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

WEDNESDAY, MAY 4, 2005, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation – David Eisner, Congregation Ohr Shalom

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING MAY 14, 2005 AS “GRAND JUNCTION LETTER CARRIERS STAMP
OUT HUNGER DAY”

PROCLAIMING MAY 14, 2005 AS “KIDS DAY AMERICA/INTERNATIONAL”

PROCLAIMING MAY AS “ASTHMA AWARENESS MONTH IN MESA COUNTY”

PROCLAIMING MAY 15TH AS “PEACE OFFICERS MEMORIAL DAY” AND MAY 15TH –
MAY 21ST AS “POLICE WEEK”

PROCLAIMING MAY 9TH THROUGH JUNE 5TH AS “BUCKLE UP AMERICA MONTH”

APPOINTMENTS

ELECTION OF MAYOR AND MAYOR PRO TEM/ADMINISTER OATHS OF OFFICE

COUNCIL ASSIGNMENTS FOR 2005-2006

[Attach 24](#)

Resolution No. 73-05 – A Resolution Appointing and Assigning the City Councilmembers
to Represent the City on Various Boards and Organizations

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the April 18, 2005 Additional Workshop and the Summary of the April 18, 2005 Workshop

2. **Vacation of Easement Located at 597 ½ Grand Cascade Way** [File #VE-2005-025] [Attach 2](#)

The applicant proposes to vacate the south 41.00 ft. of a 55.00 ft. easement located in the Falls Subdivision adjacent to 597 ½ Grand Cascade Way and Patterson Road. The Planning Commission recommended approval of this easement vacation request on April 26, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 74-05 - A Resolution Vacating the South 41.00 Ft. of a 55.00 Ft. Utility, Fence, and Sign Easement Located at 597 ½ Grand Cascade Way

®Action: *Adopt Resolution No. 74-05*

Staff presentation: Ronnie Edwards, Associate Planner

3. **Vacation of Easement Located in Independence Ranch Filings #12 & #13** [File #FPP-2004-243] [Attach 3](#)

The applicant proposes to vacate a temporary turn-around easement and a 44 ft. utility easement created in Filings #7 and #8 of Independence Ranch Subdivision. The Planning Commission recommended approval on April 26, 2005.

Resolution No. 75-05 - A Resolution Vacating a Temporary Turnaround Easement and a 44 Ft. Utility Easement Located in Independence Ranch Filings #7 and #8

®Action: *Adopt Resolution No. 75-05*

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing on Zoning the Anson Annexation, Located at 2729 B ¼ Road** [File #ANX-2005-036] [Attach 4](#)

Introduction of a proposed zoning ordinance to zone the Anson Annexation RSF-4, located at 2729 B ¼ Road.

Proposed Ordinance Zoning the Anson Annexation to RSF-4, Located at 2729 B ¼ Road

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

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing on Zoning the Burkey Park Annexation, Located at 2980 F Road** [File #GPA-2005-060] [Attach 5](#)

Introduction of a proposed zoning ordinance to zone the Burkey Park Annexation CSR, located at 2980 F Road.

Proposed Ordinance Zoning the Burkey Park Annexation to CSR, 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

6. **Setting a Hearing for the Chatfield III Annexation, Located at 3156 and 3164 D ½ Road** [File #ANX-2005-057] [Attach 6](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 24.781 acre Chatfield III Annexation consists of 2 parcels.

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

Resolution No. 76-05 – 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, Chatfield III Annexation, Located at 3156 and 3164 D ½ Road Including a Portion of the D ½ Road Right-of-Way

®Action: Adopt Resolution No. 76-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Chatfield III Annexation, Approximately 24.781 Acres, Located at 3156 and 3164 D ½ Road Including a Portion of the D ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 15, 2005

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing for the Reynolds Annexation, Located at 3077 D ½ Road**
[File #ANX-2005-058] [Attach 7](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.55 acre Reynolds Annexation consists of 1 parcel and is a 2 part Serial Annexation

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

Resolution No. 77-05 – 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, Reynolds Annexations #1 and #2, Located at 3077 D ½ Road

®Action: Adopt Resolution No. 77-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reynolds Annexation #1, Approximately 1.48 Acres, Located at 3077 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reynolds Annexation #2, Approximately 5.07 Acres, Located at 3077 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for June 15, 2005

Staff presentation: Senta L. Costello, Associate Planner

8. **Setting a Hearing for the Swan Lane Annexation, Located at the South End of Swan Lane** [File #ANX-2004-249] [Attach 8](#)

Resolution referring petition for annexation and introduction of a proposed ordinance. The 4.47 acre Swan Lane Annexation consists of 6 parcels and a portion of the Broadway and Swan Lane Rights-of-Way.

