSR, County Zoning –RSF-4		
	South	RSF-2, County Zoning – RSF-4		
	East	B-1, County Zoning – RSF-4		
	West	RSF-2, CSR		
Growth Plan Designation:		Commercial Residential Low Density (2 – 4 DU/Acre)		
Zoning within density range?		X	Yes	No

ANALYSIS:

1. Project Description/Background:

The subject property is 7.55 acres, located at the southern quadrant of Highway 340 and Redlands Parkway. The property was annexed into the City in 1995 as part of the larger, 184 acre annexation known as the Bluffs West Annexation #2. The property was originally zoned Planned Business (PB) in July, 1999 using the review criteria of Section 7-1, Planned Development, of the June, 1997 Zoning and Development Code (this project continues to be reviewed under the criteria of the “old” Code). This zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The final plat creating seven lots was approved May, 2000. Developed lots include lot 1, the existing Meadowlark Garden nursery; lot 3, Western Valley Family Practice medical building (approved February, 2003); and lot 5, Wells Fargo Bank (approved May, 2000). Lot 4 received final site plan approval in March, 2004 but is not yet developed.

This application is to amend the existing Planned Development (PD) zoning, primarily as it relates to signage and the provision of onsite circulation and parking.

2. Consistency with the Growth Plan

This site is consistent with the Growth Plan which designates the site Commercial and Residential Low (1/2 to 2 acres per dwelling unit). Additionally, the site is consistent with the Redlands Plan which was adopted in June, 2002 and designates the property the same as the Growth Plan.

3. Consistency with the Zoning and Development Code

Typically all rezones must meet the requirements of Sections 2.6 (Code Amendment and Rezoning) and 2.12.C.2 (review criteria for a Planned Development Preliminary Development Plan [PDP]) of the Zoning and Development Code (ZDC) as well as the requirements of Chapter 5, Planned Developments of the ZDC (attached). However, this is an amendment to an existing PD which, at the time of original approval (to Planned Business in July, 1999 and to Planned Development in 2000) was found to meet all applicable review criteria. This amendment request is to amend the Land Use Regulations & Development Standards and Preliminary Plan that was adopted by ordinance with the initial approval.

The following rezone criteria of section 4-4-4 of the 1997 Zoning and Development Code must be considered:

A. Was the existing zone an error at the time of adoption?

The existing zone was not an error. The proposed amendments are to clarify and modify some of the specific plan elements. The basic uses and requirements will remain the same.

B. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?

As the provisions of the original plan for the PD were implemented with the project, it became apparent that some clarification was necessary. The modifications proposed will not significantly change the elements of the project.

C. Is there an area of community need for the proposed rezone?

The proposed modifications will make it easier for developers, builders and the City to implement the approved plan for the property.

D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?

No significant change.

E. Will there be benefits derived by the community, or area, by granting the proposed rezone.

Not applicable.

F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?

The existing zoning of PD and the approved plan, as well as the proposed amendments, are consistent with the Growth Plan.

G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?

Adequate facilities are available.

4. Land Use Regulations and Development Standards

Proposed changes to the regulations and standards are in the following major sections:

A. *Land Use Tables*

Originally, this section limited the uses and established a maximum allowable floor area and maximum building floor area by use on each of the platted lots. This proved to be unwieldy and unnecessarily restrictive, severely limiting the types of uses as well as their size.

The final plat, which was approved in 2000, established setbacks for each lot which in turn, establishes the maximum building footprint. In addition, Table 3 in the Dimensional and Intensity Standards section

addresses lot sizes, setbacks and height. It is appropriate to allow a larger variety of uses on each of the commercially designated lots. The revised tables in this section establishes a list of permitted uses that would be allowed anywhere within the PD (see Table 1).

B. *Dimensional and Intensity Standards*

Cumulative traffic impacts are proposed to be used to limit the overall intensity of development and impacts on Redlands Parkway and Highway 340. A total of 242 peak hour trips, either entering or leaving the site, sets a ceiling on the amount of development that will be allowed. Trip generation standards published by the Institute of Transportation Engineers (ITE) will be used to calculate peak hour traffic.

C. Signage

The maximum signage allowed for this development is 1,186.5 square feet. This is calculated by using Code provisions for both flush wall signs (based on the area of the building façade most parallel to the street it faces) and free standing signs (based on the length of the street frontage and the number of traffic lanes). The proposed amendments to the regulations and standards allows redistribution of the estimates for each lot based on requests by the property owners association. Any redistribution would be based on signage allowances for each lot as it develops. All signage must first be approved by the property owners association prior to submittal to the City for a sign permit. The current signage distribution plan is attached.

A specific provision is being made in this application to allow decorative light pole banners. These would be permitted to be attached to parking lot and street light poles internal to the development. No advertising of individual businesses, events or products would be allowed on the banners, only the name of the development – Meadowlark Garden. These banners would be fixed to the poles so as not to be wind driven.

D. Parking and Walkways

When Meadowlark Garden was originally approved, allowance was made for shared parking provisions within the overall development.

The concept was, and continues to be, that all parking is in a common easement and, with the exception of handicap parking reserved for individual developments, all parking is considered shared. Based on a model that was presented during the initial review, a 26% shared parking credit was awarded which totaled 45 spaces. Instead of the Code required 184 spaces, only 139 were required.

Proposed changes to this section of the ordinance were mostly for clarification purposes so it became clear when parking and connecting walkways would be required to be constructed. When a new development is proposed, the shared parking model will be run to determine the required number of spaces based on the mix of the proposed development with existing development. To the maximum extent possible, required parking will be built on each development parcel. However, if it's not, the availability of shared parking opportunities will be calculated. This will determine if additional parking will need to be built other than what exists. In addition, based on this shared parking concept, as development occurs, new parking will be required to be connected to all other parking by walkways as shown on the Preliminary Plan.

Lot 1, which is the site of the existing Meadowlark Garden nursery has been addressed specifically. Recognizing the operational requirements of the nursery, its unique location on the site and the fact that it was in existence at the time of the original PD approval, there is a specific threshold for development of parking associated with the nursery. Construction of the paved parking areas associated with lot 1 would only be initiated when 1) Lot 1 redevelops with a different use; 2) An expansion is proposed that results in the demand for more parking than exists within the development after modeling the shared parking available on the site; or, 3) the last of the remaining lots 2 through 6 (not including lot 7 which is reserved for residential uses) are approved for development. Walkways may be developed through lot 1 as other development occurs to ensure that all shared parking is connected. Lot 1 is located in the center of the overall development and it is critical that connecting walkways through the lot be provided even if the adjacent parking is delayed.

5. The preliminary plan document is proposed for amendment in three areas:
 - A. Language regarding parking and walkways is being removed from the development schedule, is being clarified and being placed in the Land Use Regulations & Development Standards;
 - B. The table of permitted land uses is being removed from the Plan, is being revised and placed in the Land Use Regulations & Development Standards; and,

- C. Typical street, driveway and parking area cross sections are being included.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the proposed amendments to the Meadowlark Garden Planned Development application, PDR-2003-229, staff makes the following findings of fact and conclusions:

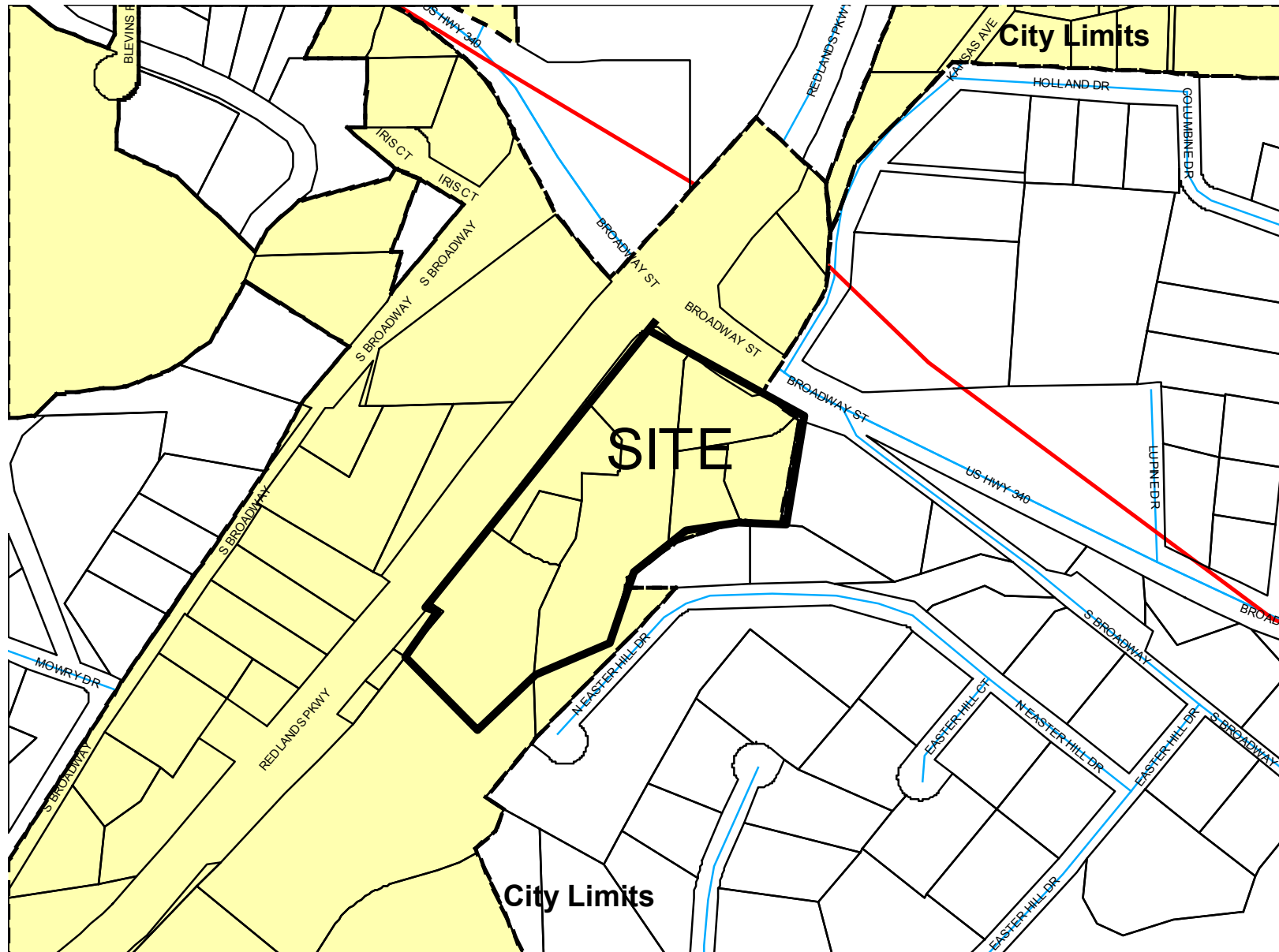
1. The requested amendments are consistent with the Growth Plan
2. The applicable criteria contained in Sections 4-4-4 and 7-1 of the June, 1997 Zoning and Development Code continue to be met.

