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

WEDNESDAY, APRIL 6, 2005, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Retired Pastor Eldon Coffey

PRESENTATIONS

JOHN HEIDEMAN, TAMARISK COALITION, WILL PRESENT GRANT MONIES FROM THE NATIONAL FISH AND WILDLIFE FOUNDATION “PULLING TOGETHER INITIATIVE” GRANT TO THE CITY COUNCIL [Attach 1](#)

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING MACKENZIE MATAROZZO AS “WESTERN COLORADO MDA 2005 AMBASSADOR”

PROCLAIMING APRIL, 2005 AS “CHILD ABUSE PREVENTION MONTH”

PROCLAIMING APRIL, 2005 AS “MONTH OF THE YOUNG CHILD”

PROCLAIMING APRIL 14, 2005 AS “ARBOR DAY”

PROCLAIMING APRIL 6 THROUGH APRIL 13, 2005 AS “NATIONAL WORK ZONE AWARENESS WEEK”

APPOINTMENT

TO THE HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

CITIZEN COMMENTS

CANVASS RESULTS OF ELECTION***** CONSENT CALENDAR ***®****1. Minutes of Previous Meeting [Attach 2](#)**

Action: Approve the Minutes of the March 16, 2005 Regular Meeting

2. North Crest Industrial Park Subdivision Easement Vacation [File # PFP-2005-280] [Attach 4](#)

The petitioner is requesting approval of a vacation of a temporary turnaround easement that was established with the recording of the plat for the North Crest Industrial Park, Filing One. The temporary turnaround will no longer be needed with the recording of Filing Two of the project. The easement vacation is conditioned upon recording the easement vacation resolution concurrently with the Final Plat for the North Crest Industrial Park, Filing Two.

Resolution No. 56-05 – A Resolution Vacating a Temporary Turnaround Easement in the North Crest Industrial Park Subdivision, Filing Two

®Action: Adopt Resolution No. 56-05

Staff presentation: Pat Cecil, Development Services Supervisor

3. Setting a Hearing for the Burkey Park Annexation Located at 2980 F Road [File # ANX-2005-060] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.19 acre Burkey Park Annexation consists of 2 parcels.

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

Resolution No. 57-05 – 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, Burkey Park Annexation, Located at 2980 F Road

®Action: Adopt Resolution No. 57-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Burkey Park Annexation, Approximately 19.19 Acres, Located at 2980 F Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 18, 2005

Staff Presentation: Senta L. Costello, Associate Planner

4. **Setting a Hearing for the Anson Annexations No. 1, 2, 3 & 4 Located at 2729 B ¼ Road** [File # ANX-2005-036] [Attach 6](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 3.606 acre Anson Annexation consists of 1 parcel and is a 4 part serial annexation.

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

Resolution No. 58-05 – 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, Anson Annexations #1, #2, #3, and #4, Located at 2729 B ¼ Road and a Portion of the B ¼ Road Right-of-Way

®Action: Adopt Resolution No. 58-05

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Anson Annexation #1, Approximately 0.006 Acres of B ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Anson Annexation #2, Approximately 0.02 Acres of B ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Anson Annexation #3, Approximately 0.05 Acres of B ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Anson Annexation #4, Approximately 3.53 Acres Located at 2729 B ¼ Road Including a Portion of B ¼ Road Right-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for May 18, 2005*

Staff Presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing on Zoning the Iris Court Enclave Annexation, Located at 2250 S. Broadway** [File # ANX-2005-028] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Iris Court Enclave Annexation RSF-2 (Residential Single Family 2 du/ac), located at 2250 S. Broadway.

Proposed Ordinance Zoning the Iris Court Enclave Annexation to RSF-2 Located at 2250 S. Broadway

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005*

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing on Zoning the PS Substation Enclave Annexation, Located on 29 Road Just South of F Road** [File # ANX-2005-027] [Attach 8](#)

Introduction of a proposed zoning ordinance to zone the PS Substation Enclave Annexation RMF-5 (Residential Multi-Family 5 du/ac), located on 29 Road just south of F Road.

Proposed Ordinance Zoning the PS Substation Enclave Annexation to RMF-5 Located on 29 Road Just South of F Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005*

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing on Zoning the Webb Crane Enclave Annexation, Located at 728, 738, 745, and 747 23 ½ Road** [File # ANX-2005-029] [Attach 9](#)

Introduction of a proposed zoning ordinance to zone the Webb Crane Enclave Annexation M-U (Mixed Use) and I-1 (Light Industrial), located at 728, 738, 745, and 747 23 ½ Road.

Proposed Ordinance Zoning the Webb Crane Enclave Annexation to M-U and I-1 Located at 728, 738, 745, and 747 23 ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005*

Staff presentation: Senta L. Costello, Associate Planner

8. **Setting a Hearing on Rezoning Jacobson Property Located at 738 26 Road from RSF-2 to RMF-5** [File # RZ-2004-304] [Attach 10](#)

A request for approval to rezone 37.95 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range. However, the Planning Commission has recommended the zoning designation of RSF-4.

Proposed Ordinance Zoning 37 Acres of Land Located at 738 26 Road to RMF-5

Action: Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005

Staff presentation: Lori V. Bowers, Senior Planner

9. **Brookwillow Village Planned Development Amendment** [File # PP-2004-130] [Attach 11](#)

Introduction of a proposed ordinance to amend the existing PD Ordinance No. 3088 for Brookwillow Village Planned Development located at 650 24 ½ Road, and set a date to hold a public hearing and consider approval of the proposed private streets within the subdivision.

Proposed Ordinance Amending Ordinance No. 3088 Zoning a Parcel of Land at 625 24 ½ Road (Amending the Planned Development for Brookwillow Village)

Action: Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005

Staff presentation: Lori V. Bowers, Senior Planner

10. **Five-Year Lease of the City's Hallenbeck Ranch Property to Clint Miller** [Attach 12](#)

This is a proposed five-year ranching & grazing lease of the 300-acre Hallenbeck Ranch to Clint Miller.

Resolution No. 59-05 – A Resolution Authorizing a Five-Year Lease of the City's Hallenbeck Ranch Property to Clint Miller

®Action: *Adopt Resolution No. 59-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

11. **2005 Spring Clean Up Equipment and Services** [Attach 13](#)

Additional rental equipment for the 2005 Spring Clean Up to be held May 2nd to May 14th. Rental equipment needed includes dump trucks, skid steers, roll off's (large dumpsters) and waste tire processing and removal.

Action: *Authorize the City Purchasing Manager to Contract for Dump Truck Rental, Roll Off Rental, Skid Steer Rental, and Waste Tire Processing and Removal. The Estimated Annual Expenditure is \$151,900.72.*

Staff presentation: Mark Relph, Public Works and Utilities Director
Ron Watkins, Purchasing Manager

12. **Approval of Letter for Tamarisk Study** [Attach 14](#)

Under Section 206, the Army Corps of Engineers Aquatic Ecosystem Restoration program, the City can request up to \$10,000 for a federally funded Preliminary Restoration Plan (PRP). Staff is requesting approval of the letter to the USACE with the intent of studying the feasibility of tamarisk removal and reestablishment of the native plant communities.

Action: *Authorize the Mayor to Sign the Letter Requesting Funding for a Preliminary Restoration Plan*

Staff presentation: Sheryl Trent, Assistant to the City Manager

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

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

13. **Construction and Design Contracts** (Items a, b c, and d may be awarded under one motion)

a. **Amendment #3 for Engineering Services with Carter and Burgess for Riverside Parkway** [Attach 15](#)

This amendment is the third of four planned amendments to the existing contract with the engineering firm of Carter and Burgess. This scope of services covers the preparation of final design of the Riverside Parkway.

Action: Authorize the City Manager to Amend the Existing Contract with Carter & Burgess for a Total Fee of \$8,479,390

Staff presentation: Mark Relph, Public Works and Utilities Director

b. Mesa Grande Sayre Drive Sewer I.D. [Attach 16](#)

Award of a Construction Contract for Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District to MA Concrete Construction, Inc. in the amount of \$472,919.77. Since this district is in the unincorporated area, this award is contingent upon the County Commissioners forming the sewer improvement district on April 11, 2005.

Action: Authorize the City Manager to Execute a Construction Contract for the Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District with MA Concrete Construction in the Amount of \$472,919.77. Award is to be Contingent on Formation of the District by the Mesa County Board of County Commissioners on April 11, 2005

Staff presentation: Mark Relph, Public Works and Utilities Director

c. 2005 Concrete Repair for Street Overlays [Attach 17](#)

Award of a Construction Contract to BPS Concrete, Inc. in the amount of \$339,327.25 for the 2005 Concrete Repairs for Street Overlays.

Action: Authorize the City Manager to Sign a Construction Contract for Concrete Repair for Street Overlays to BPS Concrete, Inc. in the Amount of \$339,327.25

Staff presentation: Mark Relph, Public Works and Utilities Director

d. 2005 Alley Improvement District [Attach 18](#)

Award of a construction contract for the 2005 Alley Improvement District to Reyes Construction, Inc. in the amount of \$571,019.55. A resolution creating and establishing Alley Improvement District No. ST-05 was approved at the December 1, 2004 City Council Meeting. ST-05, Phase B was approved on December 15, 2004. This contract is for both Phases.

Action: Authorize the City Manager to Sign a Construction Contract for the 2005 Alley Improvement District with Reyes Construction, Inc. in the Amount of \$571,019.55

Staff presentation: Mark Relph, Public Works and Utilities Director

14. **Old Scoreboard Donation from Suplizio Field** [Attach 3](#)

The scoreboard at Suplizio Field has been replaced. Nick Adams, Director of Athletics at Mesa State College, has requested that the old scoreboard be donated to Mesa State College. A resolution to accomplish such donation is proposed.

Resolution No. 55-05 – A Resolution for the Donation of Scoreboard at Suplizio Field to Mesa State College

®Action: Adopt Resolution No. 55-05

Staff presentation: Joe Stevens, Director of Parks & Recreation

15. **DOLA Grant for Business Incubator Center** [Attach 19](#)

The Business Incubator Center is requesting that the City Council authorize the application of a grant for \$200,000 from the DOLA Energy and Mineral Impact Assistance Grant for the replacement and repair of the building facilities at the DOE complex.

Action: Authorize the Mayor to Sign the Application for an Energy and Mineral Impact Assistance Grant for \$200,000 from the Department of Local Affairs

Presentation: Thea Chase, Business Incubator Center Executive Director

16. **Fire Act Grant to Purchase Firefighter Emergency Locator System** [Attach 20](#)

The Fire Department requests City Council approval to submit a federal Fire Act grant application for a firefighter emergency locator system. This system would increase firefighter safety by providing technology to quickly locate firefighters that may become disoriented or trapped at emergency incidents. The locator system is new technology for the Department. Long term impact for operational costs is limited to replacement of AAA batteries. Based on input from vendors, the life expectancy of the devices is 10-12 years. Vendors have not experienced damage to devices with normal use.

Action: Authorize the Fire Chief to Submit a Fire Act Grant Application for a Firefighter Emergency Locator System, the City's Share would be \$4,800

Staff presentation: Rick Beaty, Fire Chief

17. **RFP for Ambulance Service Provider** [Attach 21](#)

On January 17, 2005 City Council directed staff to select a consultant for the development of an RFP to be used in the selection of an ambulance service provider within the Grand Junction Ambulance Service Area (ASA). Based on knowledge of the Mesa County EMS System and national trends in emergency medical services, staff recommends that ESCi be used in the development of the RFP.

Action: Authorize the City Manager to Sign a Professional Services Contract for Development of an RFP with ESCi in the Amount \$17,500 plus Reasonable Travel Related Expenses

Staff presentation: Rick Beaty, Fire Chief

18. **Public Hearing – Vacation of Dedicated Right-of-Way of Winters Avenue, West of South 7th Street** [File # VR-2002-200] (CONTINUED FROM MARCH 16, 2005) [Attach 22](#)

Consider final passage of an ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, west of South 7th Street and hold a public hearing.

Ordinance No. 3731 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way, of Winters Avenue, West of South 7th Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3731

Staff presentation: Lori V. Bowers, Senior Planner

19. **Public Hearing – Unawep Heights No. 4 Annexation and Zoning Located at 2861 B ¾ Road and Victoria Drive** [File # ANX-2005-003] [Attach 23](#)

Unawep Heights Annexation No. 4 is located at 2861 B ¾ Road and Victoria Drive. The applicant is requesting annexation and zoning to RSF-4 (Residential

Single-Family, not to exceed four dwelling units per acre). The annexation area consists of two parcels of land totaling 9.84 acres.

a. Accepting Petition

Resolution No. 60-05 – A Resolution Accepting a Petition for Annexation Making Certain Findings, Determining the Property Known as the UnawEEP Heights Annexation No. 4, Located at 2861 B $\frac{3}{4}$ Road and Victoria Drive is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3744 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 4, Approximately 9.84 Acres, Located at 2861 B $\frac{3}{4}$ Road and Victoria Drive

c. Zoning Ordinance

Ordinance No. 3745 – An Ordinance Zoning the UnawEEP Heights Annexation No. 4 to Residential Single-Family, not to Exceed 4 Units per Acre (RSF-4) Located at 2861 B $\frac{3}{4}$ Road and Victoria Drive

®Action: Adopt Resolution No. 60-05, Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3744 and 3745

Staff presentation: Lori V. Bowers, Senior Planner

20. **Public Hearing – Barker No. 3 Annexation and Zoning, Located at 2939 Jon Hall Drive** [File # ANX-2005-022] [Attach 24](#)

Barker Annexation No. 3 is located at 2939 Jon Hall Drive. The applicant is requesting annexation and zoning to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

a. Accepting Petition

Resolution No. 61-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Barker No. 3 Annexation Located at 2939 Jon Hall Drive is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3746 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Barker No. 3 Annexation, Approximately 0.298 Acres, Located at 2939 Jon Hall Drive

c. Zoning Ordinance

Ordinance No. 3747 – An Ordinance Zoning the Barker Annexation No. 3 to Residential Single-Family, Not to Exceed Four Units Per Acre (RSF-4) Located at 2939 Jon Hall Drive

®Action: Adopt Resolution No. 61-05, Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3746 and 3747

Staff presentation: Lori V. Bowers, Senior Planner

21. **Public Hearing – Whaley Annexation and Zoning, Located at 2941 & 2949 B ½ Road** [File # ANX-2005-010] [Attach 25](#)

The Whaley Annexation is a 9.967 acre parcel located at 2941 & 2949 B ½ Road and consists of 2 parcels. The applicant is requesting annexation and zoning to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

a. Accepting Petition

Resolution No. 62-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Whaley Annexation Located at 2941 & 2949 B ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3748 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #1, Approximately 4.988 Acres, Located at 2941 B ½ Road

Ordinance No. 3749 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #2, Approximately 4.979 Acres, Located at 2949 B ½ Road

c. Zoning Ordinance

Ordinance No. 3750 – An Ordinance Zoning the Whaley Annexation to Residential Single-Family, not to exceed 4 units per acre (RSF-4) Located at 2941 and 2949 B ½ Road

®Action: Adopt Resolution No. 62-05, Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3748, 3749, and 3750

Staff presentation: Lori V. Bowers, Senior Planner

22. **Public Hearing – Sycamore Creek #1 & #2 Annexation and Zoning Located at 2370 Broadway** [File # ANX-2005-005] [Attach 26](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Sycamore Creek Annexation. The Sycamore Creek Annexation is located at 2370 Broadway and consists of one parcel of land and portions of the Broadway, Sayre Drive, and Pleasant Ridge Drive rights-of-way containing approximately 17 acres. The zoning being requested is RSF-2 (Residential Single-Family 2 du/ac).

a. Accepting Petition

Resolution No. 63-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sycamore Creek Annexation #1 & #2, Located at 2370 Broadway and Portions of the Sayre Drive, Pleasant Ridge Drive, and Broadway Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3751 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #1, Approximately .6975 Acres, Located within the Sayre Drive, Pleasant Ridge Drive, and Broadway Rights-of-Way

Ordinance No. 3752 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #2, Approximately 16.40 Acres, Located at 2370 Broadway

c. Zoning Ordinance

Ordinance No. 3753 – An Ordinance Zoning the Sycamore Creek Annexation to RSF-2 (Residential Single-Family 2 du/ac), Located at 2370 Broadway

®Action: Adopt Resolution No. 63-05, Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3751, 3752, and 3753

Staff presentation: Faye Hall, Planning Technician

23. **NON-SCHEDULED CITIZENS & VISITORS**
24. **OTHER BUSINESS**
25. **ADJOURNMENT**

**Attach 1
Presentation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Tamarisk Coalition Grant					
Meeting Date	April 6, 2005					
Date Prepared	March 31, 2005				File #	
Author	Doug Cline			Street Systems Superintendent		
Presenter Name	Tim Moore			Public Works Manager		
Report results back to Council		No		Yes	When	
Citizen Presentation	X	Yes		No	Name	John Heideman
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City of Grand Junction actively partnered with Mesa County and the Tamarisk Coalition to secure partial cost reimbursements for the removal of tamarisk growth from drainage channels throughout the area. John Heideman, the Tamarisk Coalition Finance Director will present National Fish and Wildlife Foundation – Pulling Together Initiative Grant checks to the City of Grand Junction for Leach Creek and Indian Wash. John will also give us an update on other tamarisk control issues.

Budget: Two separate grants were applied for and awarded:

Indian Wash – (\$6,684) jointly applied for and equally shared by the City of Grand Junction and Mesa County for work done inside and outside of the city limits.

Leach Creek - (\$5,500) Applied for by the City of Grand Junction for channel work within the city limits.

Action Requested/Recommendation: Accept the funds.

Attachments: None

Background Information: The control of all vegetation growth within storm drainage channels is an important part of ongoing maintenance work to insure adequate flow capacities exist. The removal of brush and trees from within flow channels is particularly critical to eliminate obstacles that would block high flows in the event of storm water runoff from thunderstorms. The elimination of tamarisk is also an important part of overall brush removal programs in these channels primarily do to their very aggressive growth and their high consumption of water.

Attach 2
Minutes from Previous Meeting

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

March 16, 2005

The City Council of the City of Grand Junction convened into regular session on the 16th day of March 2005, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

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

PRESENTATIONS

A REPRESENTATIVE FROM APWA, COLORADO CHAPTER, TO PRESENT PUBLIC WORKS AWARDS TO DAVID HOOD, DAVE VAN WAGONNER AND THE CITY OF GRAND JUNCTION

Doug Cline, Streets Superintendent, introduced the presentations. He introduced Betsy Sorter, representing the Colorado Chapter of APWA.

Ms. Sorter presented certificates for David Hood, Dave Van Wagonner and to Mark Relph, Public Works Director, on behalf of the City.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING MARCH 26, 2005 AS "SALUTE OUR TROOPS-REMEMBRANCE DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

RATIFY APPOINTMENT TO THE RIVERVIEW TECHNOLOGY CORPORATION

Councilmember Kirtland moved to ratify the appointment of Dennis Wagner to the Riverview Technology Corporation for a 3 year term until February 2008. Councilmember Palmer seconded the motion. Motion carried.

CERTIFICATE OF APPOINTMENT

TO THE COMMISSION ON ARTS AND CULTURE

Gunilla Bishop was present to receive her certificate.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Council President Pro Tem Palmer, seconded by Councilmember McCurry and carried by roll call vote to approve the Consent Items #1 through #12.

1. Minutes of Previous Meetings

Action: Approve the Summary of the February 28, 2005 Additional Workshop, the Summary of the February 28, 2005 Workshop and Special Session and the Minutes of the March 2, 2005 Regular Meeting

2. Farm Lease for the Saccomanno Park Property to Frank M. Fisher

A resolution authorizing a one-year farm lease of the City's Saccomanno Park property, located at the southwest corner of 26 ½ Road and H Road.

Resolution No. 47-05 – A Resolution Authorizing a One-Year Farm Lease of the "Saccomanno Park Property" to Frank M. Fisher

Action: Adopt Resolution No. 47-05

3. Purchase of Two Reel Fairway Mowers

This purchase is for the replacement of two (2) Reel Fairway Mowers. They are currently scheduled for replacement in 2005 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Manager to Purchase Two (2) Reel Fairway Mowers from Colorado Golf and Turf for the Amount of \$59,086.00

4. Purchase of Police Vehicles

This purchase is for the replacement of five (5) Police Patrol vehicles. They are currently scheduled for replacement in 2005 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Manager to Purchase Five (5) Crown Victoria Police Vehicles from Lakewood Ford Inc. for the Amount of \$125,290.00

5. Revoking a Revocable Permit to Fuoco Investments, LLC [SPR-2004-244]

The proposed action will revoke a permit that authorized the use of the Hill Avenue right-of-way between N. 1st Street and 2nd Street for vehicular parking purposes, including automobile sales display and customer parking.

Resolution No. 48-05 – A Resolution for the Revocation of a Revocable Permit Granted to Fuoco Investments, LLC

Action: Adopt Resolution No. 48-05

6. **Setting a Hearing on Zoning the Sycamore Creek Annexation, Located at 2370 Broadway to RSF-2 (Residential Single-Family 2 du/ac)** [File # ANX-2005-005]

Introduction of a proposed zoning ordinance to zone the Sycamore Creek Annexation RSF-2 (Residential Single-Family 2 du/ac), located at 2370 Broadway.

Proposed Ordinance Zoning the Sycamore Creek Annexation to RSF-2 (Residential Single-Family 2 du/ac), Located at 2370 Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 6, 2005

7. **Setting a Hearing on Zoning the Barker No. 3 Annexation Located at 2939 Jon Hall Drive** [File # ANX-2005-022]

Introduction of a proposed ordinance to zone the 0.298 acre Barker No. 3 annexation consisting of 1 parcel, to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

Proposed Ordinance Zoning the Barker Annexation No. 3 to Residential Single-Family, Not to Exceed Four Units Per Acre (RSF-4) Located at 2939 Jon Hall Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 6, 2005

8. **Setting a Hearing on Zoning the Whaley Annexation Located at 2941 & 2949 B ½ Road** [File # ANX-2005-010]

Introduction of a proposed ordinance to zone the 9.967 acre Whaley Annexation area consisting of 2 parcels to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

Proposed Ordinance Zoning the Whaley Annexation to Residential Single-Family, not to exceed 4 units per acre (RSF-4) Located at 2941 and 2949 B ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 6, 2005

9. **Setting a Hearing on Zoning the Unaweep Heights Annexation, No. 4 Located at 2861 B ¾ Road and Victoria Drive** [File # ANX-2005-003]

UnawEEP Heights Annexation No. 4, located at 2861 B ¾ Road and Victoria Drive, request the zoning designation of RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre). The annexation area consists of two parcels of land totaling 9.84 acres of land.

Proposed Ordinance Zoning the UnawEEP Heights Annexation No. 4 to Residential Single-Family, not to Exceed 4 Units per Acre (RSF-4) Located at 2861 B ¾ Road and Victoria Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 6, 2005

10. **Setting a Hearing on Annexing the Iris Court Enclave Located at 2250 South Broadway** [File # ANX-2005-028]

Resolution giving notice of the intent to annex a tract of land known as the Iris Court Enclave and introduction of a proposed ordinance. The 0.35 acre Iris Court Enclave consists of 1 parcel.

a. Notice of Intent to Annex and Exercising Land Use Control

Resolution No. 49-05 – A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Iris Court Enclave Located at 2250 South Broadway Consisting of Approximately 0.35 Acres will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: Adopt Resolution No. 49-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Iris Court Enclave Annexation, Located at 2250 South Broadway Consisting of Approximately 0.35 Acres

Action: Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005

11. **Setting a Hearing on Annexing the PS Substation Enclave Located on 29 Road Just South of F Road** [File # ANX-2005-027]

Resolution giving notice of the intent to annex a tract of land known as the PS Substation Enclave and introduction of a proposed ordinance. The 0.06 acre PS Substation Enclave consists of 1 parcel of land and a portion of the 29 Road right-of-way.

a. Notice of Intent to Annex and Exercising Land Use Control

Resolution No. 50-05 – A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as PS Substation Enclave Located on 29 Road Just South of F Road Consisting of Approximately 0.06 Acres will be Considered for

Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: *Adopt Resolution No. 50-05*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, PS Substation Enclave Annexation, Located on 29 Road Just South of F Road and Including a Portion of the 29 Road Right-of-Way, Consisting of Approximately 0.06 Acres

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005*

12. **Setting a Hearing on Annexing the Webb Crane Enclave Located at 728, 738, 745 and 747 23 ½ Road** [File # ANX-2005-029]

Resolution giving notice of the intent to annex a tract of land known as the Webb Crane Enclave and introduction of a proposed ordinance. The 16.89 acre Webb Crane Enclave and consists of 4 parcels and a portion of the Interstate Avenue and 23 ½ Road rights-of-way.

a. Notice of Intent to Annex and Exercising Land Use Control

Resolution No. 51-05 – A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Webb Crane Enclave Located at 728, 738, 745 and 747 23 ½ Road Consisting of Approximately 16.89 Acres will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: *Adopt Resolution No. 51-05*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Enclave Annexation, Located at 728, 738, 745 and 747 23 ½ Road and Including a Portion of the 23 ½ Road and Interstate Avenue Rights-of-Way, Consisting of Approximately 16.89 Acres

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 20, 2005*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Construction Contracts (Items a, b and c may be awarded under one motion)

a. Duck Pond Park Lift Station Elimination Project

The Duck Pond Park Lift Station is proposed to be replaced with a 24" diameter gravity sewer line running from the existing sewage lift station at Duck Pond Park, under State Highway 50 to an existing siphon west and south of the Colorado River bridge. The low bid for the project and a value engineering offer by the contractor to reduce the contract amount has resulted in a net project cost of \$1,822,380.00.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the reason for the elimination of the lift station and the long term maintenance needed in the midst of a park for such a lift station. He said that there has been some overflows and with the removal of the lift station and replacing it with a gravity system, it will eliminate that problem. Mendez was the lowest bidder, but the contractor then suggested some cost savings ideas that led to a reduction of the contract amount. One such suggestion was the use of smaller pipe and smaller gauge pipe. Also, some ideas on flagging and traffic control have also been presented to reduce the cost.

Councilmember Spehar wanted assurance that no safety or hazard issues will arise by these cost reduction ideas. Mr. Relph confirmed that to be true and advised the 29 Road Colorado River Bridge construction will include an additional sewer line that could be used for part of the service on Orchard Mesa.

Council President Pro Tem Palmer asked why the City wasn't just awarding the lower bid instead of doing the reduction. City Attorney Shaver advised that the changes changed the scope of the contract so they have to award it that way.

b. Patterson Road Stucco Wall Repair and Concrete Barrier

The Patterson Road Stucco Wall Repair and Concrete Barrier is a project that repairs the existing surface of the sound barrier wall on Patterson Road between First Street and Mira Vista Drive.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location of the damaged stucco wall. He said that the project will also include the installation of a concrete barrier curb, a jersey barrier, to reduce future damage by protecting the wall. Mr. Relph said that there was only one bid received. It has been a struggle to get any bids in year's past, because the work must be performed at night. Although the bid was slightly higher than estimated, another solicitation of bids will probably not result in any lower bids or savings.

c. Water Playground Equipment and Installation at Lincoln Park-Moyer Pool

Supplying and installing above grade and below grade apparatus, plumbing, pumps and controls for the creation of a spray ground (a water playground) in the location of the existing tot pool on the north side of the pool area.

Council President Pro Tem Palmer advised that he was part of the Lion's Committee that contributed to the project. With that disclosure, Council had no problem with Council President Pro Tem Palmer participating.

Joe Stevens, Director of Parks & Recreation, reviewed this item. Two bids were received. Both contracting bidders would be using the same installer. The funding for the project came from a variety of sources including Wal-Mart, Park Development Fund, the Lion's Club, and LP Pool Improvements Fund. The Lions Club symbol will be incorporated into the splash pad.

Council President Hill asked about the size. Mr. Stevens said it will be larger than the current wading pool, about 1400 square feet.

Council President Pro Tem Palmer asked about when it will be open. Mr. Stevens said hopefully after Memorial Day, depending on equipment availability.

Councilmember Spehar moved to authorize the City Manager to execute a construction contract in the amount of \$2,000,000.00 and a deductive change order in the amount of \$177,619.96 with Mendez, Inc. for the Duck Pond Park Lift Station Elimination Project; authorize the contract for the Patterson Road stucco wall repair and concrete barrier to BPS Concrete, Inc. in the amount of \$93,403.49; and authorize the contract with J. Dyer Construction, Inc. for the acquisition and installation of the equipment required for the completion of the spray ground proposed by VORTEX Aquatic Structures International, for a total price of \$94,648.00. Councilmember Butler seconded the motion. Motion carried.

Grand Valley Transit Local Funding Request

The Grand Valley Regional Transportation Committee is requesting approval of the Intergovernmental Agreement concerning the local match funding for Grand Valley Transit public transit services for Fiscal Years 2006-2009. Each entity's contribution is based on a combination of Ridership, Assessed Value, Population, and the existing Intergovernmental Agreement distribution method. The amounts are also calculated to increase annually by 4%.

Todd Hollenbeck, Mesa County Transit Coordinator, reviewed this item. He reviewed the process of formulating this agreement. He listed the four methods that were combined to determine the current formula: Ridership, Assessed Value, Population, and the existing Intergovernmental Agreement. The service will now extend to Palisade and Fruita. The fees proposed are to increase 4% annually.

Councilmember Kirtland advised that the proposal is to continue the existing service. He said that there is no plan for increased service with the exception of services to Fruita and Palisade. The proposal will allow for capital replacement of buses.

Council President Pro Tem Palmer pointed out that the City's contribution is increasing. Mr. Hollenbeck concurred.

Council President Pro Tem Palmer asked about a long term funding mechanism that has been discussed. Mr. Hollenbeck said it is addressed in the agreement and the agreement will carry the system over until such time as a new funding source can be laid out.

Councilmember Spehar noted that the City is willing to increase their contribution by 65% for this period of time but urges the GVT to go forward in finding another source before this agreement runs out.

Councilmember Kirtland serves on this board and advised that GVT is very aware of the timing issue and it will take time to formulate and educate the public before putting the matter before the voters. Mr. Hollenbeck agreed and said the other entities are also very aware of the need to go forward with that.

Councilmember McCurry agreed noting he attended the presentation yesterday on this matter.

Council President Hill noted that Councilmembers hear concerns from the public and that compliance is being achieved but again emphasized that Grand Junction is willing to contribute additional amounts for the next four years as long as other funding sources are found within that time frame.

Resolution No. 52-05 – A Resolution Concerning the Adoption of the Local Match Funding for Grand Valley Transit Public Transit Services for FY2006-2009

Council President Pro Tem Palmer moved to adopt Resolution No. 52-05.
Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing – Right-of-Way Vacation Located at 237 S. 7th Street [File # VR-2004-281]

The applicant proposes to vacate the southern half of the north/south alley between 6th Street and 7th Street adjacent to Ute Avenue, reserving the entire area as a 15' multi-purpose easement due to the underground utilities. The Planning Commission recommended approval of the right-of-way vacation on February 22, 2005, making the Findings of Fact/Conclusion identified in the staff report.

The public hearing was opened at 8:12 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the current use as a parking lot for employees of NAPA auto. She said that there will be a multi-purpose easement retained and there was a requirement that the owner sign a development improvements agreement to eventually share access for ingress/egress. The applicant was present but did not wish to speak.
There were no public comments.

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

Ordinance No. 3730 – An Ordinance Vacating a Right-of-Way Located Adjacent to 237 S. 7th Street

Councilmember Kirtland moved to adopt Ordinance No. 3730 on second reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacation of Dedicated Right-of-Way of Winters Avenue, West of South 7th Street [File # VR-2002-200]

Consider final passage of an ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, west of South 7th Street and hold a public hearing.

City Attorney John Shaver said the matter may need to be continued due to an incorrect legal description. Planning Manager Kathy Portner concurred adding that they also did not retain a multi-purpose easement along with the vacation.

Ordinance No. 3731 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way, of Winters Avenue, West of South 7th Street

Council President Pro Tem Palmer moved to continue consideration of Ordinance No. 3731 for two weeks. Councilmember Kirtland seconded the motion. Motion carried.

Public Hearing – Rezoning the Hanson Equipment Property, Located at 763 23 ½ Road and 2340 I-70 Frontage Road [File # PFP-2004-181]

A request to rezone 2 acres of land located at 763 23 ½ Road, from Planned Development to Estate and rezone the remaining 17.87 acres, located at 2340 I-70 Frontage Road, to I-1 (Light Industrial) from a PD zoning designation.

The public hearing was opened at 8:19 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the location and the history of the property. The property has been sold since the last rezone and the new owner has other plans. Therefore, the Planned Development Zoning with some rental properties no longer applies. The request is to rezone the front portion to Estate, with a plan to subdivide it, and the remainder of the property to I-2, which is still in compliance and consistent with the Growth Plan and the intent of the Zoning and Development Code. Approval is recommended.

Council President Pro Tem Palmer clarified the proposal. Ms. Portner noted the plan also includes subdividing the industrial property.

The applicant was present but had nothing more to add.

There were no public comments.

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

Ordinance No. 3732 – An Ordinance Zoning 2.00 Acres of Land Located at 763 23 ½ Road

Ordinance No. 3733 – An Ordinance Zoning 17.87 Acres of Land Located at 2340 I-70 Frontage Road

Councilmember Kirtland moved to adopt Ordinance No. 3732 and Ordinance No. 3733 on second reading and ordered them published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing - Catlin Annexation and Zoning Located at 2830 C ½ Road [File # ANX-2004-308]

Acceptance of a petition to annex and consider the annexation and zoning for the Catlin Annexation. The Catlin Annexation is located at 2830 C ½ Road and consists of one parcel on 10.14 acres. The zoning being requested is RMF-8 (Residential Multi-Family 8 du/ac).

The public hearing was opened at 8:23 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the location, the surrounding subdivisions and the Future Land Use designation. The requested zoning of RMF-8 is consistent with the Future Land Use designation.

The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 8:25 p.m.

a. Accepting Petition

Resolution No. 53-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Catlin Annexation, Located at 2830 C ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3734 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Catlin Annexation, Approximately 10.139 Acres, Located at 2830 C ½ Road

c. Zoning Ordinance

Ordinance No. 3735 – An Ordinance Zoning the Catlin Annexation to RMF-8 (Residential Multi-Family 8 du/Ac) Located at 2830 C ½ Road

Councilmember Spehar moved to adopt Resolution No. 53-05 and adopt Ordinance No. 3734 and 3735 on second reading and ordered them published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing - Hawk's Nest Annexation and Zoning Located at 157 30 Road[File # ANX-2004-298]

Acceptance of a petition to annex and consider the annexation and zoning for the Hawk's Nest Annexation. The 33.22 acre Hawk's Nest Annexation is a five part serial annexation

which consists of two parcels of land and portions of B Road and 30 Road rights-of-way. The zoning being requested is RSF-4 (Residential Single-Family 4 du/ac).

The public hearing was opened at 8:26 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the location noting the subdivision to the north is Chipeta Pines. She described the Future Land Use designation which is consistent with the RSF-4 zoning being requested. Surrounding properties are the same zoning. The property is just inside the Persigo 201 boundary.

Rich Livingston, representing the applicant, pointed out that the Planning Commission and the staff recommendation is consistent with the Growth Plan for the area and the Neighborhood Plan. Extensive public hearings were held to develop those plans. This area has been designated as a more urbanized area and has had the 4 units per acre designation for the last five years. While the zone request is RSF-4, the practicality is about 3.5 units per acre that will actually be able to be built. He said that finally this area will be impacted by the 29 Road construction. There were no public comments.

The public hearing was closed at 8:32 p.m.

Council President Pro Tem Palmer inquired if RSF-2 would also meet the Future Land Use Designation. Mr. Livingston said the engineers have indicated that with taking out property for infrastructure, it may be very close to meeting those requirements. Mr. Livingston also spoke about the balance of feasibility and cost of infrastructure.

Council President Pro Tem Palmer reminded Council of previous discussions that sometimes 2 or 4 is not quite the right fit and he would like to see a zoning choice in-between.

Councilmember Kirtland characterized the area that it will be subject to the growth with road improvements and the Growth Plan. He said the developer will need to work with the neighborhood when developing the circulation plan and other issues that will impact surrounding properties.

Councilmember Spehar thought Council should continue to support the Growth Plan. Councilmembers Butler and McCurry agreed.

Council President Hill agreed that the way it will be developed is the next step through the Planning Commission. The reason for the 201 boundary is to designate the area for urban development; the infrastructure is there, including a school.

a. Accepting Petition

Resolution No. 54-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Hawk's Nest Annexation, Located at 157 30 Road and Portions of the B Road and 30 Road Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3736 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #1, Approximately .0985 Acres, Located in the B Road Right-of-Way

Ordinance No. 3737 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #2, Approximately .2537 Acres, Located in the B Road Right-of-Way

Ordinance No. 3738 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #3, Approximately .7796 Acres, Located in the B Road & 30 Road Rights-of-Way

Ordinance No. 3739 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #4, Approximately 25.9196 Acres, Located at 157 30 Road & Portions of the 30 Road Right-of-Way

Ordinance No. 3740 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #5, Approximately 6.1674 Acres, Located at 157 30 Road & Portions of the 30 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3741 – An Ordinance Zoning the Hawk’s Nest Annexation to RSF-4 (Residential Single Family 4 du/Ac) Located at 157 30 Road

Councilmember Kirtland moved to adopt Resolution No. 54-05 and adopt Ordinance No’s. 3736, 3737, 3738, 3739, 3740, and 3741 on second reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote with Council President Pro Tem voting NO on the zoning.

Public Hearing – Zoning the Fisher Annexation No. 2, Located at 104 29 ¾ Road
[File # GPA-2004-191]

Hold a public hearing and consider final passage of the zoning ordinance to zone the 16 acre Fisher Annexation No. 2, located at 104 29 ¾ Road, RSF-R (Residential Single Family, Rural).

The public hearing was opened at 8:44 p.m.

Kathy Portner, Planning Manager, reviewed this item. She noted the zoning was separated from the annexation to allow the developer to go through the Growth Plan Amendment process. She described the location and the Future Land Use designation, and stated that the Growth Plan Amendment was denied. The proposed zoning is RSF-R which is the only designation that will be consistent with the Growth Plan.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:45 p.m.

Ordinance No. 3742 – An Ordinance Zoning the Fisher Annexation No. 2 to RSF-R (Residential Single Family, Rural), Located at 104 29 ³/₄ Road

Council President Pro Tem Palmer moved to adopt Ordinance No. 3742 on second reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Manor Annexation, Located at the NE Corner of 26 ¹/₂ Road and I Road [File # GPA-2004-205]

Hold a public hearing and consider final passage of the zoning ordinance to zone the 11 acre Manor Annexation, located at the NE corner of 26 ¹/₂ Road and I Road, RSF-4 (Residential Single Family, 4 units per acre).

The public hearing was opened at 8:45 p.m.

Kathy Portner, Planning Manager, reviewed this item. She advised the zoning was separated from the annexation to allow for an application for a Growth Plan Amendment. She then described the location, identifying the location of the airport's critical zone which encumbers a small corner of the property. There is also a 60 to 65 percent decibel noise level contour which is not addressed in the Code, but a recommendation will be made that the homes include some special accommodations for sound. The new Land Use Designation is Residential Medium Low which was granted after the applicant was able to get the property included within the Persigo 201 boundary. Two zonings would be in compliance with the new designation, either RSF-2 or RSF-4. Staff is recommending RSF-4. The one letter opposing the zoning has been provided to Council.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 8:50 p.m.

Council President Hill referred to the letter that referred to the noise situation. He asked what the staff's recommendation is for that and asked if additional insulation is one recommendation. Ms. Portner responded it is.

Council President Pro Tem Palmer advised that as Council's representative of the WFAA, he is aware the noise complainants have asked that the WFAA enforce flight paths, but the WFAA has no way to enforce those flight paths.

Council President Hill noted the location of the ditch. Ms. Portner advised that will have to be dealt with during the development process.

Council President Hill asked about the road. Ms. Portner noted the current driveway is in the right-of-way and will have to be addressed.

Councilmember Spehar advised, considering the adjoining development and its location, the requested zoning is appropriate and will probably continue in this limited area.

Ordinance No. 3743 – An Ordinance Zoning the Manor Annexation to RSF-4 (Residential Single Family, 4 Units Per Acre), Located at the NE Corner of 26 ½ Road and I Road

Councilmember Spehar moved to adopt Ordinance No. 3743 on second reading and ordered it published. Council President Pro Tem Palmer seconded the motion. Motion was carried by roll call vote.

The Council President called a recess at 8:55 p.m.

The meeting reconvened at 9:10 p.m.

Public Hearing – Submitting the Question of a Cable TV Franchise to the Electors of the City of Grand Junction

City Council has discussed and directed the staff to proceed with formalizing a franchise agreement with Bresnan Communications. This is the public hearing and the second reading of the franchise agreement proposed to be on the ballot at the April 2005 City election.

Council President Hill advised that everyone will have an opportunity to speak. No sign up sheet will be required but he asked that speakers identify themselves, state their address and avoid repeating what others have said. However, they can advise if they agree. He asked for brief and concise statements.

Council President Pro Tem Palmer disclosed that he has a son-in-law that works for Bresnan. With that disclosure, Council had no problem with him participating.

The public hearing was opened at 9:12 p.m.

Kelly Arnold, City Manager, reviewed this item, noting that Dave Varley has been shepherding this item but is on vacation. He said that John Shaver, City Attorney, has also done a tremendous amount of work on this item.

Mr. Arnold introduced this item noting the question is on the ballot that went out in the mail. He reviewed the issue, it has been discussed for two years as to the merits of going forward with a franchise and by Charter needs to be taken to the voters. Six months ago, Council decided to go forward and began negotiations with Bresnan. Last December, a draft agreement was presented to Council and the final product is before Council tonight, as Council directed.

City Attorney John Shaver added a key point that the Charter provides the electorate grants the agreement but does not vote on the details, those are up to Council. Council has the liberty to amend the franchise. Council President Hill asked, if approved, could the agreement be changed. Mr. Shaver said there are some things, but generally once in place it should continue for the term of the franchise. Mr. Shaver then referred to the distribution of a proposed amendment that Council could consider. He stated that

Bresnan would also like to address that. The amendment will allow public access but not an additional channel. There is also a "Most Favored Nations" clause that the City would get all considerations granted to other franchises within the State.

Council President Hill asked about the fee. Mr. Shaver said the cap is 5% but the current agreement remains at 2.5%. He said the fee is basically for rent to use the rights-of-way and there is no earmarking of the fee. Mr. Shaver confirmed and that may be one of the questions that may come up tonight. He recommended that if public access is granted and funded, other fees should be allocated. Council President Pro Tem Palmer asked about a PEG fee. Mr. Shaver said yes, that could be added to the bills, separate from the 5% cap and would have certain restrictions. Mr. Shaver said that Mr. Sean Hogue of Bresnan can address that more.

Councilmember Spehar asked if the amendments will allow for the pass-through of the PEG fee. Mr. Shaver said that it does not. Council President Pro Tem Palmer asked if that could be included. Mr. Shaver said if Council decides to do that, they can amend the ordinance this evening. Mr. Shaver stated that if the ordinance is amended, it will not affect the ballot question.

Councilmember Kirtland noted that the City has an agreement in existence today that established the 2.5% fee. He asked Mr. Shaver to relate the history. Mr. Shaver said the only agreement in place is a revocable permit with Wentronics and no assignment has occurred. All subsequent cable companies have recognized the existing agreement, but Mr. Shaver is not sure of the enforceability, if there ever was a dispute. Councilmember Kirtland asked that Mr. Shaver confirm if the approval of this franchise will not change the way service is currently being provided. Mr. Shaver agreed and then advised as to the benefits to the City, i.e., the agreement specifies the way the City's rights-of-way are to be used by the company.

Mr. Sean Hogue, Regional Manager of Bresnan Communications, said they were pleased with the way the negotiations went forward and are pleased with the document regarding the public access channel. He stated it would impact customer rates thus affect the company's ability to compete. All customers will have to pay, but if a PEG fee is initiated, it will increase the rate. He said he is not convinced that all customers will want to pay for a public access channel. Mr. Hogue said that he supports the City's decision to just have one channel, rather than two. Bresnan would make the channel space available, but it would be up to the City to insert and schedule the programming. Any complaints would be up to the City to handle. Mr. Hogue said the PEG fees cannot be used for operations, but they could only be used for capital costs.

Council President Hill asked if the additional channel change would require digital. Mr. Hogue said there is limited analog space but at present enough room for one more channel. Digital would increase the channel space.

Council President Pro Tem Palmer asked what PEG fees run in other communities. Mr. Hogue said .25 cents to \$1.00. Councilmember Spehar noted .50 cents is normal. Council President Pro Tem Palmer asked if a non-profit group came forward, would it still be the City's channel. Mr. Hogue said there are different ways to handle that situation; it could be a public access channel, government access channel and he has seen some

leased access channels that would provide public access programming, but they would be responsible to pay for fees to access that channel.

Councilmember Spehar said the three points are good points but Council did not want fees to be an issue and have not discussed raising those fees. He said that Council did not want to make this an issue in the franchise election, the issue of a public access channel and the cost which would be passed along to the customers. The proposed amendment would preserve the options if funding and management issues were worked out.

Council President Hill asked for public comments.

Michael Erwin, 2860 Elm Circle, thanked staff for their work on this issue. He encouraged Council to modify the agreement to include a provision for a legal framework for the possible future establishment of a public access channel. He noted that Mr. Shaver has indicated that such a change will not require a change to the ballot question, but the legal framework will give interested parties options. He said that a possibility is that it is run by a community non-profit organization. All they are asking for is the option.