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

Resolution No. 78-05 – 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, Swan Lane Annexation, Located at the South End of Swan Lane and Including a Portion of the Broadway and Swan Lane Rights-of-Way

®Action: *Adopt Resolution No. 78-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Swan Lane Annexation, Approximately 4.47 Acres, Located at the South End of Swan Lane and Including a Portion of the Broadway and Swan Lane Rights-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for June 15, 2005*

Staff presentation: Senta L. Costello, Associate Planner

9. **Amendment to Resolution No. 56-05 for the Vacation of a Temporary Turnaround Easement in the North Crest Industrial Subdivision** [File #PFP-2005-280] [Attach 9](#)

The City Council approved a vacation of a temporary turnaround easement at the April 6, 2005 meeting. In reviewing the final resolution, it was noticed that there was an error in the legal description, and a condition of approval by the Planning Commission has erroneously be left off of the resolution. The petitioners are aware of the oversight and have indicated that they do not object to the inclusion of the condition in the revised resolution.

Resolution No. 79-05 – A Resolution Amending Resolution No. 56-05 Vacating a Temporary Turnaround Easement in the North Crest Industrial Park Subdivision, Filing Two

®Action: Adopt Resolution No. 79-05

Staff presentation: Pat Cecil, Development Services Supervisor

10. **Setting a Hearing to Correct Scrivener's Error in Parking Code** [Attach 10](#)

On December 6, 2000, Ordinance No. 3320 was adopted, containing Section 36-22, regarding parking privileges for the handicapped. Due to a scrivener's error, the word "not" was omitted from that Section describing exceptions to the privileges for handicapped parking. This amendment is designed to correct the scrivener's error.

Proposed Ordinance Amending Part of Chapter 36 of the City of Grand Junction Code of Ordinances relating to Handicapped Parking Privilege

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

Staff presentation: John Shaver, City Attorney

11. **Purchase of High Cube Van Mounted with Sewage TV Inspection System** [Attach 11](#)

This is for the purchase of a 2005 GMC Truck with a Aires mounted sewage TV inspection system body. This unit inspects and records the condition of sewer and drainage lines for the City of Grand Junction as well as other customers in the valley. The existing unit is 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 a 2005 GMC Truck with Aires Mounted Sewage TV Inspection System Body Unit from Williams Equipment, Henderson, CO in the Amount of \$142,220.

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

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

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

12. **Sidewalk Dining Applications** [Attach 15](#)

A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main Street. Rendezvous of Grand Junction (317 Main St.),

Dolce Vita II (336 Main St.), and Crystal Café (314 Main St.), have submitted applications for a revocable permit for use of the public right-of-way in front of their business. These businesses have the required permits from the DDA for use of the sidewalk, but are required to have a revocable license from the City of Grand Junction to expand their licensed premise, permitting alcohol sales. The current ordinance requires outdoor facilities to end service at 10 pm. Several of the applicants have requested that this be extended to 12 midnight, still well in advance of their licensed closing time.

Resolution No. 83-05 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Rendezvous of Grand Junction, Ltd.

Resolution No. 84-05 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to the Crystal Café and Bake Shop

Resolution No. 85-05 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Dolce Vita II

®Action: *Adopt Resolution Nos. 83-05, 84-05, and 85-05.*

Presentation: Harold Stalf, Executive Director DDA

13. **ISO Certification Funding Request** [Attach 16](#)

The Business Incubator Center, Chamber of Commerce, and Grand Junction Economic Partnership have been working to develop resources for local manufacturing firms to obtain ISO certification and will be requesting financial assistance in the amount of \$25,000 from the City of Grand Junction.