PLANNING COMMISSION RECOMMENDATION:

On October 26, 2004, the Planning Commission voted to forward a recommendation of approval of the proposed amendments to the Meadowlark Planned Development and preliminary plan.

Site Location Map

Figure 1



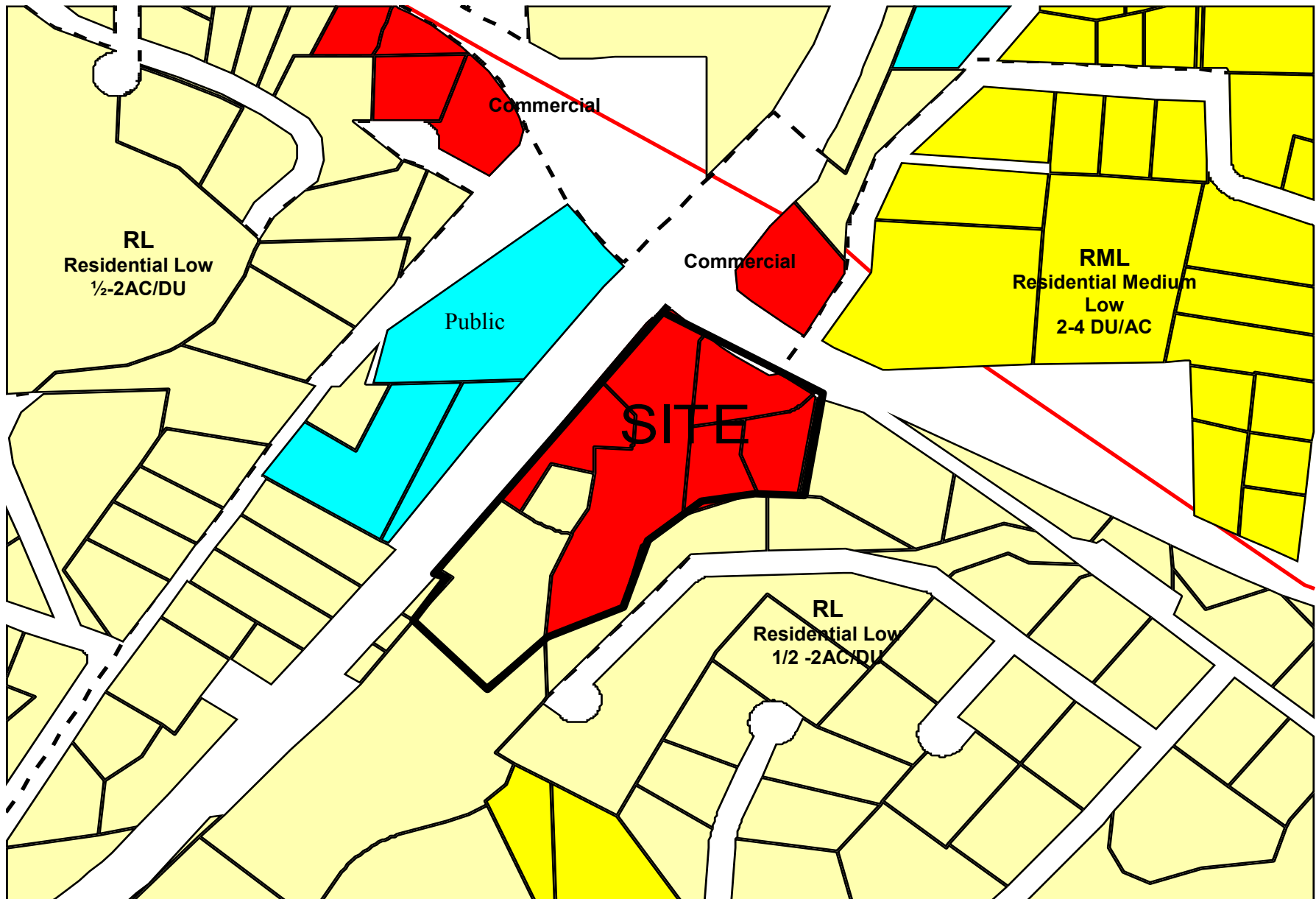
Aerial Photo Map

Figure 2



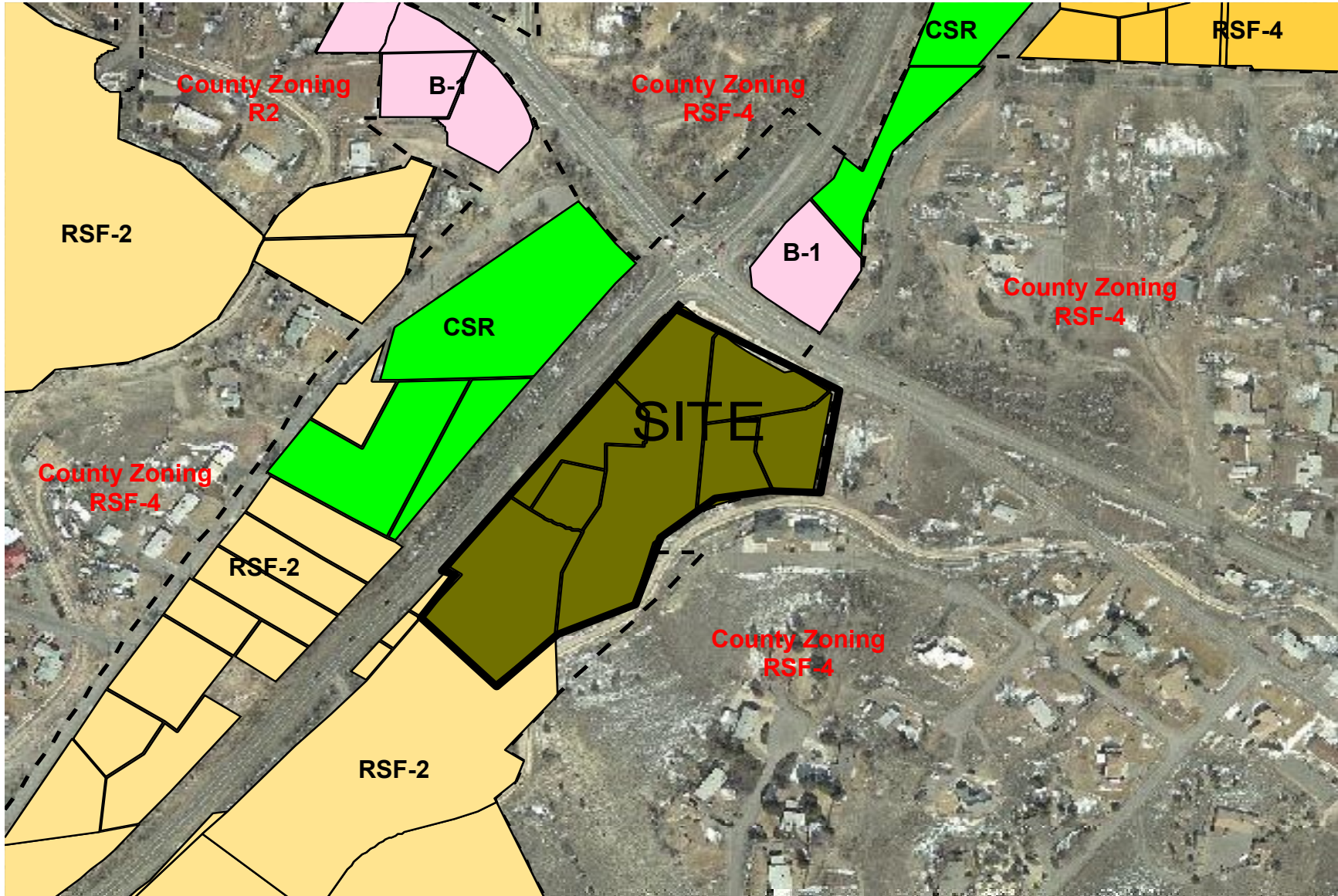
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



**SIGN PLAN ALLOCATION
MEADOWLARK GARDENS PLANNED DEVELOPMENT**

Signage Distribution:

The signage permitted on individual lots within the Meadowlark Garden Development shall not exceed the square footage allocations on the following table.

Lot	Signage Allocation Sf.
1	324
2	102
3	47
4	64
5	58
6	71
7	261
Sub Total	927
Center Identification Signs When Entirely Used	259
Total Signage Permitted	1186

The square footage allocated to each lot may be distributed among the various types of permitted signs including flush and projecting wall mounted signs and shingle signs. When more than one business is located on a lot, the total area shall be distributed among the business sharing the lot.

The Meadowlark Development Property owners association shall be co-applicants to all sign permits.

All signs shall conform to the city sign code except where specifically noted in the Meadowlark Development ordinance. (note: banners may be attached to free standing signs as well as to buildings)

This table may be modified by the Property owners association but in no case shall the total signage exceed 1187.5 including the three freestanding signs which when fully utilized will be 259 square feet of the 1187.5 sf. permitted.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3162 PERTAINING TO A PLANNED DEVELOPMENT ZONING AND PRELIMINARY PLAN FOR MEADOWLARK GARDEN PLANNED DEVELOPMENT TO BE PUBLISHED IN PAMPHLET FORM

Recitals:

The proposed amendments to the Meadowlark Planned Development include revisions to the Meadowlark Planned Development Land Use Regulations And Development Standards and the Preliminary Plan. The attached revisions clarify the signage, parking and pedestrian circulation requirements. The Preliminary Plan is revised accordingly.