Eric Niederkruger, 829 West Main, is for a provision to allow public access cable. He said that the current channel 12 has no public provision. He felt it would be another 15 years before they could address it again if that provision is not included. He said it is important to have this available for youth, local minorities, and cultural activities. He said that it is an enhancement, but Bresnan is asking for a concession of sorts and raise the fees. He said he would only agree to that if Bresnan freezes rate increases to the rate of inflation. He feels that the public needs to have input as to the amount of the fee. He concluded by stating he is for a public access channel.

Tam Travis, 1405 Main Street, encouraged Council to drive a hard bargain with Bresnan.

Lee Jarmon, 959 Ouray Ave, encouraged Council to keep their options open. He said that Bresnan is probably restrained in bandwidth, but as they go more towards digital, there will be more channels. He wanted a provision to expand the number of channels through the City, government, public or education. He stated that computer equipment these days allow a professional video production with very little equipment.

Tom Ross, 633 27 ½ Road, has been in Grand Junction for a year. He asked how the City can vote on something that has not been approved and asked how informed is the public when the ballots came out. He feels that voting on something the public is not really informed on is a tainted thing due to the lack of publication.

John Linko, 420 Colorado Avenue, is in favor of the PEG channel clause. He feels that the citizens deserve that and it will allow this to occur in the future without committing the City to anything. He questioned Bresnan's stance and if Council thinks they will be impacted financially. Mr. Linko then said the City should have closed captioning for these meetings. Assistant City Manager David Varley and City Attorney John Shaver advised that the City was exempt from that requirement. Mr. Linko felt that under American Disabilities Act, the City has the obligation to provide that. He feels there is case law that requires the City to take on that responsibility.

Eric Rechel, 2890 Seeley Road, is in favor of the public access channel. He felt it would benefit democracy and different points of view could be broadcast on a public access channel. He feels that the possibilities are unlimited and groups can get their opinions out there. He said that democracy has a small price but is worth it.

Michael Cole, 1060 Belford Ave, is in favor of a provision for a clause to allow the option of this discussion to continue. The public access would give Bresnan an edge over the satellite companies because the satellites would not be able to carry public channels. As a subscriber, he would subscribe if that was available. He agreed with both Eric's, that this would help the youth and would be a positive experience. He feels that the more views out there, the better.

Al Cogler, 1227 N. 3rd, worked in the cable industry, researching franchises. He said that he has never seen a franchise fee so low, and feels this is an area where sufficient revenue could be generated with the 5% fee. He said that Bresnan is testing and will be providing telephone services over the internet which will not be subject to the franchise fee. He opposes Bresnan reducing the local office to a call center. He encouraged acceptable customer service guidelines, and wants a local office that allows payments, and exchanges of equipment. He feels that the City should encourage technical standards as businesses depend on them.

Jacob Richards, 1002 Santa Clara #203, feels the City's tone is wrong that the public access channel would be a burden, it is a way to benefit the City, for example ski reports, bike trails, and farmer's market could be promoted. He said that Durango operates their station for \$85,000/year. He asked the Council to keep the door open and get a non-profit organization going. He feels that it is essential for democracy to have varying points of view.

Councilmember Spehar said he was sorry if he left the impression that it would be a burden. He advised the County spends \$400,000 per year and the City must figure out where the funds will come from for a public access channel.

Robin Marlene Walker, 2020 N. 6th Street, Pastor, supported keeping the option of having a public access channel. She said it would be a wonderful place for interfaith and cultural dialogue.

Nate Thurman, 528 Warring Court, stated there are good things happening in the community, but is confused about the franchise fee of 2.5%. He said that it seems kind of low, which could be used for other projects within the community. He stated as a small business owner, he is concerned with job loss with Bresnan. He feels that Bresnan should have more of a presence here in the community.

Vincent Bonner, 1405 Main Street, said that he does not have much to add, but is for public access TV. He wanted Council to take note of all of the programs that would be created for this and not just the things that would be enhanced. He feels that it would help the community be more aware of events that are going on. He said that he attends UTEC and said that UTEC has a media tech class that would be used more if there was a venue such as a public channel.

Connie Murillo, 1041 Ute Avenue Unit #1, agreed with everyone else that supports the public access, but also doesn't understand the fee.

Karen Schoenberg, 514 Murado, representative of the Grand Valley Peace and Justice Center, also supports the public access station for the reasons as stated by Reverend Walker. She asked what happens if the voters vote this down. She said that the City needs to get the information out to the voters.

The public hearing was closed at 10:15 p.m.

Council President Hill asked City Attorney John Shaver to answer the questions that have arisen.

Mr. Shaver said the advertising that was referred to in Section 53 has been published for 6 consecutive weeks, so there has been appropriate public notice, in both newspapers.

Council President Pro Tem Palmer added that the question on the ballot is shall there be a franchise agreement, not specifically what will be in the agreement, that is what is being discussed tonight.

Mr. Shaver said regarding the fee for the use of the rights-of-way, the fee is a pass through with no purpose of an increase being discussed.

Mr. Shaver referred to the ADA question, regarding the City's use of channel 12. He stated that it belongs to the County, and so the purpose of the closed captioning may have some obligations with the County, but it is the City's contract with KRMJ that produces the broadcast. He said there was a question of what will happen if the question does not pass, and then the City will go back to where it has have been since 1966 and continue to operate under the revocable permit. Bresnan has stated it is the intention of the company to comply with the agreement.

Mr. Shaver said that the franchise fee is paid by the company. He said what the customer will pay for is the cost of doing business. City Manager Kelly Arnold said the Federal Act says it is the choice of the operator whether it is passed on.

Councilmember Spehar asked about the provision of telephone service over cable.

Mr. Shaver said the Federal Government is also struggling with how to deal with this type of franchise that only deals with cable TV services and does not address internet services.

Councilmember Spehar asked if the Federal Government and related changes would require another agreement.

Mr. Shaver said that it is a matter of litigation whether municipalities have regulatory authority.

City Manager Kelly Arnold said that he spent two hours in session on that issue and Congress is rewriting the Communications Act. He said that once it is passed those things will be up for discussion and may require the franchise to be rewritten.

Councilmember Spehar asked will there be the ability in the initial term to make changes in the contract part once entered. Mr. Shaver said that the opportunity to renegotiate certain aspects, but suggested any such things be inserted tonight so it is clear.

Council President Hill requested to move into Council discussion.

Council President Pro Tem Palmer stated that the reason for going forward was the age of the current arrangement. The intent was to modernize the document, but now it has come to light that there are other issues that the people wanted to address. He thought that Council should provide the opportunity adding language to the agreement that would provide the opportunity of a PEG fee if they so wish.

Councilmember McCurry said that he agrees.

Councilmember Spehar said that he agrees with Councilmember President Pro Tem Palmer, and wants Mr. Shaver to come up with some language to provide the opportunity in addition to the amendments provided.

Councilmember Spehar was wondering why the "Most Favored Nation" clause is just limited to Colorado and also is wondering about the things that were brought up by Mr. Cogler, regarding the customer service standards in Cheyenne, also about a local office requirement and not willing to address technical standards. He feels that they should leave the opportunity open to look at those standards.

City Manager Kelly Arnold said that Section 6.1 allows, by ordinance, that the City Council could amend the customer service standards, so there is no problem with that. Councilmember Spehar said that takes care of his concern.

Councilmember Kirtland said the way he is looking at this, it is a housekeeping matter that needed to be taken care of, but it has been an eye opener by some of the comments made. Obviously there is a lot of energy tonight relative to this matter, creating the opportunity would be something he would support. On the fee side, some of the ramification is that if the public perceives an increase, the community will be less likely to vote favorably, but it is important to get one step down and get it passed in favor of keeping the fees as is. Hopefully voters approve this and then sit down as a community to figure out how to go forward.

Councilmember Butler agreed with the possibilities, but the City needs to get this passed.

Council President Hill was pleased to see the public express their opinion. He said that this is one of the first things that he was hit with as a new Councilmember two years ago. He said Council has gone through all of the many options available and wanted to make sure the agreement mirrored with what the existing agreement had. He said Council did not want to increase the rates or want a fancy agreement. Council looked at some options and the framework that created the relationship which was the important thing before considering any raise of rates. He supports adding the full PEG option to the franchise and encouraged continued public involvement.

People's Ordinance No. 36 – A People's Ordinance Granting a Franchise by the City of Grand Junction to Bresnan Communications Limited Liability Company, Its Successors and Assigns, for the Right to Furnish, Sell and Distribute Cable Television Services to the Citizens Residing Within the City of Grand Junction and to All Persons, Businesses and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish Cable Television Services and the Right to Make Reasonable Use of All Streets and Other Public Places and Easements as May Be Necessary; and Fixing the Terms and Conditions Thereof

Council President Hill asked for a motion and then any amendment that could be considered.

Councilmember Spehar moved to adopt the People's Ordinance No. 36 on second reading and ordered it published in pamphlet form. Council President Pro Tem Palmer seconded the motion.

Council then asked for comments from the City Attorney to address paragraph 9.2 a to include the option of Public Access on the channel, B allowing Council to establish a PEG fee by ordinance and section 3.9 (a) to be a change in the last sentence to allow a PEG fee up to the amount allowed by law. Councilmember Spehar inquired about subsections (b) & (c) which are the "Most Favored Nation" clauses and including all Bresnan franchises, not just those in the State of Colorado. City Attorney Shaver concurred.

Councilmember Spehar moved to amend the previous motion to include the following changes:

3.9 Maximum and Equivalent Compensation

- (a) Once during each calendar year of the franchise term, the City Council, upon giving 30 days' notice to the Grantee of its intention so to do, may review and change by ordinance the Franchise Fee and any other consideration that the City is entitled to receive pursuant to this Franchise Agreement or applicable law (including PEG access support); provided, however the City Council may only change the consideration and Franchise Fee to be received by the City under the terms of this Franchise Agreement to the equivalent of the consideration and Franchise Fee paid by Grantee to any franchising authority or local jurisdiction in which the Grantee supplies Cable Services under franchise, and provided that the maximum Franchise Fee (excluding other consideration such as PEG support) may not exceed that lawfully allowed.
- (b) The Grantee shall report to the City within 60 days of the execution of a subsequent franchise or of any change of franchise in another municipality(ies) under which a city receives greater consideration than is provided herein from the Grantee to the City hereunder. The Grantee's report under this subsection shall include, at a minimum, the name of the jurisdiction where the change occurred or the subsequent franchise was granted, the nature of the change or of the provision in the subsequent franchise, the effective date of the change or

subsequent franchise, and a copy of the relevant franchise agreement or other document containing the change or provision.

- (c) For purposes of this section 3.9 consideration means the payments and/or financial support of any kind and equipment, technical advice and assistance necessary or required for the access channel and any other benefit (whether or not denominated as a franchise fee) which is of similar significant financial benefit to a city or town in which the Grantee supplies Cable Services under franchise.

9.2 Initial Access Channel

- (a) Within 120 days of written notification by the City to the Grantee, Grantee shall provide one (1) Downstream Government, Educational and Public Access Channel on the Cable System for the exclusive use of the City.
- (b) In the event that at any time during the duration of this Franchise Agreement the City determines to enact a Government, Educational and Public Access Channel Fee (PEG Fee) the City may by ordinance set and/or amend the PEG Fee.

Council President Pro Tem Palmer seconded the motion. Motion to amend was carried by voice vote.

Roll call on the amended motion was called. Motion carried by roll call vote to adopt People's Ordinance No. 36 as amended and ordered published in pamphlet form.

NON-SCHEDULED CITIZENS & VISITORS

Doug Fassbinder, 573 Cindy Ann Road, said regarding the sewer line over the 5th Street bridge, he wanted to thank the City for getting the easement from Mr. Van Gundy. Mr. Fassbinder said that he will be back for the vacation of that easement. He stated that there was another section that was dedicated to the State as a tie in, but Mr. Van Gundy will have to buy back that right-of-way. Mr. Fassbinder thanked Bret Guillory and Paul Jagim for their help.

OTHER BUSINESS

There were none.

ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 3

**Old Scoreboard Donation from Suplizio Field
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Scoreboard Donation					
Meeting Date		April 6, 2005					
Date Prepared		March 23, 2005			File #		
Author		Shelly Dackonish			Staff Attorney		
Presenter Name		Joe Stevens			Director of Parks & Recreation		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: The scoreboard at Suplizio Field has been replaced. Nick Adams, Director of Athletics at Mesa State College, has requested that the old scoreboard be donated to Mesa State College. A resolution to accomplish such donation is proposed.

Budget: N/A

Action Requested/Recommendation: Adopt a resolution to donate the old scoreboard at Suplizio Field “as is” to Mesa State College.

Attachments: (1) Letter of request from Nick Adams. (2) Resolution.

Background Information: Grand Junction Baseball Committee has purchased a new scoreboard for Suplizio Field. Nick Adams, Director of Athletics at Mesa State College, has requested that the City donate the old scoreboard and message center to Mesa State College to enhance the athletic facilities on campus. Mr. Adams proposes to take responsibility for removal and transport of the old scoreboard, to coordinate with the Department of Parks and Recreation’s Facilities Services on the timing and details and to take the old scoreboard “as is.”

February 24, 2005

Joe Stevens
Executive Director
Grand Junction Parks and Recreation
1340 Gunnison Ave.
Grand Junction, CO 81501

Dear Joe,

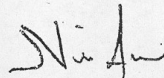
During a recent conversation with Jamie Hamilton and a follow up conversation with Don Hobbs, it has come to my attention that the scoreboard at Suplizio Field is being replaced. I understand that technology changes and that you and the staff are striving to maintain Suplizio as one of the premier facilities of its type in the country. As a tenant of Suplizio, I am very appreciative of the facility and the amenities that it has to offer.

As I am sure you are aware, Mesa State College strives to maintain excellent facilities on its campus as well. It is very difficult to maintain facilities anywhere comparable to Suplizio or Stocker. With the proximity to campus and the relationship we have with the City, this duplication of resources is not necessary. However, in keeping in compliance with Title IX, I must make every effort to ensure that our women's sports have comparable facilities. To this end, I would like to request that the scoreboard and message center at Suplizio be donated to Mesa State College.

I understand that by accepting the scoreboard, I am accepting it as is and that Mesa State College will be responsible for transporting and removing the scoreboard from the premises. I have spoken with Paul Arnhold, Assistant Director of Facilities Services, and we can have a trailer ready to haul the scoreboard off as soon as it is taken down. I know that we will need to coordinate timing and that there are some details that will need to be worked out. I am excited that you would consider donating the scoreboard to us and thank you in advance for your consideration.

Please let me know if there is anything else needed to assist you in making this decision. Thank you again for your consideration.

Sincerely,



Nick Adams
Director of Athletics



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

A RESOLUTION FOR THE DONATION OF SCOREBOARD AT SUPLIZIO FIELD
TO MESA STATE COLLEGE

RECITALS:

The scoreboard at Suplizio Field has been replaced with a technologically updated scoreboard and message center purchased and installed by Grand Junction Baseball Committee.

Disposal of the replaced scoreboard is necessary to allow the new scoreboard to be installed.

The Director of Athletics at Mesa State College proposes to take the old scoreboard "as is" and to transport it from City of Grand Junction property for use in the Mesa State College athletics program.

Donation of the scoreboard to Mesa State College will enhance athletics events on the Mesa State College Bergman Field, benefiting the College and City residents.

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

1. The City Council hereby finds and determines that it is in the public interest to donate the old scoreboard at Suplizio Field "as is" to Mesa State College.
2. Said scoreboard shall be donated to Mesa State College "as is."

PASSED and ADOPTED this _____ day of _____, 2005.

Bruce Hill
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 4

**North Crest Industrial Park Subdivision Easement Vacation
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	North Crest Industrial Park Subdivision Easement Vacation					
Meeting Date	April 6, 2005					
Date Prepared	March 8, 2005				File # PFP-2005-280	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Workshop		Formal Agenda		Consent	Individual Consideration

Summary: The petitioner is requesting approval of a vacation of a temporary turnaround easement that was established with the recording of the plat for the North Crest Industrial Park, Filing One. The temporary turnaround will no longer be needed with the recording of Filing Two of the project. The easement vacation is conditioned upon recording the easement vacation resolution concurrently with the Final Plat for the North Crest Industrial Park, Filing Two.

Budget: The vacation of the temporary turnaround easement will not have any impacts on the budget.

Action Requested/Recommendation: The Planning Commission reviewed the vacation request at their March 22, 2005 hearing, and recommended approval of the vacation to the City Council.

Attachments: Vicinity Map
Aerial Photo
Growth Plan Map
Zoning Map
Preliminary/Final Plat
Council Resolution for Vacation
Vacation Exhibit "A"

Background Information: See attached.

BACKGROUND INFORMATION					
Location:		At the northerly terminus of North Crest Drive			
Applicants: Prop owner, developer, representative		North Crest, LLC – Gregg Cranston LANDesign – Chris Darnell			
Existing Land Use:		Undeveloped			
Proposed Land Use:		Industrial/Office use			
Surrounding Land Use:	North	Walker Field			
	South	North Crest Industrial Park, Filing 1			
	East	3D Systems			
	West	Undeveloped			
Existing Zoning:		Industrial/Office Park (I-O)			
Proposed Zoning:		Same			
Surrounding Zoning:	North	PAD (Walker Field)			
	South	I-O			
	East	I-O			
	West	I-O			
Growth Plan Designation:		Commercial/Industrial			
Zoning within density range? N/A		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

PROJECT DESCRIPTION: The temporary turnaround easement was dedicated to the City with the recording of the North Crest Industrial Park, Filing One, to provide a temporary turnaround until such time as the second filing was developed. The Second Filing has been approved by the Planning Commission and the temporary turnaround easement will no longer be needed once the plat is recorded due to the creation of an intersection to be constructed within the project boundary that will have street stubs to the properties to the east and west of the site and will provide an adequate turnaround, and the building of a cul-de-sac at the northerly terminus of the access road.

The project will take access from North Crest Drive that was built during the first filing of the project, to H Road.

ANALYSIS:

1. Background: A preliminary plat for the entire property was approved by the Planning Commission on April 10, 2001. A final plat for the first phase of the development was recorded on December 4, 2001. The preliminary plat approval on the remainder of the site expired on December 4, 2002.

2. Consistency with the Growth Plan: The proposal is consistent with goals and policies 1.7, 1.8, 1.9, 4.4, 4.5, 8.4, 8.5, and the Future Land Use Designation of Commercial/Industrial.

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

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

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

The proposed vacation is for a vacation of a temporary turnaround only, and has no impact on the Growth plan, major street plan or other adopted plans.

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

No parcel will be landlocked as a result of the 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 vacation will not affect access to any parcel.

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

The vacation will not have any adverse impact on the health, safety, and/or general welfare of the general community or quality of public facilities or services.

- 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.

No provision of public facilities or services will be impacted by the vacation.

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

The proposed vacation will reduce maintenance requirements.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the North Crest Industrial Park, Filing 2 application, PFP-2004-280 for the vacation of a temporary turnaround easement, the Planning Commission made the following findings of fact and conclusions:

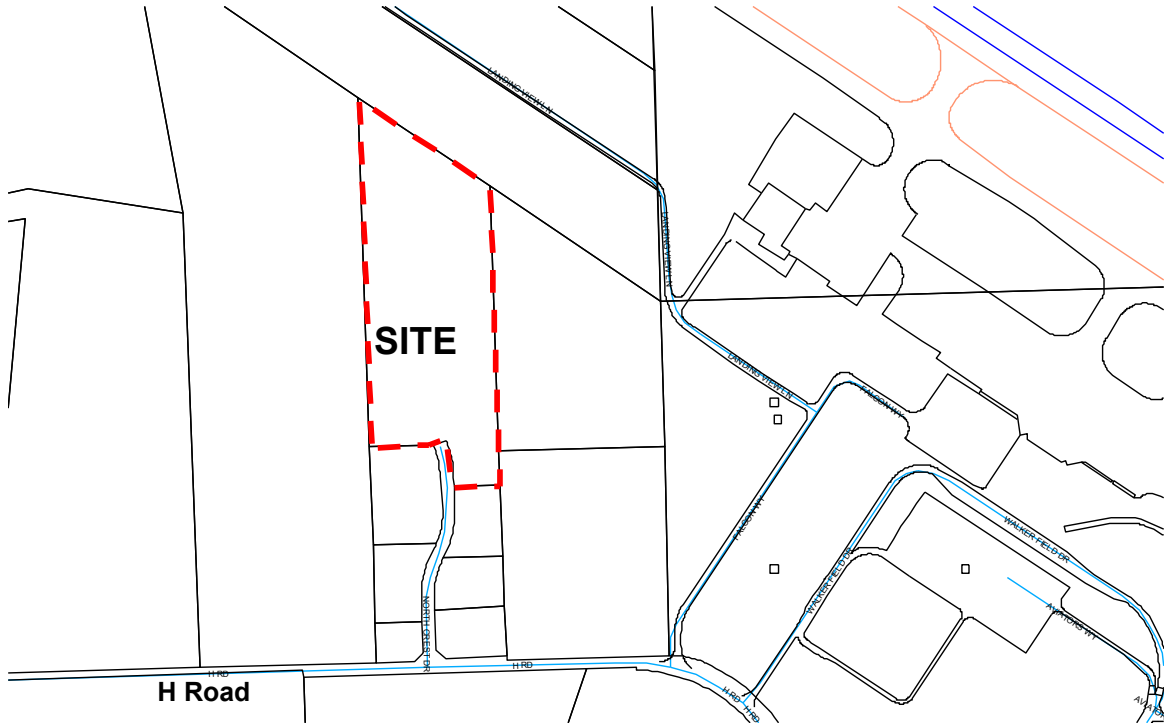
1. The temporary turnaround easement vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code has all been met for the proposed vacation of the temporary turnaround easement.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the vacation to the City Council, with the findings and conclusions listed above.

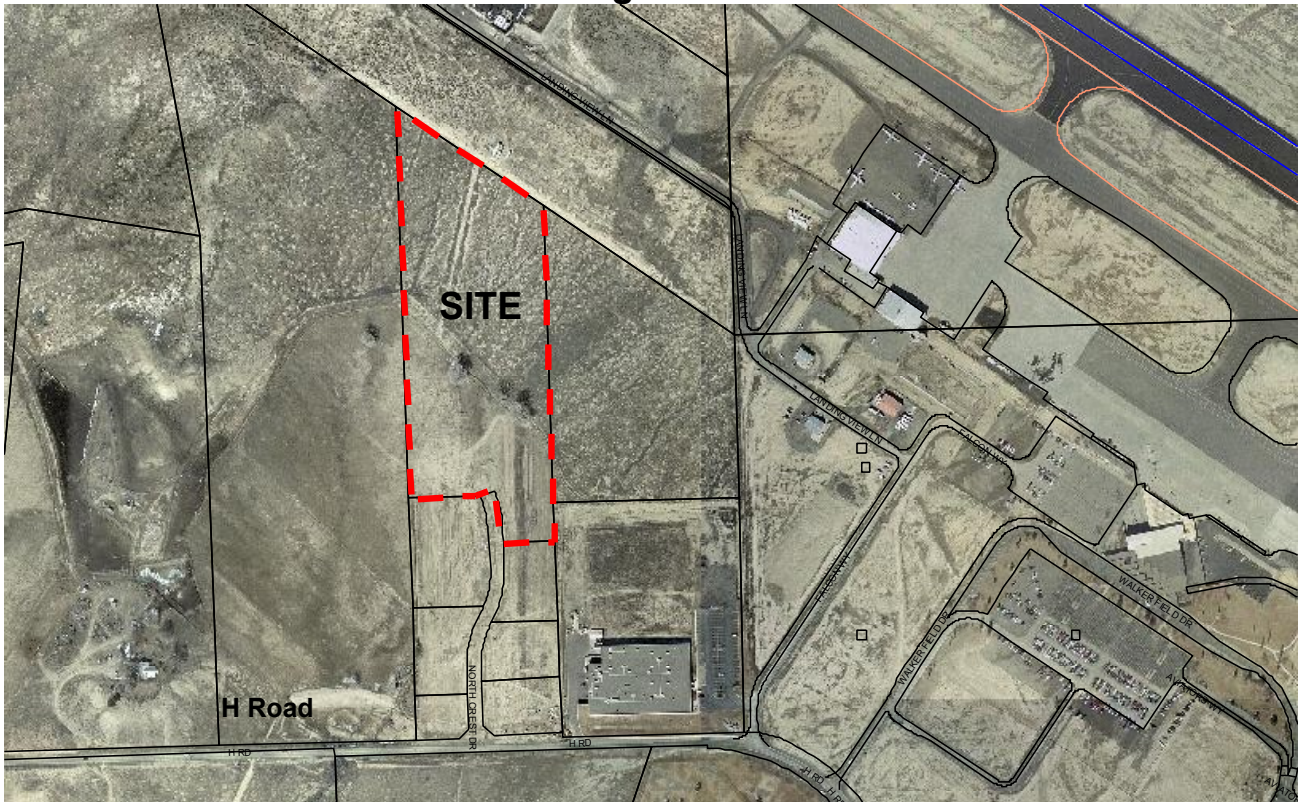
Site Location Map

Figure 1



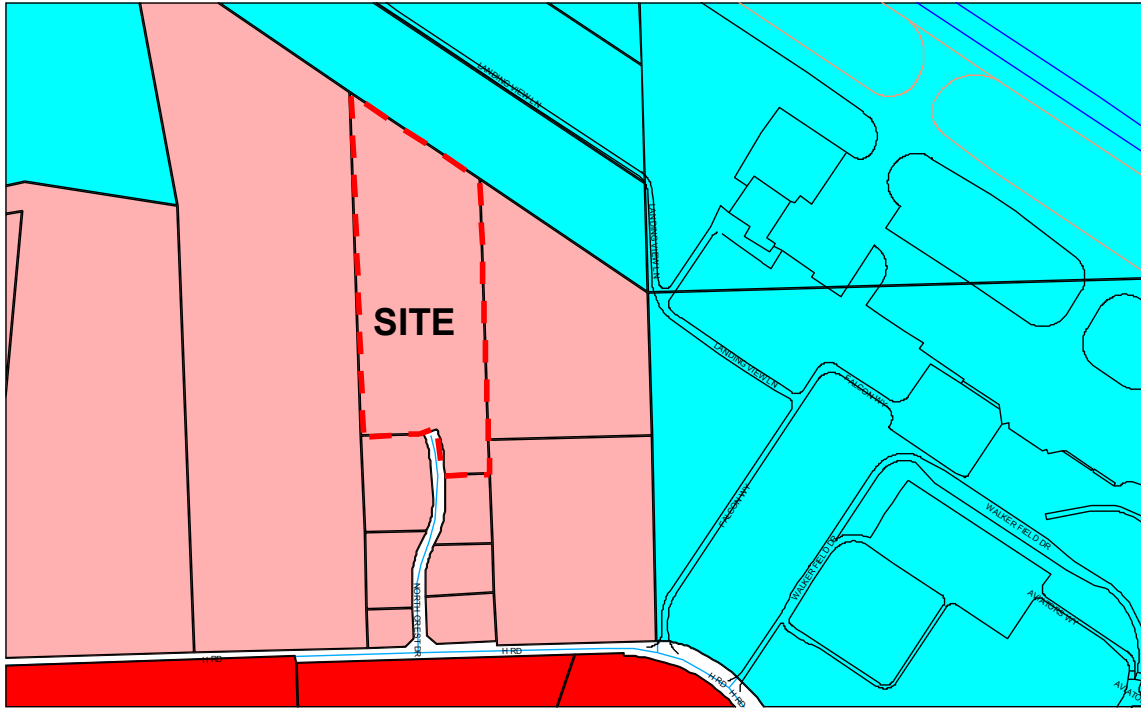
Aerial Photo Map

Figure 2



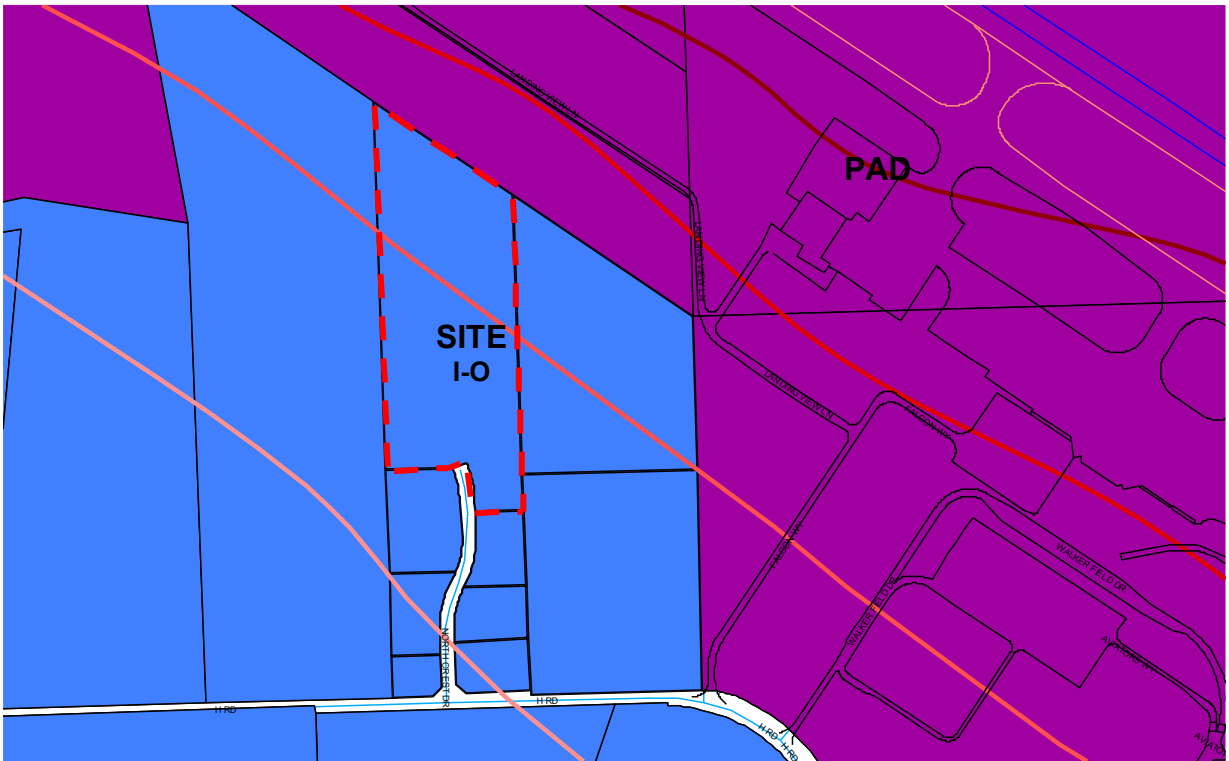
Future Land Use Map

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

RESOLUTION NO.

**A RESOLUTION VACATING A TEMPORARY TURNAROUND EASEMENT
IN THE NORTH CREST INDUSTRIAL PARK SUBDIVISION, FILING TWO**

Recitals.

As a part of the development of the proposed North Crest Industrial Park Subdivision (Phase Two), new roads are to be built. An existing temporary turnaround easement, dedicated with the filing of Phase One of the North Crest Industrial Park Subdivision will no longer be needed once the new roads serving Phase Two are constructed.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommends that the vacation be approved.

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

1. The following described easement is vacated, subject to three conditions: (a) the Applicant shall pay all recording/documentary fees and costs for this Resolution; (b) this resolution and easement vacation is not effective until the final plat for the North Crest Industrial Subdivision, Phase Two is recorded. The Resolution vacating the temporary turnaround easement shall be recorded concurrent with the plat.

2. The easement description is as shown on the attached Exhibit "A," to wit:

An Easement for Utility, Ingress/Egress Access and Drainage, being a temporary turnaround located in Lot 1, Block 2 NORTH CREST INDUSTRIAL PARK subdivision, as recorded in Plat Book 18, at Page 283, Mesa County, Colorado records and being more particularly described as follows:

Beginning at the corner of the south line of Lot 1, Block 2, said point being the Northeast corner of Lot 2, Block 1, NORTH CREST INDUSTRIAL PARK as recorded in Plat Book 18, at Page 283, Mesa County, Colorado records, whence the southwest corner of Lot 1, Block 2, bears N 88° 03'49"W, a distance of 229.67 feet, for a basis of bearings, with all bearings relative hereto; thence along a non-tangent curve to the right, with a radius of 324.00 feet, having a central angle of 02°26'46", an arc length of 13.83 feet, with a chord bearing of N 16°58'40"W, a chord distance of 13.83 feet to a point on a non-tangent curve; thence along a non-tangent curve to the right, with a radius of 53.00 feet, having a central angle of 306°00'07", an arc length of 283.06 feet, with a chord bearing of N 78°00'09"E, a chord distance of 48.12 feet to a point on a non-tangent curve; thence along a non-

tangent curve to the left, with a radius of 276.00 feet, having a central angle of 02°37'24", an arc length of 12.64 feet, with

a chord bearing of S 17°43'16"E, a chord distance of 12.64 feet; thence S 76°34'07"W, along the south line of said Lot 1, a distance of 48.20 feet to the Point of Beginning.

PASSED and ADOPTED this day of April, 2005.

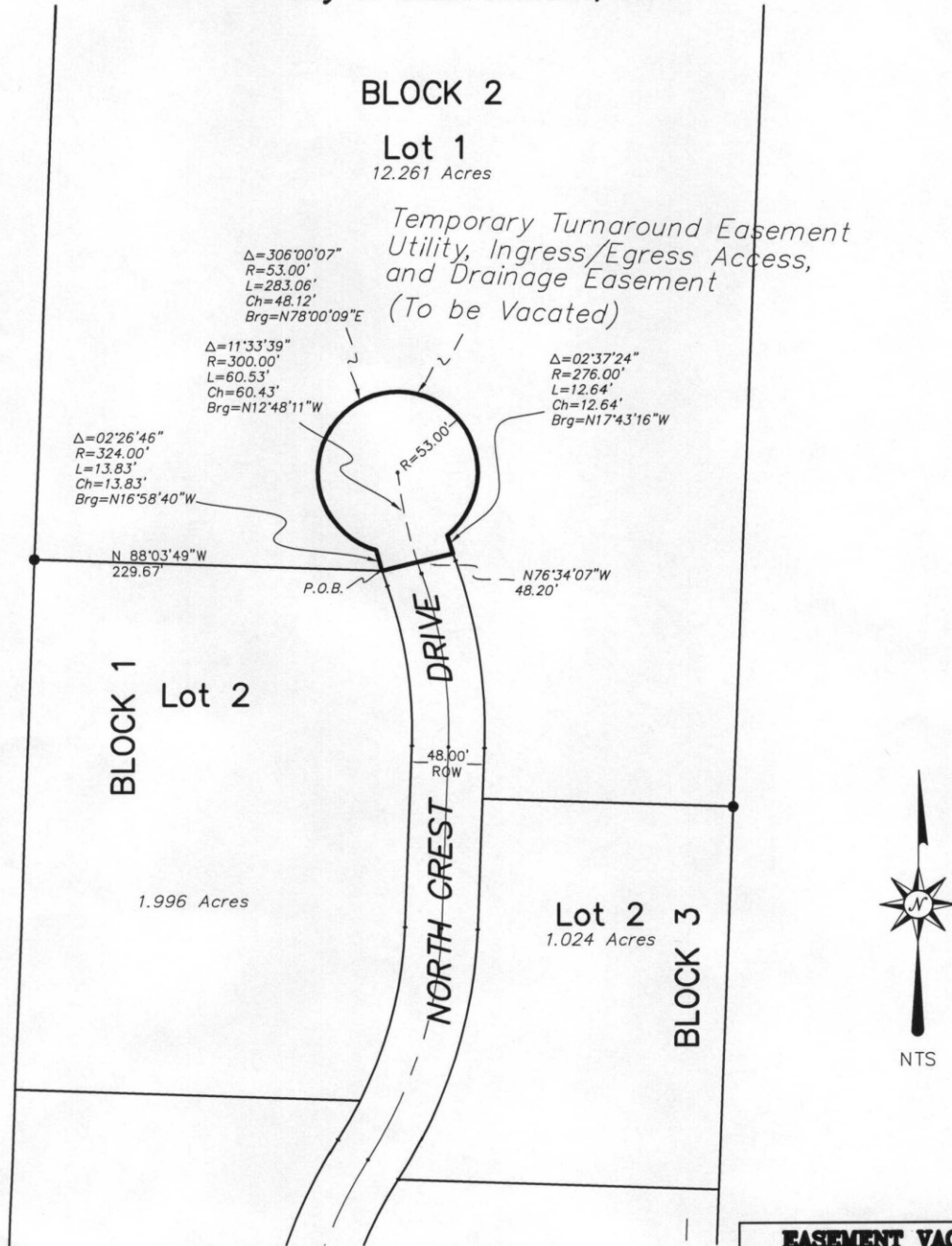
ATTEST:

City Clerk

President of City Council

Exhibit "A" EASEMENT VACATION

Temporary Turnaround Easement Utility/Ingress/Egress Access, and Drainage Block 2, Lot 1 North Crest Industrial Park City of Grand Junction, CO.



NOTE:

This exhibit does not constitute a survey. It is for the purpose of vacating existing easements only.

EASEMENT VACATION	
LOT 1, BLOCK 2 NORTH CREST INDUSTRIAL PARK GRAND JUNCTION, CO	
LANDesign	
<small>ENGINEERS • SURVEYORS • PLANNERS 244 N 7th Street GRAND JUNCTION, COLORADO 81501 (970) 245-4089</small>	
<small>SUR. DATE:</small>	<small>DRAWN DATE: 11/23/04</small>
<small>SUR. BY:</small>	<small>DRAWN BY: PRO</small>
<small>JOB NO. 204088.10</small>	<small>SHEET 1 OF 1</small>

Attach 5
Setting a Hearing for the Burkey Park Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Burkey Park Annexation located at 2980 F Road						
Meeting Date	April 6, 2005						
Date Prepared	March 31, 2005				File #ANX-2005-060		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.19 acre Burkey Park Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Burkey Park Annexation petition and introduce the proposed Burkey Park Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for May 18, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2980 F Road		
Applicants:		Owner: City of Grand Junction Representative: David Thornton / Senta L. Costello		
Existing Land Use:		Vacant		
Proposed Land Use:		City Park		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City CSR		
Surrounding Zoning:	North	County RSF-4		
	South	County PD 4.5 du/ac		
	East	County RSF-4		
	West	County RMF-5		
Growth Plan Designation:		Park / Residential Medium 4-8 du/ac		
Zoning within intensity range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 19.19 acres of land and is comprised of 2 parcel. The property owner has requested annexation into the City as the result of a desire to develop the property. Under the 1998 Persigo Agreement all non-residential development requires 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 Burkey Park 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><u>ANNEXATION SCHEDULE</u></i>	
April 6, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
April 26, 2005	Planning Commission considers Zone of Annexation
May 4, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
May 18, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 19, 2005	Effective date of Annexation and Zoning

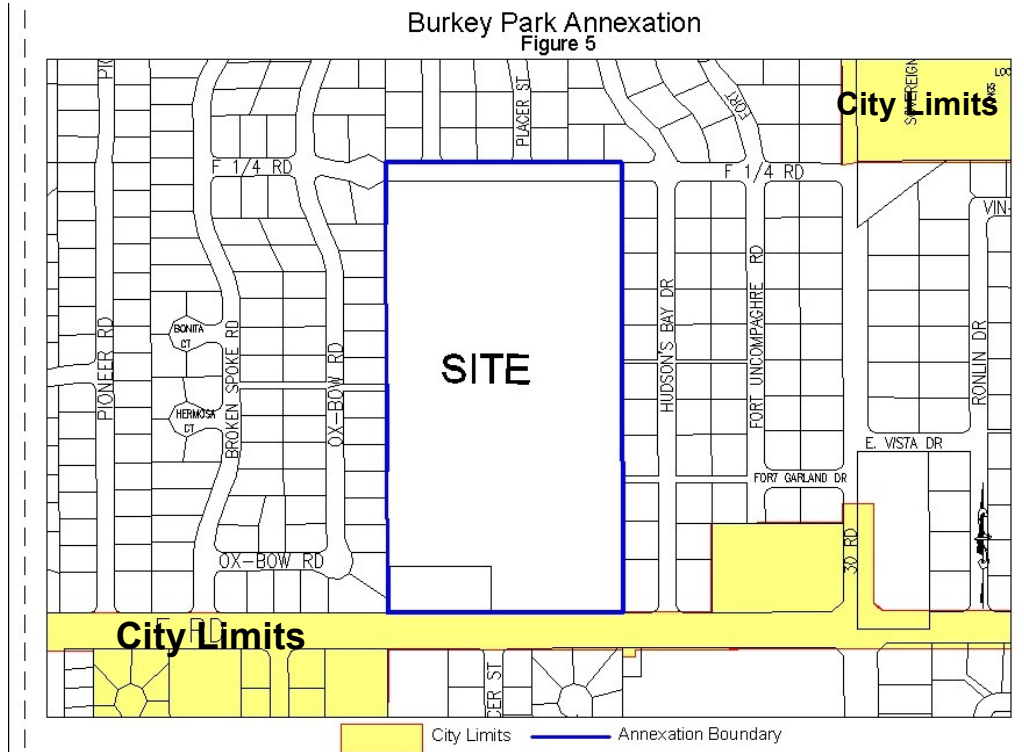
BURKEY PARK ANNEXATION SUMMARY

File Number:	ANX-2005-060	
Location:	2980 F Road	
Tax ID Number:	2943-054-00-940 / 941	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	19.19 ac	
Developable Acres Remaining:	19 ac	
Right-of-way in Annexation:	33,046 sq ft of F ¼ Road right-of-way	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	CSR	
Current Land Use:	Vacant	
Future Land Use:	City Park	
Values:	Assessed:	= \$26,710
	Actual:	= \$92,100
Address Ranges:	2976 – 2986 F Road (even only), 2975 – 2987 F ¼ Road (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Palisade Irrigation / Grand Junction Drainage District
	School:	Mesa County District #51
	Pest:	N/A

Site Location Map

Figure 1

Burkey Park Annexation
Figure 5



Aerial Photo Map

Figure 2



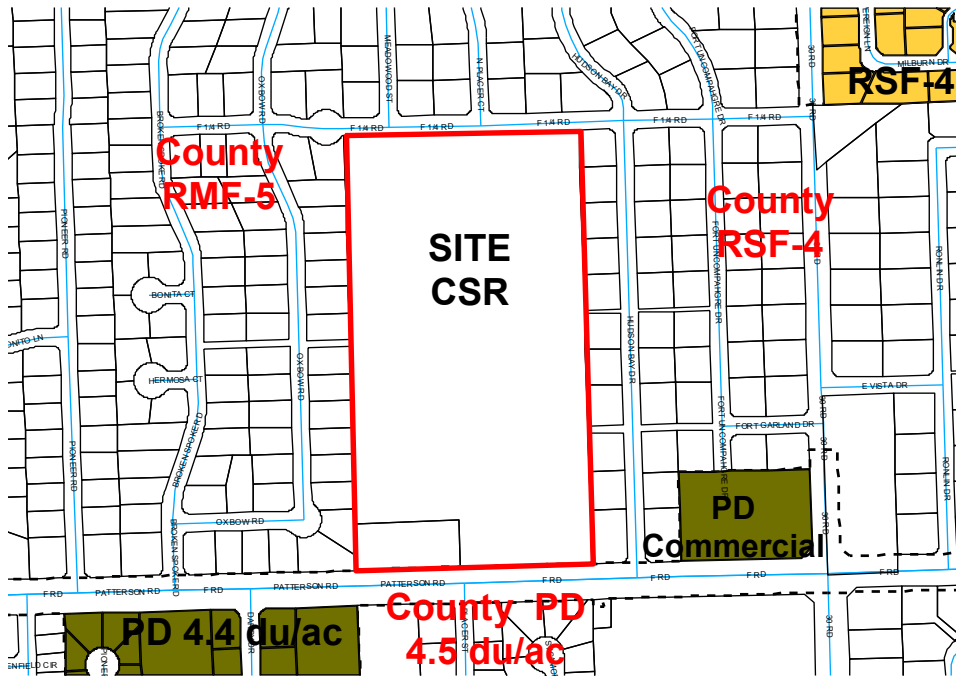
Future Land Use Map

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."

**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 6th of April, 2005, 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**

BURKEY PARK ANNEXATION

LOCATED AT 2980 F ROAD

WHEREAS, on the 6th day of April, 2005, 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:

BURKEY PARK ANNEXATION

A parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of Ox-Bow Subdivision Filing No. Three, as recorded in Plat Book 11, Page 264, public records of Mesa County, Colorado, and assuming the West line of the SE 1/4 SE 1/4 of said Section 5 bears N00°10'24"W with all bearings contained herein relative thereto; thence from said Point of Beginning N00°10'24"W along the West line of the SE 1/4 SE 1/4 of said section 5 a distance of 1265.81 feet to the Northwest corner of the SE 1/4 SE 1/4 of said section 5; thence S89°53'33"E along the North line of the SE 1/4 SE 1/4 of said section 5 a distance of 660.94 feet to the intersection of the Northerly projected West line of Trading Post Subdivision as recorded in Plat Book 11, Page 212, public records of Mesa County, Colorado; thence S00°09'50"E along said West line of Trading Post Subdivision a distance of 1264.30 feet to the Southwest corner of said Trading Post Subdivision and being the North Right of Way of 'F' Road; thence S89°58'34"W along the North Right of Way line of 'F' Road a distance of 660.73 feet to the Point of Beginning.

Said parcel contains 19.19 acres (835,988 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 18th day of May, 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 6th day of April, 2005.