Action: *Authorization for Financial Assistance in the Amount of \$25,000*

Presentation: Thea Chase, Business Incubator Center

14. **Public Hearing – Vacating Right-of-Way, Located at 774 Old Orchard Road** [Attach 19](#)
[File #VR-2004-201]

The petitioner is requesting City Council approval to vacate a portion of the road right-of-way for Clarkdell Court, comprising of approximately 0.87 acres. There are no public improvements within the right-of-way. The Planning Commission reviewed the vacation request on March 22, 2005, and recommends that the City Council approve the vacation request.

Ordinance No. 3758 - An Ordinance Vacating a Portion of the Right-of-Way Known as Clarkdell Court, 774 Old Orchard Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3758*

Staff presentation: Pat Cecil, Development Services Supervisor

15. **Public Hearing – Vacate Portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and Various Alleys Internal to the Mesa State College Campus** [File #VR-2004-292] [Attach 20](#)

Hold a public hearing and consider final passage of an ordinance vacating portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus.

Ordinance No. 3759 - An Ordinance Vacating College Place, a Portion of Mesa Avenue, Bunting Avenue, and Elm Avenue and Various Alleys Near the Mesa State College Campus

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3759*

Staff presentation: Kathy Portner, Planning Manager

16. **Purchase of Property at 426 Noland Avenue for the Riverside Parkway Project** [Attach 12](#)

The City has entered into a contract to purchase the property at 426 Noland Ave from Helen Malagon for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 80-05 – A Resolution Authorizing the Purchase of Real Property at 426 Noland Avenue from Helen Malagon

®Action: *Adopt Resolution No. 80-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Intergovernmental Agreement with CDOT for Interchange Study at 29 Road and I-70B Interchange** [Attach 13](#)

The proposed Intergovernmental Agreement with Colorado Department of Transportation (CDOT) will reimburse CDOT for anticipated expenses associated with the 1601 Interchange Study for 29 Rd and I-70B.

Resolution No. 81-05 – A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding 29 Road and I-70B Interchange Approval Process

®Action: *Adopt Resolution No. 81-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Conveyance of a Nonexclusive Easement Across City Property Along 25 Road for the Riverside Parkway Project** [Attach 14](#)

Public Service Company is requesting an easement across City right-of-way along 25 Road to accommodate new facilities being installed in conjunction with the relocations of their 230 kV power line in preparation of the Riverside Parkway.

Resolution No. 82-05 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

®Action: *Adopt Resolution No. 82-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

19. **Public Hearing – First Supplemental Appropriation Ordinance for 2005** [Attach 17](#)

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

Ordinance No. 3756 - An Ordinance Making Supplemental Appropriations to the 2005 Budget of the City of Grand Junction

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3756*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

20. **Public Hearing – Amendment to Chapter 4, Code of Ordinances Regarding Special Events** [Attach 18](#)

Amendments to Chapter 4 of the Code of Ordinances are proposed to codify the City's current practice of not issuing Special Events permits for the consumption of spirituous liquors in public places.

Ordinance No. 3757 - An Ordinance Amending Part of Chapter 4 of the City of Grand Junction Code of Ordinances Relating to Alcoholic Beverage Licensing

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3757

Staff presentation: John Shaver, City Attorney

21. **Public Hearing – Iris Court Enclave Annexation and Zoning, Located at 2250 South Broadway** [File # ANX-2005-028] (CONTINUED FROM APRIL 20, 2005) [Attach 21](#)

Consider the annexation and zoning for the Iris Court Enclave Annexation. The Iris Court Enclave Annexation is located at 2250 South Broadway and consists of 1 parcel on 0.35 acres. The zoning being requested is RSF-2 (Residential Single Family 2 du/ac).

a. Annexation Ordinance

Ordinance No. 3760 – An 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

b. Zoning Ordinance

Ordinance No. 3761 – An Ordinance Zoning the Iris Court Enclave Annexation to RSF-2, Located at 2250 South Broadway

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3760 and 3761

Staff presentation: Senta L. Costello, Associate Planner

22. **Public Hearing – PS Substation Enclave Annexation and Zoning, Located on 29 Road Just South of F Road** [File # ANX-2005-027] (CONTINUED FROM APRIL 20, 2005) [Attach 22](#)

Consider the annexation and zoning for the PS Substation Enclave Annexation. The PS Substation Enclave Annexation is located on 29 Road just south of F Road and consists of 1 parcel on 0.06 acres. The zoning being requested is RMF-5 (Residential Multi-Family 5 du/ac).

a. Annexation Ordinance

Ordinance No. 3762 – An 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

b. Zoning Ordinance

Ordinance No. 3763 – An Ordinance Zoning the PS Substation Enclave Annexation to RMF-5, Located on 29 Road Just South of F Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3762 and 3763.