The original Meadowlark Planned Development was approved in July, 1999 and the property zoned Planned Business (PB) after review of the approval criteria contained in the June, 1997 Zoning and Development Code. The zoning was changed to Planned Development (PD) during the area rezoning following adoption of the 2000 Zoning and Development Code.

The Planning Commission has recommended approval of the amended PD ordinance and revised Preliminary Plan. The City Council finds that the request is consistent with the Growth Plan and continues to meet the requirements of the June, 1997 Zoning and Development Code.

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

Ordinance No. 3162 is hereby amended so that the Land Use Regulations & Developments for the Meadowlark Planned Development are as set forth in the attached Exhibit A and the Preliminary Plan is set forth in Exhibit B. All other other terms of Ordinance No. 3162 shall remain in full force and effect except for those specifically amended herein.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON THE 3rd day of November, 2004.

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON ____ day of _____, 2004

ATTEST:

City Clerk

President of Council

“EXHIBIT A”
MEADOWLARK PLANNED DEVELOPMENT

LAND USE REGULATIONS & DEVELOPMENT STANDARDS

SECTION I. PURPOSE & APPLICABILITY

SECTION II. LANDS USES

- A. Land Use Categories
- B. Land Uses Not Listed

SECTION III. DIMENSIONAL AND INTENSITY STANDARDS

- A. Traffic Impacts
- B. General Dimensional Standards

SECTION IV. LANDSCAPING

- A. Naturalistic Landscape Theme
- B. General Requirements
- C. Streetscape Standards
- D. Landscape Design Standards
- E. Parking Lot Interior Landscaping/Screening
- F. Detention Basins
- G. Maintenance
- H. Landscape Plant List

SECTION V. SITE ORGANIZATION AND DEVELOPMENT

- A. Screening Standards
- B. Lighting Standards

SECTION VI. BUILDING DESIGN

- A. Style
- B. Design Guidelines for All Buildings

SECTION VII. SIGNS

- A. Distribution of Sign Allowance
- B. Freestanding Development Identification Signs
- C. Types of Signs Allowed
- D. Design Considerations
- E. Directional Signs
- F. Temporary and Banner Signs
- G. Illumination of Signs

SECTION VIII. PARKING

SECTION IX. OUTDOOR DISPLAY

SECTION X. ARCHITECTURAL REVIEW

SECTION I. PURPOSE & APPLICABILITY

The Planned Development ordinance sets forth and defines the zoning and overriding regulations, guidelines and standards that shall apply the use and development of all of the property in the Meadowlark Planned Development. This document is intended to establish standards for design of buildings, parking areas, lighting, landscape, walkways and other project elements to create an attractive appearance, and preserve rural character and scale. All new improvements to shall be constructed and installed in accordance with this planned development ordinance or approved revisions there to and shall be approved by the Architectural Review Committee established by the planned development covenants. The standards set forth herein are recognized as promoting sound design principles that enhance the compatibility of uses on and adjacent to the site and strengthening property values.

This Section establishes minimum standards for landscaping and site design. Developers and landowners are encouraged to exceed these minimums whenever possible.

Any improvements or items not addressed in these standards shall comply with the development standards of the City of Grand Junction Zoning & Development Code in effect at the time the improvement is installed, using the zone district most similar to the corresponding use in the Planned Development.

The design guidelines shall apply to all new improvements, buildings and uses of land within the planned development site and adjacent street right-of-ways, including, but not limited to: all buildings; parking areas; landscaping; lighting; driveways; walkways; and street improvements. They shall also apply to substantial additions or remodeling of existing improvements, where there is a change in the distinguishing characteristics or primary features of the buildings, landscape, or land.

SECTION II. LAND USES

A. LAND USE CATEGORIES

The land uses permitted or prohibited on any of the seven lots established on the Meadowlark Planned Development Plat or on lots created from these lots through subdivision are defined in Table 1.

The table includes a list of typical uses to be allowed or prohibited in the land use categories. The use of peak hour traffic generated by the combined uses within the Planned Development to control the overall intensity of the development shall be utilized rather than limiting the square footage of various uses permitted on individual lots.

Table 1

LAND USE CATEGORY	DEFINITION	SPECIFIC USE TYPE	STATUS
<i>Residential</i>	<p>Residential occupancy of a dwelling unit by a household.</p> <p>Nursery School, Preschool, Day Care-A school and/or care facility which is licensed by the State and is maintained for the whole or part of the day for more than six children including indoor and associated outdoor facilities for the supervised care of children.</p> <p>Chapel, Church, Community Activity Building-Facilities for gathering for the purpose of worship or community functions & meetings and classes Classrooms</p>	<p>Single Family Detached Single Family Attached Town home Condominium Home Office, conforming to City code requirements. Nursery School / Preschool / Daycare Center</p> <p>Chapel, Church, Community Activity Building</p>	<p>Allowed Allowed Allowed Allowed Allowed</p> <p>Allowed</p> <p>Allowed Allowed</p>
<i>Office/ Professional Services</i>	<p>Uses primarily providing personal or professional services to customers or clients conducted in an office setting and associated uses.</p>	<p>Medical or surgical care to nonresident patients, Clinics Medical /Dental Office Counseling Centers Physical Therapy Center Veterinary Center General Meeting Space Professional Services Architect, Engineer, Designer, Broker, Planner, Insurance Agent, Realtor, Travel Agent and similar</p>	<p>Allowed</p> <p>Allowed Allowed Allowed Allowed Allowed Allowed Allowed</p> <p>Allowed</p>

Table 1 (continued)

LAND USE CATEGORY	DEFINITION	SPECIFIC USE TYPE	STATUS
<i>Financial Services, Bank</i>	Uses primarily providing financial, investment, banking or related professional services to customers or clients conducted in an office setting.	Branch Bank Drive-through or drive-up service windows (three or less) Exterior Automated Teller Machine (walk-up or drive-up type) Drive-thrus are only permitted in association with Financial Services.	Allowed Allowed Allowed

Table 1 (continued)

LAND USE CATEGORY	DEFINITION	SPECIFIC USE TYPE	STATUS*
<p>Retail Sales and Services</p>	<p>The display, storing and sale of items or the provision of specific services to end consumers on a small scale. Renovation, repair or small-scale production of items primarily for sale on the premises.</p>	Alcohol Sales, by the drink / Bar	Allowed
		Alcohol Sales associated with a Restaurant or Food Service	Allowed
		Automotive Repair Services	Allowed
		Barber/Beauty Shop	Allowed
		Bookstore	Allowed
		Bridal Shop,	Allowed
		Contract Post Office	Allowed
		Dance/Art/Music Schools	Allowed
		Dry Cleaner	Allowed
		Florist	Allowed
		Food Service	Allowed
		Ice Cream Shop	Allowed
		Bakery, Deli, Café, Coffee Shop	
		Delivery only	Allowed
		Gift Shop, Antique shop	Allowed
		General Retail Store	Allowed
		Health food Store/herb sales	Allowed
		Open Air Markets	Allowed
		Horticultural / Art/Crafts / Produce	Allowed
		Pharmacy	
		Photography Studio	Allowed
		Print or copy shop (light)	Allowed
		Retail Liquor Sales (Packaged goods)	Allowed
		Tailor / Sewing Service	
		Limited outdoor sales and display,	Allowed
		(sidewalk sales, arts/crafts	Allowed
festivals during normal business hours only.)	Allowed		
Alcohol Sales, by the drink / Bar			
as a primary use	Prohibited		
Automotive Repair Services	Prohibited		
Auto Fuel Sales	Prohibited		
Food Service	Prohibited		

Table 1 (continued)

LAND USE CATEGORY	DEFINITION	SPECIFIC USE TYPE	STATUS*
<i>Restaurant</i>	An establishment selling prepared food and beverages primarily for consumption on the premises, where all service takes place within an enclosed building or accessory outdoor eating areas.	Family Restaurant/Café. Alcohol Sales, by the drink In association with Restaurant or food service Alcohol Sales, by the drink As a primary use Food for delivery only	Allowed Allowed Prohibited Prohibited
<i>Financial Services</i>	Uses primarily providing financial, investment, banking or related professional services to customers or clients conducted in an office setting.	Branch Bank Drive-through or drive-up service windows (three or less) Exterior Automated Teller Machine (walk-up or drive-up type)	Allowed Allowed Allowed
<i>All categories and on all lots</i>			
Parking	Provision of parking for employees or customers of establishments on the site, or for residents and their guests	Shared Parking Spaces in common parking easements for uses on-site Private Parking Spaces (other than for residential uses) Parking for uses off-site	Allowed Prohibited Prohibited
Parks & Open Space	Natural area consisting mostly of vegetative landscaping or outdoor recreation, community gardens, picnicking, etc.	Parks/Picnic Areas Playgrounds	Allowed Allowed
Plant Nursery, Commercial Garden, Farmer's Market / Vegetable Stand	Growing, storage and sale of horticultural materials and produce	Nursery, Orchard, Growing and sale of plants, fruit or vegetables, flowers Sales area for above uses < 1500 s.f. Outdoor Farmers Market < 10,000 s.f.	Allowed Allowed Allowed
Utilities and related facilities including: water, sewer, gas, electric, irrigation, cable TV, and others	Utilities serving the structures and uses on the site.	Underground only	Allowed

* **Status:**

Uses “Allowed” are uses by right,

Uses “Prohibited” are not permitted unless an amendment to this planned development is approved by the city.

B. LAND USES NOT LISTED:

Table 1 is intended to provide a list of the types of uses to be permitted within the development. It may not be inclusive of all possible uses. Land Uses not listed may be allowed if they are determined to be similar to and are compatible with the listed uses and are compatible with the character of the development. Approval is required by both the Architectural Review Committee of the planned development and the City Community Development Director, following the same process for uses not listed in other zoning districts in the City to make this determination.