President of the Council

Attest:

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>
April 8, 2005
April 15, 2005
April 22, 2005
April 29, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BURKEY PARK ANNEXATION

APPROXIMATELY 19.19 ACRES

LOCATED AT 2980 F ROAD

WHEREAS, on the 6th day of April, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of May, 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:

BURKEY PARK ANNEXATION

A parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of Ox-Bow Subdivision Filing No. Three, as recorded in Plat Book 11, Page 264, public records of Mesa County, Colorado, and assuming the West line of the SE 1/4 SE 1/4 of said Section 5 bears N00°10'24"W with all bearings contained herein relative thereto; thence from said Point of Beginning N00°10'24"W along the West line of the SE 1/4 SE 1/4 of said section 5 a distance of 1265.81 feet to the Northwest corner of the SE 1/4 SE 1/4 of said section 5; thence S89°53'33"E along the North line of the SE 1/4 SE 1/4 of said section 5 a distance of 660.94 feet to the intersection of the Northerly projected West line of Trading Post Subdivision as recorded in Plat Book 11, Page 212, public records of Mesa County, Colorado; thence S00°09'50"E along said West line of Trading Post Subdivision a distance of 1264.30 feet to the Southwest corner of said Trading Post Subdivision and being the North Right

of Way of 'F' Road; thence S89°58'34"W along the North Right of Way line of 'F' Road a distance of 660.73 feet to the Point of Beginning.

Said parcel contains 19.19 acres (835,988 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 April, 2005 and ordered published.

ADOPTED on second reading this 18th day of May, 2005.

President of the Council

Attest:

City Clerk

Attach 6**Setting a Hearing for the Anson Annexations No. 1, 2, 3 & 4
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Setting a hearing for the Anson Annexation located at 2729 B ¼ Road					
Meeting Date		April 6, 2005					
Date Prepared		March 31, 2005			File #ANX-2005-036		
Author		Senta L. Costello		Associate Planner			
Presenter Name		Senta L. Costello		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of proposed ordinances. The 3.606 acre Anson Annexation consists of 1 parcel and is a 4 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Anson Annexation petition and introduce the proposed Anson Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for May 18, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2729 B ¼ Road		
Applicants:		Owner: South Camp LLC – Cliff Anson Representative: Ciavonne Roberts & Assoc – Ted Ciavonne		
Existing Land Use:		Single Family Residence		
Proposed Land Use:		Single Family Subdivision		
Surrounding Land Use:	North	Single Family Residential / Agricultural		
	South	Single Family Residential / Agricultural		
	East	Single Family Residential / Agricultural		
	West	Single Family Residential / Agricultural		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	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 3.606 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a desire to subdivide the property. 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 Anson 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.

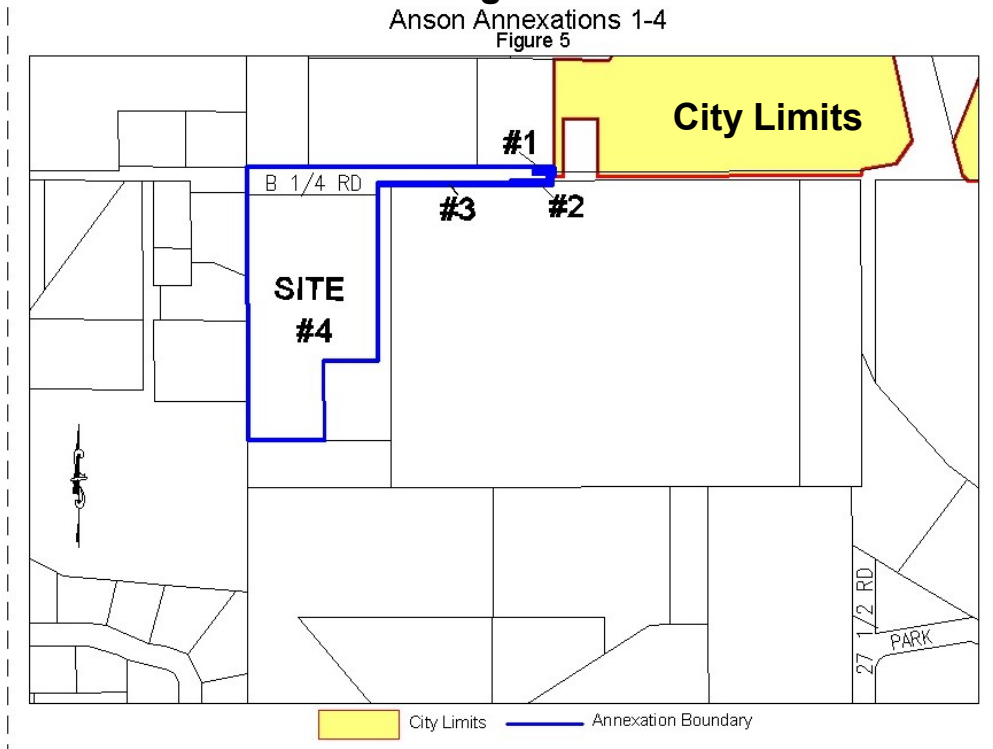
<i>ANNEXATION SCHEDULE</i>	
April 6, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
April 26, 2005	Planning Commission considers Zone of Annexation
May 4, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
May 18, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 19, 2005	Effective date of Annexation and Zoning

ANSON ANNEXATION SUMMARY

File Number:		ANX-2005-036
Location:		2729 B ¼ Road
Tax ID Number:		2945-253-00-104
Parcels:		1
Estimated Population:		3
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		3.606 acres
Developable Acres Remaining:		2.6
Right-of-way in Annexation:		27,842 sq ft of B ¼ Road right-of-way
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-4
Current Land Use:		Single Family Residence
Future Land Use:		Single Family Subdivision
Values:	Assessed:	= \$12,720
	Actual:	= \$159,880
Address Ranges:		2723-2729 B ¼ Road (odd only)
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation:	Orchard Mesa Irrigation
	School:	Mesa County District #51
	Pest:	N/A

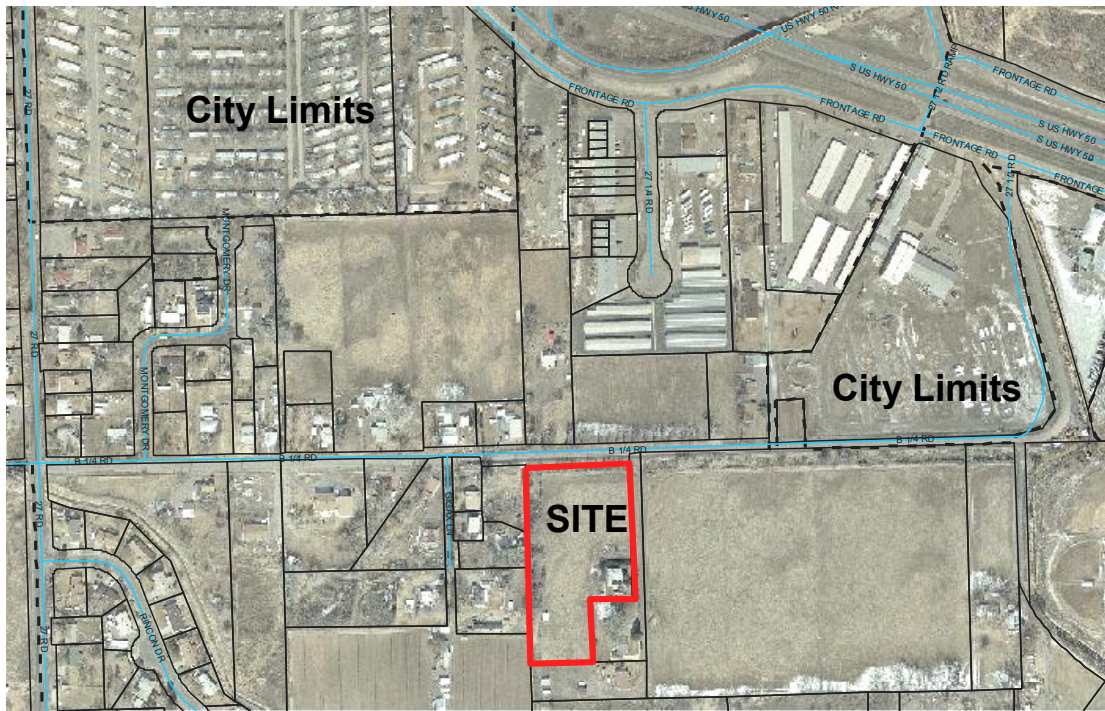
Site Location Map

Figure 1
Anson Annexations 1-4
Figure 5



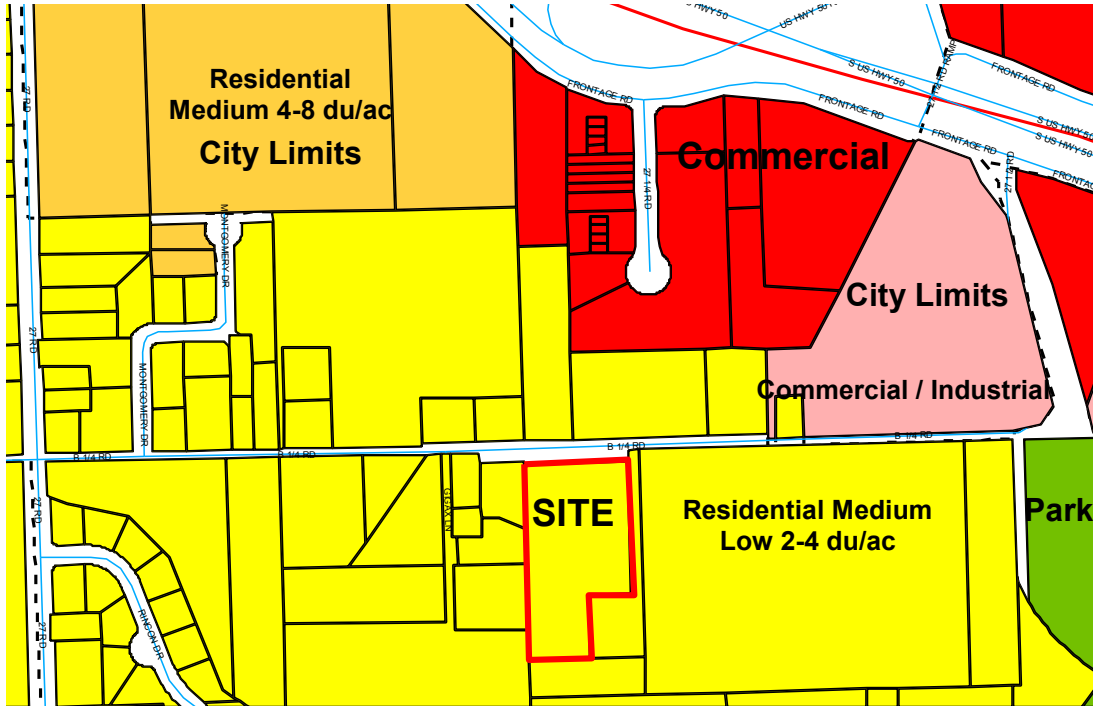
Aerial Photo Map

Figure 2



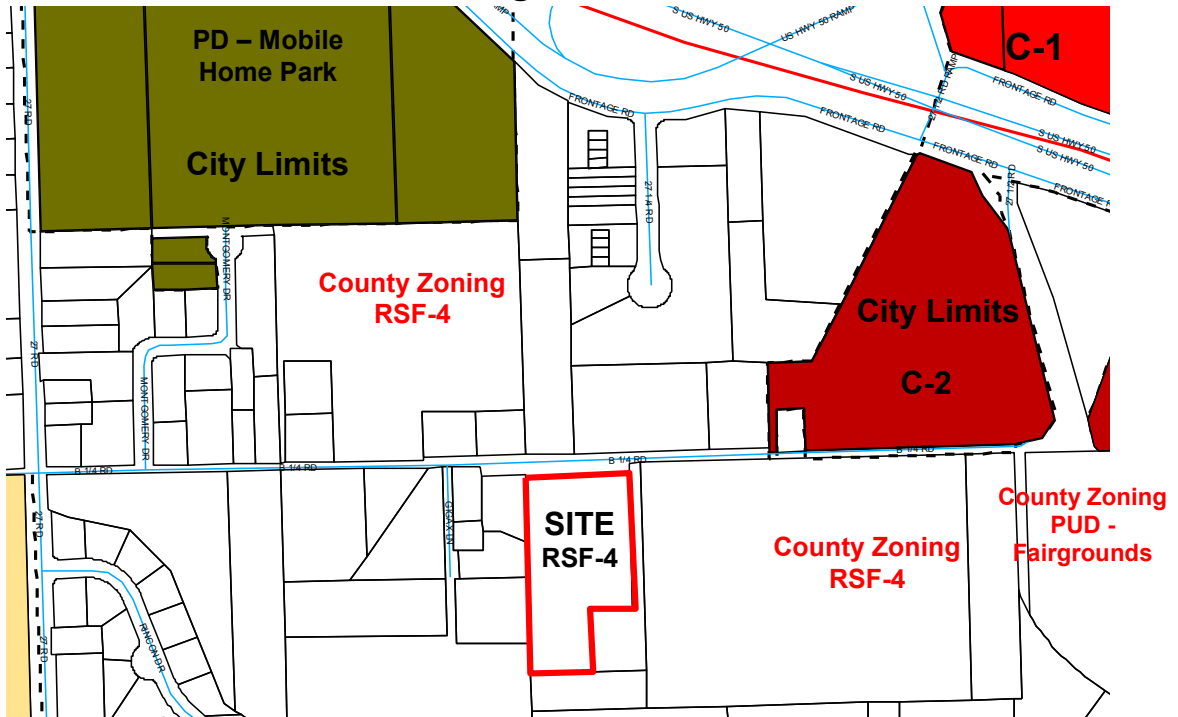
Future Land Use Map

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."

**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 6th of April, 2005, 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**

ANSON ANNEXATIONS #1, #2, #3, AND #4

LOCATED AT 2729 B ¼ ROAD AND A PORTION OF THE B ¼ ROAD RIGHT-OF-WAY

WHEREAS, on the 6th day of April, 2005, 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:

Anson Annexation No. 1

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Beginning S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 5.00 feet; thence N00°05'10"W a distance of 15.00 feet; thence S89°54'50"W along a line being 5.00 South of and parallel with the North right of way of B 1/4 Road a distance of 34.50 feet; thence N00°05'10"W a distance of 5.00 feet to the North right of way of said B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 39.50 feet to the West line of said Wheeling Corrugated Annexation; thence S00°05'10"E along the West line of said Wheeling Corrugated Annexation a distance of 20.00 feet to the Point of Beginning.

Said parcel contains 0.006 acres (272 square feet) more or less as described.

Anson Annexation No. 2

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears

S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Commencement S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 5.00 feet to the Point of Beginning; thence S00°05'10"E a distance of 20.00 feet to the South right of way of B 1/4 Road; thence S89°54'50"W along the South right of way of said B 1/4 Road a distance of 83.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 5.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 78.80 feet; thence N00°05'10"W a distance of 25.00 feet; thence S89°54'50"W along a line being 10.00 feet South of and parallel with the North right of way of said B 1/4 Road a distance of 29.50 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 5.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 34.50 feet; thence S00°05'10"E along a line being 5.00 West of and parallel with the West line of said Wheeling Corrugated Annexation a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.02 acres (717 square feet) more or less as described.

Anson Annexation No. 3

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Commencement S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 10.00 feet to the Point of Beginning; thence S00°05'10"E a distance of 15.00 feet; thence S89°54'50"W along a line being 5.00 feet North of and parallel with the South right of way line of B 1/4 Road a distance of 78.80 feet; thence S00°05'10"E a distance of 5.00 feet to the South right of way of said B 1/4 Road; thence along the South right of way of said B 1/4 Road S89°54'50" a distance of 292.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 5.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 287.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 10.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 78.80 feet; thence N00°05'10"W a distance of 15.00 feet; thence S89°54'50"W along a line being 15.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 29.50 feet; thence N00°05'10"W a distance of 15.00 feet to the North right of way line of said B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 5.00 feet; thence S00°05'10"E a distance of 10.00 feet; thence N89°54'50"E along a line being 10.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 29.50 feet; thence S89°54'50"W a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 0.05 acres (2178 square feet) more or less as described.

Anson Annexation No. 4

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the SE 1/4 SW 1/4 of said Section 25 and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of beginning N00°05'10"W a distance of 20.00 feet to the North right of way of B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 616.67 feet; thence S00°05'10"E a distance of 15.00 feet; thence N89°54'50"E a distance of 29.50 feet; thence S00°05'10"E a distance of 15.00 feet; thence S89°54'50"W along a line being 10.00 foot North of and parallel with the South right of way of B 1/4 Road a distance of 78.80 feet; thence S00°05'10"E a distance of 5.00 feet; thence S89°54'50"W along a line being 5.00 foot North of and parallel with the South right of way of B 1/4 Road a distance of 287.29 feet; thence S00°11'53"E a distance of 371.80 feet; thence S89°49'02"W a distance of 115.00 feet; thence S00°11'58"E a distance of 170.00 feet; thence S89°58'52"W a distance of 165.00 feet; thence N00°11'58"W a distance of 576.80 feet to the Point of Beginning.

Said parcel contains 3.53 acres (153,961 square feet) 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 18th day of May, 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 6th day of April, 2005.

President of the Council

Attest:

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>
April 8, 2005
April 15, 2005
April 22, 2005
April 29, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANSON ANNEXATION #1

APPROXIMATELY 0.006 ACRES OF B 1/4 ROAD RIGHT-OF-WAY

WHEREAS, on the 6th day of April, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of May, 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:

ANSON ANNEXATION #1

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Beginning S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 5.00 feet; thence N00°05'10"W a distance of 15.00 feet; thence S89°54'50"W along a line being 5.00 South of and parallel with the North right of way of B 1/4 Road a distance of 34.50 feet; thence N00°05'10"W a distance of 5.00 feet to the North right of way of said B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 39.50 feet to the West line of said Wheeling Corrugated Annexation; thence S00°05'10"E along the West line of said Wheeling Corrugated Annexation a distance of 20.00 feet to the Point of Beginning.

Said parcel contains 0.006 acres (272 square feet) 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 April, 2005 and ordered published.

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

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANSON ANNEXATION #2

APPROXIMATELY 0.02 ACRES OF B 1/4 ROAD RIGHT-OF-WAY

WHEREAS, on the 6th day of April, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of May, 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:

ANSON ANNEXATION #2

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Commencement S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 5.00 feet to the Point of Beginning; thence S00°05'10"E a distance of 20.00 feet to the South right of way of B 1/4 Road; thence S89°54'50"W along the South right of way of said B 1/4 Road a distance of 83.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 5.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 78.80 feet; thence N00°05'10"W a distance of 25.00 feet; thence S89°54'50"W along a line being 10.00 feet South of and parallel with the North right of way of said B 1/4 Road a distance of 29.50 feet; thence N00°05'10"W a distance of 5.00 feet; thence

N89°54'50"E along a line being 5.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 34.50 feet; thence S00°05'10"E along a line being 5.00 West of and parallel with the West line of said Wheeling Corrugated Annexation a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.02 acres (717 square feet) 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 April, 2005 and ordered published.

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

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANSON ANNEXATION #3

APPROXIMATELY 0.05 ACRES OF B 1/4 ROAD RIGHT-OF-WAY

WHEREAS, on the 6th day of April, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of May, 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:

ANSON ANNEXATION #3

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of Wheeling Corrugated Annexation, Ordinance No. 3145 City of Grand Junction, lying on the North line of the SE 1/4 SW 1/4 of said Section 25, and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of Commencement S89°54'50"W along the North line of the SE 1/4 SW 1/4 of said Section 25 a distance of 10.00 feet to the Point of Beginning; thence S00°05'10"E a distance of 15.00 feet; thence S89°54'50"W along a line being 5.00 feet North of and parallel with the South right of way line of B 1/4 Road a distance of 78.80 feet; thence S00°05'10"E a distance of 5.00 feet to the South right of way of said B 1/4 Road; thence along the South right of way of said B 1/4 Road S89°54'50" a distance of 292.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence N89°54'50"E along a line being 5.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 287.30 feet; thence N00°05'10"W a distance of 5.00 feet; thence

N89°54'50"E along a line being 10.00 feet North of and parallel with the South right of way line of said B 1/4 Road a distance of 78.80 feet; thence N00°05'10"W a distance of 15.00 feet; thence S89°54'50"W along a line being 15.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 29.50 feet; thence N00°05'10"W a distance of 15.00 feet to the North right of way line of said B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 5.00 feet; thence S00°05'10"E a distance of 10.00 feet; thence N89°54'50"E along a line being 10.00 feet South of and parallel with the North right of way line of said B 1/4 Road a distance of 29.50 feet; thence S89°54'50"W a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 0.05 acres (2178 square feet) 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 April, 2005 and ordered published.

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

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ANSON ANNEXATION #4

APPROXIMATELY 3.53 ACRES

**LOCATED AT 2729 B ¼ ROAD INCLUDING A PORTION OF B ¼ ROAD RIGHT-OF-
WAY**

WHEREAS, on the 6th day of April, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of May, 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:

ANSON ANNEXATION #4

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the SE 1/4 SW 1/4 of said Section 25 and assuming the North line of the SE 1/4 SW 1/4 of said Section 25 bears S89°54'50"W with all bearings contained herein relative thereto; thence from said Point of beginning N00°05'10"W a distance of 20.00 feet to the North right of way of B 1/4 Road; thence N89°54'50"E along the North right of way of said B 1/4 Road a distance of 616.67 feet; thence S00°05'10"E a distance of 15.00 feet; thence N89°54'50"E a distance of 29.50 feet; thence S00°05'10"E a distance of 15.00 feet; thence S89°54'50"W along a line being 10.00 foot North of and parallel with the South right of way of B 1/4 Road a distance of 78.80 feet; thence S00°05'10"E a distance of 5.00 feet; thence S89°54'50"W along a line being 5.00 foot North of and parallel with the South right of

way of B 1/4 Road a distance of 287.29 feet; thence S00°11'53"E a distance of 371.80 feet; thence S89°49'02"W a distance of 115.00 feet; thence S00°11'58"E a distance of 170.00 feet; thence S89°58'52"W a distance of 165.00 feet; thence N00°11'58"W a distance of 576.80 feet to the Point of Beginning.

Said parcel contains 3.53 acres (153,961 square feet) 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 April, 2005 and ordered published.

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

President of the Council

Attest:

City Clerk

Attach 7
Setting a Hearing on Zoning the Iris Court Enclave Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Iris Court Enclave Annexation, located at 2250 S. Broadway.						
Meeting Date	April 6, 2005						
Date Prepared	March 31, 2005				File #ANX-2005-028		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Iris Court Enclave Annexation RSF-2 (Residential Single Family 2 du/ac), located at 2250 S Broadway.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for April 20, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2250 South Broadway	
Owner:		LaVonne L Hunt	
Existing Land Use:		Single Family Residence	
Proposed Land Use:		Single Family Residence	
Surrounding Land Use:	North	Commercial Center	
	South	Open Space	
	East	Open Space	
	West	Single Family Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-2	
Surrounding Zoning:	North	B-1	
	South	CSR	
	East	CSR	
	West	RSF-2	
Growth Plan Designation:		Residential Low ½ - 2 ac/du	
Zoning within density range?		X	Yes
			No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Low ½ - 2 ac/du. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this 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.

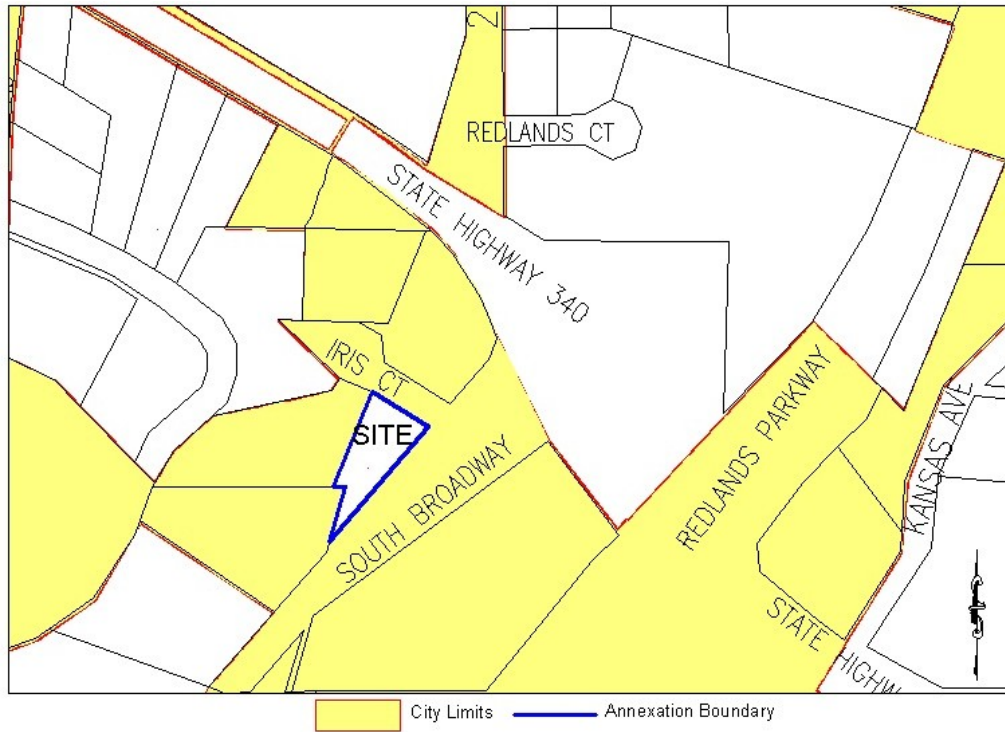
STAFF RECOMMENDATION

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

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

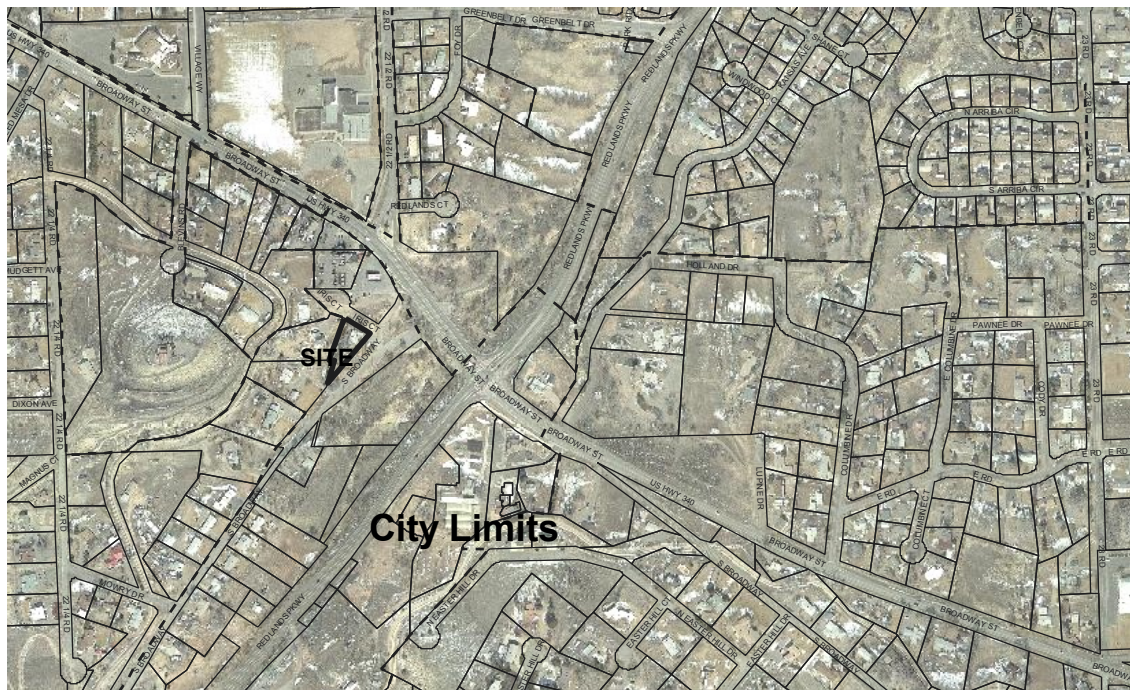
Site Location Map

Figure 1



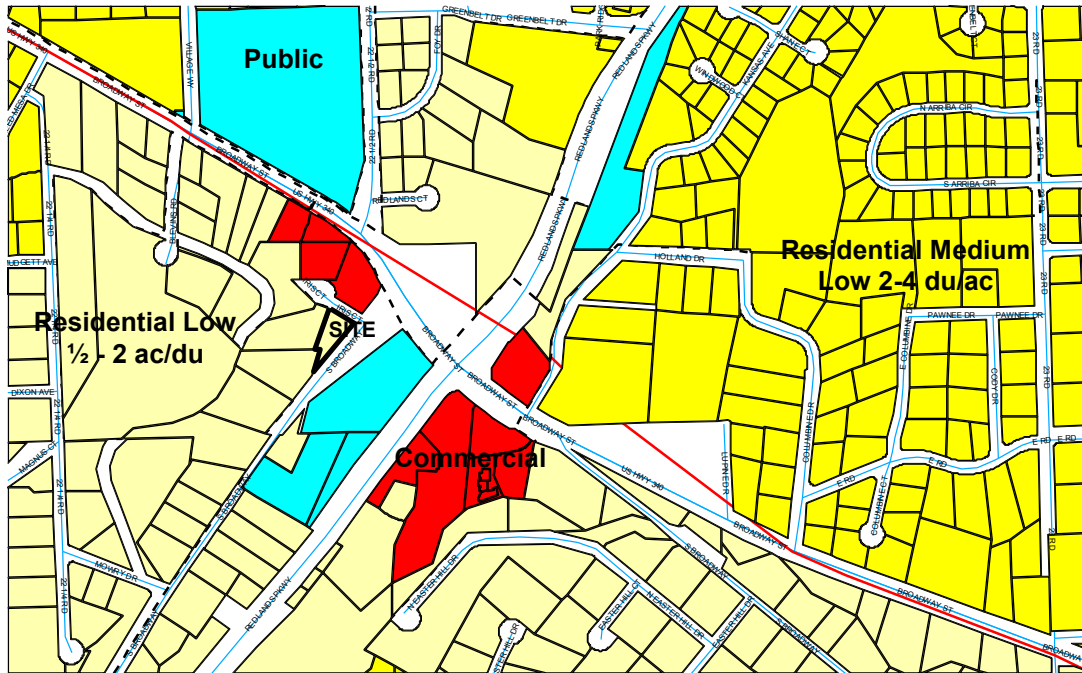
Aerial Photo Map

Figure 2



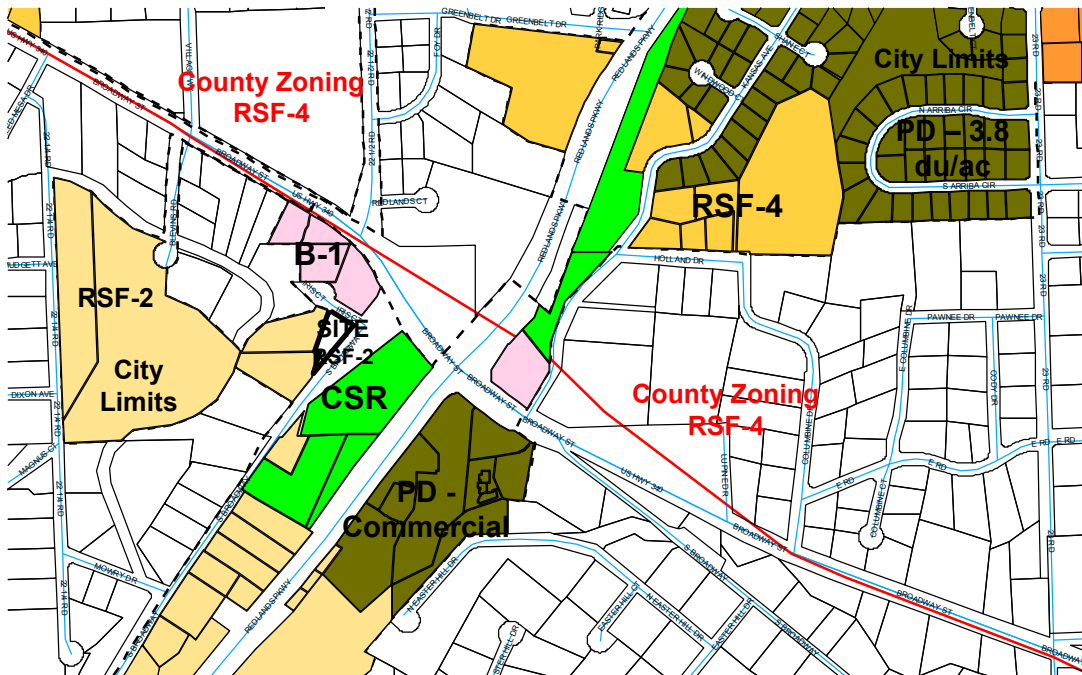
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE IRIS COURT ENCLAVE ANNEXATION TO
RSF-2**

LOCATED AT 2250 S BROADWAY

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 Iris Court Enclave Annexation to the RSF-2 zone district for the following reasons:

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

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

The Planning Commission and City Council find that the RSF-2 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-2 with a density not to exceed 2 units per acre.

IRIS COURT ENCLAVE ANNEXATION

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 7, Township 1 South, Range 1 West, Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1 of Iris Court Subdivision, as recorded in Plat Book 9, Page 77, public records of Mesa County, Colorado and assuming the East line of said Lot 1 bears N22°16'08"E with all other bearings referenced herein relative thereto; thence from said POINT OF BEGINNING, along the East line of said Lot 1, N22°16'08"E a distance of 170.00 feet to the Southerly Right of Way of Iris Court as shown on plat of said Iris Court Subdivision; thence along said Right of Way S57°41'52"E a distance of 111.25 feet to the Westerly Right Of Way of South Broadway; thence along said Right Of Way S41°13'08"W a distance of 250.34 feet;

thence N16°37'43"E a distance of 94.37; thence N89°58'52"W a distance of 20.50 feet to the POINT OF BEGINNING.

Said parcel contains 0.35 acres (15,230 sq. ft.) more or less as described

Introduced on first reading this 6th day of April, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 8
Setting a Hearing on Zoning the PS Substation Enclave Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the PS Substation Enclave Annexation, located on 29 Road just south of F Road.						
Meeting Date	April 6, 2005						
Date Prepared	March 31, 2005				File #ANX-2005-027		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the PS Substation Enclave Annexation RMF-5 (Residential Multi-Family 5 du/ac), located on 29 Road just south of F Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for April 20, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		29 Road just south of F Road		
Owner:		Xcel Energy		
Existing Land Use:		Electrical substation		
Proposed Land Use:		Electrical substation		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Commercial Shopping Center		
	West	Church		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RMF-5		
Surrounding Zoning:	North	City RMF-5		
	South	City RMF-5		
	East	PD - Commercial		
	West	City RMF-5		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

6. The proposed zone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm

water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;

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

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

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

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

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

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

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

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

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

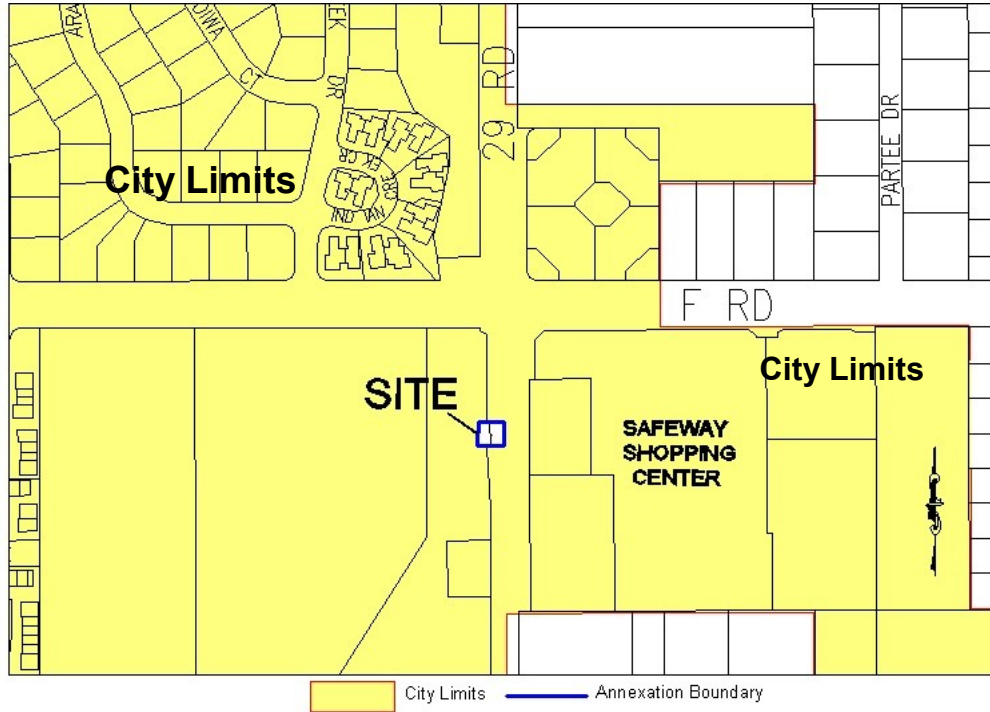
STAFF RECOMMENDATION

Staff recommends approval of the RMF-5 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 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



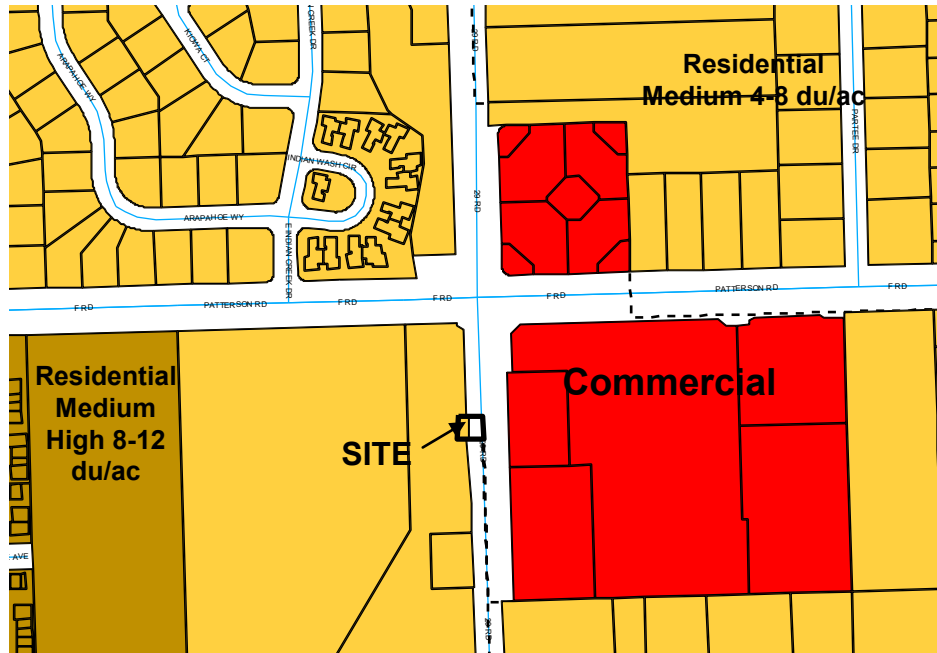
Aerial Photo Map

Figure 2



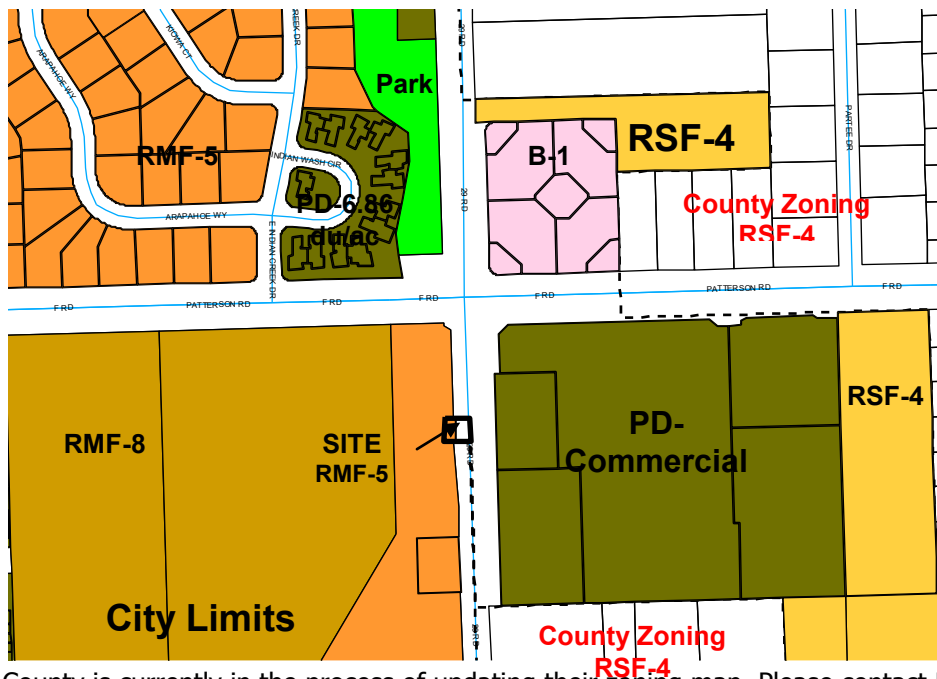
Future Land Use Map

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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PS SUBSTATION ENCLAVE ANNEXATION TO
RMF-5**

LOCATED ON 29 ROAD JUST SOUTH OF F 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 PS Substation Enclave Annexation to the RMF-5 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 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 RMF-5 with a density not to exceed 5 units per acre.

PS SUBSTATION ENCLAVE ANNEXATION

A parcel of land located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 7, Township 1 South, Range 1 East, Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of said Section 7 assuming the East line of the NE1/4 NE1/4 of said Section 7 bears S00°03'29"E with all bearings contained herein relative thereto; thence S00°03'29"E along the East line the NE1/4 NE1/4 of said Section 7, a distance of 254.00 feet to the POINT OF BEGINNING; thence continuing along said East line S00°03'29"E a distance of 50.00 feet; thence S89°56'31"W a distance of 58.00 feet; thence N05°40'09"E a distance of 50.10 feet; thence N89°56'31"E a distance of 53.00 feet to the POINT OF BEGINNING

Said parcel containing 2,767 square feet more or less as described.

Introduced on first reading this 6th day of April, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 9

**Setting a Hearing on Zoning the Webb Crane Enclave Annexation
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Zoning the Webb Crane Enclave Annexation, located at 728, 738, 745, and 747 23 ½ Road.						
Meeting Date	April 6, 2005						
Date Prepared	March 31, 2005			File #ANX-2005-029			
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Webb Crane Enclave Annexation M-U (Mixed Use) and I-1 (Light Industrial), located at 728, 738, 745, and 747 23 ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for April 20, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		728, 738, 745, and 747 23 ½ Road		
Owner:		Perea Family Ltd Partnership; Lily Silzell Trust; James R Hardy; James R Arnott and Patricia C Arnott		
Existing Land Use:		3 Single Family Residences; Warehouse/Storage facilities		
Proposed Land Use:		3 Single Family Residences; Warehouse/Storage facilities		
Surrounding Land Use:	North	I-70; Industrial uses; Single Family Residences		
	South	Single Family Residential / Agricultural		
	East	Agricultural		
	West	Single Family Residential; Industrial uses		
Existing Zoning:		County C-2		
Proposed Zoning:		City MU and I-1		
Surrounding Zoning:	North	PD – Industrial (Rezone request to I-1 and RSF-E 2 nd reading 3/16); M-U (Mixed Use)		
	South	I-2; M-U		
	East	M-U		
	West	I-1; I-2		
Growth Plan Designation:		Mixed Use / Commercial - Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the M-U AND I-1 districts are consistent with the Growth Plan intensities of Mixed Use / Commercial - Industrial. The existing County zoning is C-2. 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:

3. 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.

9. 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.

10. 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.

11. 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.