Staff presentation: Senta L. Costello, Associate Planner

23. **Public Hearing – Webb Crane Enclave Annexation and Zoning, Located at 728, 738, 745 and 747 23 ½ Road** [File # ANX-2005-029] **(CONTINUED FROM APRIL 20, 2005)** [Attach 23](#)

Consider the annexation and zoning for the Webb Crane Enclave Annexation. The Webb Crane Enclave Annexation is Located at 728, 738, 745 and 747 23 ½ Road and consists of 4 parcels on 16.89 Acres. The zoning being requested is M-U (Mixed Use) and I-1 (Light Industrial).

a. Annexation Ordinance

Ordinance No. 3764 – An 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

b. Zoning Ordinance

Ordinance No. 3765 – An Ordinance Zoning the Webb Crane Enclave Annexation to M-U and I-1, Located at 728, 738, 745, and 747 23 ½ Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3764 and 3765*

Staff presentation: Senta L. Costello, Associate Planner

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

Attach 1
Minutes of Previous Meetings

GRAND JUNCTION CITY COUNCIL
ADDITIONAL WORKSHOP SUMMARY

April 18, 2005

The City Council of the City of Grand Junction, Colorado met on Monday, April 18, 2005 at 11:39 a.m. at Pinon Grill, Tiara Rado Golf Course, 2057 S. Broadway to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Council-elect Teresa Coons was also present. City Staff present were City Manager Kelly Arnold, City Attorney John Shaver, Administrative Services Director Ron Lappi, Parks and Recreation Director Joe Stevens, Golf Course Manager Travis Bunkelman, Maintenance Supervisor Doug Jones, Recreation Supervisor Traci Altergott and City Clerk Stephanie Tuin.

Summary and action on the following topics:

1. **PARKS AND RECREATION DEPARTMENT UPDATE ON GOLF COURSES:** Parks and Recreation Director Joe Stevens introduced the topic and deferred to the Golf Course Manager Travis Bunkelman. Mr. Bunkelman reviewed the trends for golf play, both locally and nationally. He said there has been a big downturn in golf nationwide. Weather certainly impacted the courses locally in 2004 as there was a long, cold winter. Mr. Bunkelman referred Council to a number of spreadsheets that have been developed for tracking purposes for revenues, expenditures, number of rounds, etc. He also had an informal study that was done of the western slope golf courses which showed every course to be down in rounds. He noted there are more courses so there is more competition. Councilmember Palmer noted that Adobe Creek and Chipeta Pines are the only two local courses making money. Mr. Bunkelman advised that not only do those courses not have a golf pro on staff, they don't maintain the courses to the degree the City does nor provide the level of customer service provided by the City.

Mr. Bunkelman noted that the Department has made various changes to reduce operating expenses including using volunteer rangers. Administrative Services Director Lappi added that the City went to a tiered system with the golf courses, with Tiara Rado being slightly higher in cost than Lincoln Park. City Manager Arnold advised that Staff has also been

given the latitude to work with pricing with organizations and running specials such as with youth golf. Mr. Bunkelman mentioned some of the specials they are having. Council-elect Teresa Coons mentioned partnering with Steps to a Healthier US as another possibility for partnership.

Mr. Bunkelman talked about the two pro shops and the plans of operations for each.

Maintenance Supervisor Doug Jones then related information regarding the course itself. There are no big projects for the courses planned for this year. They have cut expenses by having the seasonal crew do their work and then work in other Parks Department areas. Complete removal of the tamarisk at both courses has resulted in the water table rising. City Manager Arnold inquired about the dying trees at Lincoln Park. Mr. Jones said it is a combination of age, salty soils and a change in watering.

Councilmember Spehar inquired how Staff felt about making changes to Lincoln Park. Mr. Bunkelman felt that the driving range area at Tiara Rado serves as a good learning center. He did not think there would be justification for building an additional nine holes at Tiara Rado in the near future. He felt that 9-hole golf courses are few and not used as much but that Lincoln Park was still popular with seniors and juniors.