SECTION III. DIMENSIONAL AND INTENSITY STANDARDS

Traffic impacts and the dimensional standards described in this Section shall limit the combined intensity of all developed uses within the development.

A. TRAFFIC IMPACTS

Total combined traffic impact of all developed uses on all lots within the development shall not exceed two-hundred and forty-two (242) entering trips at AM or PM peak hour, unless an increase in this total is approved as an amendment to this Planned Development.

As each new use is added, a simple trip generation projection shall be made of total trips from existing and proposed uses using the trip generation standards and assumptions shown in Table 2. For allowed uses not listed, trip generation standards published in the most current Traffic Engineers Handbook shall be used. Local empirical data, acceptable to the City, may also be considered in determining trip generation.

USES	AM Trips by Unit	Entry %	PM Trips By Unit	Entry %
<i>Medical/Dental Office</i>	2.43	80%	3.66	27%
<i>Single Tenant Office</i>	1.78	89%	1.72	15%
<i>Day Care</i>	12.00	53%	13.00	47%
<i>Retail</i>	4.00	0%	4.00	52%
<i>Restaurant High Turn Sit Down</i>	9.30	52%	11.00	60%
<i>Bank with 3 Drive- thru windows</i>	12.63	56%	54.80	50%
<i>Nursery/Garden Center</i>	1.31	50%	3.80	50%
<i>Single Family</i>	0.75	25%	1.01	64%

Table 2

B. GENERAL DIMENSIONAL STANDARDS

The standards shown in Table 3 shall be applied to the Planned Development in general.

<i>Dimensional Standards Applied to Planned Development in General</i>								
Land Use	Min lot size per Unit¹		Min Frontage²	Minimum Setbacks Principle/Accessory Building^{3, 5}				Max Height⁴
	Area sf.	Width		Front ⁵	Side ⁶	Rear	Abutting Residential or Common Access Easements or Shared Parking Areas	
Residential	7,000	35'	20'	20'/25'	10'	25'/10'	15'/20'	36'
Chapel	20,500	35'	50'	25'/25'	15'	25'/10'	25'/20'	36'
Day Care Center	10,000	35'	20'	20'/25'	10'	25'/10'	15'/20'	36'
Retail sales/services				0'	0'	0'	8'/8'	36'
Office/Professional Services				0'	0'	0'	8'/8'	36'
Restaurant				0'	0'	0'	8'/8'	36'
Financial Services				0'	0'	0'	8'/8'	36'
Garden Center								

Table 3

¹ Lot Size is gross area within the property lines including easements. Minimum Lot size shall not apply to residential condominium units in mixed-use buildings. If property lines are within structures, as in zero lot line or condominium development, they are assumed to be to the center of the mutual wall or to the exterior of exterior walls.

² Frontage requirements apply to lots adjacent to public streets or common access easements.

³ All Building Setbacks within the Planned Development from any public street shall be a minimum of 20 feet for all land use categories. Building setbacks do not apply to parking, sidewalks, or signs. When units are attached, side yard setbacks shall apply to the contiguous buildings. A minimum 20 foot driveway is required between garage entrances and public right-of-way or back of sidewalk which ever is nearer. Where plans indicate exterior zero lot line construction, a 5 foot wide maintenance easement for the purpose of maintaining the exterior walls shall be platted on adjacent properties prior to obtaining a building permit.

⁴ Heights shall be measured as the vertical distance between the average finished grade between the highest and lowest grades along the foundation and the highest point of the roof or façade. Height limits do not apply to belfries, cupolas, spires, radio/communication/antennas, flag poles, or chimneys

⁵ Setbacks on lots that do not front on a public street shall be measured from shared parking easements and common access easements. No setback is required from common pedestrian easements or utility easements.

⁶ When units are attached, side yard setbacks shall apply to the contiguous buildings.

SECTION IV. LANDSCAPING

A. NATURALISTIC LANDSCAPE THEME

The character of the landscaping shall be "lush" Xeriscape landscaping. Low water-consumptive plants with a preference to those indigenous to this region shall be used. See section V. for a sample list of acceptable plants. In order to avoid a sparse appearance of the desert landscaping the following standards will apply:

1. A minimum of 75% of all street frontage landscaped areas shall be covered with vegetative ground cover consisting of trees, shrubs, grass or other living plant materials to create a "lush" appearance to the landscaped area from public streets, driveways and walkways.
2. Colorful flowerbeds, vegetative ground cover and other vegetation shall be located to accentuate signs, landmarks, focal points and entryways on the site.
3. Inorganic groundcover, consisting of native soils, decomposed granite, crushed rock, gravel, and boulders shall be limited to a maximum aggregate total of 25% of the landscape area. River run shall not be acceptable ground cover material. Inorganic materials shall be limited to small areas between landscaping materials and appropriate in terms of color, texture, and materials to provide a pleasant, naturalistic appearance to the streetscape.

B. GENERAL REQUIREMENTS

1. Landscaping shall be provided along the street frontage between the street pavement and any buildings or parking areas, loading or storage areas in accordance with the following standards.
The land adjacent to intersection of arterial streets is a dominant feature influencing the character of the community. The area within a triangle formed by the intersection of the right-of-ways of the streets and points 80 feet from the intersection on the right of way of each street shall be landscaped.
2. A minimum twenty (20) foot wide landscaped setback shall be established along all streets, between the public right-of-way and any buildings, parking lots, fences or walls or loading areas. Except that in areas where the natural grade is above the grade of the street, in-which case the minimum landscaped setback shall be reduced by 1 foot for each 1 foot of difference in grade, with a minimum setback of 10 feet.
3. Reverse frontage lots or side lots shall not be exempt from any landscaped setback requirements along any street.
4. Any part of a developed site not used for buildings, parking, driveways, sidewalks, etc. shall landscaped with xeric plant scheme to establish a natural appearance.
5. An automatic irrigation system shall be provided to all landscaped areas requiring water.

6. All trees shall have a minimum trunk height of six feet, with a minimum 1 1/2" caliper measured four inches above the ground. Multi-trunk trees may have smaller average caliper measurements. Minimum shrub planting size is 5 gallon. Herbaceous perennials and grasses will be planted at 1 gallon or 4" as plant species demands.
7. Existing established trees and shrubs should be integrated into the proposed landscaped areas and those preserved will be included as satisfying a part of the total landscape requirement.

C. STREETScape STANDARDS

The following landscaping shall be required along all streets:

1. Trees shall be planted at the rate of one tree per 40 feet of lineal street frontage. Clustering of trees and shrubbery shall be encouraged to accent focal points or landmarks, to provide variety and to create a naturalistic character to the streetscape. A line-of-sight triangle in compliance with City Standards shall be provided at driveways.
2. Trees, shrubs, and ground covers shall be chosen from the Selection List in Section V. and shall be planted in accordance with the "Specifications Handbook for Landscape/Irrigation Installation and Maintenance Contracting" of the Associated Landscape Contractors of Colorado.
3. Existing trees, shrubs and ground covers to be retained shall be counted toward the landscape requirements.

D. LANDSCAPING DESIGN STANDARDS

1. Transition/Buffer Zones: Where commercial uses are located adjacent to or separated by an alley or canal from any residential use or district, a ten (10) foot wide landscaping strip planted with one tree or tree cluster every forty (40) linear feet shall be required. The intent is to create an effective visual screen to the business use from the residences. Trees shall be selected which will not block existing scenic views from residences at mature height. Existing trees to remain, if properly located, shall be considered a part of the required landscape screening.
2. Transition or buffer zones shall be integrated into setback areas as a part of the landscape along common property lines.
3. No motorized vehicular access to the property from the Redlands canal shall be permitted.

E. PARKING LOT INTERIOR LANDSCAPING / SCREENING:

1. A minimum of five percent of the total area of parking lot shall be used for landscaping.
2. One shade tree as defined in the Plant Selection List shall be provided for every 100 sf interior parking island, exclusive of perimeter landscaping and street trees. Trees must be planted within each parking lot island.
3. Parking islands shall be a minimum of 9 feet wide and contain a minimum of 80 square feet in area. This requirement may be modified upon approval of the Planning Director, where warranted by exceptional design of the parking lot and where the intent of the standard is met through alternate design schemes.

4. All parking lots shall be screened from public streets by landscape, hedges, walls or landscaped earth berms or combination thereof, to provide screening at least three (3) feet above the grade of the parking lot or Street Centerline which ever is higher.
5. Variety to the alignment and style of the walls is required. Walls shall be decoratively designed to match the character and exterior finish of adjacent buildings.

F. DETENTION BASINS

1. All new storm water detention basins shall be landscaped. Such basins shall be designed as an integral part of landscape areas and shall not take on the appearance of a detention basin or ditch.
2. Wherever practicable, the drainage design shall be based on dispersing storm-water and collecting it in small areas rather than aggregating runoff into large areas.

G. MAINTENANCE

1. All Landscaping shall be planted and maintained in accordance with the Associated Landscape Contractors of Colorado Specification Handbook.
2. All landscaping shall be well maintained and any required plant material shall be replaced within 30 days of its demise or at the earliest time of the year consistent with good horticultural practice.
3. All diseased plants shall be treated or removed and the adjacent area appropriately treated to prevent any further infection of landscape materials.
4. The maintenance of landscaping in the public right of way shall be the responsibility of the adjacent property owner, whether an individual, corporation or home or land owner's association.
5. All maintenance of landscape areas shall conform to guidelines & specifications outlined by ALCC and accomplished through the property owners association contracting with a professional landscape maintenance contractor. Cost for said maintenance shall be pro-rated to the landowners per a legal agreement between the initial property owners which agreement shall be a part of the sales agreement of any property.

H. LANDSCAPE PLANT LIST

Plantings similar in characteristics to those on the following plant list shall be used throughout the site. Substitutions may be allowed with approval of the Architectural Review Committee.

Xeriscape Plant List - Meadowlark Planned Development

Botanical

Common

Botanical

Common

Existing trees and shrubs will be preserved where possible. New landscape plants will be added to preserve the rural character of the site.