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

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

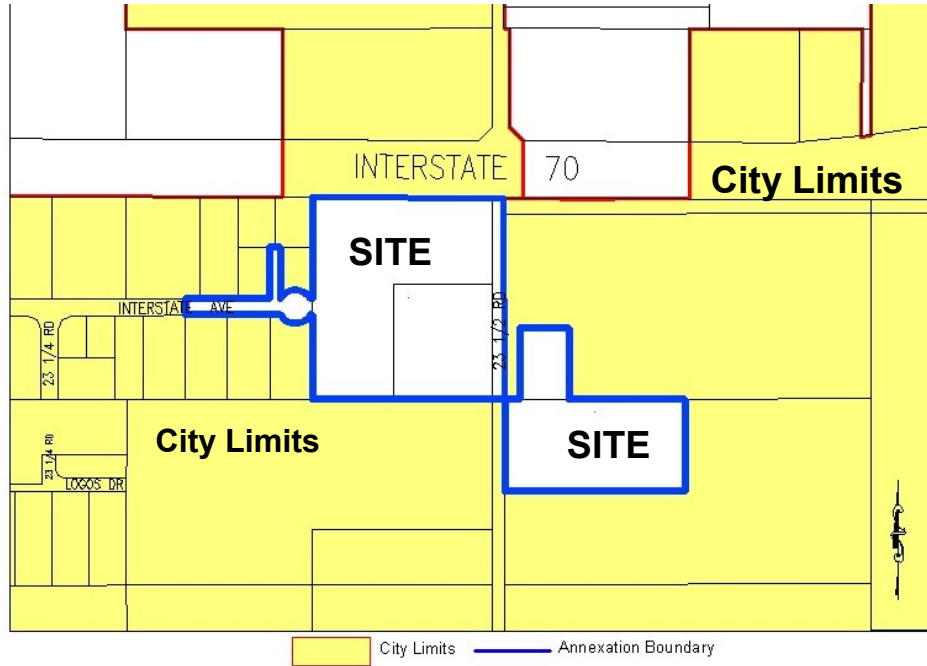
STAFF RECOMMENDATION

Staff recommends approval of the M-U AND I-1 zone districts, with the finding that the proposed zone districts are consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zones of annexation to the City Council, finding the zoning to the M-U AND I-1 districts to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

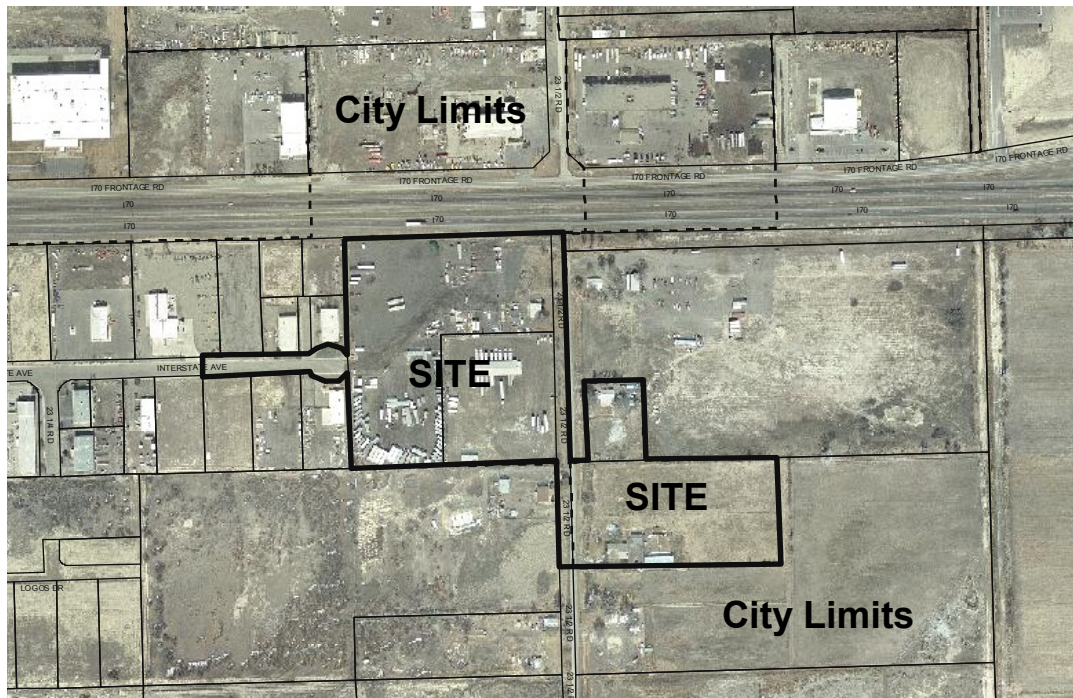
Site Location Map

Figure 1



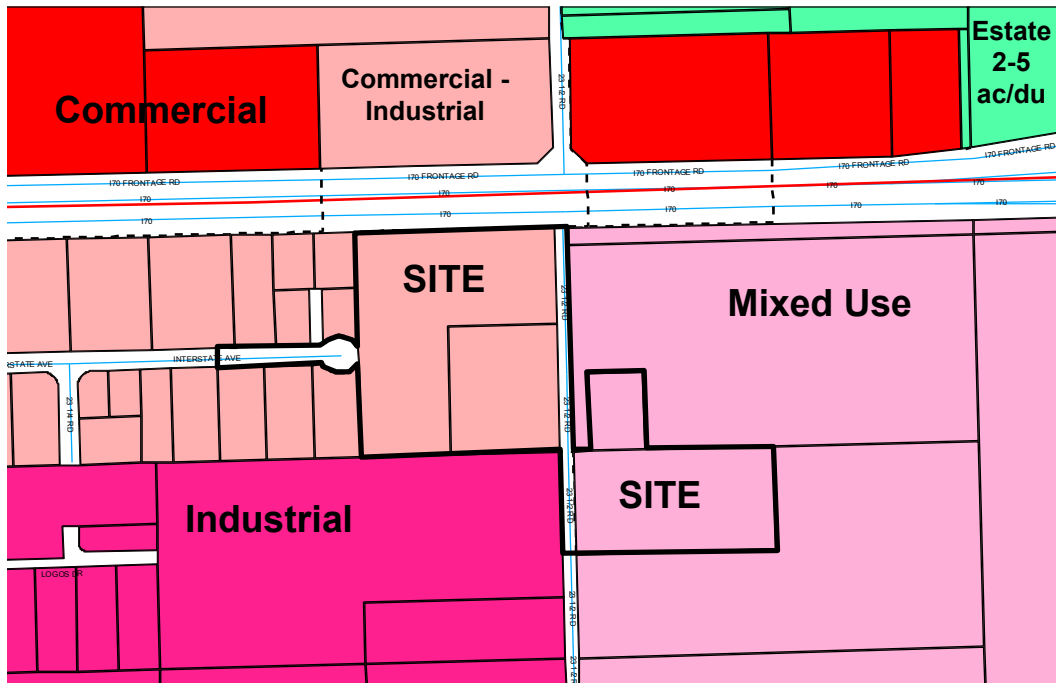
Aerial Photo Map

Figure 2



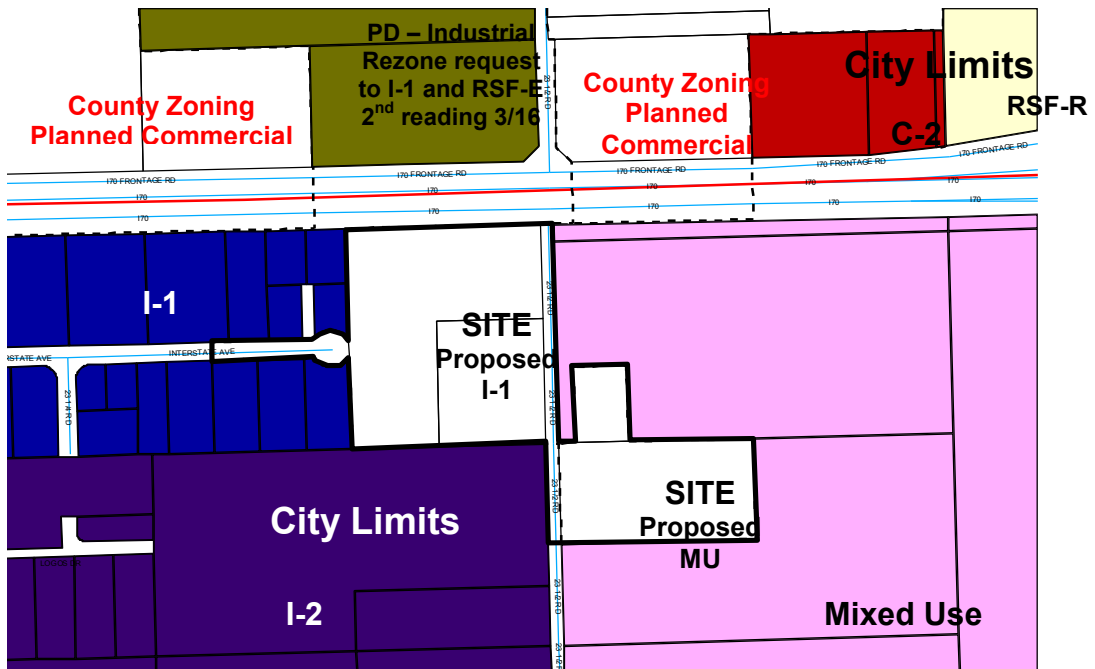
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE WEBB CRANE ENCLAVE ANNEXATION TO
M-U AND I-1**

LOCATED AT 728, 738, 745, AND 747 23 ½ ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Webb Crane Enclave Annexation to the M-U AND I-1 zone districts for the following reasons:

The zone districts meet 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 M-U AND I-1 zone districts be established.

The Planning Commission and City Council find that the M-U AND I-1 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 M-U AND I-1 with a density not to exceed 24 units per acre in the M-U district.

WEBB CRANE ENCLAVE ANNEXATION

M-U

N2SW4NW4SE4 SEC 32 1N 1W and also, BEG 2574.82FT W + 1980FT N OF SE COR SEC 32 1N 1W E174.24FT N 250FT W 174.24FT S TO BEG

I-1

BEG SE COR NE4NE4SW4 SEC 32 1N 1W S 89DEG56'20SEC W370FT N 410FT N 89DEG56'20SEC E 370FT S 410FT TO BEG EXC E 20FT FOR ROW PER B-1306 P-27 MESA CO RECORDS and also, NE4NE4SW4 & SE4SE4NW4 LYG S OF I-70 SEC 32 1N 1W EXCBEG SE COR SD NE4NE4SW4 S 89DEG56'20SEC W 370FT N 410FT N 89DEG56'20SEC E 370FT S 410FT TO BEG & EXC E 20FT FOR ROW PER B-1306 P-27 MESA CO RECORD

Introduced on first reading this 6th day of April, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 10

**Setting a Hearing on Rezoning Jacobson Property
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Jacobson Rezone, request for RMF-5 zoning from RSF-2, located at 738 26 Road					
Meeting Date	April 6, 2005					
Date Prepared	March 28, 2005				File # RZ-2004-304	
Author	Lori V. Bowers			Senior Planner		
Presenter Name	Lori V. Bowers			Senior Planner		
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: A request for approval to rezone 37.95 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range. However, the Planning Commission has recommended the zoning designation of RSF-4.

Budget: N/A

Action Requested/Recommendation: Set a public hearing and consider final passage of the re-zoning ordinance for April 20, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

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

BACKGROUND INFORMATION				
Location:		738 26 Road		
Applicants:		Marion Jacobson, owner; Widick & Assoc. Developer; O'Connor Design Group, c/o Pat O'Connor, representative.		
Existing Land Use:		Single family residence, vacant land		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	I-70; North of I-70 a large lot residential subdivision (Partridge Farms)		
	South	Unplatted parcels and platted residential		
	East	Large lot residential subdivision		
	West	Bookcliff Gardens and large lot subdivision		
Existing Zoning:		RSF-2		
Proposed Zoning:		RMF-5		
Surrounding Zoning:	North	PD, RSF-1, RSF-2 / County RSF-R		
	South	RSF-2, RSF-4 and RMF-5		
	East	RSF-2		
	West	B-1 and RSF-2		
Growth Plan Designation:		Residential medium, 4 to 8 du/ac		
Zoning within density range?		X	Yes	No

STAFF ANALYSIS:

1. Background: The property located at 738 26 Road is bounded by Interstate 70 on the north; a single-family residence on 24.5 acres on the south; a large lot subdivision to the east and Bookcliff Gardens, G 1/2 Road and Sunpoint North Subdivision (undeveloped) on the west. The property was annexed into the City in 2000, as part of the G Road North Annexation. This annexation area consisted of annexing 274 acres of land. The G Road North Enclave had been enclaved since May 7, 1995. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all enclave areas within 5 years. At that time the existing County zoning was applied to these properties with the understanding that at the time of redevelopment they would need to come into conformance with the Growth Plan for this area.

2. Consistency with the Growth Plan: To be consistent with the Growth Plan, the applicant must request a rezone for their property. The Growth Plan suggests that this property develop within the "Residential Medium" category, which is 4 to 8 dwelling units per acre. The current zoning is RSF-2, (residential single-family, not to exceed 2 dwelling units per acre). The request to rezone to RMF-5, (residential multi-family, not to exceed 5 dwelling units per acre), is consistent with the Growth Plan by being in the mid-range of the spectrum.

3. Consistency with Section 2.6 of the Zoning and Development Code

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

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

State law requires the City to zone newly annexed areas within 90 days of the annexation. Since this was such a large area for annexation the area property owners requested that the proposed City zoning be identical with existing Mesa County zoning for enclaves. Therefore the zoning was not in error at the time of adoption. At that time it was noted that the proposed RSF-R and some of the proposed RSF-2 zone districts did not conform to the Growth Plan's Future Land Use Map recommended densities. It was determined at that time that any future development on these properties may include rezoning to higher densities supported by the Growth Plan Future Land Use map. (ANX-2000-114).

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

The character of the neighborhood is changing due to the transition from rural to urban development in this area near I-70, as anticipated by the Growth Plan. The construction of Wilson Ranch, The Estates Subdivision, the recent rezoning of Blue Heron Meadows proposed subdivision and other possible zone changes for further development near this property are currently changing this area. Current growth trends within the City remain constant.

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

The proposed rezone to RMF-5 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion "e" which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RMF-5 zone district, therefore this criterion is met.

d. 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 does conform to the goals and policies of the Growth Plan and the requirements of the Zoning and Development Code.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RMF-5 zone district. Road improvements to G ½ Road as well as 26 Road have been discussed regarding future impact from additional traffic. At the required neighborhood meeting held on November 19, 2004, one of the major concerns was in regards to traffic. Design standards will be addressed during the subdivision process.

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

The re-zoning request is to accommodate the Growth Plan/Future Land Use Map. It was always the intent to re-zone the property upon future development, not based on the availability of other land supplies.

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

The proposed zoning change will allow the property to be developed at a density that will support its infrastructure needs and the natural geographic constraints of the property. The property is situated only 3 miles directly north of the core of the City, and promotes the desire for compact and fiscally responsible development patterns. There are wetlands and a large pond on the property, all of which can be enhanced by the proposed future subdivision.

FINDINGS AND CONCLUSIONS:

After reviewing the Jacobson Rezone application, RZ-2004-304, for a rezone to RMF-5, staff makes the following findings of fact and conclusions:

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

PLANNING COMMISSION RECOMMENDATION: At their regularly scheduled meeting of January 25, 2005, the Planning Commission held a Public Hearing and denied the request for recommendation of the zoning designation of RMF-5 for the Jacobson Rezone application, file number RZ-2004-304. On March 22, 2005, the Planning Commission discussed the proposal again and gave a recommendation for RSF-4 zoning.

**GRAND JUNCTION PLANNING COMMISSION
MARCH 22, 2005 MINUTES (DRAFT)
7 p.m. to 8:58 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Lynn Pavelka-Zarkesh, William Putnam, Reginald Wall and Patrick Carlow.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Lori Bowers (Sr. Planner), and Senta Costello (Assoc. Planner).

Also present were Jamie Kreiling (Asst. City Attorney) and Eric Hahn (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 23 interested citizens present during the course of the hearing.

V. GENERAL DISCUSSION

Council remand of the Jacobson Rezone (RZ-2004-304)

While the Planning Commission had originally denied the petitioner's request for an RMF-5 zone district, no alternate zone had been applied. Options available as allowed by the Growth Plan included RSF-4, RMF-5 and RMF-8.

Commissioner Lowrey restated his position that the density afforded by the RMF-5 zone district was too high and incompatible with the surrounding area. While he would be in favor of a density even less than the available options, he felt he could support an RSF-4 zone.

Chairman Dibble noted that the only real differences between the RSF-4 and RMF-5 zone districts were slightly larger lot sizes and greater setbacks with the RSF-4 zone. He, too, felt he could support the RSF-4 zone. In response to the petitioner's original request for a multi-family zone district, he noted that duplex units were still allowed on corner lots in RSF-4 zone districts.

Commissioner Cole said that he'd originally voted for the RMF-5 zone district application, and he continued to feel that it was an appropriate choice.

MOTION: (Commissioner Lowrey) “Mr. Chairman, for the rezone request for the property located at 738 26 Road, the Jacobson Rezone, file RZ-2004-304, I move that the Planning Commission forward a recommendation of approval for the RSF-4 zoning district [finding that it meets] applicable criteria in section 2.6 of the Zoning and Development Code.”

Commissioner Wall seconded the motion.

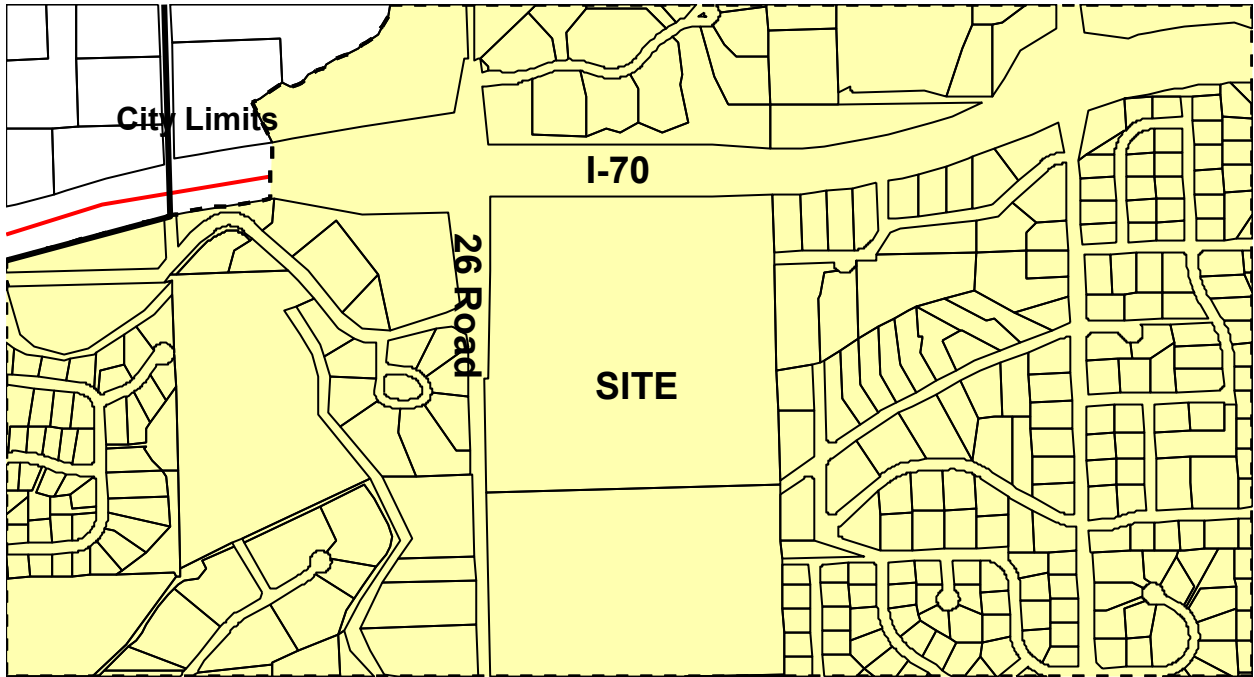
Commissioner Cole said that since it appeared there was a prevailing intent among planning commissioners to go with the RSF-4 zone district, he withdrew his initial opposition and lent his support to the RSF-4 zoning option.

A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the public hearing was adjourned at 8:58 p.m.

Site Location Map

738 26 Road



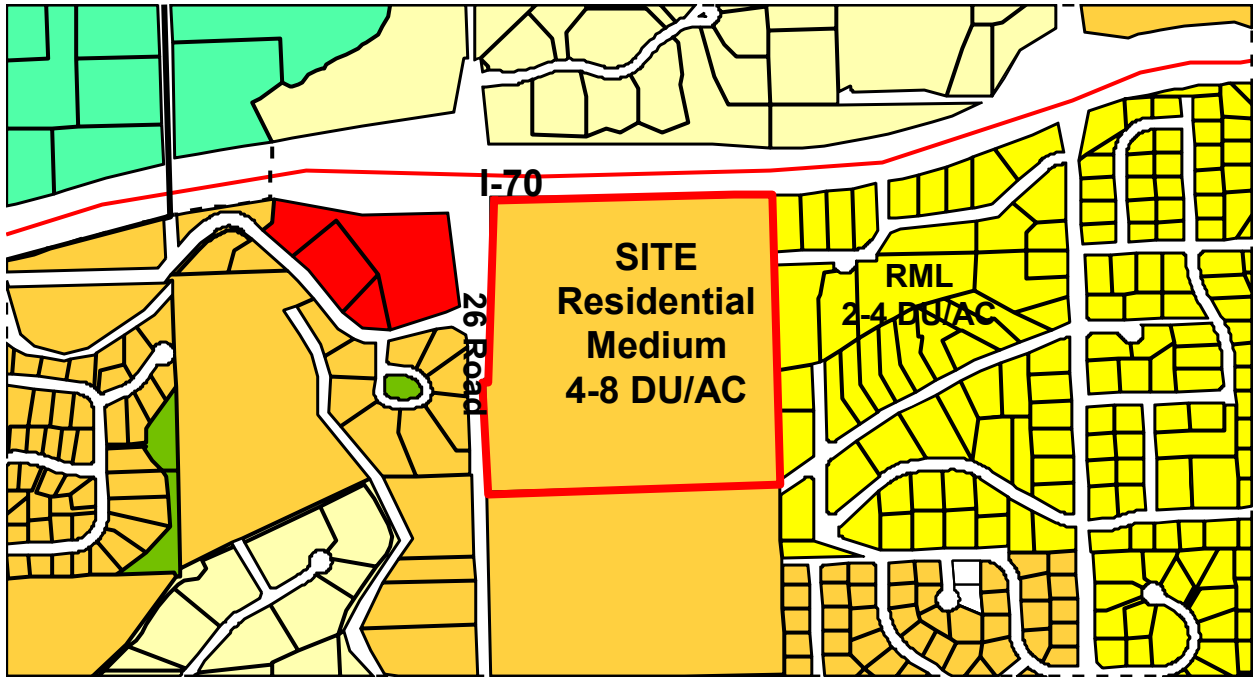
Aerial Photo Map

738 26 Road



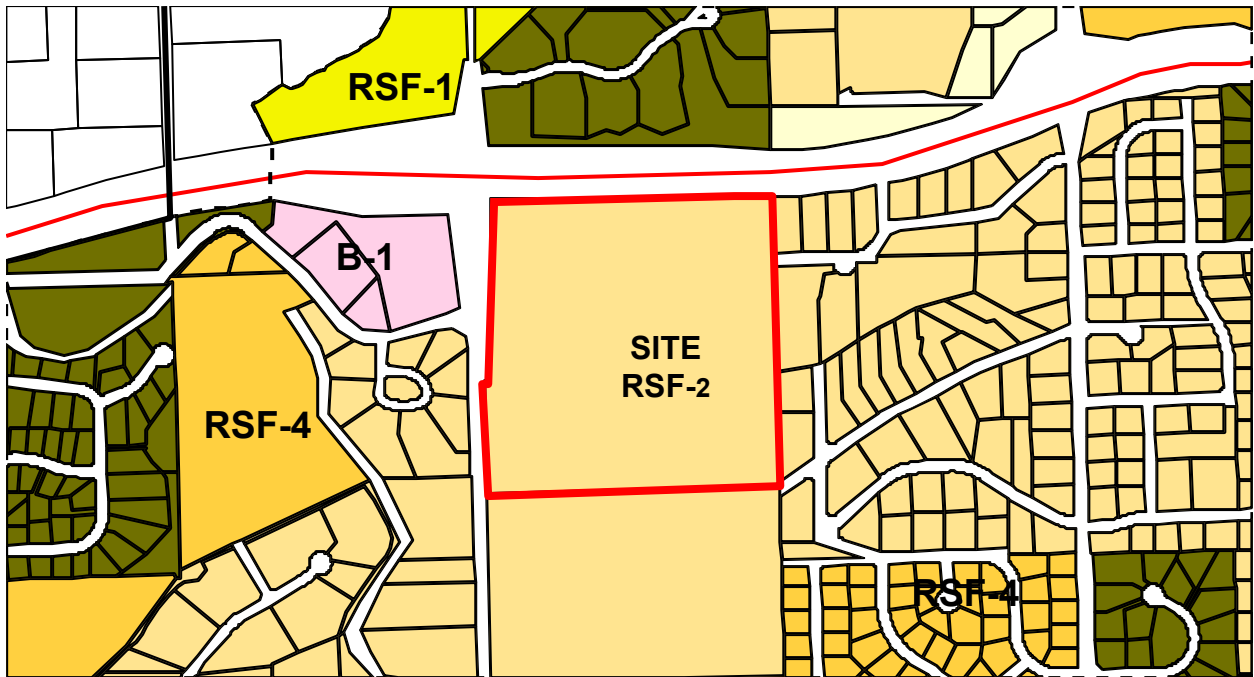
Future Land Use Map

738 26 Road



Existing City and County Zoning

738 26 Road



CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____

AN ORDINANCE ZONING 37 ACRES OF LAND LOCATED
AT 738 26 ROAD

Recitals.

A rezone from the Residential Single Family - 2 (RSF-2) district to the Residential Multi-Family - 5 (RMF-5) district has been requested for the property located at 738 26 Road for purposes of developing a residential subdivision. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium, 4-8). 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.

The Grand Junction Planning Commission, at its March 22, 2005 meeting reviewed the proposal and recommended the rezone request from the RSF-2 district to the RSF-4 district.

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 RESIDENTIAL MULTI-FAMILY - FIVE (RMF-5) DISTRICT:

738 26 Road, Tax Parcel ID # 2701-353-00-061; totaling 36.973 acres.

Uses Permitted are those as listed in the Zoning and Development Code for the RMF-5 zoning designation.

INTRODUCED for FIRST READING and PUBLICATION this 6th day of April, 2005.
PASSED on SECOND READING this ____ day of _____, 2005.

ATTEST:

City Clerk

President of Council

Attach 11

**Brookwillow Village Planned Development Amendment
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Brookwillow Village Planned Development Amendment					
Meeting Date		April 6, 2005					
Date Prepared		March 28, 2005			File #PP-2004-130		
Author		Lori V. Bowers		Senior Planner			
Presenter Name		Lori V. Bowers		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to amend the existing PD Ordinance No. 3088 for Brookwillow Village Planned Development located at 650 24 ½ Road, and set a date to hold a public hearing and consider approval of the proposed private streets within the subdivision.

Budget: N/A

Action Requested/Recommendation: Set a date to hold a public hearing and consider the Introduction of an Ordinance amending the existing PD Ordinance No. 3088 and consider a recommendation for private streets within the proposed subdivision.

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. Zoning Ordinance

BACKGROUND INFORMATION					
Location:		650 24 ½ Road			
Applicants:		Halls Partnership LLC, owner; Grace Homes, developer; Marc Maurer, representative			
Existing Land Use:		Vacant land			
Proposed Land Use:		Planned Residential Subdivision			
Surrounding Land Use:	North	Valley Grown Nursery			
	South	Undeveloped land			
	East	Vacant land			
	West	Existing residential with vacant land			
Existing Zoning:		PD 11.7			
Proposed Zoning:		PD 9.7			
Surrounding Zoning:	North	RMF-8			
	South	RMF-8			
	East	RMF-8			
	West	RMF-12			
Growth Plan Designation:		Residential Medium High – 8 to 12 Du/Ac			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background:

In December of 1998, the Outline Development Plan with an overall design density of 11.7 dwelling units per acre, (with the condition that ultimate build-out of the Hall ODP would not be less than 8 dwelling units per acre) was approved by the Planning Commission. The City Council also approved Ordinance No. 3088 approving the rezone of the property from RSF-R to the Planned Residential zoning district. On January 18, 2000 a request for approval of a 2-year extension for the deadline to submit a Preliminary Plan for the Hall Property ODP was approved. The extension request allowed for a submittal of a Preliminary Plan no later than January 20, 2002. The property then changed ownership and the new owner requested additional time to study and prepare a plan for the newly-acquired property. An 18-month extension to submit a Preliminary Plan was granted. A Preliminary Plan was due by July 20, 2003 with the conditions as presented originally. In June of 2004 the applicants submitted the proposed plan. With the Planning Commission's recommendation, accompanying this plan will be an amended zoning ordinance for City Council's approval. The current zoning map for the City of Grand Junction shows the property to still be zoned PD.

2. Consistency with the Growth Plan:

The Growth Plan shows this area as residential medium high development with a density range from 8 to 12 units per acre. This project is consistent with that designation. The applicants propose a density of 9.7 dwelling units per acre.

3. Section 2.12.C.2 of the Zoning and Development Code:

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

1) The Growth Plan, Major street plan and other adopted plans and policies.

Brookwillow Village implements the goals and objectives of each of the various plans by designing a cohesive neighborhood in an area identified by the Growth Plan for multifamily projects with a density between 8.0 and 11.0 units per acre. A previous submission (RZO-1998-192, Hall Property) had an approved ODP with a density of 11.7 units per acre but no site plan was ever approved and the ODP has since lapsed. Now under new ownership, this new proposal reduces the density thereby freeing up more usable open space and still meets the required intents of the various City plan and policies and the density objective profiled in the Growth Plan.

2) The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

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

There was no error in the zoning at the time of adoption. A rezone request to provide 9.2 dwelling units per acre versus the established 11.7 dwelling units per acre is required with this application.

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

There has been a change in character in the area due to new growth trends and development transitions in the area. The proposed rezone is compatible with the surrounding uses since this site is on the periphery of the rapidly-developing 25 ½ Road corridor to the east, complemented by new commercial development on the north side of Patterson between 24 and 25 ½ Roads and near the recent addition of a new church on the corner of 24 ½ Road and G Road with Spanish Trails Subdivision just west of the church on G Road.

c. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking

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

The proposed rezone should be compatible with the future redevelopment of this area. The proposed plan has addressed the street network, extra parking has been provided, storm water and drainage issues have been reviewed as well as lighting.

- d. The proposed rezone to PD 9.2 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion e which requires that public facilities and services are available when the impacts of any proposed development are realized.

Staff has determined that public infrastructure can address the impacts of any development consistent with the PD zone district, therefore this criterion is met.

- e. 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.

It does conform with the Growth Plan and other City regulations and guidelines.

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

Adequate public facilities are currently available or will be made available and can address the impacts of development consistent with the PD zone district.

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

The zoning map has shown this area to be zoned PD since 1998, and it is consistent with adjacent zoning on other properties.

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

The proposed PD zone will benefit the community by providing more efficient infrastructure and provide future interconnectivity for the developing neighborhood.

- 3) The planned development requirements of Chapter Five of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Chapter Five of the Zoning and Development Code by providing more effective infrastructure; a

greater quality and quantity of public and private open space; other recreational amenities; and a needed housing type and/or mix.

4) Section 5.4.F. Development standards.

Planned developments shall minimally comply with the development standards of the default zone. In this case the default zone would be RMF-8.

1. Setback standards are provided on the plans for the different pods of development. They are consistent with or greater than the RMF-8 zoning district.

2. Open space for this project equals 12.6 acres disbursed across the 30 acre site. The required amount based on 200 SF per bedroom for the multi-family area equals 3.27 acres.

3. Fencing and screening is deviant of the Code for the western boundary of the site. 24 ½ Road requires that a 14-foot landscape buffer with perimeter fence be required if this were a straight zone. The intent of this project is to not create an enclave but rather provide for an open and accessible network of open spaces without fence barriers at the periphery of the site. Screening shall consist of 2 to 3 foot berms that undulate in height and planted with landscape materials for the desired screening effect. The applicant requests a minimum of 10 landscape easement along 24 ½ Road. Fencing for the community recreation area and single family detached zone shall not be greater than 4 feet tall and shall be visually transparent such as pickets; chain link fencing will not be allowed. Screening for patios, etc. may be 4-feet tall or privacy walls designed to match the surrounding architecture. Refuse enclosures shall be completely screened from view with a six foot screen fencing or other architecturally designed enclosure.

4. This project will set the tone for compatibility with the neighborhood since this is the first of this type of development in this immediate area.

5. Landscaping shall conform to applicable requirements, such as parking lot landscaping and buffer areas. Entry feature signage will be provided to identify the neighborhood complex. Landscape with special planting will provide a backdrop to the signage. Signage shall comply with the Code requirements.

6. Parking is provided in excess of the Code requirements. 1.8 spaces are required per condominium unit (90 units = 162 spaces). Townhouse units (143 units = 258 spaces). Single family attached and detached (59 units = 118 spaces). An additional 117 parking spaces are available for guest parking, as there are places where no parking is allowed on the private street sections.

7. Street development standards were reviewed per TEDS. There are private streets and drives. Private streets need a recommendation from the Planning Commission to City Council for approval within this project. Pedestrian safe movement from the parking areas to the buildings and the centralized mailbox areas is provided. The Primary access from 24 ½ Road will have a boulevard entrance. A secondary access is also proposed for 24 ½ Road to the far south end of the property. This entrance will be shared when the property to the south

redevelops. Half road Urban Collector Street improvements will be installed along the north boundary of the site (F $\frac{3}{4}$ Road alignment) also along the east boundary of the site (24 $\frac{3}{4}$ Road alignment). Secondary access to the dwelling units is provided using private streets. The single family detached units will be accessed with private streets terminating in cul-de-sacs sized to meet the City standards for Public Works and the Fire Department.

G. Deviation from Development Default Standards:

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation the listed amenities to be provided shall be in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to Density bonus provisions in Chapter Three. These amenities include:

1. Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;

The applicants feel they have provided a pedestrian oriented village concept to enhance the resident's sense of well being, develop a unique neighborhood character and to provide meaning and value both for now and for years to come.

2. Open space, agricultural land reservation or land dedication of 20% or greater;

The overall open space for this project totals 42% of the site.

3. Community facilities for provision of public services beyond those required for development within the PD;

The applicants state that they are providing pocket parks with active and passive areas. Gazebos and picnic areas, tot-lots and a pet park are also proposed.

4. The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than twenty (20) years; and

The applicants feel that by providing a mix of housing types, in close proximity to work and shopping areas, recreation amenities on site and using low volume plumbing fixtures to minimize sewage demands the project will be more affordable.

5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

Other proposed amenities, but not required by the Code are: Gazebos, picnic areas, tot lots, pet park with appropriate amenities.

- 5) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

A Phasing Schedule has been provided. Phase 1, is 98 units consisting of 20 single-family, 68 townhouses and 10 condominiums. Phase 2, totals 114 units consisting of 30 single-family units, 64 townhomes and 20 condominium units. Phase 3 totals 80 units, consisting of 9 single-family units, 11 townhomes and 60 condominium units. Anticipated completion dates are as follows: Phase 1, December of 2006; Phase 2, June of 2008; and Phase 3 by January 2010.

- 6) The property is at least twenty (20) acres in size.

The property is slightly over 30 acres in size and meets this requirement.

1. The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code have been met.
2. The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.
3. The approved ODP, if applicable. In this case the ODP has expired.
4. The approved PD rezoning ordinance, if adopted with an ODP. In this case the Ordinance is being amended.
5. An appropriate, specific density for all areas included in the preliminary plan approval has been provided.
6. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP. This site is just over 30 acres in size.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Brookwillow Village application, PP-2004-130 for a Planned Development, Preliminary Development Plan, staff recommends that the Planning Commission make the following findings of fact and conclusions:

2. The requested Planned Development amendment and the Preliminary Development Plan are consistent with the Growth Plan.
3. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
5. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.
5. The criterion of private streets, Section 6.7.E.5.

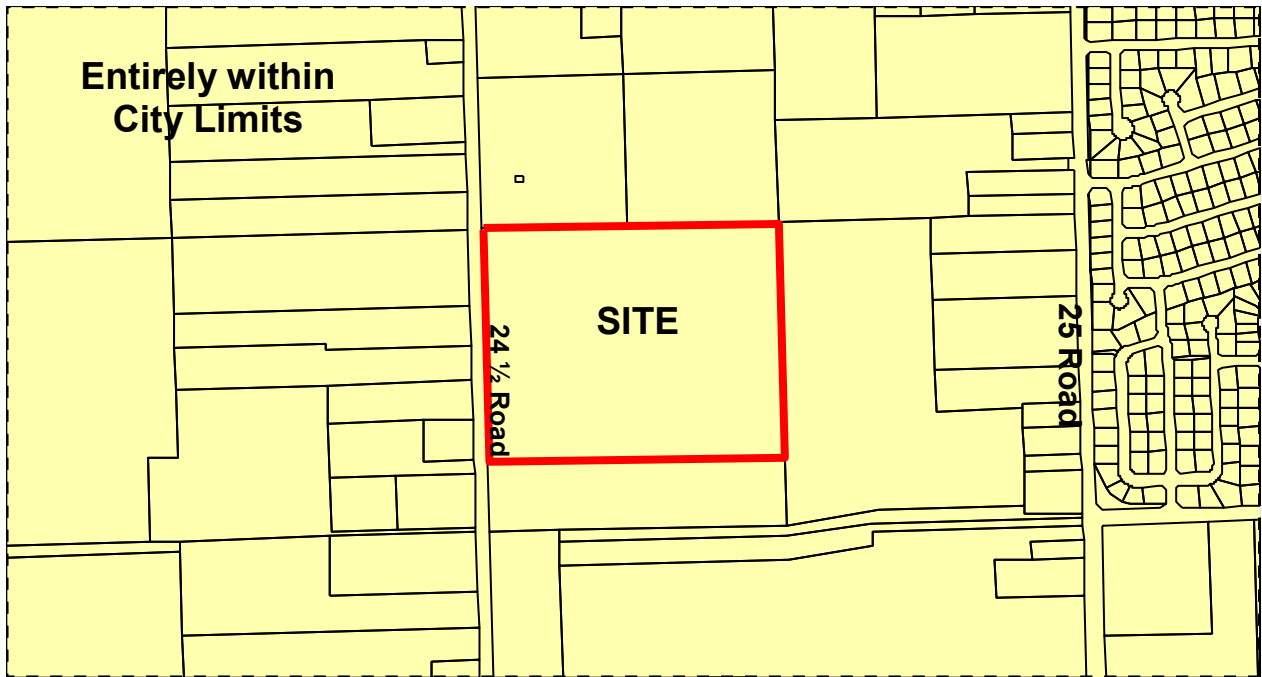
PLANNING COMMISSION RECOMMENDATION:

1) The Planning Commission forwards a recommendation of approval of Brookwillow Village Planned Development, Preliminary Development Plan, file number PP-2004-130, containing private streets to the City Council with the findings and conclusions listed above.

2) The Planning Commission forwards a recommendation of approval to the City Council amending Zoning Ordinance No. 3088.

Site Location Map

650 24 1/2 Road



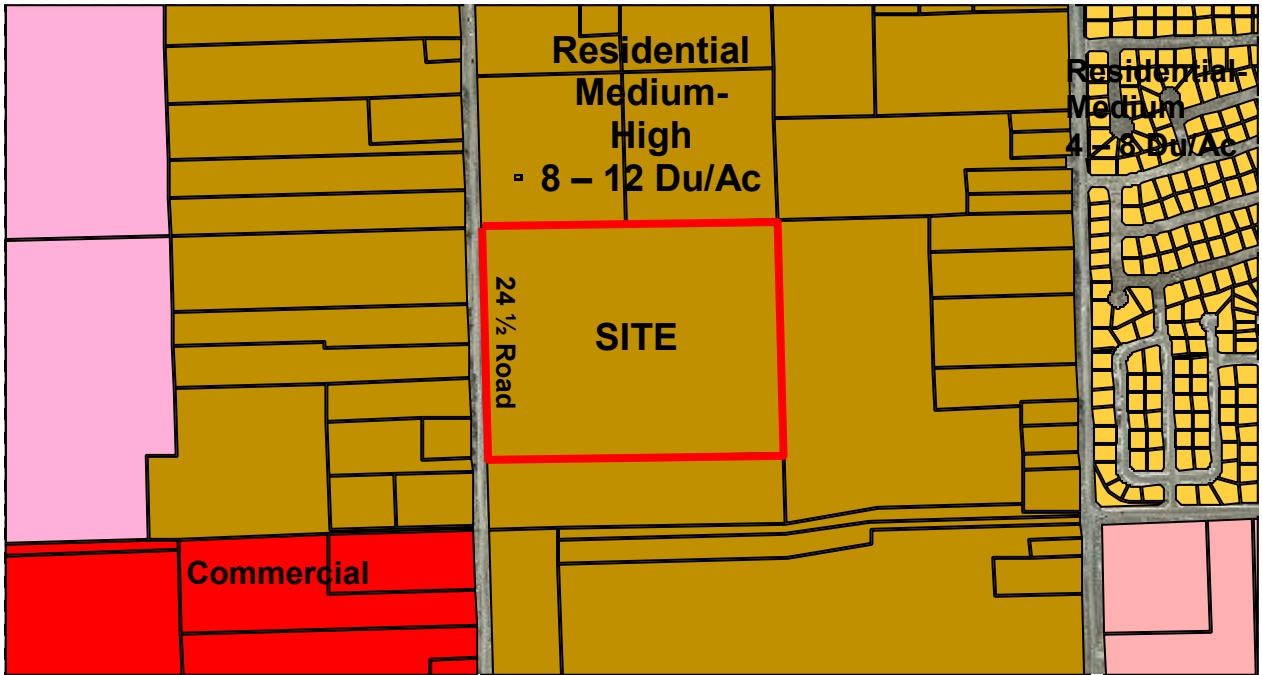
Aerial Photo Map

650 24 1/2 Road



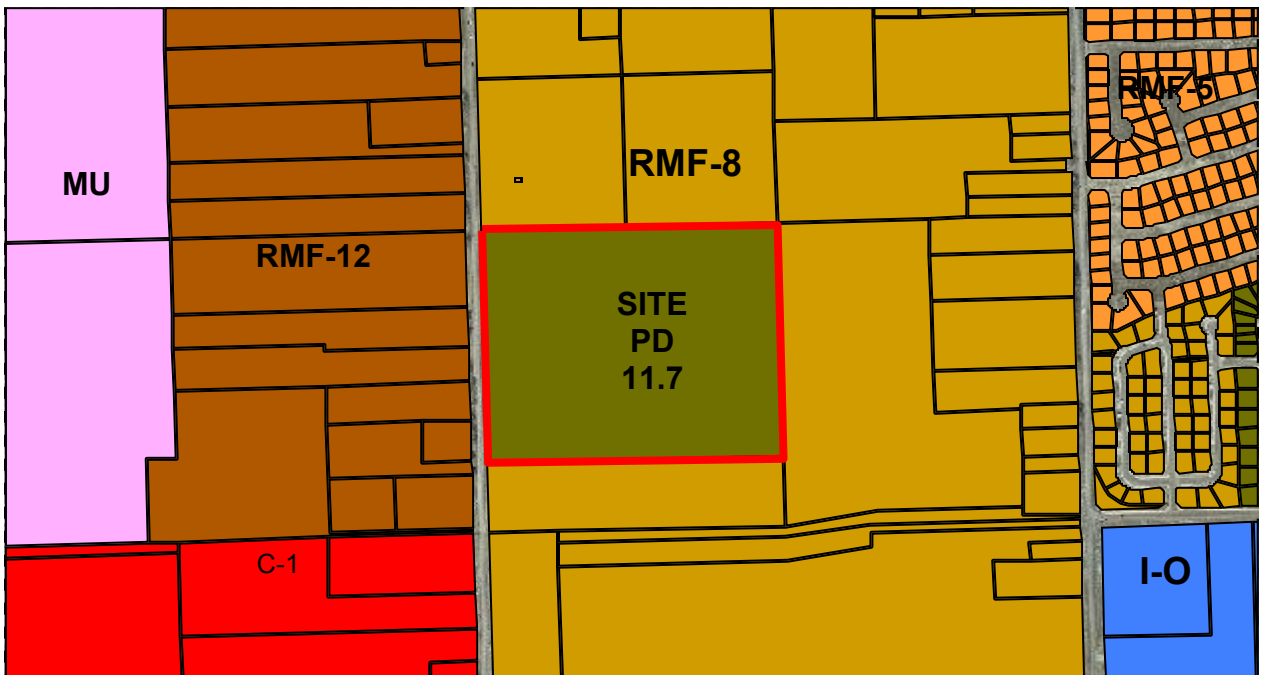
Future Land Use Map

650 24 1/2 Road

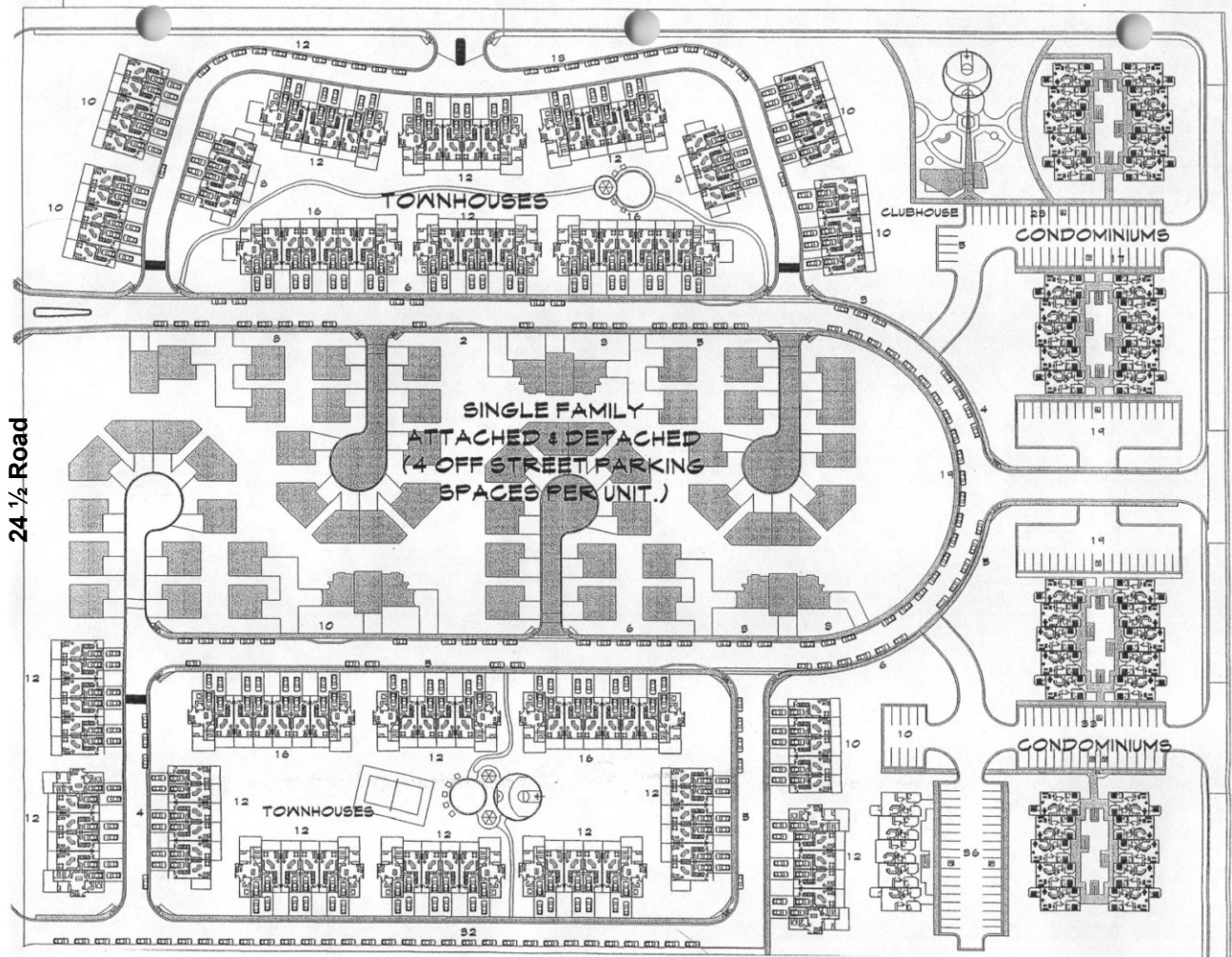


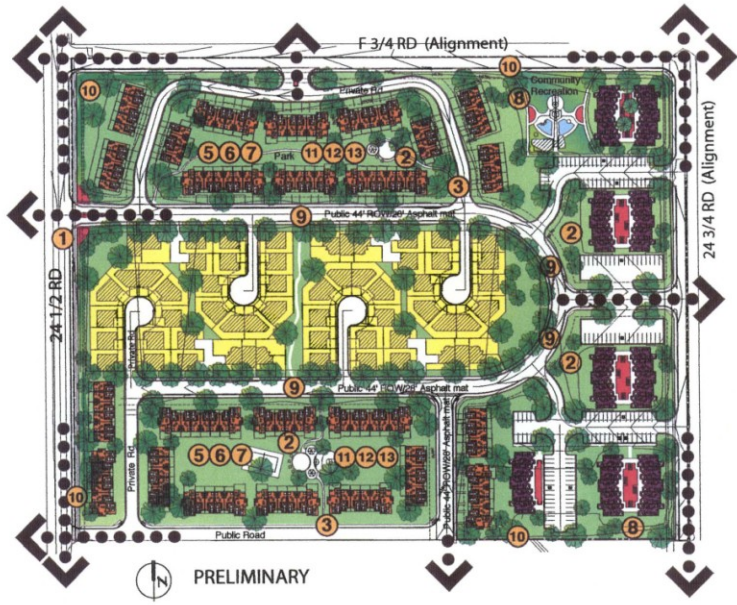
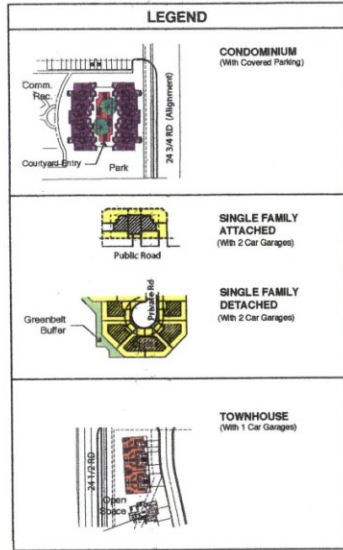
Existing City and County Zoning

650 24 1/2 Road



Site Map





CONCEPT - DIAGRAM #2
BROOKWILLOW VILLAGE

Achieved Density (±) 9.7 DUA
Copyright Genesis Designs: Architecture + Planning, P.C. - 06-07-04 ©
Revised 03-10-05

650 24 1/2 Rd. Grand Junction, CO Plan is not to scale. Information is approximate and subject to change. Genesis Designs: Architecture + Planning, P.C. Ph. 970-245-0093 Fax 970-245-7588

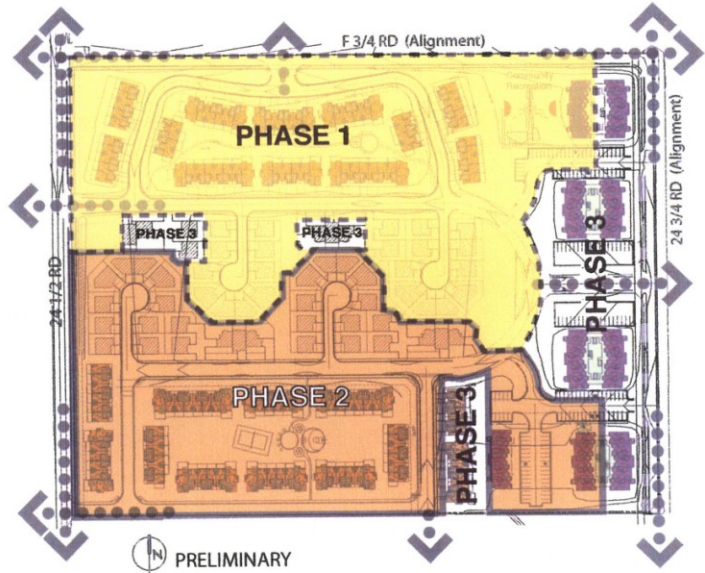
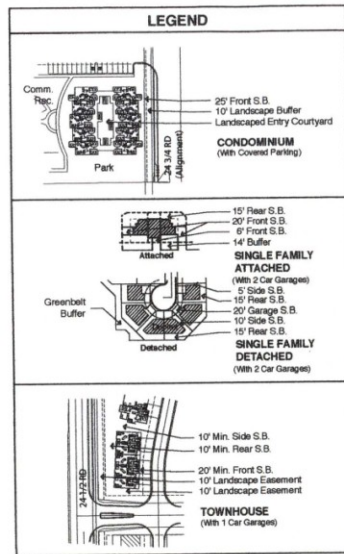
DATA

BLDG TYPE	UNITS	% MIX	UNITS
CONDO	Multi-family	31%	90
	High Density		
TNHSE	Multi-family Medium Density	49%	143
Detached Attached	Single family	20%	59
TOTAL		100%	292

SITE
Allowed: (±) 30.032 Acres
Zoned: PD 8.0 to 12.0 DUA = (±) 240 to 360 Units
Proposed: PD 11.7 DUA = (±) 350 Units
Phasing: Multiple phases from F 3/4 Road South.
Roads:
Primary: 44' ROW/28' Asphalt mat. Potential detached sidewalk & L.S. median with boulevard entry.
Secondary: Private 22' wide w/ Cul-de-sac.