Other marketing ideas were discussed and will be explored.

Action summary: Council thanked the Parks and Recreation Staff for the information.

- 2. STRATEGIC PLAN SUBCOMMITTEE UPDATE ON OBJECTIVE 15A PRIORITIZING PARKS MASTER PLAN PROJECTS:** Councilmembers Enos-Martinez, Butler and McCurry served on the Strategic Plan Subcommittee to prioritize the Parks Master Plan. Parks and Recreation Director Stevens directed Council's attention to the Revised Parks Master Plan that identified projects in Tiers 1, 2, and 3. He noted that improvements to Burkey, Horizon and Bluffs West Parks were in Tier 1. Councilmember Palmer questioned Horizon Park being identified as a priority when it was his recollection that was on hold. Councilmember Enos-Martinez stated that there are pressures to do some minimal work at these three parks and the Committee felt doing small projects, such as trails and shelters, could be accomplished with the budget identified and have a start in each. Councilmember Spehar expressed concern that little projects such as these then set expectations for more work.

Council President Hill stated that Tier 1 projects amount to about \$5 million. Administrative Services Director Lappi advised that resources have been identified to accomplish the projects in Tier 1 over the next five years. City Manager Arnold noted that the site plan for Bookcliff Middle School will not allow for a neighborhood park so those resources are freed up. Council-elect Coons suggested partnerships with neighborhood groups for some of the labor.

Clarifications were made on other items in the Revised Master Plan. The irrigation system at Lincoln Park was brought up as a concern. The pipes are old and frequently get pin-hole leaks that take time to come to the surface. Installation of a pump station has helped. It was recommended that the entire system be replaced at one time instead of making repairs as they occur.

Council President Hill noted that perhaps when the new Council is seated, the Plan be revisited. Councilmember Spehar said he is comfortable going forward as recommended by the Committee rather than delaying going forward with time sensitive projects such as the school projects.

Items left to do at Canyon View Park were discussed as well as the revisions that were needed at Los Colonias due to the Parkway. City Manager Arnold said the subject of a dog park is being revisited by the Parks and Recreation Advisory Board. Parks and Recreation Department Director Joe Stevens stated that two sites have been suggested: one along the river and one at Canyon View Park. Enforcement of the dog leash law was encouraged.

Action summary: Councilmembers seemed to approve of the Tier 1 priorities, noting the first three items on the list are already in motion.

Adjourn

The meeting adjourned at 1:06 p.m.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
April 18, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, April 18, 2005 at 7:02 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Bill McCurry.

Summaries and action on the following topics:

1. **UPCOMING APPOINTMENTS TO BOARDS AND COMMISSIONS:** In anticipation of upcoming appointments to the Walker Field Airport Authority, the Downtown Development Authority, the Parks & Recreation Advisory Board, the Ridges Architectural Control Committee, the Riverfront Commission, and the Urban Trails Committee, City Clerk Stephanie Tuin reviewed the various vacancies and activities of each of the aforementioned boards.

Action summary: Council accepted the information and thanked City Clerk Stephanie Tuin for the information.

2. **VICE PRESIDENT OF THE COLORADO ASSOCIATION OF CHIEFS OF POLICE (CACP) JOHN PATTERSON WILL PRESENT THE GRAND JUNCTION POLICE DEPARTMENT WITH CACP ACCREDITATION AND THE NATIONAL NIGHT OUT AWARD:** Cherry Hills Police Chief John Patterson presented the awards. He said that this is only the 32nd police department in Colorado to receive accreditation. Mr. Patterson stated that this is not an easy accreditation to get and Grand Junction has the finest police manual he has ever seen. Police Chief Morrison accepted the award and then recognized Rick Dyer for putting the manual and the accreditation standards together. The Chief also presented a nomination for employee recognition for Mr. Dyer. The National Night Out Award was presented and Chief Morrison then thanked Kris Olson, John Zen, Paul Quimby and Troy Smith for all their work on National Night Out.

Action summary: The Council congratulated the Chief and the Department.