KEY TO LANDSCAPE AREA PLANTS

❖ Native Areas

♦ Transitional Areas

⊛ Formal Landscape Areas

Deciduous Shade Trees:

- | | |
|--------------------------|------------------|
| ♦ Catalpa speciosa | Western Catalpa |
| ♦ Celtis occidentalis | Hackberry |
| ⊛ Koelruteria paniculata | Golden Rain Tree |
| ⊛ Quercus macrocarpa | Burr Oak |

Evergreen Trees:

- | | |
|-------------------------|-------------------------|
| ♦♦ Juniperus scopulorum | "Witchita Blue" Juniper |
| ⊛ Picea pungens | Colorado Blue Spruce |
| ♦♦ Pinus edulis | Pinyon Pine |

Accent Trees:

- | | |
|--------------------------|-------------------|
| ♦♦ Amelanchier alnifolia | Serviceberry |
| ⊛ Betula occidentalis | Western Red Birch |
| ⊛ Chitalpa tashkentensis | Chitalpa |
| ♦ Prunus virginiana | Chokecherry |
| ♦♦ Rhus typhina | Staghorn Sumac |

Large Shrubs - Sunny:

- | | |
|------------------------|---------------------|
| ⊛ Artemisia tridentata | Big Sage |
| ⊛ Pinus mugo mugo | Mugo Pine |
| ♦⊛ Juniperus chinensis | "Sea Green" Juniper |
| ♦♦ Ribes aureum | Golden Current |
| ⊛ Syringa | Lilac |

Large Shrubs - Part Shady:

- | | |
|-------------------|------------------|
| ⊛ Cornus sericea | Red Twig Dogwood |
| ♦♦ Rhus trilobata | Three-leaf Sumac |

Medium Shrubs - Sunny:

- | | |
|------------------------------|----------------------|
| ⊛ Caryopteris x cladonensis | Blue Mist Spirea |
| ♦♦ Cercocarpus intricatus | Little-leaf Mountain |
| ⊛ Chamaebatiaria millefolium | Fern Bush |
| ⊛ Chrysothamnus nauseosus | Blue rabbitbrush |
| ⊛ Juniperus horizontalis | Hughes Juniper |
| ♦⊛ Rosa | Smaller Shrub Rose |

Medium Shrubs - Part Shady:

- | | |
|---------------------------|---------------------|
| ⊛ Physocarpus opulifolius | Dwarf Ninebark |
| ♦♦ Prunus besseyi | Western Sand Cherry |
| ♦⊛ Ribes alpinum | Alpine Current |

Low Shrubs - Sunny:

- | | |
|--------------------------|------------------------|
| ♦♦ Artemisia frigida | Fringed Sage |
| ⊛ Berberis thunbergii | Crimson Pigmy Barberry |
| ⊛ Guitierrezia sarothrae | Broom Snake Weed |
| ⊛ Juniperus horizontalis | "Blue Chip" Juniper |
| ♦ Potentilla fruticosa | "Gold Drop" Potentilla |
| ♦♦ Zauchneria arizonica | Hummingbird Trumpet |

Low Shrubs - Part Shady:

- | | |
|-------------------------|-----------------------|
| ⊛ Mahonia repens | Creeping Mahonia |
| ⊛ Cotoneaster apiculata | Cranberry Cotoneaster |

Ornamental Grasses / Accents - Sunny:

- | | |
|-------------------------|--------------------|
| ♦♦ Erianthus ravennae | Hardy Pampas Grass |
| ♦♦⊛ Miscanthus sinensis | Maiden Grass |

Vines:

- | | |
|--------------------|----------------|
| ♦♦ Clematis | Virgin's Bower |
| ⊛ Clematis | Jackman |
| ♦ Campsis radicans | Trumpet Vine |
| ♦ Parthenocissus | Englemann Ivy |

Lawn: Can use Bluegrass or Fine textured Tall Fescue - owner preference

Dryland Grass Mix:

(From Seed - drilled into ground)

⊛ For meadow - Dryland Blend (Blue Grama Grass, Buffalo Grass, Sideoats Grama, Indian Ricegrass, Western Wheatgrass, Galleta Grass, Alkali Sacaton, Shorty Fescue, Little Bluestem)

⊛ Also add seeds for desert shrubs such as: Rabbitbrush, Big Sage, Sand Sage, Fringed Sage, 4-wing Saltbush, Shadscale, Mormon Tea, Yucca glauca

NOTES:

Xerigation drip irrigation built to industry standards, using wye filters and pressure regulators shall be used throughout to water the plants.

Mirandscape weed barrier shall be laid, pinned as recommended over the site.

Rock mulch for desert area mixed to the following specifications shall be installed as a mulch: 2 parts Pink Shale Sand, 1 part 3/4" Pink Shale, 1 part 1/4" Pea gravel, 1 part 1" to 3" River Cobble

Groundcovers & Flowers:

Plant taller species as shown on plan. Plant low growing species from flats grouping by color, whites as understory to brightly colored shrubs roses, magentas and oranges near cool colored evergreens such as sage and juniper, as shown on plan. (Plant from gallons or flats in groups of uneven numbers, spaced 12"-36" apart depending on species.)

Sunny

Spring:

Tall -Bearded Iris, Prince's Plume
Med -Blue Flax, Shasta Daisy,
Low -Basket of Gold, Creeping Phlox, Snow-in-summer, Evening Primrose,

Early summer:

Tall - Larkspur, Daylily, Yarrow, Scarlet Gilia
Med - Penstemon - (barbatus, eatonii, parryi, strictus)
Low - California Poppies, Mexican Primrose, Pineleaf Penstemon

Summer:

Tall - Desert Four O'Clock, Garden Phlox
Med - Salvia (Blue), Gallardia, Agastache, Prairie Coneflower, Orange Globe Mallow
Low -Artemisia stelleriana, Fendler's Sundrops, Hardy Pink Iceplant, Homestead Purple Verbena, Poppy Mallow, Prairie Zinnia

Fall:

Tall - Helianthus, Russian Sage
Med - Autumn Joy Sedum, Mexican Hat, Strawflower, Aster
Low - Hens & Chicks

Spring Bulbs

Anemone, Tulips, Daffodils, Grape hycinth, Scilla

Part Shady

Spring:

Tall - Oriental Poppy, Siberian Iris
Med - Columbine, White Bleeding Heart
Low - Ajuga, Buttercup, Periwinkle

Early summer:

Tall - Peach-leaf Bellflower,
Med - Coreopsis, Red Hot Poker, Tiger Lilies,
Low - Bishop's Weed, Creeping Jenny, Coral Bells

Summer:

Tall - Butterfly Weed, Liatris, Obedient Plant,
Med - Black-eyed Susan, Purple Coneflower
Low - Artemesia, Creeping Potentilla, Dragon's Blood Sedum

Fall:

Tall - Maiden Grass
Med - Chrysanthemum
Low - Campanula "Blue Clips", Ivy

SECTION V. SITE ORGANIZATION AND DEVELOPMENT

A. SCREENING STANDARDS

1. All outdoor storage areas for materials, trash, equipment, vehicles or similar items shall be screened from view from all street frontages & common access easements by a six (6) foot fence or vegetation or a combination thereof. Walls or fences shall be constructed of materials designed to match or be compatible with the character of the main building on the site.
2. Storage of vegetative landscape materials or materials in outdoor sales areas shall not be required to be screened.
3. All loading, delivery, and service bays visible from arterial streets shall be screened from arterial street view by six (6) foot high fence, wall, or vegetation or a combination thereof. Finishes shall match or be compatible with the adjacent structure and designed to match the main building on the site.
4. Landscape materials used for screening shall be appropriate to provide all seasons screening.
5. Parking lots shall be screened from street view in accordance with these development standards.
6. No walls, buildings, or other obstructions to view in excess of two (2) feet in height shall be placed on any corner lot, or at the intersection of driveways and streets, unless they comply with current City standards for sight distance as noted in the TEDS manual.
7. All undeveloped building pads within planned development shall be managed for dust and erosion control.
8. Individual driveways shall not be located closer than 45 feet to an arterial street or less than 20 feet from the intersection of internal drives.

B. LIGHTING STANDARDS

1. All lighting shall be a part of an overall nightscaping plan approved by the architectural review committee. All outdoor lighting shall be subtle providing the minimal light necessary to provide safe access at night for walkways where night traffic is expected. Lighting fixtures shall be directed down and away from adjacent properties and streets. No overflow lighting, off the site, shall be permitted except for minimal amounts resulting from reflected light.
2. All fixtures shall be 90-degree cut-off type and the source of lighting, including the fixture lens, shall not be visible from any point off the property that it is lighting.
3. No fixtures shall be mounted higher than 16 feet. Wherever possible lighting solutions using lower mounting heights shall be favored over higher mounting heights.
4. All free standing lighting fixtures and poles shall be the same types throughout the project, to provide visual unity.

SECTION VI. BUILDING DESIGN

The intent of this Section is to establish standards to encourage the orderly and harmonious appearance of structures within the planned development project, which is compatible with a

“Country Corner” rural theme. All buildings shall be high quality construction and design with respect to materials, colors, finishes.

A. STYLE

1. All buildings located within the planned development shall be architecturally styled to achieve harmony and continuity of design, compatible with the “Craftsman Style”. All new construction, remodeling, or additions to existing buildings within the planned development shall be designed to be compatible with, and complementary to the "Craftsman Style" architectural theme. Examples of this style are provided in Figure 1.
2. The elevations of such buildings shall be coordinated with regard to color, texture, materials, finishes and architectural form. Predominant exterior building materials shall be wood siding, brick, native stone, and tinted, textured stucco or a combination of these. Exceptions to these are the greenhouses, which may be constructed of glass or fiberglass. Metal or steel sided buildings are prohibited. Other materials, similar in character to those listed, may be approved by the architectural review committee.