DESIGN GOALS:

- 1) Landscaped Entrance Features @ 24 1/2 Road
- 2) Pocket Parks with active and passive areas
- 3) Pedestrian pathway system
- 4) Potential art features
- 5) Gazebos
- 6) Picnic areas
- 7) Tot-lots
- 8) Pet Park
- 9) Pedestrian safe street crossings
- 10) Extensive buffering at periphery
- 11) Extensive park-like/open space setting with landscape features
- 12) Use of energy efficient building practices
- 13) Use of Xeriscape principals with native/near native vegetation for water conservation and drought tolerance



CONCEPT - DIAGRAM #3
BROOKWILLOW VILLAGE - PHASING PLAN

Achieved Density (±) 9.7 DUA
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 Revised 10-08-04

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SCHEDULE

BLDG TYPE	PHASE 1	PHASE 2	PHASE 3	TOTALS
CONDO	10 Units	20 Units	60 Units	90 Units
TNHS	68 Units	64 Units	11 Units	143 Units
Detached Attached	20 Units	30 Units	9 Units	59 Units
TOTALS	98 Units	114 Units	80 Units	292 Units

BUFFERS & SETBACKS:

Along 24 1/2 Road:

- Single Family Detached Areas:
 Buffer - Minimum 25' Landscape buffer strip along entire 24 1/2 RD section.
 Typical Setbacks: Front: 20'
 Side 1: 5'
 Side 2: 5'
 Rear: 15'

2) Townhouse Areas:

- Buffer - Minimum 10' Landscape easement along entire street section.
 Typical Setbacks: Front: 20'
 Side 1: 10' Between units
 Side 2: 10' Between units
 Rear: 10' Minimum from landscape easement

Along 24 3/4 Road:

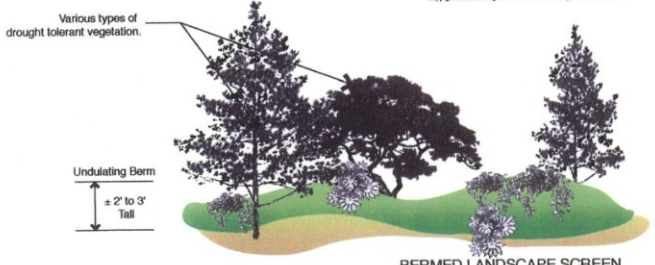
- Condominium Areas:
 Buffer - Minimum 25' Landscape buffer strip along entire 24 3/4 RD section.
 Typical Setbacks: N/A.



TOWNHOUSE CONCEPT - TYPICAL 6 PLEX
Artist's Concept - Not To Scale.
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CONDOMINIUM CONCEPT - TYPICAL 10 PLEX
Artist's Concept - Not To Scale.
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BERMED LANDSCAPE SCREEN
Artist's Concept - Not To Scale.



PRIVACY FENCE @ SFD UNITS
Artist's Concept - Not To Scale.

CONCEPT - DIAGRAM #4
BROOKWILLOW VILLAGE - PROPOSED FEATURES

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CITY OF GRAND JUNCTION, COLORADO
 ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 3088

ZONING A PARCEL OF LAND AT 625 24 ½ ROAD (AMENDING THE PLANNED DEVELOPMENT FOR BROOKWILLOW VILLAGE)

Recitals.

A rezone from Planned Residential 11.7 units per acre (PR-11.7) to Planned Development 9.7 units per acre (PD 9.7) has been requested for the property located at 625 24 ½ Road, previously known as the Hall property, now to be known as Brookwillow Village, for purposes of developing a residential project of mixed housing types on 30.032 acres, as follows: 59 single family attached and detached; 143 townhouses; and 90 condominium units, for a total of 292 dwelling units. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (8 to 12 units per acre). 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.

The Grand Junction Planning Commission, at its March 22, 2005 hearing, recommended approval of the rezone request from PR -11.7 to PD 9.7 and approval of the Preliminary Planned Development (PD) for Brookwillow Village.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT 9.7 UNITS PER ACRE (PD 9.7):

Lot 2, Hall Minor Subdivision

- 1) The uses allowed for this zone and property shall be single family attached and detached, townhomes and condominiums.
- 2) The underlying zoning is RMF-8.
- 3) The development will contain at a minimum a community clubhouse for meetings, gatherings and special events; three tot-lots, pet park with appropriate waste disposal, gazebos, picnic areas, two half-court basketball courts, sand volleyball court and a pedestrian pathway system.
- 4) The ordinance further allows for public and private streets. Public Streets 44 feet of Right-of-way with a 28 foot asphalt mat, with detached sidewalk. Private streets to be 22 feet wide with a Cul-de-sac. All street crossings to be marked for safe pedestrian crossing.
- 5) The ordinance allows for a deviation from the required subdivision perimeter fencing by providing an undulating berm with landscaping, 2 to 3 feet tall.
- 6) Buffering and setbacks are as follows, and as provided in the project narrative and concept drawings dated March 10, 2005:
 - Along 24 ½ Road, Single-family detached areas require a minimum 25 foot landscape buffer strip along the entire 24 ½ Road section. Front setback is 20 feet, side setback is 5 feet and rear setback is 15 feet.

- Townhouse areas require a minimum 10 landscaping easement along the entire street section. Front setback is 20 feet, Side setbacks are 10 between units and the rear setback is a minimum 10 feet from the landscape easement.
- Along 24 ¾ Road, the condominium area requires a 10 foot landscape buffer strip along the entire 24 ¾ Road section and a setback of 25 feet from the road.

INTRODUCED on first reading on the 6th day of April, 2005 and ordered published.

ADOPTED this _____ day of _____, 2005.

ATTEST:

City Clerk

President of Council

Attach 12

**Five-Year Lease of the City's Hallenbeck Ranch Property to Clint Miller
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Five Year Lease of the City's Hallenbeck Ranch Property to Clint Miller					
Meeting Date		April 6, 2005					
Date Prepared		March 31, 2005			File #		
Author		Greg Trainor		Utilities 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		X	Consent	Individual Consideration

Summary: This is a proposed five-year ranching & grazing lease of the 300-acre Hallenbeck Ranch to Clint Miller.

Budget: Proposed rent for the five-year lease is \$3,500 annually.

Action Requested/Recommendation: Adopt resolution authorizing a five-year lease of the City's Hallenbeck Ranch property to Clint Miller.

Attachments: Vicinity Map; Proposed Resolution; Proposed Lease Agreement.

Background Information: The 300-acre Hallenbeck Ranch, which consists of Parcels 1 and 2, is part of a larger 1954 land and water purchase from C.V. Hallenbeck. The Hallenbeck purchase included several hundred acres ranging from semi-arid properties near Whitewater to irrigated sub-alpine lands in the Kannah Creek, Purdy Mesa and Grand Mesa areas. All water rights acquired from Hallenbeck were promptly converted to allow dual use for either agricultural or municipal purposes.

The City continues to own the property so that surplus water may be used for agricultural purposes, thus satisfying the beneficial use doctrine to protect the City's valuable water rights from abandonment or downstream claims. Other objectives and benefits of the City owning the property include revenue to the City's water fund, protection of the City's water supply systems and enhancements to water quality and yield.

The property has been leased since 1954 to various ranchers who reside in the Kannah Creek/Purdy Mesa area. Mr. Miller is the most recent lessee during the May 2003 to May 2005 time period. Mr. Miller has been most diligent in the care of this property and City recommends that this five year lease be extended to Clint Miller. A copy of Mr. Miller's 2004-2005 annual report is available for inspection at the City Public Works and Utilities Department.

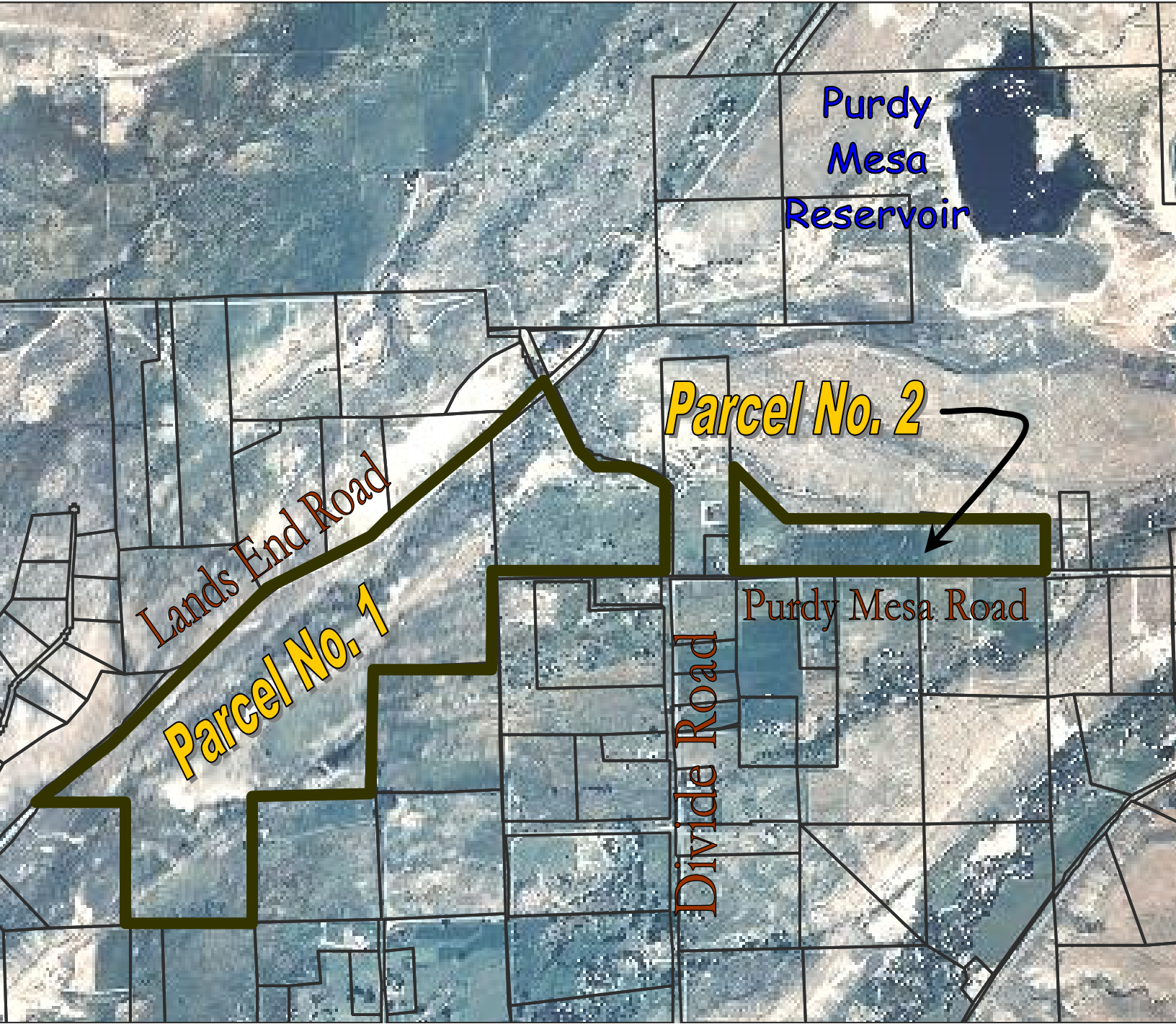
The proposed lease will require Mr. Miller to:

- Represent the City's water and water rights interests by participating in the activities of the appropriate ditch and reservoir companies and to promote the City's interests with the utmost good faith, loyalty and fidelity;
- Maximize water usage and provide for the development of historic water consumption records;
- Rehabilitate existing fields and cultivate additional fields to bring the property up to its historic level of cultivation, and
- Improve the overall condition of the property, remove/spray for noxious weeds and trees, clean ditches and maintain fences.

In addition to rent, Mr. Miller will be required to pay the property taxes, all operational expenses and liability insurance.

HALLENBECK RANCH

Vicinity Map



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A FIVE-YEAR LEASE OF

**THE CITY'S HALLENBECK RANCH PROPERTY
TO CLINT MILLER**

WHEREAS, the City of Grand Junction is the owner of the following described real property in the County of Mesa, State of Colorado, to wit:

Township 2 South, Range 2 East of the Ute Meridian:

Section 25: The SE1/4 of the SW1/4,
 The NW1/4 of the SE1/4,
 All that part of the N1/2 of the SW1/4, the SE1/4 of the NW1/4, the
 S1/2 of the NE1/4, and the NE1/4 of the NE1/4 lying Southerly and
 Easterly of Lands End Road.

Township 12 South, Range 98 West, 6th Principal Meridian:

Commencing at the SW Corner of Section 36, thence East along the South line of said Section 36 a distance of 660.00 feet to the True Point of Beginning, said point being the Southwest corner of that tract of land conveyed by instrument recorded in Book 1145, Page 824 in the office of the Mesa County Clerk and Recorder; thence S 89°55'31" E a distance of 3314.31 feet, more or less; thence N 00°59'04" E along a strand barbwire fence a distance of 529.82 feet, more or less, to an existing fence corner; thence N 84°34'44" W along said fence line a distance of 906.87 feet; thence continuing along said fence line, S 01°51'29" E a distance of 80.46 feet, more or less, to an existing fence corner; thence S 88°57'38" W along said fence line a distance of 412.29 feet; thence continuing along said fence line, S 89°28'22" W a distance of 916.30 feet, more or less, to an existing fence corner; thence N 50°54'21" W along said fence line a distance of 850.80 feet, more or less, to an existing fence corner; thence S 00°04'01" W along said fence line a distance of 1009.63 feet, more or less, to the True Point of Beginning; and

WHEREAS, Mr. Clint Miller has submitted a proposal to re-lease the above described Property wherein Mr. Miller proposes to lease the property from the City and, at Mr. Miller's own cost and expense, improve the condition of the property. Mr. Miller is the current lessee.

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

That the City Manager be authorized, on behalf of the City and as the act of the City, to execute the attached Lease Agreement with Mr. Clint Miller for the lease of said property for a term of five-years, commencing on May 22, 2005, and expiring on May 21, 2010.

PASSED and ADOPTED this ____ day of _____, 2005.

Attest:

President of the Council

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into to be effective as of the _____ day of _____, 2005, by and between The City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City", and Clint Miller, hereinafter referred to as "Lessee".

Recitals

A. The City believes it is the owner of that certain real property commonly known as the Hallenbeck Ranch, located on Purdy Mesa in the County of Mesa, State of Colorado, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, hereinafter referred to as "the Property". The City acquired the Property for its water and water rights and ditches and ditch rights ("water rights"). The City owns the Property for the primary purposes of protecting the City's water rights, the decrees for which allow multiple purposes to include municipal, agricultural and livestock watering. During most irrigating seasons, portions of the City's water rights are not necessary for municipal use. The City therefore retains ownership of the Property so that water not necessary for municipal purposes may be beneficially used and applied upon the Property for agricultural and livestock watering purposes. It is the express intent and desire of the City that the Property remain as productive as is practicable for farming and ranching purposes so that the City's water rights may be used to their full and maximum extent, that all aspects of the Property may be maintained to the highest practicable standard, and that expenses be kept to a minimum without waste.

B. Lessee has submitted to the City a proposal wherein Lessee has expressed Lessee's intent and desire to lease, use, occupy, maintain and improve the Property and to judiciously use and apply the City's water rights thereon in accordance with the desires and express intent of the City, all at no cost or expense to the City.

C. The City has agreed to lease the Property to Lessee based on Lessee's verbal and written representations that Lessee possesses the knowledge, experience, equipment, personnel and financial resources to maintain the Property to the highest practicable standard and to use and apply the City's water rights upon the Property to their full and maximum extent, all in accordance with the desires and express intent of City.

NOW, THEREFORE, for and in consideration of the recitals above and the mutual promises, terms, covenants, conditions, duties and obligations to be kept by the City and Lessee as more fully hereafter set forth, the parties hereto agree as follows:

1. Grant and Acceptance of Lease. The City hereby leases the Property to Lessee, and Lessee hereby accepts and leases the Property from the City, for the term set forth in paragraph 2 below and for the specific purposes and duties of maintaining all aspects of the Property and the water and water rights, ditches and ditch rights appurtenant thereto, all in accordance with the provisions of this Agreement.

2. Term. The term of this Lease shall commence on May 22, 2005, and, subject to the review of the Lessee's annual property management report, shall continue through May 21, 2010, at which time this Lease shall expire.

3. Reservations from Lease. The City retains and reserves from this Lease and unto itself:

a. all oil, gas coal and other minerals and mineral rights underlying and/or appurtenant to the Property;

b. all hunting rights concerning the Property;

c. all rights to grant, sell, bargain, convey and dedicate any ownership interest(s) in and to the Property, or any division thereof, to any other party, including the conveyance of easements, so long as such action will not interfere with Lessee's use and quiet enjoyment of the Property for the purposes set forth in this Agreement;

d. the proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, in whole or in part, even if such taking is made by and/or for the purposes of the City, or for the conveyance in lieu of condemnation. Lessee hereby assigns and transfers to the City any claim Lessee may have to compensation, including claims for damages, as a result of any condemnation; and

e. all water and water rights, ditches and ditch rights which are appurtenant to and/or connected with the Property, except those which the City makes available and authorizes Lessee to use and apply to the Property pursuant to this Lease.

4. Rent.

4.1 Lessee agrees to pay to the City as rent for the Property during the term of this Lease, in addition to all other sums and expenses which Lessee shall be required to pay to fulfill Lessee's duties and obligations hereunder, the total sum of \$3,500.00, due and payable as follows:

a. the sum of \$1,750.00 shall be due and payable to the City coincident with Lessee's signing of this Agreement and prior to Lessee's entry of the Property, and

b. the sum of \$1,750.00 shall be due and payable to the City on or before November 21, 2005.

4.2 In the event Lessee fails to pay the specified rental payments on or before specified due dates, this Agreement and the lease of the Property to Lessee shall automatically terminate and neither party shall have any further rights, duties or obligations under this Agreement.

4.3 All rental payments paid by Lessee to the City shall be delivered either by mail or by personal delivery to:

City of Grand Junction Finance Department
Accounts Receivable
250 North 5th Street
Grand Junction, CO 81501-2668

All rental payments deposited by Lessee shall be clearly marked "Hallenbeck Ranch Lease Payment".

5. Specific Duties and Obligations of Lessee. As consideration for the lease of the Property, Lessee shall, at no cost or expense to the City:

5.1 Thoroughly plow, irrigate, cultivate, fertilize and farm all farmable lands upon the Property in a responsible and prudent husband-like manner; to plant, grow and harvest upon and from the Property crops of hay, grass and/or alfalfa and no other plants or crops without the prior written consent of the City.

5.2 Use the Property for farming, ranching and livestock grazing purposes only and for no other purpose whatsoever; Lessee agrees that Lessee will not use the Property nor allow any other person to use the Property for any purpose prohibited by this Agreement or by the applicable laws of the United States of America, the State of Colorado, the County of Mesa or any other governmental authority or any jurisdiction having authority over uses and activities conducted upon the Property.

5.3 Maintain, clean out and keep in good order and repair, free from litter and debris and, as is practicable, free from weeds, all aspects of the Property, including, but not limited to, roads, perimeter boundaries, ditches, diversion structures, flumes, headgates and other structures necessary to fully irrigate the Property and to not allow any water running through, used and applied upon the Property to overrun any furrows or otherwise cause damage to the Property or the property of any other person or entity.

5.4 Waive and forego any claim, cause of action or demand Lessee may have against the City, its officers, employees and agents, for injury to or destruction of any property of Lessee or any other party that may be lost, injured, destroyed or devalued as a result of the act, or failure to act, of Lessee or any third person; and to indemnify and hold the City and the City's officers, employees and agents, harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of or resulting from Lessee's use, occupancy, maintenance and improvement of the Property.

5.5 Not violate nor permit to be violated any code, rule, regulation or order pertaining to the use, application, transportation and storage of any hazardous, toxic or regulated substance or material, including, but not limited to, herbicides, pesticides and petroleum products. Lessee agrees that any spill, excessive accumulation or violation of any code, rule, regulation or order pertaining to the use, application, transportation and storage of any such material or substance shall be reported immediately to the City.

Lessee further agrees that all costs and responsibilities for cleaning, removing and abating any violation pursuant to this paragraph shall be borne solely by Lessee.

5.6 At all times maintain all fences and gates presently located upon the Property in good working order and repair in a manner sufficient to securely confine all livestock. Lessee may install locks on all gates, provided, however, that Lessee shall provide the City with lock combinations and/or copies of keys to all locks installed by Lessee.

5.7 Purchase and at all times during the term of this lease maintain in effect suitable comprehensive general liability and hazard insurance which will protect the City and the City's officer, employees, agents and assets from liability in the event of loss of life, personal injury or property damage suffered by any person or persons on, about or using the Property, including Lessee. Such insurance policy(ies) shall have terms and amounts approved by the City's Risk Manager. Such insurance shall not be cancelable without thirty (30) days prior written notice to the City and shall be written for at least a minimum of \$500,000.00, combined single limit. The certificate of insurance must be deposited with the City and must designate "The City of Grand Junction, its officers, employees, agents and assets" as additional insureds. If a policy approved by the City's Risk Manager is not at all times in full force and effect during the term of this Lease, this Lease shall automatically terminate.

6. Irrigation of the Property.

6.1 The irrigation of the Property is an essential duty and obligation to be undertaken by Lessee on behalf of the City. The City intends to permit Lessee to use water and water rights owned by the City, without additional remuneration by Lessee, for purposes specifically limited to irrigating the Property and as stock water for livestock kept and maintained on the Property. Water and water rights the City may make available to Lessee, if the City in its sole and absolute discretion determines that such water is to be made available to Lessee, may include up to:

- a. approximately 400 acre feet of water from the Highline Ditch. This water is usually available from May 1 through June 28 of each year. Available flow rate ranges between 0.1 cubic feet per second ("cfs") and 7.0 cfs, and/or
- b. approximately 1,200 acre feet of water from the Juniata Enlarged Ditch. This water is usually available from May 1 through June 15 of each year. Available flow rate ranges between 0.1 cfs to 26.0 cfs, and/or
- c. approximately 200 acre feet of reservoir water from the City's Purdy Mesa Reservoir or from the City's Juniata Reservoir. This water is usually available from July 1 through October 15 of each year.

6.2 The City may provide written or verbal notice to Lessee at any time during term of this Lease stating the amount(s) of water, if any, expressed in terms of cfs or acre feet, which may be available for Lessee's use and application upon the Property. Notwithstanding the foregoing, the City retains the right, without any liability to Lessee, to possess, control, sell, exchange, divert and convert water and water rights owned by

the City for any purpose which the City deems, in its sole and absolute discretion, to be appropriate, even if such action by the City is adverse to the needs and uses of Lessee. In the event the City exercises its rights as hereinbefore described, the parties may renegotiate the rental paid or to be paid by Lessee; no other terms or conditions of this Lease may be renegotiated.

6.3 Lessee shall utilize all water made available pursuant to this Agreement in a prudent and careful manner to obtain the most efficient use of said water for purposes strictly limited to irrigating the Property and as stock water for livestock kept and maintained on the Property. Lessee shall comply with all rules, regulations and valid administrative orders applicable to any and all water and water rights which may be provided to Lessee under this Agreement.

6.4 Lessee shall represent the City's water and water rights interests by actively participating in meetings with all appropriate ditch and reservoir companies. All statements and representations of Lessee under the capacity of representing the City shall serve to promote the interests of the City with the utmost good faith, loyalty and fidelity.

6.5 Lessee shall be solely responsible for diverting and transporting any water made available to Lessee from its point of release to its point of use. Lessee shall exercise proper diligence to ensure that any and all water made available to Lessee is properly diverted and utilized to its fullest extent on and solely for the benefit of the Property and Lessee's operations thereon. Lessee shall be responsible for ensuring that any and all water made available to Lessee is transported through clean irrigation ditches of adequate size and capacity from the point of release to the point of use.

6.6 Lessee shall document the dates of irrigation, the amount(s) of water diverted and applied to the Property and the number of acres on which the water is applied with the understanding that such documentation will be used by the City to provide for the development of historic consumptive use records. Lessee shall be responsible for measuring and recording water flow information at all weirs, flumes and other measuring devices, either now in place or installed in the future, and the amount of water being delivered to and applied upon the Property. Lessee shall further be responsible for measuring, estimating and documenting the return flow from irrigated fields.

6.7 Any failure by Lessee to irrigate the Property as set forth above, or any of the following acts or omissions on the part of Lessee with respect to the water rights appurtenant to the Property, shall be grounds for immediate termination of this Lease:

- a. failure or refusal to make appropriate use of available water to the Property without the prior written consent of the City; or
- b. failure to maintain and preserve the irrigation structures, ditches, pipes and other irrigation facilities and appurtenances on the Property in such a manner as to allow the full application of available water to the Property.

7. Cultivation. Lessee agrees that Lessee shall, at no cost or expense to the City, provide the labor, capital, machinery, seed and fertilizer necessary to improve crop

production on the Property through the rehabilitation of existing fields and the cultivation of additional fields to bring the Property up to its historic level of cultivation, or better. Lessee's cultivation practices shall be carried out in a good and husband like manner in accordance with the best methods of cultivation practiced in Mesa County, Colorado. Lessee further agrees to cooperate, comply with and participate in all farm crop programs promulgated by the United States Department of Agriculture, the National Resource Conservation Service and the State of Colorado Farm Bureau. Lessee shall be entitled to and responsible for all proceeds, debts and losses incurred and associated with crops grown on the Property.

8. Livestock Management.

8.1 Lessee has represented to the City that Lessee intends to raise and care for Lessee's cattle ("Livestock") on the Property. Prior to letting livestock upon the Property, Lessee shall, at Lessee's sole cost and expense, implement whatever measures are necessary to ensure that all fences around the perimeter of the fields to be grazed are sufficient to confine Lessee's Livestock to the Property. The use of electric fences is permitted, provided that (a) electric power shall be provided from batteries and/or photovoltaic systems and not public electric services, and (b) Lessee installs conspicuous signs sufficient to warn the general public against touching such electric fences. Mr. Miller has submitted in writing, by way of a letter dated February 28, 2005, that he intends to pasture up to, but not to exceed, sixty (60) cow/calf pairs.

8.2 Lessee agrees that Lessee's operations and conduct relating to raising and caring for Lessee's Livestock shall be carried out in the highest standard of care and in a manner that will not over graze the Property or otherwise cause deterioration of or destruction to the Property. Lessee further agrees to comply with the regulations of the United States Department of Agriculture, Livestock laws and regulations of the State of Colorado, and any and all federal, state and county laws, ordinances and regulations which are applicable to the area in which the Property is located.

8.3 Lessee represents that Lessee's Livestock carry the _____ brand ("Lessee's Brand"). Lessee agrees that livestock not carrying Lessee's Brand shall not be permitted on the Property without the prior written approval of the City.

8.4 Lessee agrees that Lessee shall indemnify the City, its officers, employees, agents and assets and hold the City, its officers, employees, agents and assets harmless from liability in the event of loss of life, personal injury or property damage suffered by any person or persons which may be caused by Lessee's Livestock escaping the Property.

9. Use of Chemicals on the Property. Lessee shall not apply any chemicals on the Property, including, but not limited to, fertilizers, herbicides and pesticides, without the prior written consent of the City. Lessee shall at all times keep the City advised of chemicals used and/or stored on the Property, and shall further comply with all applicable rules, laws, regulations and orders, either now in force or hereinafter enacted, regulating the storage, use, application, transportation and disposal of any such chemicals.

10. Hazardous Substances.

10.1 The term "Hazardous Substances", as used in this Agreement, shall mean any substance which is: defined as a hazardous substance, hazardous material, hazardous waste, pollutant or contaminant under any Environmental Law enacted by any federal, state and local governmental agency or other governmental authority; a petroleum hydrocarbon, including, but not limited to, crude oil or any fraction thereof; hazardous, toxic or reproductive toxicant; regulated pursuant to any law; any pesticide or herbicide regulated under state or federal law. The term "Environmental Law", as used in this Lease Agreement, shall mean each and every federal, state and local law, statute, ordinance, regulation, rule, judicial or administrative order or decree, permit, license, approval, authorization or similar requirement of each and every federal state and local governmental agency or other governmental authority, pertaining to the protection of human health and safety of the environment, either now in force or hereafter enacted.

10.2 Lessee shall not cause or permit to occur by Lessee and/or Lessee's agents, guests, invitees, contractors, licensees or employees:

- a. any violation of any Environmental Law on, under or about the Property or arising from Lessee's use and occupancy of the Property, including, but not limited to, air, soil and groundwater conditions; or
- b. the use, generation, accidental or uncontrolled release, manufacture, refining, production, processing, storage or disposal of any Hazardous Substance on, under or about the Property, or the transportation to or from the Property of any Hazardous Substance in violation of any federal state or local law, ordinance or regulation either now in force or hereafter enacted.

11. Environmental Clean-Up.

11.1 The following provisions shall be applicable to Lessee and to Lessee's agents, guests, invitees, contractors, licensees and employees:

- a. Lessee shall, at Lessee's sole cost and expense, comply with all Environmental Laws and laws regulating the use, generation, storage, transportation or disposal of Hazardous Substances;
- b. Lessee shall, at Lessee's sole cost and expense, make all submissions to provide all information required by and/or to comply with all requirements of all governmental authorities ("the Authorities") under Environmental Laws and other applicable laws.
- c. Should any Authority or the City demand that a clean-up plan be prepared and that a clean-up plan be undertaken because of any deposit, spill, discharge or other release of Hazardous Substances on, under or about the Property, Lessee shall, at Lessee's sole cost and expense, prepare and submit the required plan(s) and all related bonds and other financial assurances, and Lessee shall carry out all such clean-up plan(s) in compliance with the Authorities and all Environmental Laws and other applicable laws.

d. Lessee shall promptly provide all information regarding the use, generation, storage, transportation or disposal of Hazardous Substances requested by any Authority. If Lessee fails to fulfill any duty imposed hereunder within a reasonable time, the City may do so on Lessee's behalf and, in such case, Lessee shall cooperate with the City in the preparation of all documents the City or any Authority deems necessary or appropriate to determine the applicability of Environmental Laws to the Property and Lessee's use thereof, and for compliance therewith, and Lessee shall execute all documents promptly upon the City's request. No such action by the City and no attempt made by the City to mitigate damages under any Environmental Law or other applicable law shall constitute a waiver of any of Lessee's obligations hereunder.

e. Lessee's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

11.2 Lessee shall indemnify, defend and hold the City, its officers, employees and agents harmless from all fines, suits, procedures, claims and actions of every kind, and all costs associated therewith (including the costs and fees of attorneys, consultants and experts) arising out of or in any way connected with any deposit, spill, discharge or other release of Hazardous Substances and the violation of any Environmental Law and other applicable law by Lessee and/or Lessee's agents, guests, invitees, contractors, licensees and employees that occur during the term of this Lease or any extension thereof, or from Lessee's failure to provide all information, make all submissions, and take all actions required by all Authorities under the Environmental Laws and other applicable laws. Lessee's obligations and liabilities hereunder shall survive the expiration or termination of this Lease Agreement.

12. Condition of the Property.

12.1 Lessee affirms that Lessee has inspected the Property and has received the Property Premises in reasonably good order and condition. Lessee further affirms that the condition of the Property is sufficient for the purposes of Lessee. The City makes no warranties nor promises, either express or implied, that the Property is sufficient for the purposes of Lessee.

12.2 In the event the Property is damaged due fire, flood or any other act of nature or casualty, or if the canals, ditches or ditch laterals which provide irrigation water to the Property are damaged to the extent where they are no longer functional for the purposes of Lessee, the City shall have no obligation to repair the Property nor to otherwise make the Property usable or occupiable; damages shall be at Lessee's sole and absolute risk.

13. Default, Sublet, Termination.

13.1 Should Lessee: (a) default in the performance of Lessee's agreements, duties or obligations set forth under this Agreement and any such default continue for a period of thirty (30) days after written notice thereof is given by the City to Lessee, or (b) abandon or vacate the Property, or (c) suffer death, or (d) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed, the City may, at the City's option, cancel and annul this Lease at once and enter and

take possession of the Property immediately without any previous notice of intention to reenter, and such reentry shall not operate as a waiver or satisfaction, in whole or in part, of any claim or demand arising out of or connected with any breach or violation by Lessee of any covenant or agreement to be performed by Lessee. Upon reentry, the City may remove the property and personnel of Lessee and store Lessee's property in a warehouse or at a place selected by the City, at the expense of Lessee and without liability to the City. Any such reentry shall not work a forfeiture of nor shall it terminate the rent(s), fees, assessments or the covenants and agreements to be performed by Lessee for the full term of this Lease; and upon such reentry, the City may thereafter lease or sublease the Property for such rent as the City may reasonably obtain, crediting Lessee with the rent so obtained after deducting the cost reasonably incurred in such reentry, leasing or subleasing, including the costs of necessary repairs, alterations and modifications to the Property. Nothing herein shall prejudice or be to the exclusion of any other rights of the City to obtain injunctive relief based on the irreparable harm caused to the City's reversionary rights.

13.2 Except as otherwise provided for (automatic and immediate termination), if Lessee is in default in the performance of any term, condition, duty or obligation of this Agreement, the City may, at its option, terminate this Lease upon giving thirty (30) days written notice. If Lessee fails within any such thirty (30) day period to remedy each and every default specified in the City's notice, this Lease shall terminate. If Lessee remedies such default, Lessee shall not thereafter have the right of thirty (30) days to remedy with respect to a subsequent similar default, but rather, Lessee's rights shall, with respect to a subsequent similar default terminate upon the giving of notice by the City.

13.3 Lessee shall not assign or sublease this Lease or any right or privilege connected therewith, or allow any other person, except as provided herein and except the employees of Lessee, to occupy the Property or any part thereof. Any attempted assignment, sublease or permission to occupy the Property conveyed by Lessee shall be void and shall, at the option of the City, provide reasonable cause for the City to terminate this Lease. The interest of Lessee in this Lease is not to be assignable by operation of law without the formal approval of the City.

14. Miscellaneous Provisions.

14.1 The City, by entering into this Lease Agreement, does not part with its entire possession of the Property, but only so far as is necessary to enable Lessee to use, occupy and irrigate the Property and to carry out the duties, obligations, terms and provisions of this Agreement. The City reserves the right to at reasonable times have its officers, employees and agents enter into and upon the Property and every part thereof and to do such acts and things as may be deemed necessary for the protection of the City's interests therein.

14.2 It is expressly agreed that this Lease is one of lease and not of partnership. The City shall not be or become responsible for lost profits, lost opportunities or any debts contracted by Lessee. Lessee shall keep the Property free from any and all liens whatsoever, including, but not limited to, liens arising out of any work performed, materials furnished or obligations incurred by Lessee. Lessee shall save, indemnify and hold the City and the City's officers, employees, agents and assets

harmless against all liability and loss, and against all claims or actions based upon or arising out of any claim, lien, damage or injury (including death), to persons or property caused by Lessee or sustained in connection with Lessee's performance of the duties, obligations, terms and conditions of this Agreement or the conditions created thereby, or based upon any violation of any statute, ordinance, code, rule or regulation, either now in force or hereinafter enacted, and the defense of any such claims or actions, including the costs and fees of attorneys, consultants and experts. Lessee shall also save, indemnify and hold the City and the City's officers, employees, agents and assets harmless from and against all liability and loss in connection with, and shall assume full responsibility for the payment of, all federal, state and local taxes, fees or contributions imposed or required under unemployment insurance, social security and income tax laws with respect to employees engaged by Lessee.

14.3 The parties to this Lease Agreement warrant that no person or selling agency has been employed or retained to solicit or secure this Lease upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. Lessee agrees to defend, indemnify and hold the City harmless from any claim for real estate brokerage commissions or finder's fees asserted by any other party claiming to be entitled to brokerage commissions or finder's fees arising out of or in connection with this Lease.

14.4 Lessee shall not pledge or attempt to pledge or grant or attempt to grant as collateral or security any of Lessee's interest in any portion of the Property.

14.5 Unless otherwise agreed to by the parties in writing, all improvements placed upon, under or about the Property or attached to the Property by Lessee shall be and become part of the Property and shall be the sole and separate property of the City upon the expiration or termination of this Lease.

15. Surrender, Holding Over. Lessee shall, upon the expiration or termination of this Lease, peaceably surrender the Property to City in good order, condition and state of repair. In the event Lessee fails, for whatever reason, to vacate and peaceably surrender the Property upon the expiration or termination of this Lease, Lessee agrees that Lessee shall pay to the City the sum of \$100.00 per day for each and every day thereafter until Lessee has effectively vacated and surrendered the Property. The parties agree that it would be difficult to establish the actual damages to the City in the event Lessee fails to vacate and surrender the Property upon the expiration or termination of this Lease, and that said \$100.00 daily fee is an appropriate liquidated damages amount.

16. Enforcement, Partial Invalidity, Governing Law.

16.1 In the event the City uses its Attorney or engages an attorney to enforce the City's rights hereunder, Lessee agrees to pay any and all attorney fees, plus costs, including the costs of any experts.

16.2 The invalidity of any portion of this Lease Agreement shall not affect the validity of any other provision contained herein. In the event any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full

force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision(s).

16.3 This Lease Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action to enforce any covenant or agreement contained herein shall be in Mesa County, Colorado.

17. Notices. All notices to be given with respect to this Agreement shall be in writing delivered either by United States mail or Express mail, postage prepaid, or by facsimile transmission, personally by hand or by courier service, as follows:

To the City:

City of Grand Junction
Attn: Real Estate Manager
250 North 5th Street
Grand Junction, CO 81501-2668
Fax: (970) 256-4022

With Copy to:

City of Grand Junction
Attn: City Attorney
250 North 5th Street
Grand Junction, CO 81501-2668
Fax: (970) 244-1456

To Lessee:

Mr. Clint Miller
6555 Purdy Mesa Road
Whitewater, CO 81527
Fax: (970) 241-4718

All notices shall be deemed given: (a) if sent by mail, when deposited in the mail; (b) if delivered by hand or courier service, when delivered; (c) if transmitted by facsimile, when transmitted. The parties may, by notice as provided above, designate a different address to which notice shall be given.

19. Legal Counsel / Ambiguities. The City and Lessee have each obtained the advice of its/their own legal and tax counsel regarding this Agreement or has knowingly declined to do so. Therefore, the parties agree that the rule of construing ambiguities against the drafter shall have no application to this Agreement.

20. Total Agreement; Applicable to Successors. This Lease Agreement contains the entire agreement between the parties. All representations made by any officer, agent or employee of either party, unless included herein, are null and void and of no effect. Except for automatic expiration or termination, this Agreement may not be changed, altered or modified except by a written instrument subsequently executed by both parties. This Lease Agreement and the duties, obligations, terms and conditions hereof apply to and shall be binding upon the respective heirs, successors and authorized assigns of both parties.

The parties hereto have each executed and entered into this Lease Agreement as of the day and year first above written.

Grand Junction,
Attest:
rule municipality

The City of
a Colorado home

City Manager City Clerk

Lessee:

Clint Miller

EXHIBIT "A"

LEGAL DESCRIPTION OF THE HALLENBECK RANCH LEASE

Parcel No. 1, situate in Township 2 South, Range 2 East of the Ute Meridian:

Section 25: The SE1/4 of the SW1/4,
 The NW1/4 of the SE1/4,
 All that part of the N1/2 of the SW1/4, the SE1/4 of the NW1/4, the
 S1/2 of the NE1/4, and the NE1/4 of the NE1/4 lying Southerly and
 Easterly of Lands End Road.

Parcel No. 2, situate in Township 12 South, Range 98 West, 6th Principal Meridian:

Commencing at the SW Corner of Section 36, thence East along the South line of said Section 36 a distance of 660.00 feet to the True Point of Beginning, said point being the Southwest corner of that tract of land conveyed by instrument recorded in Book 1145, Page 824 in the office of the Mesa County Clerk and Recorder;
thence S 89°55'31" E a distance of 3314.31 feet, more or less;
thence N 00°59'04" E along a strand barbwire fence a distance of 529.82 feet, more or less, to an existing fence corner;
thence N 84°34'44" W along said fence line a distance of 906.87 feet;
thence continuing along said fence line, S 01°51'29" E a distance of 80.46 feet, more or less, to an existing fence corner;
thence S 88°57'38" W along said fence line a distance of 412.29 feet;
thence continuing along said fence line, S 89°28'22" W a distance of 916.30 feet, more or less, to an existing fence corner;
thence N 50°54'21" W along said fence line a distance of 850.80 feet, more or less, to an existing fence corner;
thence S 00°04'01" W along said fence line a distance of 1009.63 feet, more or less, to the True Point of Beginning.

All in the County of Mesa, State of Colorado.

Attach 13
2005 Spring Clean Up Equipment and Services
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Spring Clean Up						
Meeting Date	April 6, 2005						
Date Prepared	March 31, 2005				File #		
Author:	Julie M. Hendricks		Buyer				
Presenter Name:	Mark Relph Ron Watkins		Public Works & Utilities Director Purchasing Manager				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Additional rental equipment for the 2005 Spring Clean Up to be held May 2nd to May 14th. Rental equipment needed includes dump trucks, skid steers, roll off's (large dumpsters) and waste tire processing and removal.

Budget: Funding will be provided from the approved 2005 annual budget review.

Action Requested/Recommendation: **All dollar amounts are estimated.** Authorize the City Purchasing Manager to contract for dump truck rental, roll off rental, skid steer rental, and waste tire processing and removal. The estimated annual expenditure is \$151,900.72.

Attachments: N/A

Background Information: Vendors were solicited from the City's active vendor list and advertised in the Daily Sentinel per City Purchasing Policy. The bids received for the 2005 annual Spring Clean Up have been compared to prices awarded last year, and Purchasing finds they are fair and reasonable. This is the first year of a possible three year contract.

Recommended Vendor	Solicited Bids/ Number of bids received	Overall ESTIMATED cost of contract	Description of Contract
Wagner Rents	31 / 1	\$24,912.00	Supplier of skid steer that pick up material off of the ground and load into the dump truck
Colo. West Contracting Inc	31 / 1	\$53,838.72	Supplier of dump trucks and drivers that haul material to roll offs
Waste Management	17 / 1	\$63,750.00	Supplier of roll off containers and drivers to haul material to the landfill
Waste Tire Management	29 / 2	\$9,400.00	Supplier that will remove waste tires that are collected
Total		\$151,900.72	

Attach 14

Approval of Letter for Tamarisk Study

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Approval of letter for tamarisk study					
Meeting Date	April 6, 2005					
Date Prepared	April 6, 2005				File #	
Author	Sheryl Trent			Assistant to the City Manager		
Presenter Name	Sheryl Trent			Assistant to the City Manager		
Report results back to Council		No	x	Yes	When	Award of grant
Citizen Presentation		Yes	x	No	Name	
	Workshop	x		Formal Agenda	x	Consent
						Individual Consideration

Summary: Under Section 206, the Army Corps of Engineers Aquatic Ecosystem Restoration program, the City can request up to \$10,000 for a federally funded Preliminary Restoration Plan (PRP). Staff is requesting approval of the letter to the USACE with the intent of studying the feasibility of tamarisk removal and reestablishment of the native plant communities.

Budget: This is a fully funded federal program. Should the study plan indicate that there is a potential for use, then a feasibility study would be the next step in the process. That would require a 35% contribution and would be presented to the City Council in conjunction with the other land owner along the proposed study corridor.

No additional monies are requested at this time.

Action Requested/Recommendation: That the City Council review and approve the sending of the letter requesting funding for a Preliminary Restoration Plan.

Attachments:

Letter to US Army Corps of Engineers

Table B, Section 206 information

List of affected agencies to which the draft letter was sent for comment

Background Information: This project is part of the USACE Section 206 Restoration program. It is the first step in a four part process to obtain federal funding for aquatic ecosystem restoration. The intent of this letter is to request the funding (a maximum of \$10,000) for a Preliminary Restoration Plan (PRP) for the Colorado and Gunnison Rivers. The plan would study the tamarisk and Russian olive infestation and determine a method to address the restoration of native plant communities to the river area.

Prior to requesting City Council approval of the attached letter, staff contacted all of the affected agencies (please see the attached list) to obtain feedback and comments. All the agencies were very supportive of the request and will be informed of any progress. The Tamarisk Coalition has been instrumental in helping with this project and funding request.

Should the plan completed by the USACE indicate that this project is possible, the next step would be a feasibility study, with a 35% cost share from all of the non federal partners in this project. Those costs would not be due until the final construction completion of the project, which could be as long as 3 years from the start date. Of that 35% cost, all of it can be in kind costs, and staff has been very conscious of keeping documentation of our costs in river restoration and tamarisk control.

Staff views this effort as the keystone to river restoration in the Grand Valley.

Date

U.S. Army Corps of Engineers, Sacramento District
Attn: Civil Works Planning and Project Management Division
1325 J Street
Sacramento, CA 95814

Dear

This letter is to request the U.S. Army Corps of Engineers to conduct a study under Section 206 of the Water Resources Development Act of 1996 to determine the feasibility of an aquatic ecosystem restorations project for the Grand Valley area of Colorado.

The proposed project area along the Colorado River corridor is heavily infested with non-native tamarisk and Russian olive that is impacting the aquatic ecosystem of the area. To improve this ecosystem will require the removal of these invasive plant species and the reestablishment of the native cottonwood/willow plant communities. These restoration actions will help to restore breeding grounds for the four endangered fish species of the Colorado River, will enhance both aquatic and terrestrial habitat, and will improve the human enjoyment of the river system. Public lands that would be involved through this 30 to 50 mile river stretch include Colorado Parks, Division of Wildlife, and Highway Department; cities of Grand Junction, Palisade, and Fruita; Mesa County, and the Audubon Society. These State agencies and the citizens of these communities are well aware of this problem and are supportive of restoring these areas to benefit the aquatic ecosystem. The Tamarisk Coalition, located in Grand Junction, is providing regional support and technical assistance on this problem and will be able to provide valuable information on restoration practices, costs, and impacts.

It is understood that, if it is found feasible and advisable to develop an aquatic ecosystem restoration project for the Grand Valley Colorado River corridor, the City of Grand Junction would provide coordination for this project and would be required to secure the local cooperation and cost sharing prescribed by the Secretary of the Army.

Sincerely,

Bruce Hill
Mayor

cc Scott Stoddard, U.S Army Corps of Engineers, Bountiful, UT
Sandra Rayl, U.S. Army Corps of Engineers, Denver
Steve Miller, Colorado Water Conservation Board, Department of Natural Resources
Tim Carlson, Tamarisk Coalition

TABLE B: Phases, rules and typical timelines for Continuing Authorities (CAP) Projects

Authority	(Note: Sponsor provides lands, easements, rights-of-way, relocations (LERRDs) under each authority. Credit for LERRDs counts towards sponsor cost share. The sponsor is also responsible for operation and maintenance costs. Construction seasons may be dependent on in-water work windows.)			
Section 14 Emergency Streambank Protection	Planning & Design Analysis - 1 st \$40K full Fed, anything over is cost shared 65/35 - Fed up-front financed - Sponsor costs recouped at time of construction. - Includes environmental compliance, plans & specs, real estate - Up to 12 months		Construction - Cost shared 65/35 (at least 5% in cash) - Project Cooperation Agreement (PCA) must be executed by Govt. and Sponsor before construction begins. - No in-kind credits - 1 to 2 seasons	
Section 208 Snagging and Clearing for Flood Control	Planning & Design Analysis - 1 st \$40K full Fed, anything over is cost shared 65/35 - Fed up-front financed, Sponsor costs recouped at time of construction. - Includes environmental compliance, plans & specs, real estate - Up to 12 months		Construction - Cost shared 65/35 (at least 5% in cash) - Project Cooperation Agreement (PCA) must be executed by Govt. and Sponsor before construction begins. - No in-kind credits - 1 to 2 seasons	
Section 205 Flood Damage Protection	Feasibility Study - Initial \$20K Federal funds to determine Fed interest (reconnaissance level). - Additional \$80K Federal funds for feasibility. - Any amount > is cost shared 50/50 with Sponsor through Feasibility Study Cost Share Agreement (FCSA). Sponsor share can be in-kind. - 12-16 months typical	Plans & specs - Cost shared 65/35 - Minimum sponsor cash contribution of 5%. - Fed up-front financed - Sponsor costs recouped at time of construction (No in-kind). - 6 months typical		Construction - Cost shared 65/35 - Project Cooperation Agreement (PCA) must be executed by Govt and Sponsor before construction begins. (No in-kind) - 1 to 2 seasons
Section 1135 Modifications for Improvement of the Environment	Preliminary Restoration Plan (PRP) - Full Federal cost not to exceed \$10,000 - 2 to 6 months	Feasibility Study * Ecosystem Restoration Report - Cost shared 75/25 - Fed up-front financed, Sponsor costs recouped at time of construction - 12 months	Plans & specs - Cost shared 75/25 - Fed up-front financed - Sponsor costs recouped at time of construction. - 6 months	Construction - Cost shared 75/25 - Govt. & sponsor execute PCA before construction begins. - 80% of cost share can be in-kind. PCA must be executed to get credit for in-kind. - (1 to 2 seasons)
Section 206 Aquatic Ecosystem Restoration	Preliminary Restoration Plan (PRP) - Full Federal cost not to exceed \$10,000 - 2 to 6 months	Feasibility Study * Ecosystem Restoration Report - Cost shared 65/35 - Fed up-front financed, Sponsor costs recouped at time of construction. - 12 months	Plans & specs - Cost shared 65/35 - Fed up-front financed, Sponsor costs recouped at time of construction. - 6 months	Construction - Cost shared 65/35 - Govt. & sponsor execute PCA before construction begins. 100% of cost share can be in-kind. PCA must be executed to get credit for in-kind. - 1 to 2 seasons

Mailing List for Tamarisk Grant Funding

Director George Russell
CO Dept. of Natural Resources
1313 Sherman St., Rm. 718
Denver CO 80203

Steve Miller
1580 Logan St., Suite 400
Denver CO 80203

Patty Gillette
United States Fish & Wildlife
764 Horizon Drive
Grand Junction CO 81506

Catherine Robertson, Area Manager
Bureau of Land Management
2815 H Road
Grand Junction CO 81506

Brad Taylor
CO State and Outdoor Recreation
361 32 Road
Clifton CO 81520

Commissioner Tillie Bishop
Mesa County
P O Box 20,000
Grand Junction CO 81502

Tom LaTucek
MC Land Conservancy Trust
305 ½ Main
Palisade CO 81526

Senator Ken Salazar
400 Rood Ave., Suite 213
Grand Junction CO 81501

Steve Yamashita
Dept. of Wildlife
711 Independent Avenue
Grand Junction CO 81505

Tina Darrah, Town Manager
Town of Palisade
175 E. 3rd
Palisade CO 81526

Carol DeAngelis, Area Manager
Bureau of Reclamation
2764 Compass Dr., Suite 106
Grand Junction CO 81506

Bob Wilson
Grand Valley Audubon Society
P O Box 1211
Grand Junction CO 81502

Audrey Berry
U. S. Dept. of Energy
2597 B $\frac{3}{4}$ Road
Grand Junction CO 81503

Bennett Boeschstein, Planning Dir.
City of Fruita
325 East Aspen, Suite 155
Fruita CO 81521

Senator Wayne Allard

400 Rood Ave., Suite. 215
Grand Junction CO 81501

Congressman John Salazar
225 North 5th St., #702
Grand Junction CO 81501

Attach 15

Amend. #3 – Engineering Svcs. with Carter and Burgess for Riverside Parkway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment #3 of Engineering Services Contract with Carter & Burgess for Riverside Parkway.					
Meeting Date	April 6, 2005					
Date Prepared	March 31, 2005				File #	
Author	Jim Shanks Trent Prall		Riverside Parkway Program Manager Riverside Parkway Project Manager			
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		Consent	X Individual Consideration

Summary: This amendment is the third of four planned amendments to the existing contract with the engineering firm of Carter and Burgess. This scope of services covers the preparation of final design of the Riverside Parkway.

Budget: The 2005 budget includes this amount, however it was listed construction as the budget originally contemplated a design/build procurement. The budget will be revised to reflect design services separately. The overall project budget is as follows:

Budget		\$	94,725,000
Preliminary Engineering / 1601 Process / 30% plans and ROW acquisition labor area outside 1601 previously approved		\$	5,486,000
Final Design	\$	2,680,407	
ROW Acquisition-additional parcels, 29 Rd, temporary construction easements	\$	313,744	
Total This Amendment	\$	2,994,151	\$ 2,994,151
Project Administration / Stipends / Attorneys		\$	3,115,000
Utility Relocations / Street Lights		\$	4,500,000
Construction Oversight		\$	4,400,000
Construction		\$	52,000,000
Right of Way Easements		\$	19,000,000
Totals		\$	91,495,151
Remaining / Contingency		\$	3,229,849

This amendment:	\$2,994,151
Previously authorized:	\$5,485,239
Total Carter Burgess Contract:	\$8,479,390

Preliminary and final engineering accounts for \$5,002,565 of the above amount representing 9.6% of the \$52 million construction estimate.

Carter & Burgess's proposal is less than half that submitted by the design-build teams.

Action Requested/Recommendation: Authorize the City Manager to amend the existing contract with Carter & Burgess for a total fee of \$8,479,390.

Attachments: None.

Background Information:

This is the third of four anticipated amendments.

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

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

- Task B** Completion of the 1601 process for the selected roadway alignment from 4th Street to 27 ½ Road including the 5th Street intersection
- Task C** Preliminary engineering work and preparation of 30% plans for 1601 area
- Task D** Preliminary engineering work and preparation of 30% plans for the remainder of the Riverside Parkway project from 24 Road to 4th Street and from 27 ½ Road to 29 Road
- Task E** ROW acquisition labor for area outside the 1601

As stated in the January 2004 City Council report, once the preliminary engineering was completed a Request for Proposals for a design-build contract for the entire project could be developed. Right of way acquisition and Phase II environmental assessments within the 1601 study area were withheld from the previous amendment as alignments were unknown at the time to accurately project a budget. The contract amendment approved in August 2004 covered the following:

- Task F** Right of way acquisition labor within the 1601 study area in lower downtown
- Task G** Preparation of the documents to procure a design/build team to construct the Riverside Parkway and assist/participate with the City in review of the design/build proposals
- Task H** Phase II environmental investigations inside the 1601 area and Phase I investigations on the east and west sections outside the 1601 area

This third amendment to the contract covers the following:

- Task I** With the change in approach from design/build to design-bid-build, this task proposes to have Carter & Burgess complete the final design and prepare bid documents and assist the City during the bid phase.
- Task J** Right of way acquisition labor for: 1.) increases in the number of parcels to be acquired primarily due to the addition of Mesa County's 29 Rd from D Road to the Colorado River, and 2.) acquisition of temporary construction easements. This is a final design task that was originally to be part of the design-build contractor's role.

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

Engineering Task		Value	Status
A.	Begin 1601, Review Kimley-Horn Alternatives Analysis and develop and evaluate 25 Rd Alternatives	\$ 300,000	Original contract approved 7/03
B.	1601 Planning Process	\$ 906,477	Amendment #1 approved 1/21/04
C.	1601 30% Preliminary Engineering	\$ 209,208	Amendment #1 approved 1/21/04
D.	East and west sections 30% Preliminary Eng.	\$ 2,112,950	Amendment #1 approved 1/21/04
E.	ROW acquisition labor* for area outside 1601	\$ 472,977	Amendment #1 approved 1/21/04
F.	ROW acquisition labor for 1601 area	\$ 595,831	Amendment #2 approved 8/4/04
G.	Develop RFPs and solicit and assist City in review of Design/Build Proposals	\$ 691,878	Amendment #2 approved 8/4/04
H.	Phase II Environmental Assessments for lower downtown / Phase I outside 1601	\$ 195,918	Amendment #2 approved 8/4/04
I.	Final Design and bid phase assistance	\$ 2,680,407	This Amendment
J.	ROW acquisition labor * increase for additional parcels, 29 Rd, and temporary construction easements	\$ 313,744	This Amendment
K.	Project Construction Administration as City's "owners/rep" including inspection.	To be negotiated	Yet to be determined
*Does not include legal work for any condemnations		\$ 8,479,390	

Timeline: Carter & Burgess has proposed the following schedule for completion of final design:

- | | | |
|-----------|---|-------------------|
| Phase I | East Section – 9 th Street east along D Road and 29 Rd | August 15, 2005 |
| Phase II | West Section – 24 Road to Koch Asphalt | February 28, 2006 |
| Phase III | Lower Downtown - Koch Asphalt to 9 th St | February 28, 2006 |

Attach 16

Mesa Grande Sayre Drive Sewer I.D.

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District					
Meeting Date	April 6, 2005					
Date Prepared	March 31, 2005					
Author	D. Paul Jagim		Project Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Award of a Construction Contract for **Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District** to MA Concrete Construction, Inc. in the amount of **\$472,919.77**. Since this district is in the unincorporated area, this award is contingent upon the County Commissioners forming the sewer improvement district on April 11, 2005.

Budget: Total Project Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$ 555,634.22. Sufficient funds have been budgeted in fund 906, the "sewer improvement district fund", to pay for costs associated with this proposed improvement district. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 63 benefiting properties, as follows:

Project Costs:

Estimated Project Costs	\$555,634.22	\$8,819.59 / lot
-30% Septic System Elimination Contribution by City	(\$162,790.27)	(\$2,583.97) / lot
Total Estimated Assessments	\$392,843.95	\$6,235.62 / lot

2005 Budget Fund 906: \$ 1,800,000

Design and Construction costs for sewer improvement districts currently budgeted in 2005: \$ (1,540,650)
 Remaining Funds: \$ 259,350

Action Requested/Recommendation: Authorize the City Manager to execute a Construction Contract for the Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District with MA Concrete Construction in the amount of **\$472,919.77**. Award is to be contingent on formation of the District by the Mesa County Board of County Commissioners on April 11, 2005.

Background Information: This project will be constructed under the Septic System Elimination Program that was adopted by City Council and Mesa County Commissioners in May of 2000. This program encourages neighborhoods to form sewer improvement districts such as this one by providing financing for the project as well as underwriting 30% of the costs to extend sewer service to their property lines.

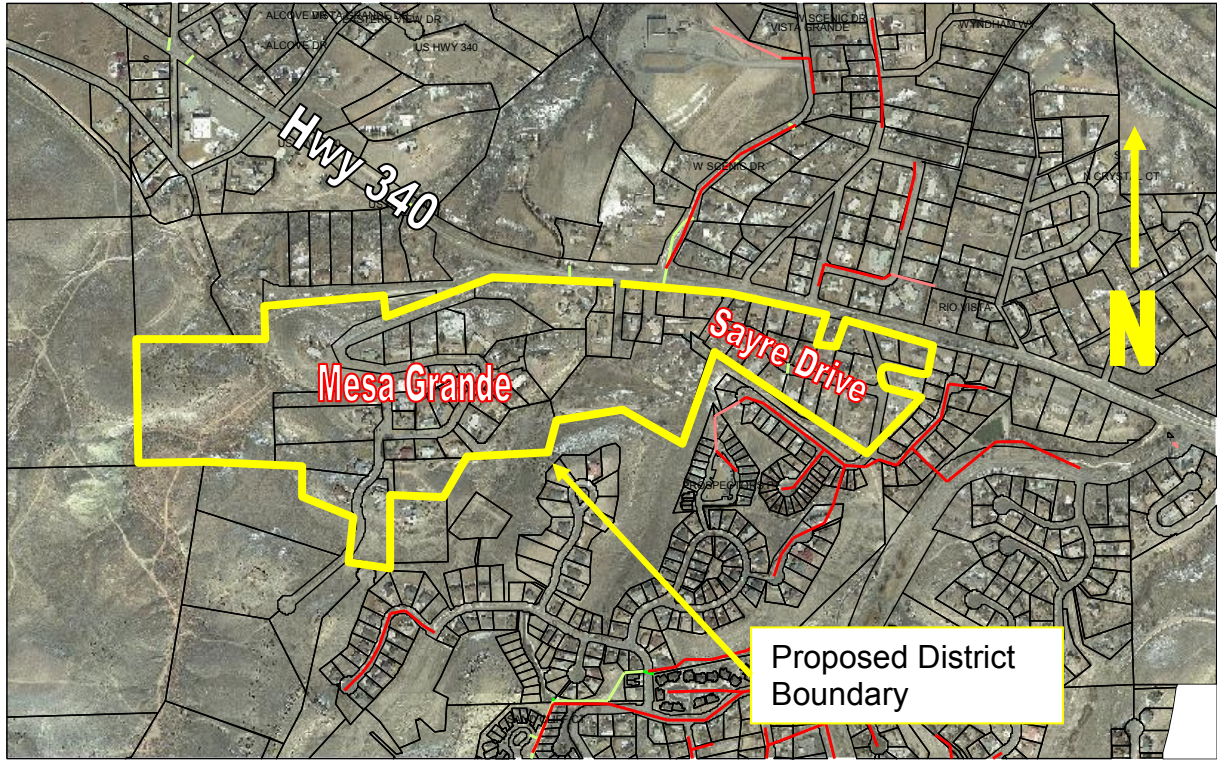
The owners of real estate located in the unincorporated area south of Highway 340 between Mesa Grande Drive and Pleasant Ridge Lane have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on April 11, 2005 based on bids received. Bids were received and opened on December 14, 2004 for the Mesa Grande, Sayre Drive, and Bluebell Lane Sewer Improvement District.

Should the District be formed, work is scheduled to begin on or about April 25, 2005 and continue for 120 calendar days with an anticipated completion date of August 22, 2005.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	Bid Amount
M.A. Concrete	Grand Jct.	\$472,919.77
Sorter Construction	Grand Jct.	\$643,912.65
Skyline Contracting, Inc.	Grand Jct.	\$716,934.00
Mendez, Inc.	Grand Jct.	\$823,300.80
Continental Pipeline Const. Inc.	Grand Jct.	\$959,986.80
Engineer's Estimate		\$800,876.50

Project Location:



MESA GRANDE DR
MESA GRAN
M

BUTTE CT

Proposed District
Boundary

Attach 17

2005 Concrete Repair for Street Overlays

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	2005 Concrete Repairs for Street Overlays							
Meeting Date	April 6, 2005							
Date Prepared	March 31, 2005			File # - N/A				
Author	Justin Vensel			Project Manager				
Presenter Name	Mark Relph			Public Works and Utilities Director				
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Award of a Construction Contract to **BPS Concrete, Inc.** in the amount of **\$339,327.25** for the **2005 Concrete Repairs for Street Overlays.**

Budget: Project No.: 2011- F00401

Project costs:

Construction contract (low bid)	\$339,327.25
Design	\$7000.00
Construction Inspection and Administration (est.)	<u>\$28,000.00</u>
Total Project Costs	\$374,327.25

Project funding:

<u>Capital Fund</u>	<u>2005 Budget Unencumbered Balance</u>	<u>Allocation for this Contract</u>	<u>Remaining Budget after Contract</u>
Fund 2011-F00401 Contract Street Maintenance	\$1,648,000.00	\$ 234,327.25	\$1,413,672.75
Fund 2011-F51100 Development Project Cost Share(North 12 th Improvements)(Safewa			

y to Club Ct.)	\$ 69,747.00	\$ 25,000.00	\$ 44,747.00
Fund 2011-F00900 Curb, Gutter, and Sidewalk Repair	\$ 300,000.00	\$ 90,000.00	\$ 210,000.00
Fund 2011-02000 Accessibility	<u>\$ 50,000.00</u>	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>
Totals:	\$ 2,067,747.00	\$ 374,327.25	\$1,693,419.75

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **Concrete Repair for Street Overlays** to **BPS Concrete, Inc.** in the amount of **\$ 339,327.25**

Attachments: none

Background Information:

The Project consists of removal and replacement of miscellaneous sections of concrete curb, gutter, sidewalks, drainage pans, fillets, asphalt patching, installation of detectable warnings at curb ramp openings and replacement of storm drain inlet boxes along streets that will be overlaid later this year. The work also includes construction of curb, gutter, and sidewalk along the east side of north 12th Street from the Safeway improvements to Club Court.

The following bids were opened on March 22, 2005:

Bidder	From	Bid Amount
BPS Concrete Inc.	Grand Junction	\$339,327.25
Vista Paving Corporation	Grand Junction	\$343,439.35
Reyes Construction Inc.	Grand Junction	\$345,244.00
G & G Paving Construction	Grand Junction	\$345,481.00
Engineer's Estimate		\$296,267.54

Some of the major line item discrepancies from the Engineers estimate and BPS Concrete, Inc. (low bidder) were:

Sod- the installation of sod has increased 48% over last years average cost.

Asphalt-The cost associated with the installation of 3" of asphalt patching has increased 123% over last years average cost. The cost of the hot mix asphalt material from the supplier has increased 15 to 20 % over last year. This is linked to the cost of petroleum products from the asphalt to the cost of transportation.

Detectable Warnings-There has been a 30% increase in the cost for the Detectable warning systems. The product that was installed in years past has not performed. The new thermo plastic product has a better track record. The disadvantage is not all Contractors are equipped for the installation of the new product. Also the product costs approximately \$1.00 /square foot (8%) more than the old type.

Streets selected for the 2005 overlays that will require concrete repair and/or accessibility improvements:

Grand Ave. from 1st Street to 7th Street

White Ave. from 8th Street to 11th Street

Spruce Street from Hwy 340 to Colorado Ave.

Main Street form Crosby Ave. to 1st Street

4th Street form Grand Ave. to Rood Ave.

Horizon Dr. from 7th Street to 12th Street

26 ½ Road from H Road to H ¾ Road

24 Road from F Road to Entrance to Canyon View Park

12th Street from Pitkin Ave. to North Ave.

D Road from 30 Road to 31 Road

**Attach 18
2005 Alley Improvement District
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
Subject	2005 Alley Improvement District							
Meeting Date	April 6, 2005							
Date Prepared	March 31, 2005			File # - N/A				
Author	Mike Curtis, Project Engineer							
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			Consent	X	Individual Consideration

Summary: Award of a construction contract for the **2005 Alley Improvement District** to Reyes Construction, Inc. in the amount of **\$571,019.55**. A resolution creating and establishing Alley Improvement District No. ST-05 was approved at the December 1, 2004 City Council Meeting. ST-05, Phase B was approved on December 15, 2004. This contract is for both Phases.

Budget: This project is funded under Funds 2011 and 905 for Program Year 2005.

The estimated project costs are:

CONSTRUCTION	Sanitary Sewer	Alley Construction
Construction Contract	\$248,805.00	\$322,214.55
Design	\$3,000.00	\$11,000.00
Construction Inspection and Administration	\$12,500.00	\$13,500.00
Total Project Costs	\$264,305.00	\$346,714.55
BUDGET		
Alley Fund-2011-F00708		\$360,000.00
Balance in 2005		\$13,285.45
Sewer Fund 905-F10309 (budget)	\$132,600.00	
Reallocate 905 funds for 2005 Alley ID (sewer)	\$131,705.00	
Other 2005 Fund 905 projects	\$873,993.00	
<u>Sub-Total Fund 905 - 2005 projects</u>	<u>\$1,138,298.00</u>	
905 Funds Available	\$1,438,679.00	

Remaining available 905 Funds	\$300,381.00	
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\$131,705.00 will be reallocated in Fund 905 for this work, leaving a fund balance of \$300,381 available for sewer repair on the collection system as needed in 2005.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2005 Alley Improvement District** with Reyes Construction, Inc. in the amount of \$571,019.55.

Attachments: None

Background Information: Bids for the project were opened on March 22, 2005. None of the Contractors bidding on the project were prequalified above \$500,000. Reyes Construction has completed multiple City projects in the past with no problems and is qualified to do the work. The low bid was submitted by Reyes Construction, Inc. in the amount of \$571,019.55. The following bids were received:

Bidder	From	Bid Amount
Reyes Construction Inc.	Grand Junction	\$571,019.55
Vista Paving Corporation	Grand Junction	\$579,642.12
BPS Concrete, Inc.	Grand Junction	\$580,204.18
Engineers Estimate		\$483,551.00

The low bid is \$87,468.55 over the Engineer's Estimate. The bid prices were reviewed and compared to the 2004 Alley Improvement Construction Costs. The 2005 bid price for alley construction (excluding storm sewer) per lineal foot is \$94.99 per foot. The 2004 alley as-built construction price per lineal foot was \$78.96 per foot. The 2005 alley cost per foot is approximately 20% more than the 2004 alley cost per foot. Reviewing the low bid the pay items that increased considerably over the 2004 pay items are asphalt patching, excavation, concrete pavement, surveying, and traffic control. Material costs have increased approximately 5 to 10% for asphalt and concrete. This doesn't explain the 20% increase in overall alley costs. The 2005 Alley Improvement District bids appear to be high due to lack of competition and the abundance of construction work available.

This project consists of removal and replacement of deteriorated sewer lines and construction of concrete pavement. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing gas lines in the alleys.

The work will take place in 9 alleys throughout the City. The 1st to 2nd alley between Gunnison Avenue and Hill Avenue is not part of the 2005 Alley Improvement District. The sanitary sewer is being replaced in this alley as part of a redevelopment project

that has obtained Community Development approval. The locations are tabulated below:

1 st to 2 nd Street between Ouray Ave. and Chipeta Ave; sewer and pavement.
11 th to 12 th Street between Teller Ave. and Belford Ave.; sewer and pavement.
Grand to Ouray (South half of North-South alley) between 6 th to 7 th Street; sewer and pavement.
9 th to 10 th Street between Rood Ave. and White Ave.; sewer services and pavement.
Ouray Ave. to Chipeta Ave. between 18 th to 19 th Street.; sewer, pavement, and storm sewer which connects to existing storm sewer at 19 th Street and Ouray Ave.
Chipeta Ave. to Gunnison Ave. between 18 th to 19 th Street.; sewer and pavement.
9 th to 10 th Street between Ouray Ave. and Chipeta Ave.; pavement only
Ouray Ave. to Chipeta Ave. between 23 rd to 24 th Street; pavement only
1 st to 2 nd between Gunnison Ave. and Hill Ave.; sewer only (not part of Alley Improvement District

The project schedule is as follows:

Xcel Energy Gas Relocation Start April 4, 2005
 2005 Alley Improvement District Construction Start April 18, 2005
 2005 Alley Improvement District Construction Completed August 12, 2005

Attach 19
DOLA Grant for Business Incubator Center
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Approval of DOLA grant for BIC					
Meeting Date	April 6, 2005					
Date Prepared	April 6, 2005				File #	
Author	Sheryl Trent		Assistant to the City Manager			
Presenter Name	Thea Chase		Business Incubator Center			
Report results back to Council		No	x	Yes	When	Receipt of grant funding
Citizen Presentation		Yes	x	No	Name	
	Workshop	x		Formal Agenda		Consent x Individual Consideration

Summary: The Business Incubator Center is requesting that the City Council authorize the application of a grant for \$200,000 from the DOLA Energy and Mineral Impact Assistance Grant for the replacement and repair of the building facilities at the DOE complex.

Budget: There is no current budget for this request. There will be a request forthcoming for in-kind services from the City to assist with demolition and grading of the site at the DOE complex

Action Requested/Recommendation: That the City Council approve the application and authorize the Mayor to sign.

Attachments: None

Background Information: In 1999, the Business Incubator Center (BIC) moved from its original location on West Main Street, where it had been since its inception in 1987, and leased a large portion of the Department of Energy (DOE) facility in Grand Junction, CO. The DOE's 46-acre site had begun a redevelopment effort and was officially transferred to the community in September of 2001. Prior to transfer, the sixty-year old facilities had been left to deteriorate and had not been upgraded to meet current codes. The Business Incubator Center along with the reuse organization, the Riverview Technology Corporation, which owns the site, is gradually improving the site.

However, BIC is 100% responsible for upkeep and maintenance of its buildings. During the first Phase, approximately \$1 million was invested by the City of Grand Junction, Mesa County and the State of Colorado to relocate the Business Incubator to the Department of Energy site in 1999. The project included walls, HVAC systems, power upgrades and distribution, code issues, paint booth and dock. Phase II included the build out of an additional building acquired by BIC after the property transfer in 2001. Phase II was approximately \$300,000 cash and \$300,000 in-kind and included a shared use commercial kitchen, the refurbishment of manufacturing and office space and relocation of BIC's offices. Phase II was supported by the Associated Builders and Contractors, Western Colorado Contractors Association, the State of Colorado, City of Grand Junction, Mesa County, US Bank and the Lions Club of Grand Junction.

Buildings occupied by BIC have severe roof issues, with leaks appearing during every rainstorm or snow melt throughout the Manufacturing building jeopardizing the integrity of roof structuring and potentially damaging expensive tenant equipment. These buildings are 100% occupied. A functional truck dock and access for truck traffic is essential for manufacturers. Currently, tenants make due, utilizing hallways and parking "pups" in near by gravel lots. It is an impossible situation which places current companies at risk and hampers the opportunity to attract technology firms which have no tolerance for leaky roofs.

This project represents Phase III of the redevelopment of BIC's facilities at the former DOE site. Phase III will replace roofs on the Manufacturing and Main buildings on the Incubator Campus, paint building exteriors, refurbish the truck dock and add a product staging structure, remove guard shacks and move fencing to better accommodate truck traffic. The primary objective is to bring the buildings and dock area to a stable condition where annual upkeep can be supported through operations. The Business Incubator accepts companies on a competitive basis that are in their development or start-up stage and show potential for economic impact through areas such as: quality job creation or retention, dollar importation, technology development, and innovation. Companies are moved through an incubation process and graduated within 5 years. The project will take less than a year, be competitively bid and be performed with public and private donations.

The Business Incubator is an infrastructure project fostering the reuse of the former Department of Energy site. For eighteen years BIC has housed and served thousands of companies generating thousands of jobs. The Phase III redevelopment project is clearly an infrastructure project. The Business Incubator has a forty-year lease on four buildings comprising approximately 60,000 square feet at the former DOE compound. BIC leases the buildings from the Riverview Technology Corporation, a 501 c-3 non-profit corporation created by the City of Grand Junction and Mesa County to receive the site, at a rate of \$1 per year. Upkeep and maintenance of the facilities are 100% the responsibility of BIC and it is anticipated that the buildings will be transferred at no cost to BIC upon completion of a masterplan for the 46-acre site. The property was

transferred to the community with considerable deferred maintenance. The major issue site wide has been the condition of the roofs. BIC serves as the property manager for the entire site. In that capacity, BIC has contracted the replacement of 7 roofs throughout the site. Buildings occupied by BIC have severe roof issues, with leaks appearing during every rainstorm or snow melt throughout the Manufacturing building, jeopardizing the integrity of roof structuring and potentially damaging expensive tenant equipment. These buildings are 100% occupied. A functional truck dock and access for truck traffic is essential for manufacturers. Currently, tenants make due, utilizing hallways and parking “pups” in near by gravel lots. The improvements proposed in Phase III will go a long way toward ensuring the usefulness of the Incubator buildings over the long term.

ED Partners is a collaboration recently established in Mesa County to guide economic development efforts. The group consists of the City of Grand Junction, Mesa County, BIC, the Grand Junction Economic Partnership (business attraction), Grand Junction Chamber of Commerce, Industrial Development Inc. (land holding), City of Fruita and Town of Palisade. Industry clusters have been targeted by ED Partners. The cluster selections were based on consideration of potential for high wage and high skilled jobs, clusters of existing firms and potential for off-shoots, overall economic implications of the cluster, natural resources, human capital, workforce training and education, and impacts to climate issues such as tax revenues, infrastructure requirements, and the environment. The following are the targeted industry clusters:

- Outdoor Industry (manufacturing, distribution, headquarters and back office)
- Advanced Manufacturing including niche manufacturing
- Value Added Agricultural Processing (includes wineries)
- Aerospace/Aviation
- Natural Resources (includes extraction, processing and research and development for oil & gas, biomass and renewable energy)
- Medical/Health
- Environmental Technologies
- Professional Services (including high-wage tele-commuting positions)
- Tourism (dollar importing only)

With the historical support for manufacturing companies, the Incubator has operated as a proactive tool to support growth in entrepreneurial firms in an industry segment that nationally is in decline in response to free trade agreements and movement of production to other countries. From 1985-2000 the percent of employed persons in the manufacturing sector has stayed at 9% in Mesa County. The attractiveness of the sector lies in higher wages, bringing in dollars from outside the region and strong economic multipliers. BIC’s kitchen Incubator facilities have jump-started value added agricultural production providing low cost options for testing and initial roll out of new products. An environmental business cluster is located in the Incubator “Services” building largely due to the proximity of DOE’s on-going activity. Several very successful firms have graduated from the Incubator in this cluster.

BIC has been instrumental in forming an Energy Task Force to proactively build on the growth of this sector. In aerospace and aviation BIC is working with ED Partners members to build the capacity of local suppliers to compete for aerospace work.

To date the DOLA Energy and Mineral Impact Assistance funds have resulted in more than \$500,000 of much needed work and repair to the DOE building and site.

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*
	\$400,000	\$200,000			
Install metal roof on Main Building Currently a foam and coating structure	\$60,000	\$30,000	\$30,000	Foundations (Boettcher, Anshutz, Gates, Bacon)	In application stage
Replace roof on Manufacturing Building. Significant deterioration on this flat roof. To be replaced with a fabric and coating system	\$115,000	\$85,000	\$30,000	Service Clubs (Lions)	In application stage
Install gutters over doorways, complete courtyard, replace exterior doors on services building.	\$20,000	\$0	\$20,000	Private donations	In application stage
Re-grade dock area and replace concrete ramp. 4 bay truck dock has only one bay useful because of height and slope of ramp	\$70,000	\$20,000	\$40,000 \$10,000	In kind services Foundations	In application stage
Install 3-sided structure on dock. Staging area needed for loading and unloading of raw materials and finished products	\$40,000	\$0	\$40,000	Foundations	In application stage
Paint Exterior of Buildings. Buildings have not been painted since transfer	\$60,000	\$45,000	\$15,000	Partners, Job Corps	In application stage

Demolish 2 guard shacks. Guard shacks remain at entrance gates of BIC. The shacks are in disrepair and present a military feel to the complex	\$5,000	\$0	\$5,000	In kind services	In application stage
Move fence at main gate. By removing the guard shacks fencing can be moved to improve truck traffic patterns	\$30,000	\$20,000	\$10,000	Private	In application stage

Attach 20

**Fire Act Grant to Purchase Firefighter Emergency Locator System
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
Subject		Fire Act Grant –FEMA							
Meeting Date		April 6, 2005							
Date Prepared		March 18, 2005					File #		
Author		Jim Bright			Operations Officer				
Presenter Name		Rick Beaty			Fire Chief				
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 Fire Department requests City Council approval to submit a federal Fire Act grant application for a firefighter emergency locator system. This system would increase firefighter safety by providing technology to quickly locate firefighters that may become disoriented or trapped at emergency incidents. The locator system is new technology for the Department. Long term impact for operational costs is limited to replacement of AAA batteries. Based on input from vendors, the life expectancy of the devices is 10-12 years. Vendors have not experienced damage to devices with normal use.

Budget: Cost of the system is \$24,000.00. If awarded the grant, the City share would be 20% (\$4,800.00) which is available in the current Fire Department operating budget.

As a federal grant program, there is no TABOR impact.

Action Requested/Recommendation: Authorize the Fire Chief to submit a Fire Act Grant application.

Attachments: None

Background Information: The Fire Act Grant program is a federal grant program administered through the Federal Emergency Management Agency (FEMA). The Fire Act grant is in its fifth year. This year \$600 million has been appropriated for this grant program. There are approximately 32,000 fire departments eligible for grant funding under the Fire Act.

All grant applications must be project specific and fit into one of two categories. The two categories are: 1) operations and firefighter safety, 2) firefighting vehicle acquisition. The proposed Grand Junction Fire Department application falls within the operations and firefighter safety category.

Conditions for the grantee include:

- 1) Share in the cost of the project as noted above.
- 2) Maintain one year of operating cost (the program is intended to supplement, not replace funding).
- 3) Retain grant files and supporting documentation for three years.
- 4) Ensure that all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition.
- 5) Report to FEMA on the progress made on the grant after six months and at closeout.
- 6) Make grant-related files available and, if necessary, perform an audit to ensure compliance with any program requirement.

Provide and participate in the National Fire Incident Report System (NFIRS) administered by the U.S. Fire Administration.

Attach 21
RFP for Ambulance Service Provider
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		RFP for Ambulance Service Provider					
Meeting Date		April 6, 2005					
Date Prepared		March 31, 2005				File #	
Author		R. Beaty			Fire Chief		
Presenter Name		R. Beaty			Fire Chief		
Report results back to Council		<input type="checkbox"/> No		<input type="checkbox"/> Yes		When	
Citizen Presentation		<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No		Name	
<input type="checkbox"/> Workshop		<input checked="" type="checkbox"/>		<input type="checkbox"/> Formal Agenda		<input type="checkbox"/> Consent	
						<input checked="" type="checkbox"/> Individual Consideration	

Summary: On January 17, 2005 City Council directed staff to select a consultant for the development of an RFP to be used in the selection of an ambulance service provider within the Grand Junction Ambulance Service Area (ASA). Based on knowledge of the Mesa County EMS System and national trends in emergency medical services, staff recommends that ESCi be used in the development of the RFP.

Budget: Use of contingency funds not to exceed \$20,000

Action Requested/Recommendation:

Authorize the City Manager to sign a professional services contract for development of an RFP with ESCi in the amount \$17,500 plus reasonable travel related expenses.

Attachments:

- ESCi Personal Services Contract*
- ESCi Scope of Services Statement*

Background Information:

In December, 2005, the Mesa County Board of County Commissioners adopted by resolution, standards of the delivery of emergency medical services. The standard divides Mesa County into ambulance service areas (ASA) with the intent of ensuring that all areas of Mesa County have adequate medical services assigned to a provider.

The City of Grand Junction, Grand Junction Rural Fire Protection District, and Glade Park Fire Area is defined in the County resolution as the Grand Junction Ambulance Service Area (GJASA). The EMS resolution states that the City may, at its option, establish a selection process for ambulance services in the GJASA and provide recommendation to the County for a provider. The resolution established May 31, 2005 as the expected date for a recommendation. Due to the time-line and importance of the recommendation, the City Council directed the Fire Department to enter into an interim agreement with AMR for the continued delivery of emergency medical services. The Resolution further establishes a date of November 30, 2005, for a final recommendation in the event that the City could not meet the May 31, 2005 date. A letter stating that the City had entered into an interim agreement with AMR, that the City is working on development of an RFP process and that the City expects to submit a recommendation to the County by November 31, 2005 has been sent to Kimberly Bullen, Mesa County Emergency Services Manager. Signed copies of the interim services agreement were also provided to the Emergency Services Manager for ratification by the Mesa County Commissioners.

If approved, ESCi will accomplish the development of an RFP in three phases as outlined the attached scope of services. Phase I will involve a site visit by ESCi to discuss policy level considerations. This visit and applicable meetings are tentatively set for May 16, 2005.



Emergency Services Consulting inc.

Personal Services Contract

This agreement made this _____ day of _____, 2005, by and between the City of Grand Junction CO and *Emergency Services Consulting inc (ESCI)*, a Pennsylvania corporation doing business in Wilsonville, Oregon, hereinafter called *ESCI*.

Witnesseth:

That for and in consideration of the payment and agreements hereinafter mentioned and attached to be made and performed by the City of Grand Junction CO and *ESCI*, hereby agree to commence and complete the consultation and to provide the work described and comply with the terms of the contract documents for the:

Development of a Request for Proposal (RFP) for Ambulance Service

Hereinafter called the "project" for the sum of \$17,500.00 plus direct and reasonable expenses for travel, lodging, meals, postage and copying.

ESCI will furnish all labor and other services necessary to complete the work as specified by the City of Grand Junction CO and as outlined in the scope of work.

The City of Grand Junction CO shall pay *ESCI*:

- 33% upon signing of contract
- 33% upon completion of Phases I and II
- 34% payment due upon completion of Phase III and project.

This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

The laws of the state of Colorado shall govern this agreement.

This agreement is an integrated writing, executed by the parties after negotiation and discussions of all material provisions. Either party has relied upon no inducements, concessions or representations of the fact, except as set forth in this agreement and the *ESCI* proposal.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, the agreement is two (2) copies, each of which shall be deemed an original, on the first date written above.

City of Grand Junction CO

Emergency Services Consulting inc.

By: _____
Signature

By: _____
Bruce Caldwell, Senior Vice President

Title

Emergency Services Consulting inc.

Scope of Work

Phase I

Emergency Services Consulting inc. (ESCi) personnel will:

- As often as necessary, travel to Grand Junction and meet with staff and/or policymakers to develop goals and criteria for development of an ambulance provider selection process.
- Assist with policy development and direction regarding weighting of price, quality and other factors involved in the development of this selection process.
- Assist City in determining goals and objectives for the ambulance selection process.
- Review with City the options and ramifications of potential RFP process, criteria and decisions.

Phase II

ESCi will develop, in concert with the City's purchasing department, City Attorney, supervising physician, and/or others as the City may deem appropriate, a draft ambulance RFP for approval by the City Council. ESCi will assist the City with procedures for determining the minimum qualifications required for proposers, protests, and evaluation and selection criteria. ESCi will travel to Grand Junction to 1) participate with City Council in the RFP adoption process, 2) obtain comments from system stakeholders, and 3) conduct a pre-bid conference at the City's discretion.