B. DESIGN GUIDELINES FOR ALL BUILDINGS

1. Structures shall be constructed with detailing, massing and roof-lines constant with craftsmen or similar architectural character with the goal in mind of reducing the scale of the building and its elements.
2. Roofs shall be sloped gable or hip and shall be covered with tile, wooden shakes or architectural composition shingles. Large flat roof planes shall be broken by dormers, changes in height, or changes in roof plane.
3. Entryways shall be distinguished by architectural features such as roof line, setback or extension of building line, use of columns, defining walkways and landscape features. etc.
4. Long walls shall be broken by setbacks. No walls adjacent to any street or common access drive shall be devoid of detail and architectural features,
5. Non-residential buildings shall not present a plain, rear elevation to any street or common access drive. When the main entrance to a building does not face the street or common access drive, the elevation shall have a front elevation appearance whether or not it is the actual front or entrance of the building.
6. Carports and drive-through covers shall match the architectural style of the building they serve and be designed to appear residential in character. The mass shall be minimized by use of an open trellis style.
7. Mechanical equipment, whether ground level or roof-mounted, shall be screened from public view. Screening shall be so designed and located to be perceived as an integral part of the building or landscaping. Accessory equipment capable of generating noise or vibrations shall be properly insulated and the noise and vibrations shall not be apparent from adjacent properties or the public right-of-way.

8. All new on-site electric, telephone, cable television, and all other communication and utility lines shall be placed under ground. New overhead wires are prohibited.

EXAMPLE OF ARCHITECTURAL STYLE

- CRAFTSMAN STYLE ARCHITECTURE
- WOOD, STUCCO, STONE & TILE
- RESIDENTIAL SCALE AND DETAILING
- OTHER DESIGN CRITERIA

FIGURE 1



Buildings within Meadowlark Gardens Development will be Craftsmen style or similar.

SECTION VII.

SIGNS

A. DISTRIBUTION OF SIGN ALLOWANCE:

1. The maximum sign allowance for the entire development is 1186.5 square feet which shall be distributed to the freestanding Center Identification Signs and to each individual lot by the Meadowlark Development Property Owners Association according to a schedule on file in the Community Development Department. A record of this distribution shall be kept on file with the Community Development Department. The Property Owners Association shall be permitted to adjust the distribution of signage on a biannual basis by submitting the redistribution to the Community Development Director. Redistribution shall be accomplished by transferring square footage among the various lots and center identification signs, but in no case shall the aggregate area of signage distributed or erected within the development exceed the total area of signage permitted within the planned development.
2. The sign allowance distributed to each lot may be used for any permitted signage provided that the aggregate area of all signage on a lot shall not exceed the square footage distributed to that lot by the Property Owners Association per A.1 above. If more than one business occupies a lot, the total sign allowance shall be shared among the various businesses located on the lot.
3. All signs must be approved by the Property Owners Association prior to approval of a sign permit by the City.
4. The Property Owners Association shall be a co-applicant on all sign permits submitted to the city.

B. FREE-STANDING DEVELOPMENT IDENTIFICATION SIGNS

1. **Number:** There shall be three freestanding monument type signs containing the name of the Planned Development and the name(s) of an individual business and/or businesses within the planned development. Signs shall be similar in design and set in a landscaped area of not less than 100 sq. feet. One line of changeable text shall be permitted on center identification signs.
2. **Location:** The freestanding identification signs for the overall Meadowlark Center shall be as shown on the final plans of the Meadowlark Planned Development. One sign shall be located adjacent at each of the two entrances to the project. A third freestanding sign shall be located on Lot 1 adjacent to Highway 340.
3. **Size:** The size and design of these signs shall comply with regulations outlined in the current development code except that each sign shall not exceed 12 feet in height nor 150 feet in area.

C. TYPES OF SIGNS ALLOWED

Signs may include flush wall signs, projecting signs and/or shingle signs. Signs shall follow the applicable city regulations. Roof signs, backlit awning signs, and freestanding signs for individual businesses are not permitted except as noted herein.

1. **Wall Mounted or Projecting Signs.** Each business may have flush wall mounted and/or perpendicularly mounted wall signs identifying the business.
2. **Shingle Signs.** Each individual business may have shingle signs which are pedestrian oriented signs not greater than eight inches in height, nor more than six feet in length (including sign background). Shingle signs may be mounted under a roof overhang or covered walkway, on the fascia of a porch or covered walkway, or mounted perpendicular to a wall and hung from an ornamental mounting device that matches the character of the building.
3. **Location:** Except as allowed in Section B.1, signs may only be located on the lot where the business related to the sign is located.
4. **Menu Boards.** Menu Boards, food services or cafés may have one wall mounted or free standing menu board not exceeding 8 feet in height nor 12 square feet in area. Free standing signs shall not be placed in a manner which obstructs pedestrian circulation or causes those reading the sign to obstruct pedestrian circulation in the common pedestrian easements.
5. **Residential Uses.** All Signs for residential uses shall meet the City code for similar uses in similar residential zoning that is in effect at the time of application for a sign permit.
6. **Banners on parking lot and street light poles.** One banner shall be permitted to be fixed to each parking lot and internal street light pole within the Planned Development in accordance with the provisions for Temporary and Banner Signs.

D. DESIGN CONSIDERATIONS:

- a) Flush wall signs may not extend beyond or above the wall on which it is mounted. No sign shall be mounted on or protrude above any roof.
- b) Except for signs mounted on the Planned Development Identification signs no individual business signs shall be located off the lot of the business advertised, except as allowed in Section B.1.
- c) All building design shall integrate planned signage into the building façade. Signage location shall be planned and signage shall be designed as an integral element of any building and incorporated into the architecture. Signs shall not have a “tacked on” appearance or intrude or block any architectural feature of the building façade. Signs shall be compatible with the exterior architecture with regard to location, scale, proportions, color and lettering.

E. DIRECTIONAL SIGNS

Directional signs are permitted throughout the site as necessary to direct visitors and traffic to destinations on the site. Each sign shall not exceed 3 square feet and may be ground or wall mounted. Ground mounted directional signs shall not exceed 2 feet in height. Wall mounted directional signs may be flush or perpendicular to the wall or may be shingle type. Directional signs shall be similar in design throughout the planned development. Directional signs shall not be included in the total allocation of signage for an individual business nor considered a part of the total signage allocated to the development.

F. TEMPORARY AND BANNER SIGNS

1. Banners, flags and other temporary special event signs are permitted in accordance with the city code. However, banners shall be permitted to be attached to the free-standing center identification signs as well as to the buildings.
2. Decorative Light Pole Banners shall be permitted to be attached to parking lot and street light poles as a decorative element (see Section C.6). Such banners shall conform to the following parameters:
 - a. "Meadowlark Garden" shall be the only permitted text. No advertisement of individual businesses, events or specific products shall be included on the banner.
 - b. The banners shall be fixed to pole mounted fixtures at top and bottom so as not to be wind driven.

G. ILLUMINATION OF SIGNS

1. All permanent signs may be internally or externally illuminated. If internally illuminated, only the lettering, logos and script shall be semi transparent and all sign background shall be completely opaque or of low opacity.
2. Shingle signs shall only be externally illuminated by ambient lighting or by low intensity lighting directed downward and shall not be internally illuminated.
3. Directional signs shall only be reflective, and shall not be internally illuminated.
4. Back-lighting of translucent awnings is not permitted.
5. If signs are lit by an external source, the source of lighting shall not be visible from off the site and the intensity shall be limited to that necessary to provide adequate illumination.

SECTION VIII.

PARKING AND WALKWAYS

1. Parking spaces shall be installed at the time the individual uses they serve are developed. The number of parking spaces required to be developed concurrent with the use they serve shall be determined by the zoning code in existence at the time the original development was approved and be based on the type and size of the use. As each lot or use is developed, a shared parking analysis will be performed to determine the number of parking spaces required for the mix of developed uses within the development. This analysis will be based upon sound and reasonable shared parking principles and parking demand assumptions in tables similar to those in the shared parking model the city had developed for the downtown area. A 26% shared parking credit of 45 spaces has been granted for Phases 1 and 2 making the total parking requirement for the project 139 spaces.
2. In the provision of the required number of parking spaces, when new parking spaces are required they shall be located on the same lot as the proposed use to the greatest extent possible, with any additional required parking being provided in common easements on other lots.
3. Required parking and walkways to serve lots shall be installed along with access drives as developments are approved. This includes walkways connecting approved developments to all existing parking.
4. Walkways shall be provided per the approved final plan prior to issuance of a certificate of occupancy for all new construction. Adjacent to parking spaces, walkways shall be a minimum of 6 feet in width and constructed out of concrete. Walkways adjacent to driveways shall be a minimum of 5 feet in width. All walkways shall meet ADA requirements connecting handicapped parking spaces to the entrances of the building that they serve. This shall include slope, width and the provision of ramps where necessary.
5. All parking shall be considered common area and parking spaces shall be shared between all uses. No private parking spaces shall be permitted except within enclosed garage or in equipment storage areas.
6. Cost of maintenance of parking areas and driveways shall be pro-rated between the various uses based upon peak parking demand of each use.
7. All areas within the parking access easement not required for parking or driveway shall be landscaped.
8. Parking and walkways associated with Lot 1 will only be required at the time of the redevelopment of Lot 1 or the approval of development on the last of the remaining lots 2

through 6, which ever comes first. This includes walkways connecting developments within Phase 1 to any existing parking located within Phase 2. Should any expansion of the uses on this lot be considered, then a shared parking analysis as required in Paragraph 1 of this section would be required. If adequate parking exists, no additional parking will be required provided all parking is connected with walkways as required in Paragraph 3. If adequate parking does not exist, then all parking and walkways associated with lot 1 will be required.

9. All perpendicular parking spaces shall conform to the dimensional standards shown below:

Aisle Width	Parking Space Width	Parking Depth
24'	9.5'	18.5'
25'	9.0'	18.5'

SECTION IX. OUTDOOR DISPLAY

Permitted Businesses which are located within a permanent building on the site may display items for sale outdoors provided such displays conform to the following:

1. The outdoor display area does not exceed 20% of the interior floor area of the business.
2. Displays are only permitted during allowed business hours and shall not be used for more than 16 consecutive hours.
3. Displays are approved by the Architectural Review Committee.
4. Display does not block pedestrian walkways, parking or obstruct the vision of drivers or create an unsafe situation.