Phase III

ESCi will assist the City in evaluating ambulance service proposals. ESCi will assist with or conduct the scoring of the proposals in concert with the City's purchasing department, City Attorney, Fire Department or others as the City may deem appropriate. ESCi will recommend evaluation committee membership. ESCi personnel will travel to Grand Junction as often as necessary to participate in the evaluation process and to provide final results to the City for recommendations to the County.

General Considerations

Kyle R. Gorman will be the project manager and ESCi's representative on the project. ESCi anticipates that the City will provide appropriate point(s) of contact and some staff participation such as the City Attorney, representative of the City's purchasing department, and/or GIS services. ESCi further anticipates that the City will provide background data that may be useful to bidders in developing responses. ESCi further anticipates that the City's purchasing department will manage advertising, methods of receiving and accepting proposals, and other logistical functions as may be appropriate in accordance with City purchasing policies.

ESCi anticipates that three trips to Grand Junction will most likely be required, but is willing to make more or fewer trips as project needs dictate. The City and ESCi will negotiate additional fees and expenses if additional trips are made on the City's request. If outside evaluators are requested by the City, then the City will pay for the reasonable expenses for the evaluators.

Attach 22

**Public Hearing – Vacation of Dedicated Right-of-Way of Winters Avenue
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Request approval for the vacation of dedicated right-of-way of Winters Avenue, west of South 7 th Street.						
Meeting Date	April 6, 2005						
Date Prepared	March 25, 2005				File #VR-2002-200		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Consider final passage of an ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, west of South 7th Street and hold a Public Hearing.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of an ordinance to vacate excess right-of-way.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Right-of-way exhibit
7. Vacation Ordinance

BACKGROUND INFORMATION			
Location:		Adjacent to 1007 S. 7th Street	
Applicants:		Merlin Schreiner	
Existing Land Use:		Dedicated but not constructed ROW	
Proposed Land Use:		Commercial addition	
Surrounding Land Use:	North	Vacant land	
	South	Asset Engineering	
	East	Vacant commercial building	
	West	Truck driver training school	
Existing Zoning:		C-2	
Proposed Zoning:		C-2	
Surrounding Zoning:	North	C-2	
	South	C-2	
	East	C-2	
	West	C-2	
Growth Plan Designation:		Commercial	
Zoning within density range?	X	Yes	No

PROJECT DESCRIPTION:

The intent is to vacate the Winters Avenue Right-of-way in the area directly adjacent to and west of South 7th Street. This right-of-way has never been developed as a street and does not serve any useful purpose in terms of access to adjacent parcels. If the right-of-way is vacated, the intention of the submitter is to further develop the area along with the adjacent parcel to the south as a commercial business property. The northern half will then go to the property to the north, which is currently vacant. A 14-foot multi-purpose easement will be provided along the right-of-way along South 7th Street where Winters Avenue is requested to be vacated.

ANALYSIS OF RIGHT-OF-WAY VACATION:

In October of 2002 an application for this request for right-of-way vacation was submitted to the City. It was reviewed by Excel Energy, AT&T Broadband and the City Development Engineer. The utility companies had no problem with the vacation of the right-of-way as long as an easement remained for any existing utilities within this area. This is also when the Riverside Parkway project was being studied. The final alignment of proposed parkway had not yet been determined and the City suggested that the applicant withdraw his application until the parkway plan had been finalized. The parkway plan has determined that this section of Winters Avenue is not needed and the application is active again. A 14-foot multi-purpose easement must be provided across the section abutting South 7th Street. At the UCC meeting of February 9th, 2005, the Committee determined that there were no existing utilities within the right-of-way and did not have a problem with the vacation of this section of Winters Avenue.

4. Section 2.11.C of the Zoning and Development Code:

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

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

Winters Avenue is designated as a local commercial street. Vacating this undeveloped portion of Winters Avenue should not adversely impact the adjacent or surrounding properties. The Growth Plan and its recommended zoning for surrounding properties will not be affected by the granting of the vacation.

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

All parcels to the west, that are part of the South 5th Street Subdivision, can be accessed by 4th Avenue, Noland Avenue or the existing north-south alley adjacent to these parcels. More specifically, the parcel owned by the Sterling Company located at 647 4th Street appears to be landlocked, but still maintains an alley access and access from 4th Street. These parcels are owned by one entity and have been treated as one parcel during development and use and will continue to be treated as such until redevelopment of these parcels occurs.

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

By vacating this right-of-way, no existing parcel will have less access than it currently now has.

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

There are no identifiable adverse impacts that would result from vacating this right-of-way. All parcels of land will have access to public and private services through the existing service easements that are to remain.

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

Existing and future public facilities and services should not be inhibited to this or any other nearby property.

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

The elimination of an unused and un-constructed section of road will relieve the City of any responsibility for managing or maintaining this right-of-way. By approving this request the City and local residents should benefit from the improved condition along South 7th Street right-of-way when redevelopment occurs with the required landscaping buffer requirements being installed.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Winters Avenue Right-of-Way Vacation application, File number VR-2002-200, for approval of excess right-of-way, staff makes the following findings of fact and conclusions:

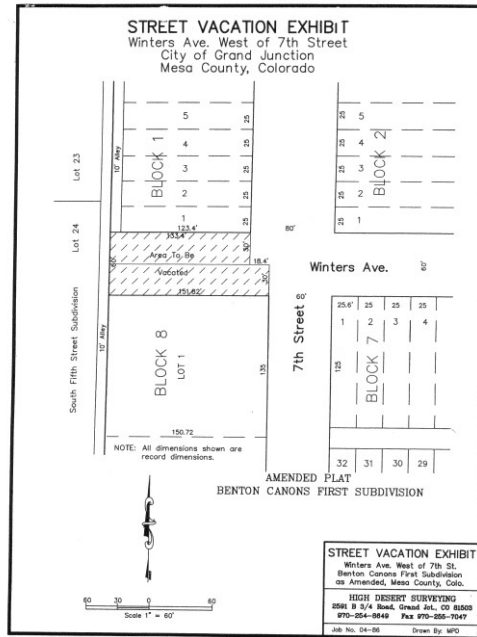
6. The proposed vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 of the Zoning and Development Code have all been met.
3. A 14 foot multi-purpose easement is reserved and retained on, and along South 7th Street.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommend approval of the vacation of excess right-of-way to the City Council; file number VR-2002-200 with the findings and conclusions listed above, at their regularly scheduled meeting of February 22, 2005.

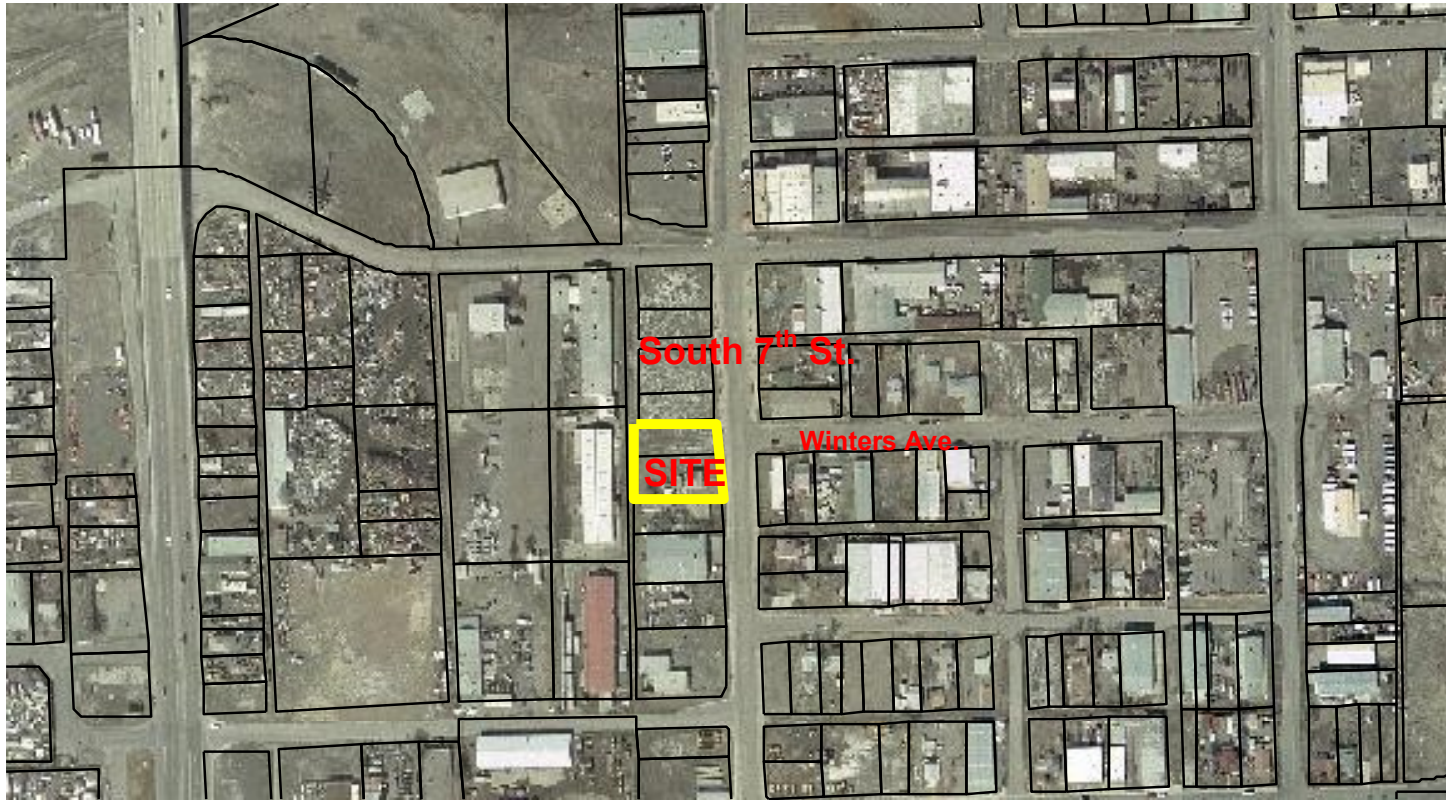
Site Location Map

Figure 1



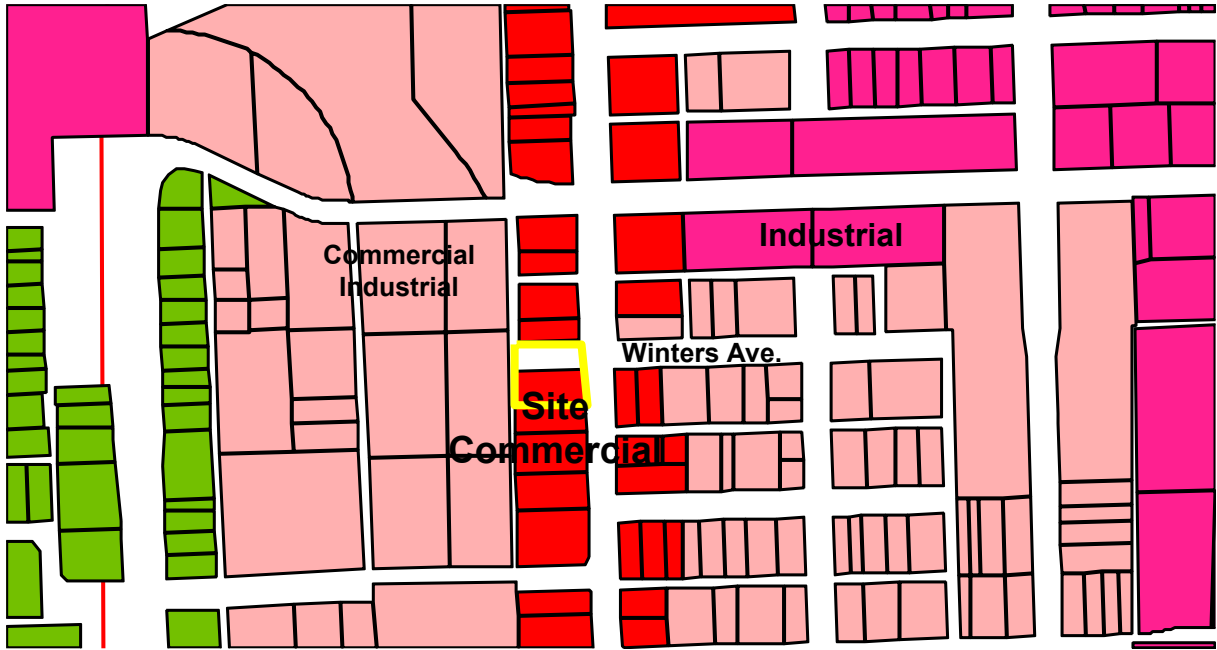
Aerial Photo Map

Figure 2



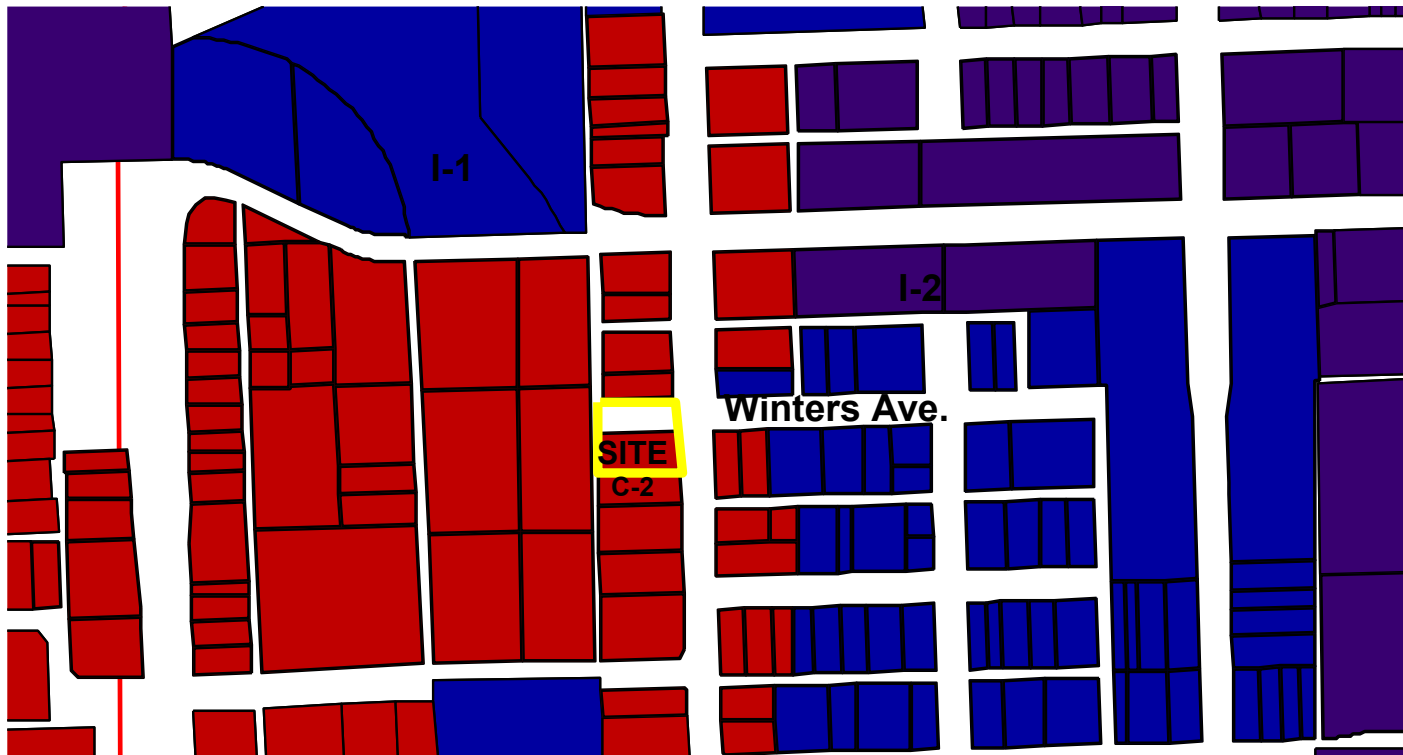
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY, OF
WINTERS AVENUE, WEST OF SOUTH 7TH STREET**

Recitals.

A vacation of a portion of the undeveloped right-of-way of Winters Avenue has been requested by the adjoining property owners. The vacation request is the intention of the submitters to further develop the area along with the adjacent parcel to the south as a commercial business property. The northern half will then go to the property to the north, which is currently vacant. A fourteen foot multi-purpose

easement will be provided across the eastern most edge of the southern half of Winters Avenue, which is to be vacated

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

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

That part of Winters Avenue West of 7th Street within the Amended Benton Canons First Subdivision, City of Grand Junction, County of Mesa, State of Colorado. Described as follows:

Beginning at the Northwest corner of Lot 1 Block 8 of said Benton Canons Subdivision; thence Easterly 151.82 feet along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence Northerly 30 feet to the centerline of Winters Avenue; thence Westerly 18.4 feet along the centerline; thence Northerly 30 feet to the Southeast corner of Lot 1 Block 1 of said subdivision; thence westerly along the South line of said Lot 133.4 feet to the West line of the subdivision; thence Southerly 60 feet along the West line of said subdivision to the point of beginning.

A fourteen foot multi-purposed easement is provided as follows:

Beginning at the Northwest corner of Lot 1, Block 8 of said Benton Canons Subdivision; thence Easterly 137.82 feet to the Point of Beginning; thence Northerly 30 feet to the centerline of Winters Avenue; thence Easterly 14 feet along said centerline; thence Southerly 30 feet to the Northeast corner of said Lot 1, Block, Benton Cannons Subdivision; thence Westerly along the North line of said Lot 1, Block 8, Benton Cannons Subdivision a distance of 14 feet to the Point of Beginning.

Introduced on first reading this 2nd day of March, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 23

**Public Hearing – UnawEEP Heights No. 4 Annexation and Zoning
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Public Hearing to Consider Final Passage of a proposed ordinance zoning the UnawEEP Heights #4 Annexation and acceptance of the Annexation Ordinance.					
Meeting Date	April 6, 2005					
Date Prepared	March 29, 2005				File #ANX-2005-003	
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: UnawEEP Heights Annexation No. 4 is located at 2861 B ¼ Road and Victoria Drive. The applicant is requesting annexation and zoning to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre). The annexation area consists of two parcels of land totaling 9.84 acres.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of the Annexation Ordinance and the Zoning Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

BACKGROUND INFORMATION

Location:		2861 B ¾ Road and Victoria Drive		
Applicant:		UnawEEP, LLC, Alan Parkerson, and Jerry and Dawn Beougher, owners		
Existing Land Use:		Single family residence and vacant land		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential and vacant land		
	West	Residential		
Existing Zoning:		RSF-4 (Mesa County)		
Proposed Zoning:		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)		
Surrounding Zoning:	North	RSF-4		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	RSF-4 (Mesa County)		
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre		
Zoning within density range?		X	Yes	No

RELATIONSHIP TO GROWTH PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium low”, 2 to 4 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

STAFF ANALYSIS:

Annexation

It is staff’s professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the UnawEEP Heights 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: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low, 2 to 4. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

4. 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 area is experiencing a change from rural to urban residential. There are existing residential developments in the vicinity. The Growth Plan supports the requested density.

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

Response: The rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.

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

Response: This proposal is consistent with the growth plan's land use goals and policies. It is the intent to conform to all other applicable codes and regulations.

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

Response: All facilities and services are available in this area.

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

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

Response: The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
Feb 16th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Mar 8th	Planning Commission considers Zone of Annexation
Mar 16th	First Reading on Zoning by City Council
April 6th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
May 8th	Effective date of Annexation and Zoning

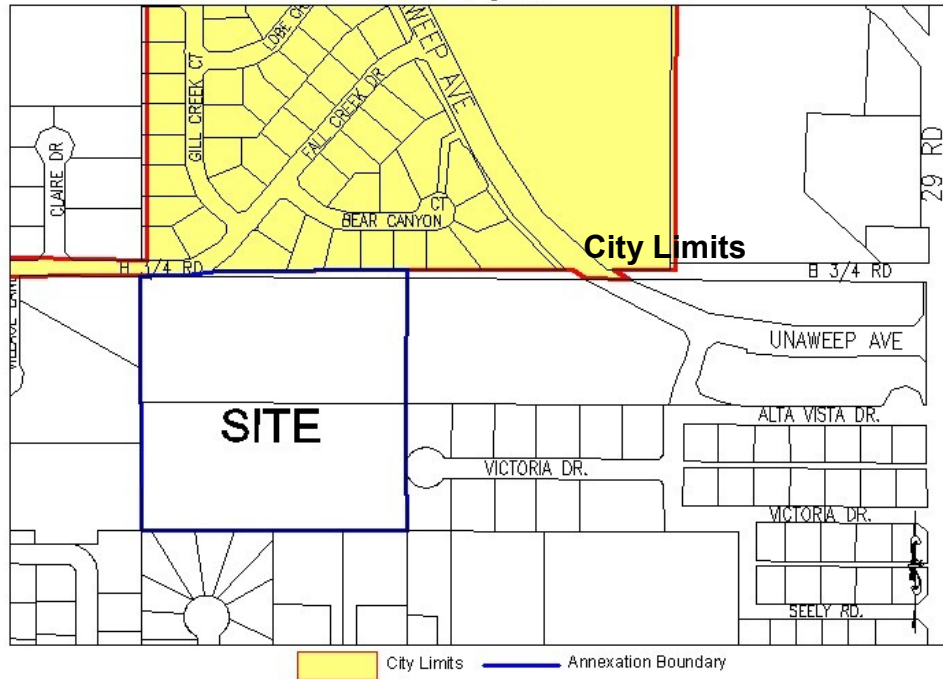
UNAWEEP HEIGHTS ANNEXATION SUMMARY

File Number:	ANX-2005-003	
Location:	2861 B ³/₄ Road and Victoria Drive	
Tax ID Numbers:	2943-301-00-245 & 2943-301-00-166	
Parcels:	2	
Estimated Population:	5	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	2	
Acres land annexed:	9.84 acres for annexation area	
Developable Acres Remaining:	9.84 acres	
Right-of-way in Annexation:	none	
Previous County Zoning:	RSF-4 (County)	
Proposed City Zoning:	(RSF-4) Residential Single Family not to exceed 4 units per acre	
Current Land Use:	Vacant land / single family residence	
Future Land Use:	Residential	
Values:	Assessed:	= \$19,470
	Actual:	= \$238,580
Address Ranges:	2861 B ³/₄ Rd / 2870 Victoria Drive	
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Drainage:	Orchard Mesa Irrigation
	School:	District 51
	Pest:	none

Site Location Map

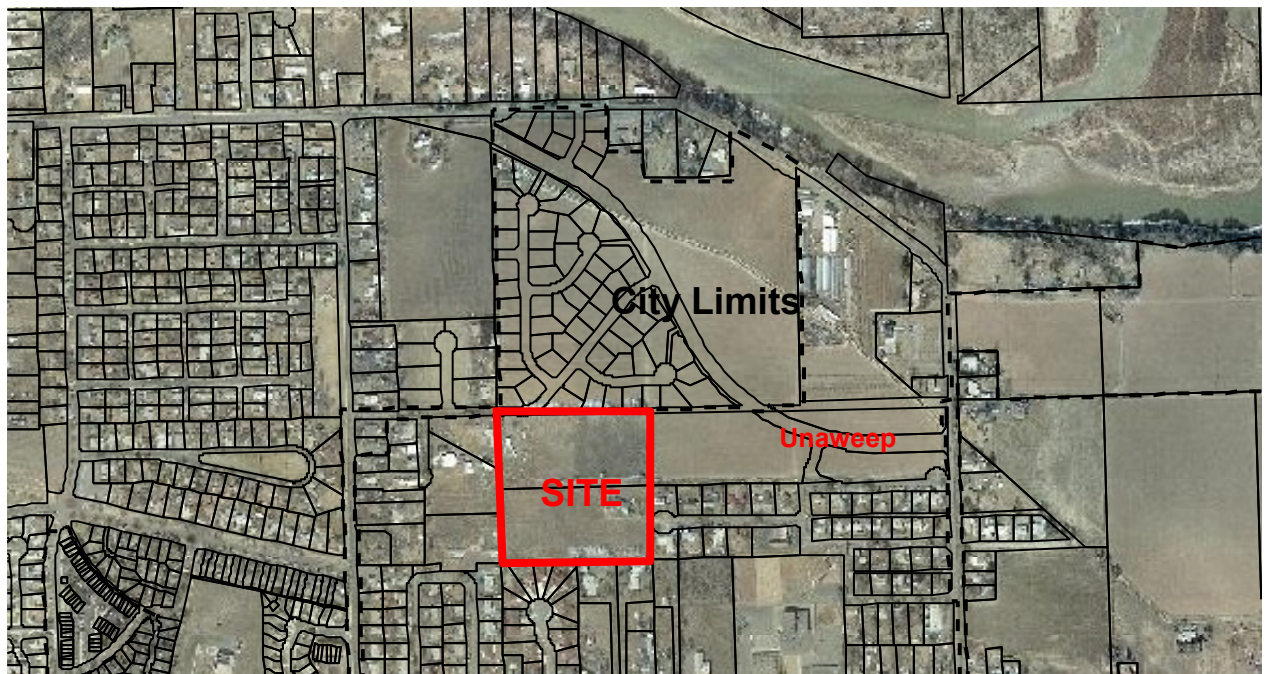
2861 B 3/4 Road & Victoria Drive

UnawEEP Heights Annexation No. 4
Figure 5



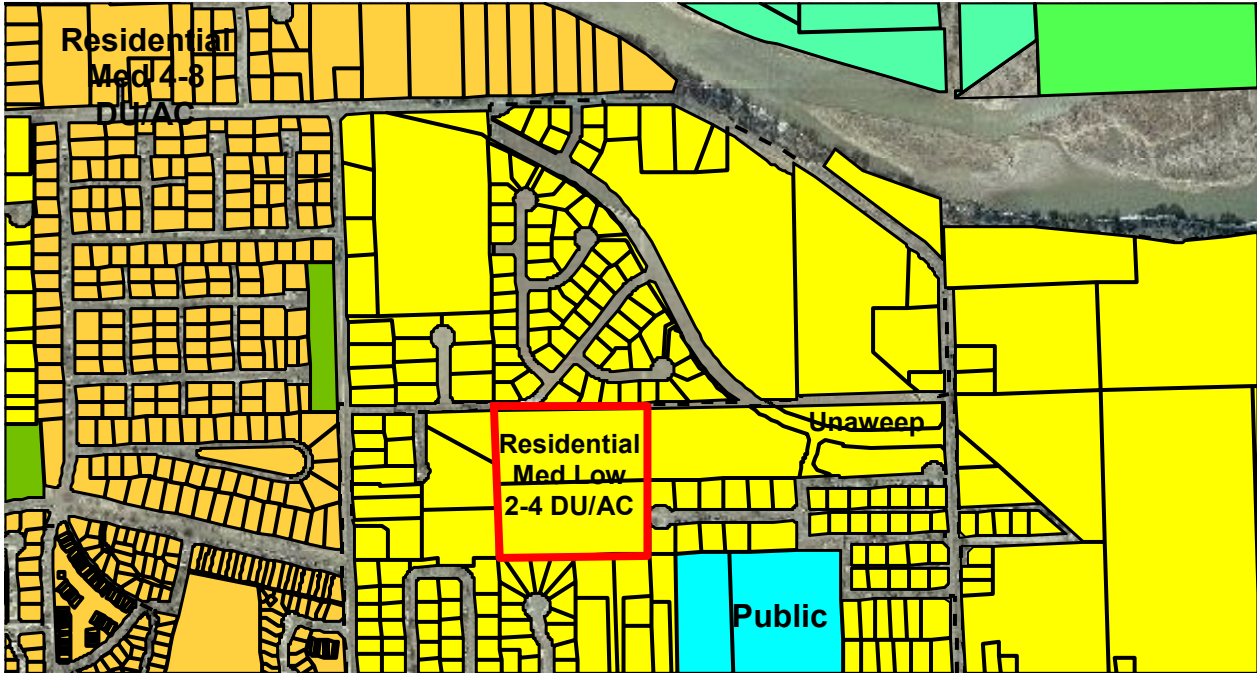
Aerial Photo Map

UnawEEP Heights Annexation No. 4



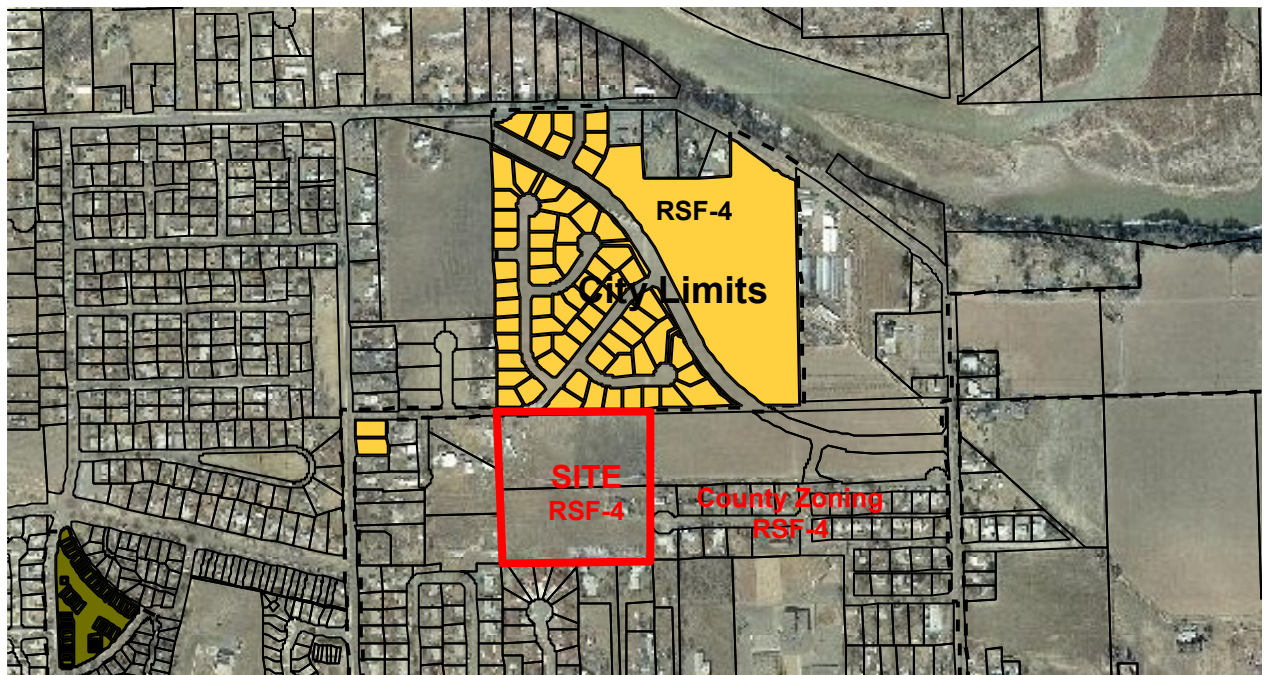
Future Land Use Map

Unaweep Heights Annexation No. 4



Existing City and County Zoning

Unaweep Heights Annexation No. 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

RESOLUTION NO.

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

UNAWEEP HEIGHTS ANNEXATION NO. 4

**LOCATED AT 2861 B ¾ ROAD AND VICTORIA DRIVE IS ELIGIBLE FOR
ANNEXATION**

WHEREAS, on the 16th day of February, 2005, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
UNAWEEP HEIGHTS ANNEXATION NO. 4**

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 30, 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 the SW 1/4 NE 1/4 of said Section 30, and assuming the North line of the SW 1/4 NE 1/4 of said Section 30 bears N 89°58'35" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'35" W along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 4.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°07'07" E along the East line of Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado, a distance of 327.31 feet, more or less, to a point on the North line of Church Subdivision, as same is recorded in Plat Book 11, Page 9 of the Public Records of Mesa County, Colorado; thence S 89°56'51" W along the North line of said Church Subdivision, a distance of 5.56 feet, more or less, to the Northwest corner of Lot 7 of said Church Subdivision; thence S 00°12'04" E along the West line of said Church Subdivision, a distance of 331.65 feet to a point on the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence S 89°57'39" W along the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision and along the North line of Thistle Street Subdivision Correction Plat, as same is recorded in Plat Book 14, Page 306, Public Records of Mesa County, Colorado, a distance of 653.89 feet to a point on the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard

Subdivision; thence N 00°04'40" W along the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 637.13 feet; thence N 89°58'35" E along a line 22.00 feet South of and parallel with, the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet to a point being the beginning of a 172.00 foot radius curve, concave Northwest, whose long chord bears N 75°19'41" E and with a long chord length of 86.99 feet; thence Northeasterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44" to a point on the North line of the SW 1/4 NE 1/4 of said Section 30; thence N 89°58'35" E along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 479.35 feet, more or less, to the Point of Beginning.

CONTAINING 9.8491 Acres (429,028.44 Sq. Ft.), as described.

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

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

1. That a hearing will be held on the 6th day of April, 2005, in the City Hall auditorium, located at 250 N 5th Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this __ day of _____, 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**

UNAWEEP HEIGHTS ANNEXATION NO. 4

**APPROXIMATELY 9.84 ACRES
LOCATED AT 2861 B ³/₄ ROAD AND VICTORIA DRIVE**

WHEREAS, on the 16th day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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:

UNAWEEP HEIGHTS ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 30, 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 the SW 1/4 NE 1/4 of said Section 30, and assuming the North line of the SW 1/4 NE 1/4 of said Section 30 bears N 89°58'35" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'35" W along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 4.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°07'07" E along the East line of Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page

26, Public Records of Mesa County, Colorado, a distance of 327.31 feet, more or less, to a point on the North line of Church Subdivision, as same is recorded in Plat Book 11, Page 9 of the Public Records of Mesa County, Colorado; thence S 89°56'51" W along the North line of said Church Subdivision, a distance of 5.56 feet, more or less, to the Northwest corner of Lot 7 of said Church Subdivision; thence S 00°12'04" E along the West line of said Church Subdivision, a distance of 331.65 feet to a point on the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence S 89°57'39" W along the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision and along the North line of Thistle Street Subdivision Correction Plat, as same is recorded in Plat Book 14, Page 306, Public Records of Mesa County, Colorado, a distance of 653.89 feet to a point on the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence N 00°04'40" W along the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 637.13 feet; thence N 89°58'35" E along a line 22.00 feet South of and parallel with, the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet to a point being the beginning of a 172.00 foot radius curve, concave Northwest, whose long chord bears N 75°19'41" E and with a long chord length of 86.99 feet; thence Northeasterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44" to a point on the North line of the SW 1/4 NE 1/4 of said Section 30; thence N 89°58'35" E along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 479.35 feet, more or less, to the Point of Beginning.

CONTAINING 9.8491 Acres (429,028.44 Sq. Ft.), as described.

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

INTRODUCED on first reading on the ___ day of __, 2005.

ADOPTED and ordered published this ___ day of _____, 2005.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE UNAWEEP HEIGHTS ANNEXATION NO. 4 TO RESIDENTIAL SINGLE-FAMILY, NOT TO EXCEED 4 UNITS PER ACRE (RSF-4)

LOCATED AT 2861 B ¾ ROAD AND VICTORIA 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 applying an RSF-4 zone district to this annexation.

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

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

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

The following property shall be zoned the Residential Single-family, not to exceed 4 units per acre (RSF-4) zone district

Includes the following tax parcels 2943-301-00-245 and 2943-301-00-166

PERIMETER BOUNDARY LEGAL DESCRIPTION
UNAWEEP HEIGHTS ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 30, 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 the SW 1/4 NE 1/4 of said Section 30, and assuming the North line of the SW 1/4 NE 1/4 of said Section 30 bears N 89°58'35" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°58'35" W along the North line of the SW 1/4 NE 1/4 of said

Section 30, a distance of 4.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°07'07" E along the East line of Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado, a distance of 327.31 feet, more or less, to a point on the North line of Church Subdivision, as same is recorded in Plat Book 11, Page 9 of the Public Records of Mesa County, Colorado; thence S 89°56'51" W along the North line of said Church Subdivision, a distance of 5.56 feet, more or less, to the Northwest corner of Lot 7 of said Church Subdivision; thence S 00°12'04" E along the West line of said Church Subdivision, a distance of 331.65 feet to a point on the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence S 89°57'39" W along the South line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision and along the North line of Thistle Street Subdivision Correction Plat, as same is recorded in Plat Book 14, Page 306, Public Records of Mesa County, Colorado, a distance of 653.89 feet to a point on the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision; thence N 00°04'40" W along the West line of said Lot 11, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 637.13 feet; thence N 89°58'35" E along a line 22.00 feet South of and parallel with, the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet to a point being the beginning of a 172.00 foot radius curve, concave Northwest, whose long chord bears N 75°19'41" E and with a long chord length of 86.99 feet; thence Northeasterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44" to a point on the North line of the SW 1/4 NE 1/4 of said Section 30; thence N 89°58'35" E along the North line of the SW 1/4 NE 1/4 of said Section 30, a distance of 479.35 feet, more or less, to the Point of Beginning.

CONTAINING 9.8491 Acres (429,028.44 Sq. Ft.), as described.

Introduced on first reading this 16th day of March, 2005

PASSED and ADOPTED on second reading this ____ day of _____, 2005.

President of the Council

Attest:

City Clerk

Attach 24
Public Hearing – Barker No. 3 Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public Hearing to Consider Final Passage of a proposed ordinance zoning the Barker No. 3 Annexation and accept the Annexation Ordinance.					
Meeting Date	April 6, 2005					
Date Prepared	March 28, 2005			File #ANX-2005-022		
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Barker Annexation No. 3 is located at 2939 Jon Hall Drive. The applicant requests annexation and zoning to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of the Annexation Ordinance and the Zoning Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		2939 Jon Hall Drive		
Applicants:		Myron Barker		
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 RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	City 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 0.298 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a subdivision request for the Orchard Estates Subdivison. 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 **Barker No. 3** 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.

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

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

5. 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 area is experiencing a change from rural to urban residential. There are existing residential developments in the vicinity. The Growth Plan supports the requested density.

7. 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 rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.

8. 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: This proposal is consistent with the growth plan's land use goals and policies. It is the intent to conform to all other applicable codes and regulations.

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

Response: All facilities and services are available in this area.

10. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
(Not applicable to annexation)

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

Response: The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

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.

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE

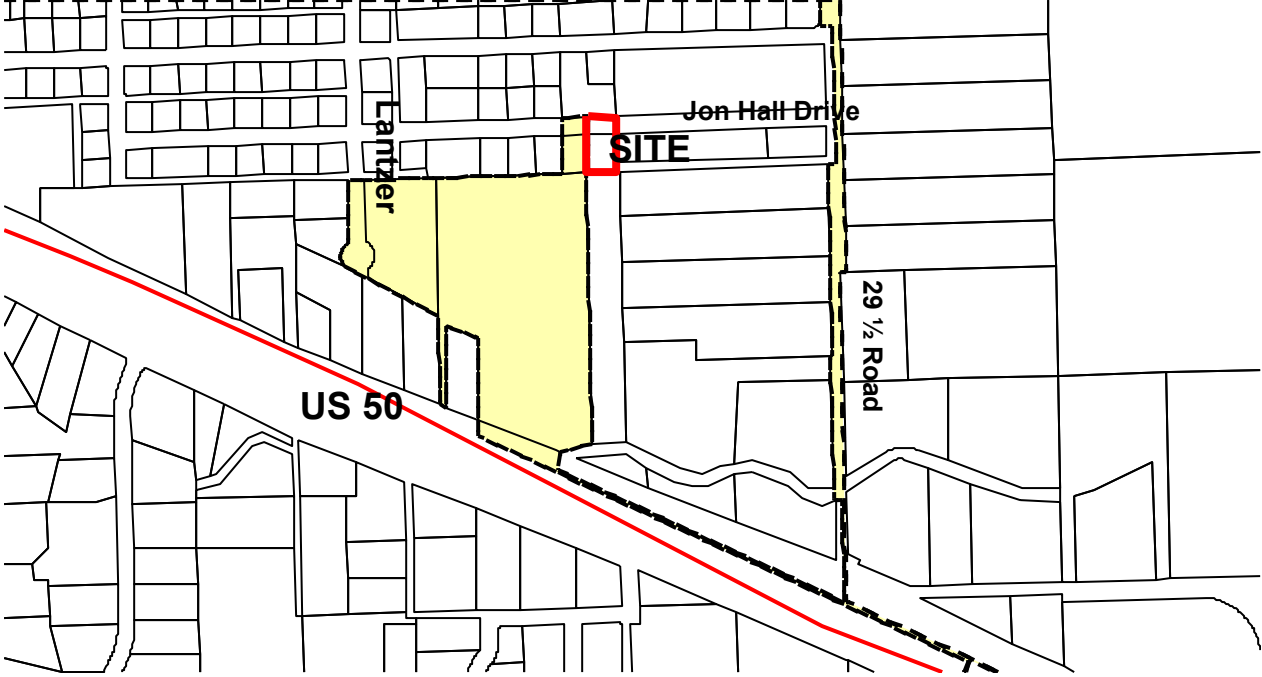
March 2, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
March 8, 2005	Planning Commission considers Zone of Annexation
March 16, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
April 6, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 8, 2005	Effective date of Annexation and Zoning

BARKER NO. 3 ANNEXATION SUMMARY

File Number:		ANX-2005-022
Location:		2939 Jon Hall Drive
Tax ID Number:		2943-322-09-024
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		0.298
Developable Acres Remaining:		0.25 ac
Right-of-way in Annexation:		4,050 sf of Jon Hall Drive
Previous County Zoning:		County RSF-4
Proposed City Zoning:		City RSF-4
Current Land Use:		Vacant
Future Land Use:		Residential
Values:	Assessed:	= \$8,120
	Actual:	= \$28,000
Address Ranges:		2939 Jon Hall Drive
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural
	Irrigation/Drainage :	Orchard Mesa Irrigation
	School:	Mesa Co District 51
	Pest:	N/A

Site Location Map

Barker Annexation No. 3



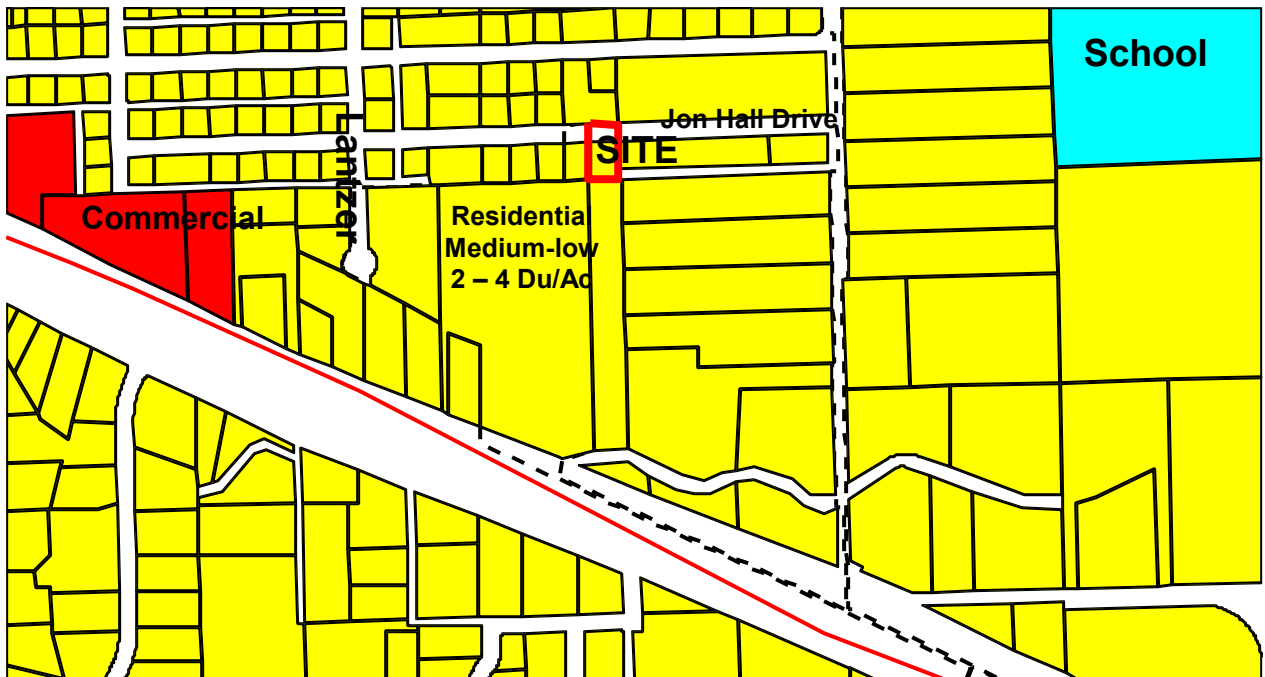
Aerial Photo Map

Barker Annexation No. 3



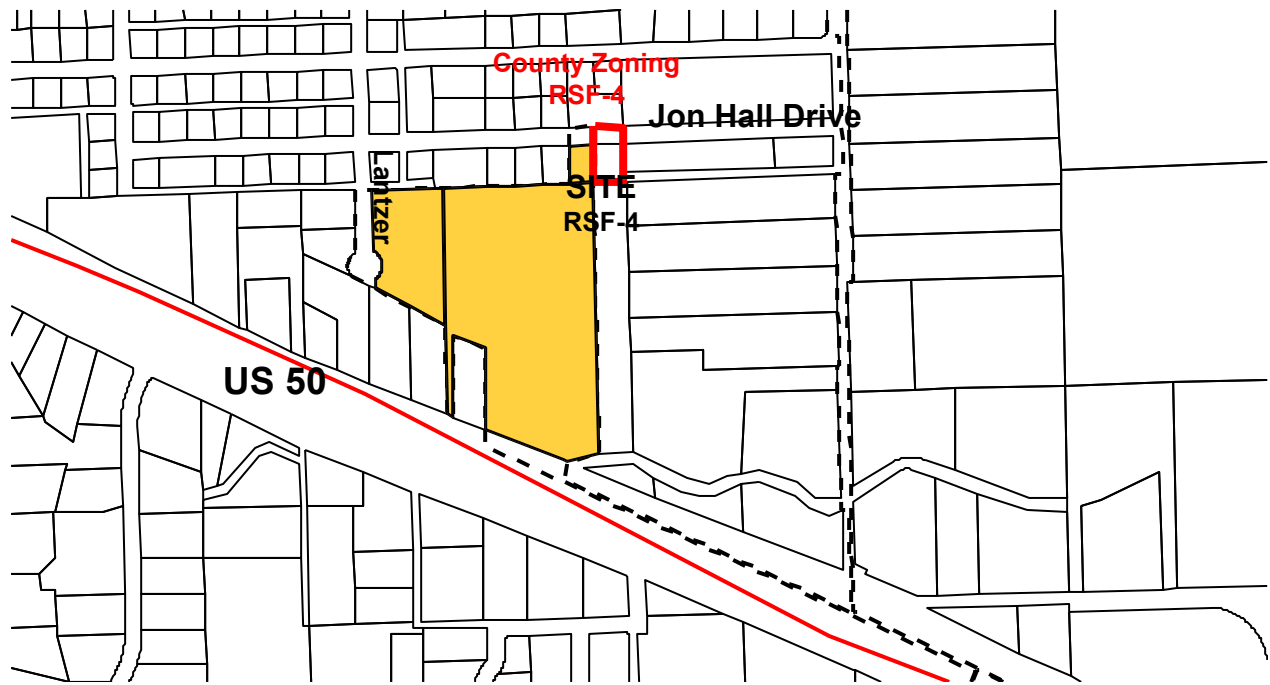
Future Land Use Map

Barker Annexation No. 3



Existing City and County Zoning

Barker Annexation No. 3



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

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE
BARKER NO. 3 ANNEXATION**

LOCATED AT 2939 JON HALL DRIVE IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of March, 2005, 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:

BARKER NO. 3 ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 1, Plat of Sunset Park as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado together with all of that certain 50.0 foot wide right of way for Jon Hall Drive lying North of the East and West lines of said Lot 1, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Sunset Park, and assuming the West line of said Lot 1 bears N 00°08'57" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'57" W along the West line and the Northerly projection thereof, of said Lot 1, a distance of 160.06 feet to a point on the North right of way for said Jon Hall Drive; thence N 89°51'27" E along said North right of way, a distance of 81.00 feet; thence S 00°08'57" E along the East line and the Northerly projection thereof, of said Lot 1, a distance of 160.05 feet to the Southeast corner of said Lot 1; thence S 89°51'18" W along the South line of said Lot 1, a distance of 81.00 feet to the Point of Beginning.

CONTAINING 0.298 Acres (12,964.6 Sq. Ft.), more or less, as described

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

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

3. That a hearing will be held on the 6th day of April, 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.
4. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 6th day of April, 2005.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BARKER NO. 3 ANNEXATION

APPROXIMATELY 0.298 ACRES

LOCATED AT 2939 JON HALL DRIVE

WHEREAS, on the 2nd day of March, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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:

BARKER NO. 3 ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 1, Plat of Sunset Park as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado together with all of that certain 50.0 foot wide right of way for Jon Hall Drive lying North of the East and West lines of said Lot 1, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Sunset Park, and assuming the West line of said Lot 1 bears N 00°08'57" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'57" W along the West line and the Northerly projection thereof, of said Lot 1, a distance of 160.06 feet to

a point on the North right of way for said Jon Hall Drive; thence N 89°51'27" E along said North right of way, a distance of 81.00 feet; thence S 00°08'57" E along the East line and the Northerly projection thereof, of said Lot 1, a distance of 160.05 feet to the Southeast corner of said Lot 1; thence S 89°51'18" W along the South line of said Lot 1, a distance of 81.00 feet to the Point of Beginning.

CONTAINING 0.298 Acres (12,964.6 Sq. Ft.), more or less, as described

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

INTRODUCED on first reading on the 2nd day of March, 2005 and ordered published.

ADOPTED on second reading this 6th day of April, 2005.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE BARKER ANNEXATION NO. 3 TO RESIDENTIAL SINGLE-FAMILY, NOT TO EXCEED FOUR UNITS PER ACRE (RSF-4)

LOCATED AT 2939 JON HALL DRIVE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to this annexation.

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

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

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

The following property shall be zoned the Residential Single-family, not to exceed four units per acre (RSF-4) zone district

Includes the following tax parcel 2943-322-09-024

**PERIMETER BOUNDARY LEGAL DESCRIPTION
BARKER ANNEXATION NO. 3**

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being all of Lot 1, Plat of Sunset Park as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado together

with all of that certain 50.0 foot wide right of way for Jon Hall Drive lying North of the East and West lines of said Lot 1, being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Sunset Park, and assuming the West line of said Lot 1 bears N 00°08'57" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'57" W along the West line and the Northerly projection thereof, of said Lot 1, a distance of 160.06 feet to a point on the North right of way for said Jon Hall Drive; thence N 89°51'27" E along said North right of way, a distance of 81.00 feet; thence S 00°08'57" E along the East line and the Northerly projection thereof, of said Lot 1, a distance of 160.05 feet to the Southeast corner of said Lot 1; thence S 89°51'18" W along the South line of said Lot 1, a distance of 81.00 feet to the Point of Beginning.

CONTAINING 0.298 Acres (12,964.6 Sq. Ft.), more or less, as described.

Introduced on first reading this 16th day of March, 2005.

PASSED and ADOPTED on second reading this ___ day of _____, 2005.

President of the Council

Attest:

City Clerk

Attach 25
Public Hearing – Whaley Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public Hearing to Consider Final Passage of a proposed ordinance zoning the Whaley Annexation and acceptance of the Annexation Ordinance.					
Meeting Date	April 6, 2005					
Date Prepared	March 28, 2005			File #ANX-2005-010		
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The Whaley Annexation is a 9.967 acre parcel located at 2941 & 2949 B ½ Road and consists of 2 parcels. The applicant is requesting annexation and zoning to RSF-4 (Residential Single-Family, not to exceed four dwelling units per acre).

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of the Annexation Ordinance and the Zoning Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		2941 & 2949 B ½ Road		
Applicants:		Owner: Merle & Margaret Whaley Representative: Development Construction Services, Inc – Tracy Moore		
Existing Land Use:		Single Family Residential / Agricultural		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Golf Course		
	West	Single Family Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-R		
	South	County RSF-4		
	East	PUD – Golf Course		
	West	City 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 9.967 acres of land and is comprised of 2 parcels. 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 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 Whaley 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: The applicant requests the zoning designation of RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre). The zoning is consistent with the Growth Plan for this area, and is consistent with the current County zoning of RSF-4 and RSF-R. The minimum density for the RSF-4 zoning designation is 2 units per acre. This zoning district allows for attached and detached single-family and duplex dwelling units.

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

- 6. The existing zoning was in error at the time of adoption;
Not applicable, this is a rezone from a county RSF-4 zoning to City RSF-4.
- 7. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
The area is experiencing a change from rural to urban residential. There are existing residential developments in the vicinity. The Growth Plan supports the requested density.
- 11. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;
The rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.

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

This proposal is consistent with the growth plan's land use goals and policies. It is the intent to conform to all other applicable codes and regulations.

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

All facilities and services are available in this area.

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

(Not applicable to annexation)

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

The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by developed area. The development plan will be consistent with the existing street and utility circulation plans.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Whaley Annexation zoning request, file number ANX-2005-010, Staff made the following findings of fact and conclusions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.
3. The proposed zoning is consistent with adjacent property zonings.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of March 8, 2005, the Planning Commission recommended approval to the City Council of the zone of RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre) finding that the proposal is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

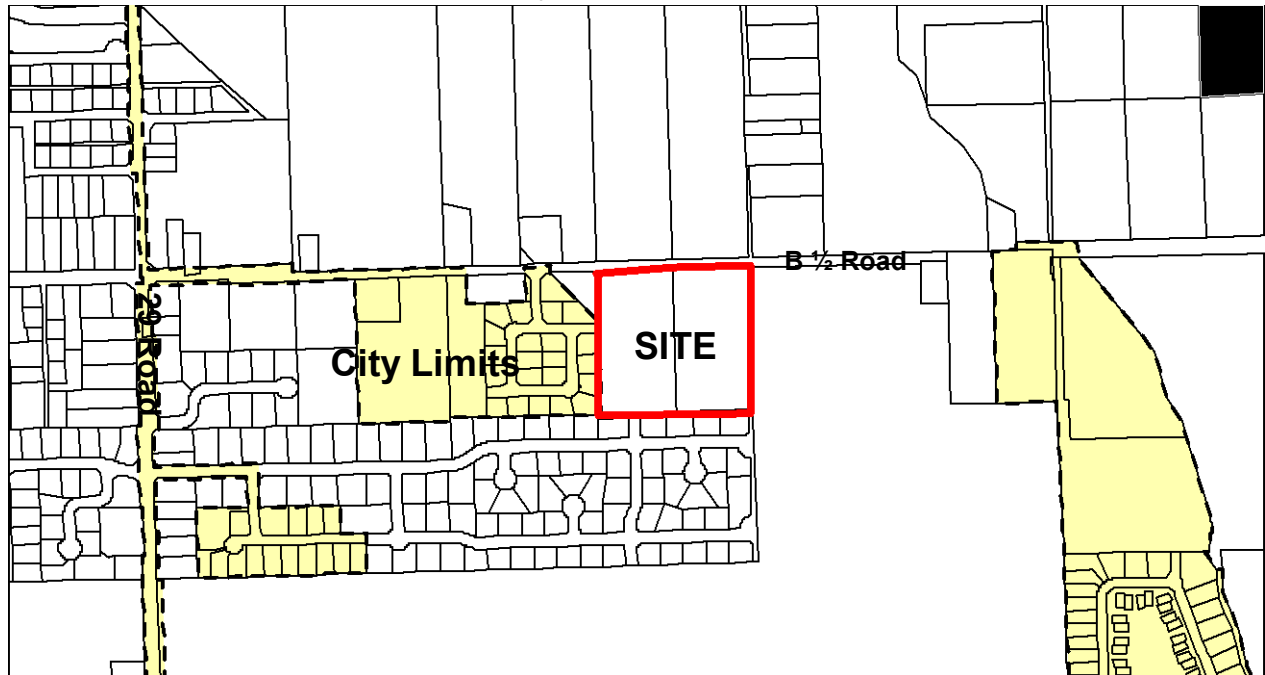
<u>ANNEXATION SCHEDULE</u>	
March 2, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
March 8, 2005	Planning Commission considers Zone of Annexation
March 16, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
April 6, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 8, 2005	Effective date of Annexation and Zoning

<u>WHALEY ANNEXATION SUMMARY</u>	
File Number:	ANX-2005-010
Location:	2941 & 2949 B ½ Road
Tax ID Number:	2943-293-00-084 / 2943-293-00-083
Parcels:	2
Estimated Population:	4
# of Parcels (owner occupied):	1
# of Dwelling Units:	2
Acres land annexed:	9.967
Developable Acres Remaining:	9 +/- ac
Right-of-way in Annexation:	19,783.2 sf of B ½ Road
Previous County Zoning:	County RSF-R
Proposed City Zoning:	City RSF-4
Current Land Use:	Single Family Residential
Future Land Use:	Single Family Residential subdivision
Values:	Assessed: = \$13,950
	Actual: = \$151,780
Address Ranges:	2941 – 2949 B ½ Road (odd only)
Special Districts:	Water: Ute Water
	Sewer: Orchard Mesa Sanitation
	Fire: GJ Rural

	Irrigation/Drainage :	Orchard Mesa Irrigation
	School:	Mesa County District 51
	Pest:	N/A

Site Location Map

Whaley Annexation Area



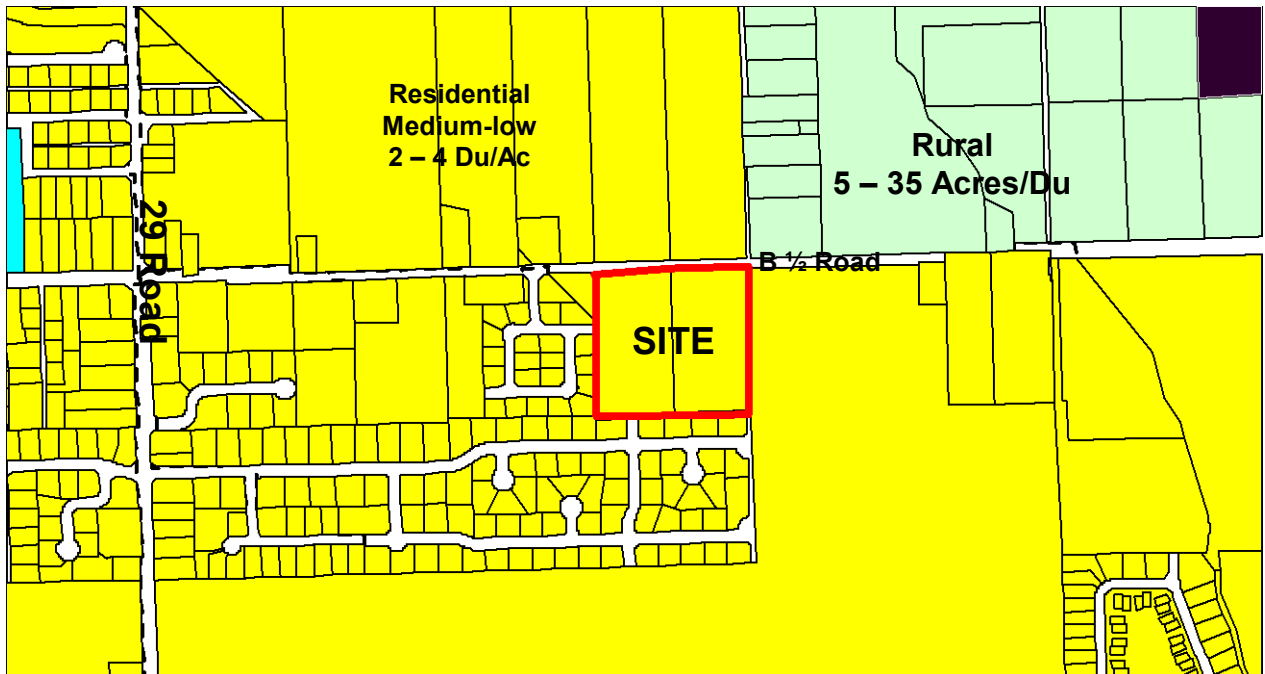
Aerial Photo Map

Whaley Annexation Area



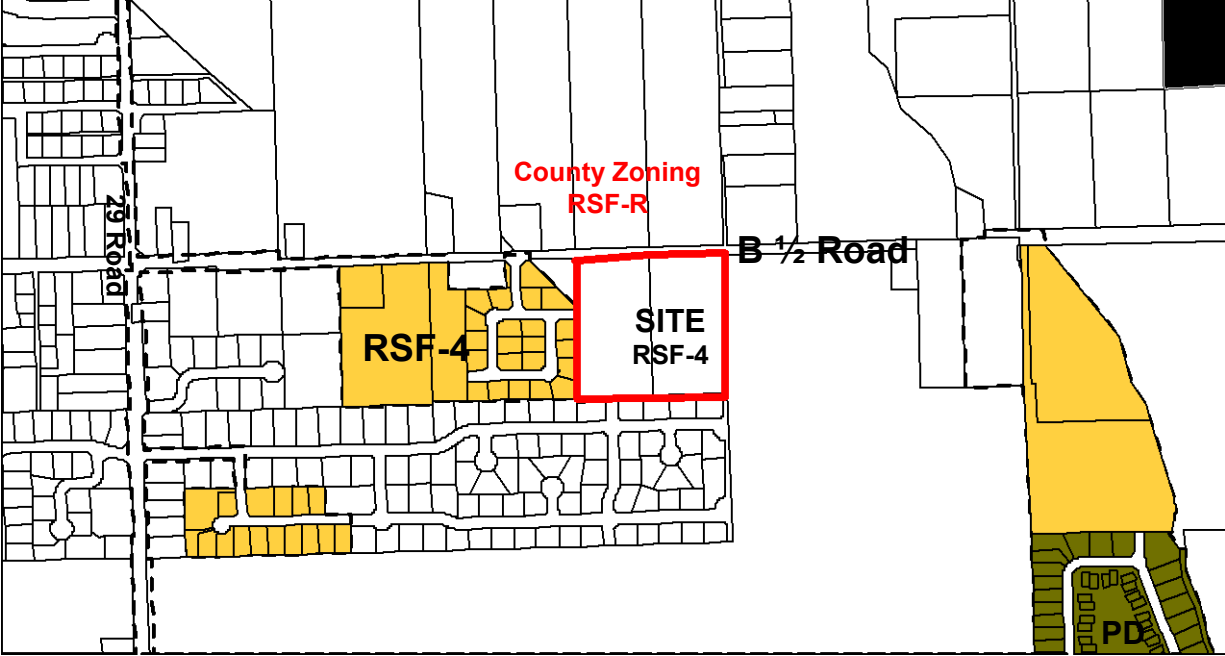
Future Land Use Map

Whaley Annexation Area



Existing City and County Zoning

Whaley Annexation Area



RESOLUTION NO. _____

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

LOCATED AT 2941 & 2949 B ½ ROAD IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 2nd day of March, 2005, 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:

WHALEY ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°09'21" W along the East line of said Crista Lee Subdivision, a distance of 658.68 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.96 feet; thence S 00°09'06" E a distance of 658.46 feet to a point on the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.92 feet, more or less, to the Point of Beginning.

CONTAINING 4.988 Acres (217,289.72 Sq. Ft.), more or less, as described

WHALEY ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado

and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°47'03" E along the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado, a distance of 329.92 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°09'06" W a distance of 658.49 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.48 feet to the Northeast corner of the Southwest Quarter (SW 1/4) of said Section 29; thence S 00°08'34" E along the East line of the NE 1/4 SW 1/4 of said Section 29, a distance of 658.24 feet to a point on the North line of said Loma Linda Subdivision; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.38 feet, more or less, to the Point of Beginning.

CONTAINING 4.979 Acres (216,878.03 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:

5. That a hearing will be held on the 6th day of April, 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.
6. 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 6th day of April, 2005.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

WHALEY ANNEXATION #1

APPROXIMATELY 4.988 ACRES

LOCATED AT 2941 B ½ ROAD

WHEREAS, on the 2nd day of March, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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:

WHALEY ANNEXATION #1

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°09'21" W along the East line of said Crista Lee Subdivision, a distance of 658.68 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a

distance of 329.96 feet; thence S 00°09'06" E a distance of 658.46 feet to a point on the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.92 feet, more or less, to the Point of Beginning.

CONTAINING 4.988 Acres (217,289.72 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 2nd day of March, 2005 and ordered published.

ADOPTED on second reading this 6th day of April, 2005.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

WHALEY ANNEXATION #2

APPROXIMATELY 4.979 ACRES

LOCATED AT 2949 B ½ ROAD

WHEREAS, on the 2nd day of March, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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 situates in Mesa County, Colorado, and described to wit:

WHALEY ANNEXATION #2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°47'03" E along the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado, a distance of 329.92 feet to the POINT OF BEGINNING; thence from said

Point of Beginning, N 00°09'06" W a distance of 658.49 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.48 feet to the Northeast corner of the Southwest Quarter (SW 1/4) of said Section 29; thence S 00°08'34" E along the East line of the NE 1/4 SW 1/4 of said Section 29, a distance of 658.24 feet to a point on the North line of said Loma Linda Subdivision; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.38 feet, more or less, to the Point of Beginning.

CONTAINING 4.979 Acres (216,878.03 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 2nd day of March, 2005 and ordered published.

ADOPTED on second reading this 6th day of April, 2005.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE ZONING THE WHALEY ANNEXATION

TO RESIDENTIAL SINGLE-FAMILY, NOT TO EXCEED 4 UNITS PER ACRE (RSF-4)

LOCATED AT 2941 AND 2949 B ½ ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to this annexation.

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

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

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

The following property shall be zoned the Residential Single-family, not to exceed 4 units per acre (RSF-4) zone district

Includes the following tax parcels 2943-293-00-084 and 2943-293-00-083

**PERIMETER BOUNDARY LEGAL DESCRIPTION
WHALEY ANNEXATION**

A Serial Annexation Comprising Whaley Annexation No. 1 and Whaley Annexation No. 2

WHALEY ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Southeast corner of the Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°09'21" W along the East line of said Crista Lee Subdivision, a distance of 658.68 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.96 feet; thence S 00°09'06" E a distance of 658.46 feet to a point on the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.92 feet, more or less, to the Point of Beginning.

CONTAINING 4.988 Acres (217,289.72 Sq. Ft.), more or less, as described

WHALEY ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, 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 Crista Lee Subdivision, as same is recorded in Plat Book 20, Page 59 of the Public Records of Mesa County, Colorado and assuming the East line of said Crista Lee Subdivision bears N 00°09'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°47'03" E along the North line of Loma Linda Subdivision, as same is recorded in Plat Book 11, Pages 322 and 323, Public Records of Mesa County, Colorado, a distance of 329.92 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°09'06" W a distance of 658.49 feet to a point on the North line of the NE 1/4 SW 1/4 of said Section 29; thence N 89°49'20" E along the North line of the NE 1/4 SW 1/4 of said Section 29, a distance of 329.48 feet to the Northeast corner of the Southwest Quarter (SW 1/4) of said Section 29; thence S 00°08'34" E along the East line of the NE 1/4 SW 1/4 of said Section 29, a distance of 658.24 feet to a point on the North line of said Loma Linda Subdivision; thence S 89°47'03" W along the North line of said Loma Linda Subdivision, a distance of 329.38 feet, more or less, to the Point of Beginning.

CONTAINING 4.979 Acres (216,878.03 Sq. Ft.), more or less, as described

Introduced on first reading this 16th day of March, 2005.

PASSED and ADOPTED on second reading this ___ day of _____, 2005.

President of the Council

Attest:

City Clerk

Attach 26
Public Hearing – Sycamore Creek #1 & #2 Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	A hearing for the Annexation and Zoning of the Sycamore Creek Annexation located at 2370 Broadway to RSF-2 (Residential Single-Family 2 du/ac).						
Meeting Date	April 6, 2005						
Date Prepared	March 28, 2005				File #ANX-2005-005		
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 type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Acceptance of a petition to annex and consider the annexation and zoning for the Sycamore Creek Annexation. The Sycamore Creek Annexation is located at 2370 Broadway and consists of one parcel of land and portions of the Broadway, Sayre Drive, and Pleasant Ridge Drive rights-of-way containing approximately 17 acres. The zoning being requested is RSF-2 (Residential Single-Family 2 du/ac).

Budget: N/A

Action Requested/Recommendation: 1) approve resolution accepting a petition for annexation; 2) Conduct a public hearing to consider final passage of annexation and zoning ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION

Location:		2370 Broadway		
Applicants:		Owner: Howard & Maureen Holt Representative: Aibonito Design, LLC – Hiram Revez		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Scenic Elementary School & Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-2		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Low (1/2 -2 ac/du)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of approximately 17 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 Sycamore Creek 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.

Zone of Annexation: The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Low (1/2-2 ac/du). 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 criterion is not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation at their February 22, 2005 meeting to the City Council, finding the zoning to the RSF-2 district to be consistent with the Growth Plan, the existing County Zoning and Sections

2.6 and 2.14 of the Zoning and Development Code. This item was on the consent agenda; therefore no minutes of the meeting have been attached.

The following annexation and zoning schedule is being proposed.

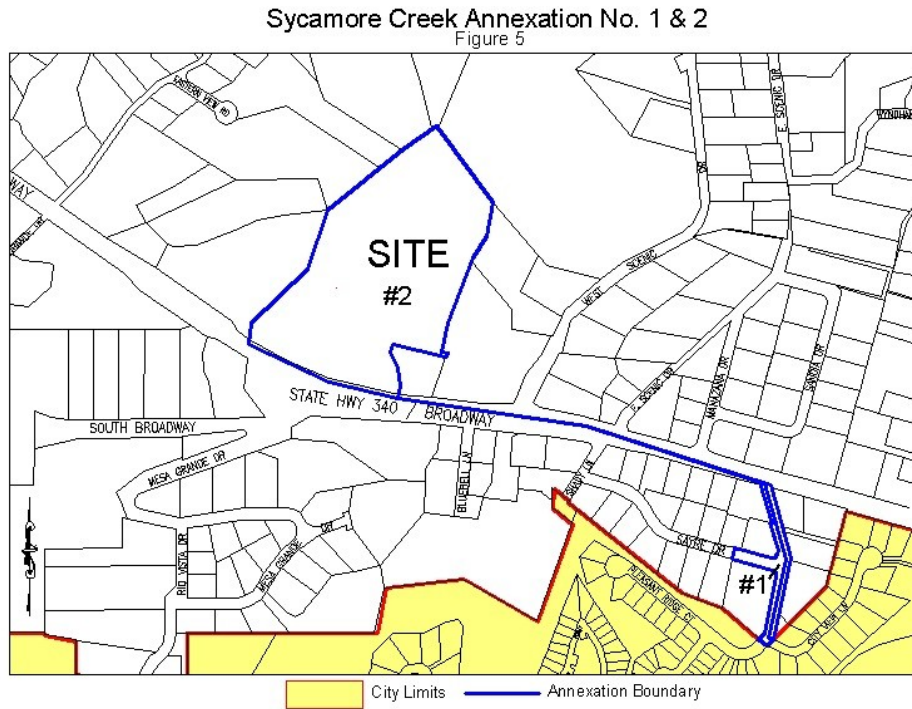
<i>ANNEXATION SCHEDULE</i>	
February 16, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 22, 2005	Planning Commission considers Zone of Annexation
March 16, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
April 6, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 8, 2005	Effective date of Annexation and Zoning

SYCAMORE CREEK ANNEXATION SUMMARY

File Number:	ANX-2005-005	
Location:	2370 Broadway	
Tax ID Number:	2945-171-00-207	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	17.1006	
Developable Acres Remaining:	16.4031	
Right-of-way in Annexation:	.6975	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-2	
Current Land Use:	Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$37,510
	Actual:	\$471,250
Address Ranges:	2370 Broadway	
Special Districts:	Water:	Ute
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire Protection
	Irrigation/Drainage:	Redlands Water & Power
	School:	District 51

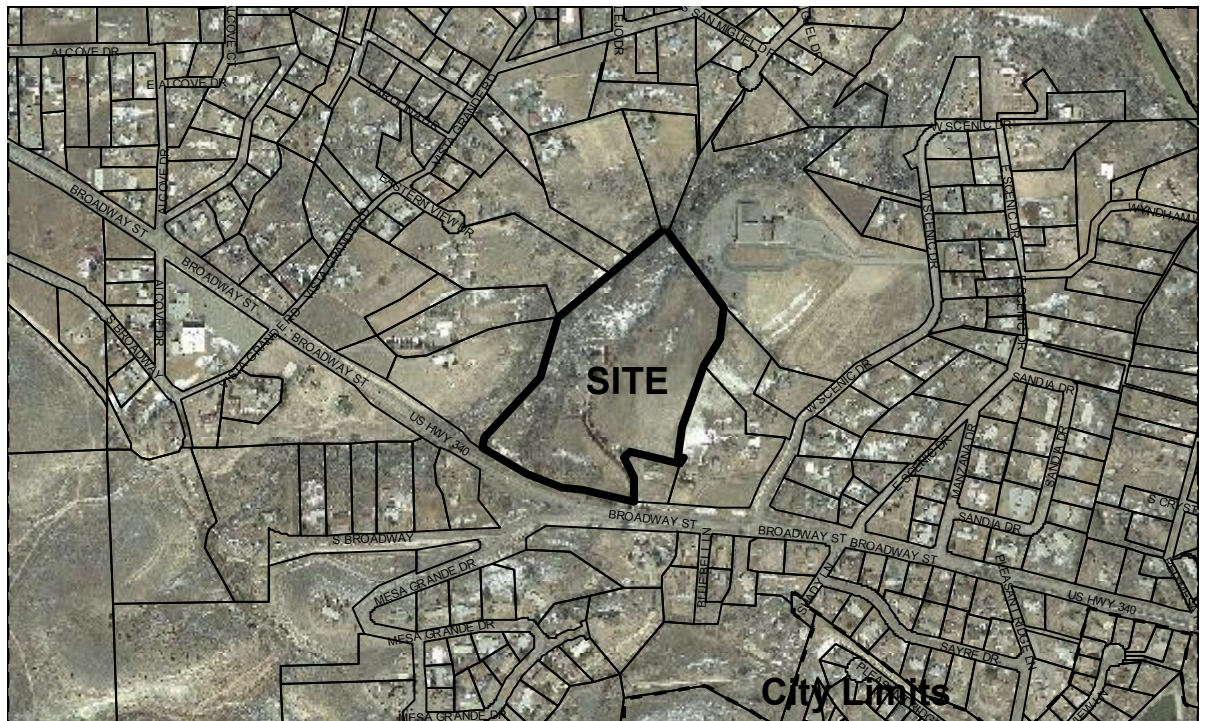
Annexation - Location Map

Figure 1



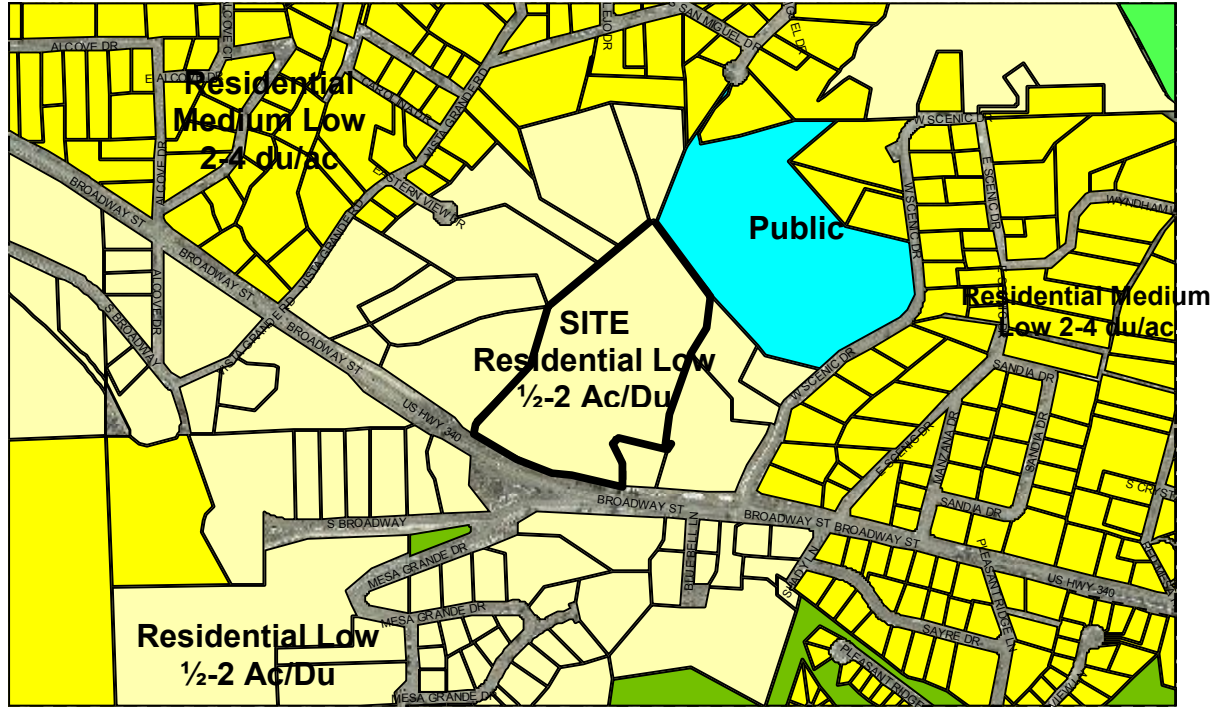
Aerial Photo Map

Figure 2



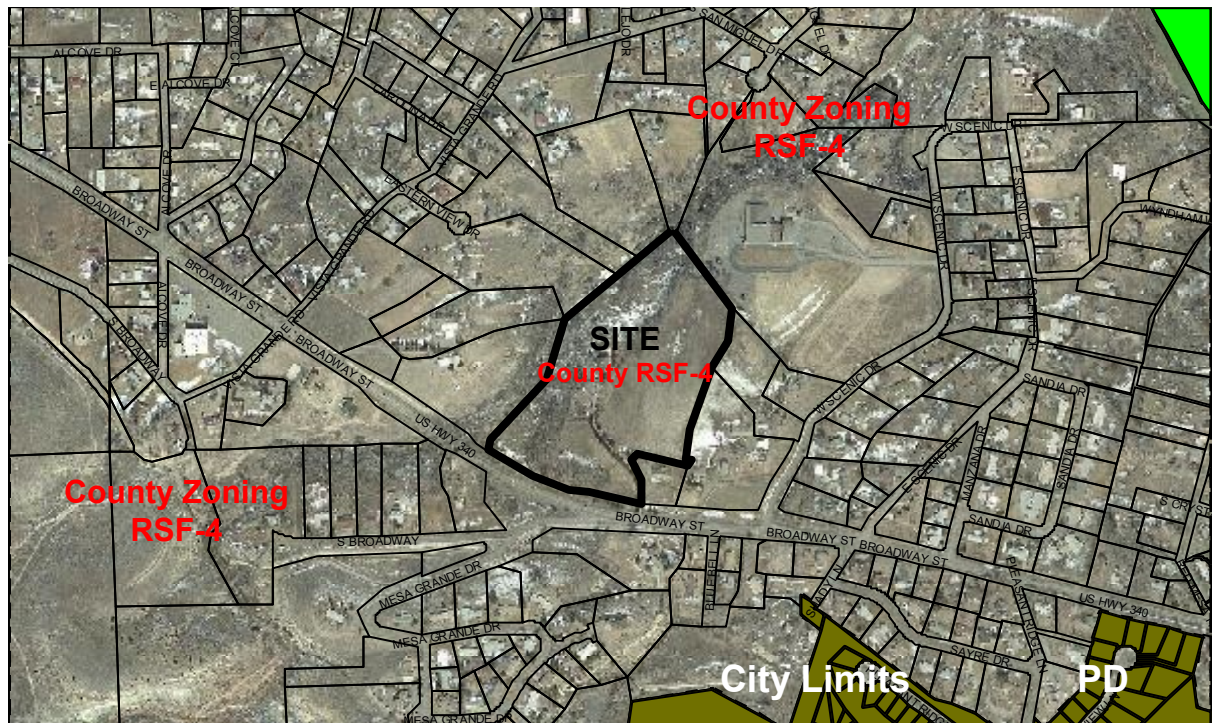
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

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

SYCAMORE CREEK ANNEXATION #1 & #2

**LOCATED AT 2370 BROADWAY AND PORTIONS OF THE SAYRE DRIVE,
PLEASANT RIDGE DRIVE, AND BROADWAY
RIGHTS-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th day of February, 2005, 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:

SYCAMORE CREEK ANNEXATION NO. 1

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, 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 Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N12°31'37"E, a distance of 50.07 feet to a point on the North line of Sayre Drive; thence S74°29'23"E along the North line of said Sayre Drive, a distance of 162.09 feet to a point of a tangent curve to the left having a radius of 25.00 feet and a central angle of 121°55'00"; thence northeasterly along the arc a distance of 53.20 feet; thence N16°24'23"W, along the West line of Pleasant Ridge Drive, a distance of 125.83 feet; thence S73°36'34"E, a distance of 10.24 feet to a point being the Southeast corner of Lot 7, Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado; thence N16°30'13"W, along the West line of said Pleasant Ridge Drive, a distance of 223.91 feet; thence N74°35'13"W, a distance of 790.69 feet; thence N15°24'47"E, a distance of 2.00 feet; thence S74°35'13"E, a distance of 809.18 feet; thence S16°24'23"E, a distance of 380.53 feet; thence S12°31'37"W, a distance of 352.80 feet; thence S77°28'23"E, a distance of 25.00 feet; thence S44°53'37"W, a distance of 44.08 feet; thence N50°00'22"W, a distance of 50.18 feet to a point being the Southeast corner of said Lot 8M; thence N44°53'37"E, along the West line of said Pleasant Ridge Drive, a distance of 33.86 feet; thence

N12°31'37"E, a distance of 252.02 feet to a point of tangent curve to the left having a radius of 25.00 feet and a central angle of 87°01'00"; thence northwesterly along the arc a distance of 37.97 feet; thence N74°29'23"W, a distance of 179.95 feet to the Point of Beginning.

CONTAINING 0.6975 Acres (30,383 Sq. Ft.), more or less, as described.

SYCAMORE CREEK ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°42'56"E, a distance of 234.23 feet to the POINT OF BEGINNING; thence N16°24'23"W, a distance of 380.53 feet; thence N74°35'13"W, a distance of 809.18 feet; thence N84°02'09"W, a distance of 817.73 feet; thence N76°52'24"W, a distance of 432.77 feet; thence N60°00'34"W, a distance of 279.93 feet; thence N09°12'49"E, a distance of 101.19 feet; thence N46°05'49"E, a distance of 341.30 feet; thence N20°53'49"E, a distance of 273.50 feet; thence N50°59'49"E, a distance of 423.30 feet; thence N54°38'01"E, a distance of 173.11 feet; thence S39°37'44"E, a distance of 391.23 feet; thence S10°43'51"W, a distance of 180.00 feet; thence S32°48'47"W, a distance of 106.34 feet; thence S21°27'17"W, a distance of 290.99 feet; thence S10°23'22"W, a distance of 128.27 feet; thence S80°07'38"E, a distance of 23.40 feet; thence S19°42'58"W, a distance of 23.08 feet; thence N76°49'27"W, a distance of 240.55 feet; thence S15°12'20"W, a distance of 30.67 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S53°49'32"W, a radial distance of 217.20 feet; thence southerly along the arc, through a central angle of 42°04'09", a distance of 159.48 feet; thence S05°53'40"W, a distance of 79.76 feet; thence S84°02'09"E, a distance of 817.86 feet; thence S74°35'13"E, a distance of 837.53 feet; thence S16°24'23"E, along the West line of Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado, a distance of 373.82 feet; thence S12°31'37"W, along the West line of Ratliff's Subdivision, as same is recorded in Plat Book 15, Page 215, Public Records of Mesa County, Colorado, a distance of 359.25 feet; thence N77°28'23"W, a distance of 25.00 feet; thence N12°31'37"E, a distance of 352.80 feet to the Point of Beginning.

CONTAINING 16.4031 acres (714,517 Sq Ft), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 2005; 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 6th day of April, 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**

SYCAMORE CREEK ANNEXATION #1

APPROXIMATELY .6975 ACRES

**LOCATED WITHIN THE SAYRE DRIVE, PLEASANT RIDGE DRIVE, AND BROADWAY
RIGHTS-OF-WAY**

WHEREAS, on the 16th day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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:

SYCAMORE CREEK ANNEXATION NO. 1

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, 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 Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N12°31'37"E, a distance of 50.07 feet to a point on the North line of Sayre Drive; thence S74°29'23"E along the North line of said Sayre Drive, a distance of 162.09 feet to a point of a tangent curve to the left having a radius of 25.00 feet and a central angle

of 121°55'00"; thence northeasterly along the arc a distance of 53.20 feet; thence N16°24'23"W, along the West line of Pleasant Ridge Drive, a distance of 125.83 feet; thence S73°36'34"E, a distance of 10.24 feet to a point being the Southeast corner of Lot 7, Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado; thence N16°30'13"W, along the West line of said Pleasant Ridge Drive, a distance of 223.91 feet; thence N74°35'13"W, a distance of 790.69 feet; thence N15°24'47"E, a distance of 2.00 feet; thence S74°35'13"E, a distance of 809.18 feet; thence S16°24'23"E, a distance of 380.53 feet; thence S12°31'37"W, a distance of 352.80 feet; thence S77°28'23"E, a distance of 25.00 feet; thence S44°53'37"W, a distance of 44.08 feet; thence N50°00'22"W, a distance of 50.18 feet to a point being the Southeast corner of said Lot 8M; thence N44°53'37"E, along the West line of said Pleasant Ridge Drive, a distance of 33.86 feet; thence N12°31'37"E, a distance of 252.02 feet to a point of tangent curve to the left having a radius of 25.00 feet and a central angle of 87°01'00"; thence northwesterly along the arc a distance of 37.97 feet; thence N74°29'23"W, a distance of 179.95 feet to the Point of Beginning.

CONTAINING 0.6975 Acres (30,383 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 16th day of February, 2005 and ordered published.

ADOPTED 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**

SYCAMORE CREEK ANNEXATION #2

APPROXIMATELY 16.40 ACRES

LOCATED AT 2370 BROADWAY

WHEREAS, on the 16th day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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:

SYCAMORE CREEK ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°42'56"E, a distance of 234.23 feet to the POINT OF BEGINNING; thence N16°24'23"W, a distance of 380.53 feet; thence N74°35'13"W, a distance of 809.18 feet; thence N84°02'09"W, a distance of 817.73 feet; thence N76°52'24"W, a distance

of 432.77 feet; thence N60°00'34"W, a distance of 279.93 feet; thence N09°12'49"E, a distance of 101.19 feet; thence N46°05'49"E, a distance of 341.30 feet; thence N20°53'49"E, a distance of 273.50 feet; thence N50°59'49"E, a distance of 423.30 feet; thence N54°38'01"E, a distance of 173.11 feet; thence S39°37'44"E, a distance of 391.23 feet; thence S10°43'51"W, a distance of 180.00 feet; thence S32°48'47"W, a distance of 106.34 feet; thence S21°27'17"W, a distance of 290.99 feet; thence S10°23'22"W, a distance of 128.27 feet; thence S80°07'38"E, a distance of 23.40 feet; thence S19°42'58"W, a distance of 23.08 feet; thence N76°49'27"W, a distance of 240.55 feet; thence S15°12'20"W, a distance of 30.67 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S53°49'32"W, a radial distance of 217.20 feet; thence southerly along the arc, through a central angle of 42°04'09", a distance of 159.48 feet; thence S05°53'40"W, a distance of 79.76 feet; thence S84°02'09"E, a distance of 817.86 feet; thence S74°35'13"E, a distance of 837.53 feet; thence S16°24'23"E, along the West line of Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado, a distance of 373.82 feet; thence S12°31'37"W, along the West line of Ratliff's Subdivision, as same is recorded in Plat Book 15, Page 215, Public Records of Mesa County, Colorado, a distance of 359.25 feet; thence N77°28'23"W, a distance of 25.00 feet; thence N12°31'37"E, a distance of 352.80 feet to the Point of Beginning.

CONTAINING 16.4031 acres (714,517 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 16th day of February, 2005 and ordered published.

ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE SYCAMORE CREEK ANNEXATION TO
RSF-2 (RESIDENTIAL SINGLE-FAMILY 2 DU/AC)**

LOCATED AT 2370 BROADWAY

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 Sycamore Creek Annexation to the RSF-2 (Residential Single-Family 2 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 (Residential Single-Family 2 du/ac) zone district be established.

The Planning Commission and City Council find that the RSF-2 (Residential Single-Family 2 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 Residential Single-Family with a density not to exceed 2 units per acre.

SYCAMORE CREEK ANNEXATION

A certain parcel of land lying in the East Half (E 1/2) of Section 17 and the West Half (W 1/2) of Section 16, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 8A, Watson's Subdivision Replat, as same is recorded in Plat Book 9, Page 65, Public Records of Mesa County, Colorado

and assuming the North line of said Lot 8A bears N 74°29'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N89°42'56"E, a distance of 234.23 feet to the POINT OF BEGINNING; thence N16°24'23"W, a distance of 380.53 feet; thence N74°35'13"W, a distance of 809.18 feet; thence N84°02'09"W, a distance of 817.73 feet; thence N76°52'24"W, a distance of 432.77 feet; thence N60°00'34"W, a distance of 279.93 feet; thence N09°12'49"E, a distance of 101.19 feet; thence N46°05'49"E, a distance of 341.30 feet; thence N20°53'49"E, a distance of 273.50 feet; thence N50°59'49"E, a distance of 423.30 feet; thence N54°38'01"E, a distance of 173.11 feet; thence S39°37'44"E, a distance of 391.23 feet; thence S10°43'51"W, a distance of 180.00 feet; thence S32°48'47"W, a distance of 106.34 feet; thence S21°27'17"W, a distance of 290.99 feet; thence S10°23'22"W, a distance of 128.27 feet; thence S80°07'38"E, a distance of 23.40 feet; thence S19°42'58"W, a distance of 23.08 feet; thence N76°49'27"W, a distance of 240.55 feet; thence S15°12'20"W, a distance of 30.67 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S53°49'32"W, a radial distance of 217.20 feet; thence southerly along the arc, through a central angle of 42°04'09", a distance of 159.48 feet; thence S05°53'40"W, a distance of 79.76 feet; thence S84°02'09"E, a distance of 817.86 feet; thence S74°35'13"E, a distance of 837.53 feet; thence S16°24'23"E, along the West line of Watson's Subdivision, as same is recorded in Plat Book 8, Page 65, Public Records of Mesa County, Colorado, a distance of 373.82 feet; thence S12°31'37"W, along the West line of Ratliff's Subdivision, as same is recorded in Plat Book 15, Page 215, Public Records of Mesa County, Colorado, a distance of 359.25 feet; thence N77°28'23"W, a distance of 25.00 feet; thence N12°31'37"E, a distance of 352.80 feet to the Point of Beginning.

CONTAINING 16.4031 acres (714,517 Sq Ft), more or less, as described.

Housing type, density and bulk standards shall be for the RSF-2 zone district.

Introduced on first reading this 16th day of March, 2005 and ordered published.

ADOPTED on second reading this 6th day of April, 2005.

ATTEST:

President of the Council

City Clerk