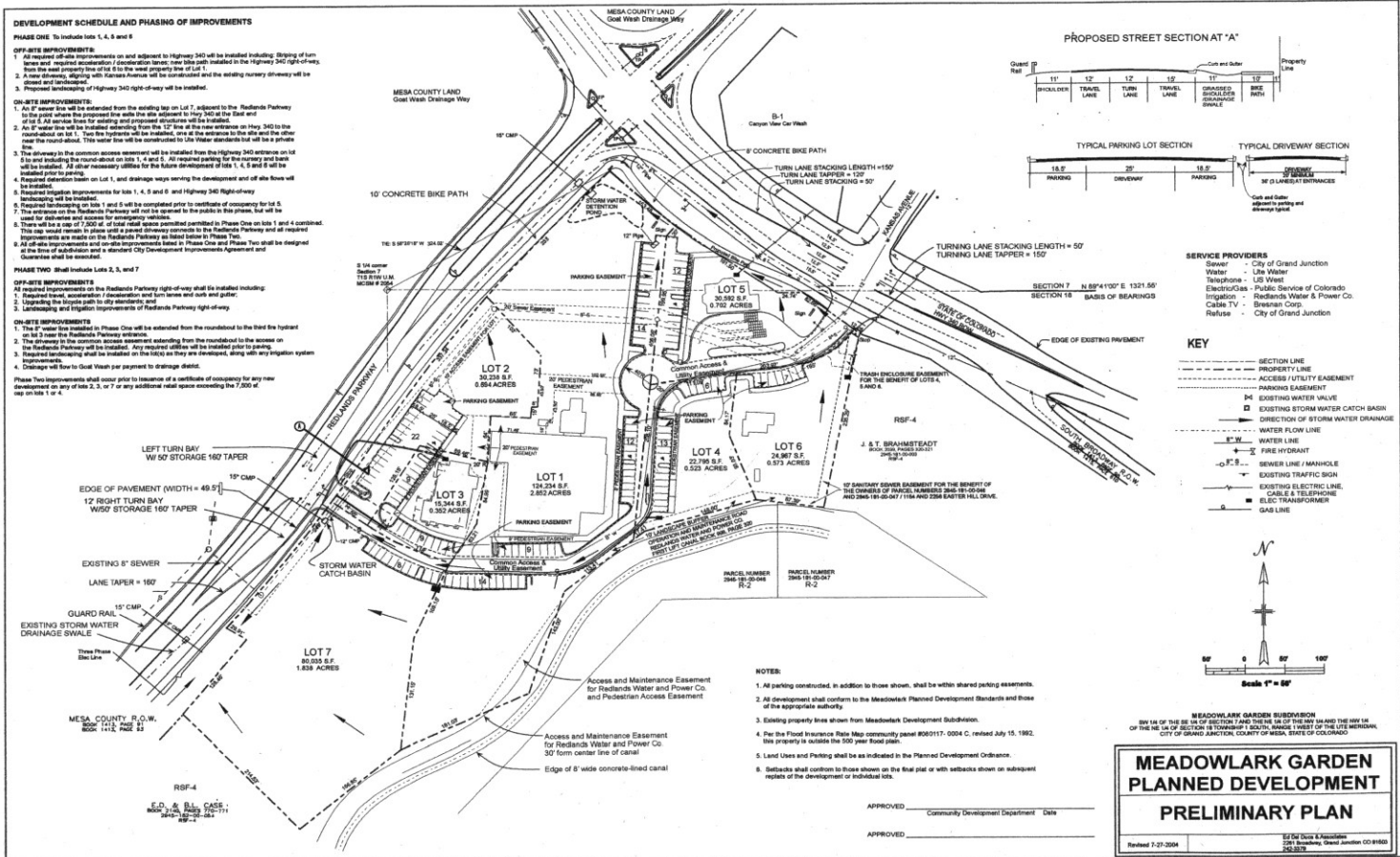
The above provisions do not apply to outdoor display of nursery plants and landscape materials, farmer’s markets, or temporary arts and crafts fair booths.

SECTION X. ARCHITECTURAL REVIEW

Prior to commencement of any construction, grading, planting or installation of any improvement, and prior to issuance of a building permit and/or certificate of occupancy, projects must obtain a certificate of appropriateness from the Architectural Review Committee of the development.

All landscaping, signage, buildings, exterior lighting, grading, outdoor displays and sales, landscaping and other improvements shall be reviewed by the Meadowlark Architectural Review Committee and obtain a certificate of appropriateness from the Committee prior to final acceptance by the City. The committee shall consist of no less than three persons selected from the property owners within the Planned Development. The by-laws and operation of the committee shall be established concurrent with the property owners association covenants established to address maintenance of landscaping and shared driveways, parking and signage within the Planned Development.

"EXHIBIT B"



Attach 21

City & County Parking Garage

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Ratification of a City & County Memorandum of Agreement for Operation and Maintenance of the employee Parking Garage in the 500 Block of White Avenue						
Meeting Date	November 17, 2004						
Date Prepared	November 15, 2004				File #		
Author	Mark Relph			Public Works & Utilities Director			
Presenter Name	Mark Relph			Public Works & 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: City Council Ratification of a Memorandum of Agreement between the City and Mesa County for operation and maintenance of the employee parking garage located in the 500 block of White Avenue.

Budget: N/A

Action Requested/Recommendation: City Council motion to ratify the Memorandum of Agreement for Operation and Maintenance of the Mesa County-City of Grand Junction Parking Garage

Attachments: Copy of Memorandum of Agreement for Operation and Maintenance of the Mesa County and City of Grand Junction Parking Garage, which has been signed by City Manager Kelly Arnold and County Administrator Bob Jasper.

Background Information: City Council is being asked to consider and ratify an Operation and Maintenance (O&M) agreement between the City and Mesa County for the City/County employee parking garage in the 500 block of White Avenue.

On September 3, 2003, City Council approved an agreement between the City and Mesa County to jointly construct an employee parking garage and thereby apportion the land, structure costs and number of parking stalls.

The highlights of the 2003 agreement are as follows:

- Joint ownership of a 5 story parking structure with the City's name on the title of the property
- The allocation of cost and parking spaces is 60% County and 40% for the City
- The total spaces available are 202 which include 4 County handicap spaces and 2 City handicap spaces.
- The City's share of spaces at 40% would be 80 regular spaces, which includes 2 handicap spaces. There will be one additional space to be used by City or County employees on a first come basis for motorcycles.
- The City and County would jointly approve operational and maintenance costs.
- The City and County would jointly approve any other proposed uses of the structure. (e.g. free or open parking on Sundays, weekend special event parking, etc.)
- Mesa County would be responsible for the day-to-day operation.

The 2003 agreement also noted (§2.G) that the City and County would “*enter into an operation and maintenance agreement..., further clarifying the procedure for operation and maintenance of the Parking Garage*”. The present O&M agreement before Council is intended to meet that purpose.

The highlights of the O&M agreement include:

- Management information including location, hours of operation, City and County contacts and designating the facility as no smoking.
- General access information including the use of a card system, identification decals, before and after hours of operation and use by other parties.
- Designation of City and County parking stalls.
- Budget process including the County preparing a draft and approved by both parties, plus the approval process for work orders.
- Electrical facilities and impacts to operation (e.g. rollup door).
- Insurance and the responsibility of employees, the City and County. Property liability insurance shall be maintained by the County with any claims paid at the 60/40 split.

MEMORANDUM OF AGREEMENT FOR OPERATION AND MAINTENANCE

THIS MEMORANDUM OF AGREEMENT is entered into this ____ day of November, 2004, by and between Mesa County and the City of Grand Junction, acting through their respective administrators.

WHEREAS, the County of Mesa and the City of Grand Junction previously entered into Agreement MCA 2003-111 for the construction, maintenance, ownership and operation of a parking facility (Parking Garage), now known as the Mesa County - City of Grand Junction Parking Garage; and,

WHEREAS, Paragraph 2.G. of Agreement MCA 2003-111 provides as follows:

Within six (6) months after Closing, as hereafter described, the Parties shall enter into an operation and maintenance agreement, not inconsistent with the terms of this Agreement, further clarifying the procedure for operation and maintenance of the Parking Garage.

NOW, THEREFORE, it is agreed as follows:

I. Management Information

A. Management—Location and Hours

Mesa County Facilities and Parks Department is responsible for the overall maintenance, supervision and control of the Parking Garage. The Department is located at 315 North Spruce, Grand Junction, CO 81501. Office hours are 7:30 a.m. to 5:00 p.m. with PAGER services after hours.

County Contact

Facilities and Parks-7:30 a.m. to 5:00 p.m. Monday-Friday	970-244-3230
Pager Number	970-257-4311

City Contact

City of Grand Junction Fleet/Facilities-8:00 a.m. to 4:30 p.m. Monday-Friday	
Facility Crew Leader	970-244-1566
Fleet/Facility Manager	970-244-1569

B. Hours of Garage Operation

The Parking Garage is a 24 hour - 7 day a week operation.

C. Smoking

No smoking is allowed in the Parking Garage per Mesa County Resolution 93-39 and City Ordinance No. 3540.

II. Building Access

A. General Access Information

The Parking Garage will generally be locked. Access to eligible employees will be via a card access system. The County shall determine morning and evening hours when the Parking Garage rollup door will remain open for set periods of time, to allow easier entry and exit by users.

Each County and City employee issued an access card shall be responsible for the safety of his/her assigned card. If an access card is lost or stolen the employee to whom the card was issued shall notify the Facilities and Parks Department immediately. Replacement of a lost or stolen card is \$15 and payable to Mesa County. When an employee surrenders his or her parking privilege, for whatever reason, Facilities and Parks must be notified immediately in order to cancel or reprogram the access card and/or reassign the parking space. It will be the responsibility of both Mesa County and City of Grand Junction to confirm name and card access on at least an annual basis.

Unused or returned/recovered City/County cards must be delivered to their respective divisions within each organization. For the County, the cards shall be returned to the Human Resources/Personnel Division which shall work directly with the County Facilities and Parks Department to have the parking access cards reprogrammed by County Facilities and Parks. For the City, the cards shall be returned to the Fleet/Facility Division. At the time any cards are returned to the City, the City Fleet/Facility Division will work directly with the City Human Resources representative to have the parking access cards reprogrammed by County Facilities and Parks. The City shall notify County of changes in parking assignments as soon as possible. **In no circumstance, shall an access card be transferred to another employee without following the procedures detailed above.**

All eligible County and City employees will be issued rear window emblem decals designating County or City employee for purposes of verification of permitted parking. The City decals will also include an assigned space number. Vehicles that do not display a City or County decal may be towed at the Owner's Expense.

B. After Hours Building Access

Access to the Parking Garage, except during hours designated by the County in the morning and evening, requires use of an access card. At all times when garage access is controlled, access by the electronic card system is recorded.

From time to time, outside entities may request in writing that the County and/or the City allow after hours use of the Parking Garage. Requests shall be submitted to County Facilities and Parks which shall evaluate the request to determine whether or not granting the request would result in an undue increase in maintenance expenses. County Facilities and Parks shall forward each request, together with a recommendation, to the Board of County Commissioners and the City Council for consideration. No request may be granted unless both the Board of County Commissioners and the City Council consent in writing by resolution or other formal action. Any non City and/or non-County usage shall be strictly permissive; permission may be revoked and terminated by the Board of County Commissioners and the City Council for any reason at any time. To the extent practical, County and City employees will be notified in advance of other allowed usage(s).

Mesa County and the City of Grand Junction have mutually agreed to usage of the Mesa County/City of Grand Junction Parking Garage by the First United Methodist Church (FUMC) on Sunday mornings from 8:00 a.m. to 2:00 p.m. FUMC shall be required to purchase and maintain in effect General Liability Insurance in the amount of \$1,000,000, combined single limit, occurrence format, naming Mesa County/City of Grand Junction as additional insureds there under, specifying the Parking Garage as the area of use during the time and day set forth above. The amount of insurance required is subject to periodic review and revision by County Facilities and Parks.

C. Parking Information

There are five floors in the Mesa County/City of Grand Junction Parking Garage. The Garage has a total of 202 spaces, with six (6) designated as ADA (4 County, 2 City).

See Attachment A, attached hereto and made a part hereof, for County/City assignments per floor.

- Floor 1 40 spaces- 2 City, 38 County
- Floor 2 45 spaces- City of Grand Junction
- Floor 3 45 spaces- City of Grand Junction 23, Mesa County 22
- Floor 4 45 spaces- Mesa County
- Floor 5 27 spaces- City of Grand Junction 10, Mesa County 17

Interior spaces on each floor are sized for compact cars (8'x19')
Exterior spaces on each floor are standard (9'x21')

Spaces will be numbered per level beginning with #101 on Level 1, #201 on Level 2, continuing through #522 on the Level 5. Spaces will also be labeled "CO" for Mesa County spaces and "CITY" for City of Grand Junction spaces as shown on Attachment A.

III. Parking Garage Operation and Maintenance

A. Budget

No later than July 1 of each budget year, representatives of Mesa County Facilities and Parks and Grand Junction Fleet/Facilities will conduct a joint inspection of the Parking Garage to review its status and to discuss the maintenance and operation budget for the next year. Mesa County shall prepare and submit the proposed budget to maintain and operate the Parking Garage to Grand Junction no later than September 1, of each budget year and will be subject to mutual agreement of both parties. Mesa County will propose the second year O&M and Capital (as applicable), to accommodate the City's biennial budget process.

B. Work Order Requests

Routine work order requests are handled through Mesa County Facilities and Parks.

County employees should continue to use the County's online work order system. **City** employees should email or call the City Facilities Crew Leader or City Fleet/Facility Manager. City representatives should then contact Mesa County by any of the following methods:

EMAIL to mcooley@co.mesa.co.us

FAX to 970-244-3240

PHONE 970-244-3230 FACILITIES AND PARKS MAIN NUMBER

Emergency maintenance problems occurring before 7:30 a.m. and after 5:00 p.m. weekdays, evenings/ weekends and/or Holidays should be directed to Facilities and Parks Pager: 257-4311.

Work orders are handled on a "first come, first serve" basis unless deemed to be an emergency. Emergency calls should clearly be identified as to individual calling, location and contact number for additional information, if needed. This includes automated roll-up door problems, elevator and/or other. Issues regarding card access should be directed to the Main Number, FAX or e mail during regular business hours.

The City of Grand Junction will be notified as soon as possible of any significant emergencies/expenses falling outside the annual proposed budget.

C. Electrical

If power fails, emergency lighting will activate. Power failures should be reported to Facilities and Parks immediately. In such an event, the rollup door can be opened manually from either side. The County Facilities and Parks Department should be contacted immediately for assistance. County Facilities and Parks staff and/or contractors will conduct, at a minimum, quarterly preventative maintenance (pm) on interior/exterior lighting, elevator and automated roll-up door.

D. Elevators and Stairwells

Elevator malfunctions should be reported to County Facilities and Parks immediately.

The emergency speaker box is located in the elevator and provides 24 hour notification. In the event the emergency button is pressed, 911 will be alerted. A notification call system will be on file with Emergency Dispatch to access County/City personnel.

Stairwells in the Parking Garage are to be kept free at all times. (Bicycles may not be stored in stairwells). AT NO TIMES SHOULD STAIRWELL DOORS BE PROPPED OPEN. The exit stairwells as well as garage roadway are important emergency exits during fire or any other emergency. An exit door located in the rear of the garage serves only as an exit and cannot be entered from the exterior of the Garage. In event of fire, the elevator will lock down at Level 1 and cannot be operated by anyone other than Fire Department personnel.

E. Trash Removal

Trash receptacles will be located at each elevator door at each floor level and will be emptied regularly by County Facilities and Parks.

F. Insurance

Extreme caution and care shall be required and used at all times when driving and parking in the Parking Garage. Neither Mesa County nor the City of Grand Junction shall be liable for theft, loss, damage to vehicles or other such claims that arise from use of the Parking Garage. County Facilities and Parks shall post signage notifying all persons entering the Parking Garage that use of the garage is at the user's risk.

The County shall be responsible for maintaining property liability insurance coverage on the Parking Garage in the same matter, to the same limits, and under the same self-insured retention (SIR) limits as the County maintains for property liability insurance on similar County owned property. For any payments paid for a claim within the SIR limit; the County shall pay 60% of such claim expense and City shall pay 40%.

G. Landscaping


County Facilities and Parks will maintain all irrigation systems and landscaping.

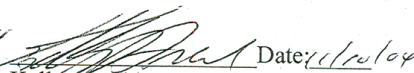
IV. Ratification and/or Amendments

This Memorandum of Understanding shall not become effective until ratified by both the Board of County Commissioners of the County of Mesa and the City Council of the City of Grand Junction. Amendments to this Memorandum of Understanding shall be in writing and shall not be effective until ratified by both the Board of County Commissioners of the County of Mesa and the City Council of the City of Grand Junction.

V. No third party rights granted herein.

This Memorandum of Understanding is for the benefit of the County of Mesa and the City of Grand Junction. No rights are granted herein to any third party and this agreement shall not be construed to grant rights to any third party.


Date: 11/14/09
Robert Jasper
Mesa County Administrator


Date: 11/16/09
Kelly Arnold
Grand Junction City Manager

RATIFIED

Mesa County Board of County Commissioners

City of Grand Junction

Date: _____
Doralyn B. Genova, Chairman

Date: _____
Bruce Hill, Mayor

ATTEST:

ATTEST:

Mesa County Clerk and Recorder

City Clerk

Attach 22

Economic Development Incentive to Jobsite

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Authorizing an Economic Development Incentive to Jobsite					
Meeting Date	November 17, 2004					
Date Prepared	November 2, 2004				File #	
Author	Ron Lappi		Administrative Services Director			
Presenter Name	Ron Lappi		Administrative Services Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Diane Schwenke
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

Budget: Sufficient funds are available in the current appropriations of the Economic Development Fund of \$323,703 to fund this expenditure to the GJ Chamber for assistance to Jobsite,

Action Requested/Recommendation: Consider Approval of the proposed resolution.

Attachments: Proposed Resolution

Background Information: The Grand Junction Chamber of Commerce represented by its president Diane Schwenke has requested the City Council to consider granting a job creation incentive to Jobsite. Jobsite moved to the valley in 1997 and received a job relocation incentive from the City in the amount of \$120,000. It currently employ's 60 plus people with the majority living in the City of Grand Junction. They are currently in need of expanding their business with new employees, equipment and facilities and are requesting the City grant \$2500 per new job up to a total expenditure of \$45,000 for creating 18 new jobs with an average pay of \$36,000 annually plus a generous benefit package. The company is currently located outside the 201 Sewer Service area, manufacturers

a variety of roll forming equipment that is exported outside of Mesa County and the State of Colorado. The cash incentive, if granted, will be paid out over the next three years as the jobs are actually created, and there will be a five year vesting period for the jobs created.

RESOLUTION NO. 110-04

A RESOLUTION AUTHORIZING AN ECONOMIC INCENTIVE TO JOBSITE FOR \$45,000 FOR THE BENEFIT OF EXPANDING AN EXISTING BUSINESS

RECITALS:

1. The City of Grand Junction Economic Development Fund was created by the City Council in 1988 to be used for economic development efforts.
2. The fund has a current balance of uncommitted resources of \$323,703 available for economic development.
3. The Grand Junction Chamber of Commerce has requested up to \$45,000 from the City to be paid to Jobsite to assist with the creation of 18 new jobs over the next three years.
4. The Chamber of Commerce and its partners in economic development, the Business Incubator Center and the Grand Junction Economic Partnership all support this request.

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

- a) An expenditure to the Chamber for the benefit of Jobsite not to exceed \$45,000 for the creation of 18 jobs is hereby approved.
- b) The Finance Director and the City Manager are hereby directed to use funds

available in the Economic Development Fund for this expenditure, as the jobs are created in accordance with the final incentive agreement.

**ADOPTED AND APPROVED THIS _____ day of
November, 2004.**

President of the Council

ATTEST:

City Clerk