3. **JARVIS PROPERTY MASTER PLAN:** Community Development Director Bob Blanchard reviewed the history of this item. He said the original RFQ stated that the consultant may be selected for further refinement of the Master Plan. Mr. Blanchard said that Winter & Company was the first consultant and they have been asked to look at the next two tasks identified as: Task 1: Program Development of a Feasibility Analysis and Task 2: Packaging the Product for Marketing. He said Winter & Company is suggesting a charrette for Task 1. A

3-d model will be developed so that different options can be reviewed. An optional approach, just before the 3-d model, they could use the kit-of-parts to refine the plan. He said in Task 2, Winter & Company is suggesting reconvening the Resource Panel to develop the marketing package. Mr. Blanchard said the price includes the kit-of-parts option but that can be deleted. He said following those two tasks, the Community Development staff would begin to develop a growth plan amendment and process the rezones that would be required for the entitlement process. He said if Council wants to proceed, it can be on the Wednesday agenda.

Councilmember Spehar asked about funding. City Manager Arnold suggested funding from Council's contingency, which has a balance of \$459,050.

Councilmember Palmer asked if the next step is the contract. Mr. Blanchard said if approved to go forward, then they will develop a scope of services. Councilmember Palmer had some concerns about the aesthetics with light industrial on the property. Mr. Blanchard said the design charrette would be a good time to address that and in coordination with the Gateway Committee. Mr. Blanchard said the design standards for the structures will also be addressed. City Manager Arnold noted that the preferred alternative is where the next steps will begin. Councilmember Palmer said the flex space is undefined so he is concerned with the amount of housing. Councilmember Spehar agreed with Councilmember Palmer expressing that it is Council's desire for this development to be a jewel for the community. He also questioned how the property will be accessed from the Parkway. Mr. Blanchard said it is mentioned in the scope of services to finalize the access point. Mr. Blanchard also said that on the final report it had a side comment regarding a mixed use village with more emphasis on housing.

Councilmember Spehar asked who will participate in the design charrette. Mr. Blanchard said that the City Council, Planning Commission and Staff will attend. Councilmember Spehar wanted to expand the circle to get more ideas.

Councilmember Palmer was comfortable with the 3-d model but not so sure about the kit-of-parts.

Councilmember Kirtland and Councilmember Butler encouraged Council to go forward with this project.

Planning Manager Kathy Portner said that she could get more information on the kit-of-parts.

Action summary: Council directed Staff to get more information and to put the item on the agenda for a contract not to exceed \$79,075. The charrette will have

to be rescheduled from June 20th as many of Council will be at CML. After Council receives more information on the kit-of-parts, Council will decide on that element.

4. **SHADOW RUN PROPERTY REQUEST:** City Attorney John Shaver identified the location of the piece of property needed by the Shadow Run developer for access. If given direction to do so, he will proceed with negotiating a contract including consideration for the parcel. The developer's representative Mark Fenn was present but said he did not have anything to add to the presentation.

Council President Hill asked if this access will allow full turning movement. Mr. Shaver responded affirmatively.

Councilmember Kirtland asked if there was a trade possibility rather than an outright purchase as he was concerned about the cost of an appraisal. City Attorney Shaver said that it is Council's policy to at least place a value on the parcel regardless of how it is conveyed.

Councilmember Palmer said he is comfortable with an estimated value rather than a complete appraisal.

Councilmember Spehar asked should Council convey the whole piece rather than just the portion indicated. Mr. Shaver said that would be his preference.

Mr. Shaver noted that his department is working on developing a comprehensive policy for dealing with City-owned properties in these situations.

Action summary: City Attorney Shaver was authorized to begin the negotiation process with the developer.

The Council President called a recess at 8:22 p.m.

The meeting reconvened at 8:40 p.m.

5. **PUBLIC WORKS UPDATES:**

1. **F ½ ROAD PROJECT:** Public Works Manager Tim Moore presented the proposed alignment for F ½ Road. First, he gave the history of the project and how the different alignments were developed. He said all the alternatives design the west end pretty much the same. The second alternative will go through Foresight Park so some properties will need to be acquired. Mr. Moore said the third alternative has a free right hand turn off of Patterson Road and the fourth alternative is the

preferred alternative which also has the free right hand turn off of Patterson. Mr. Moore said he has met with nearly all of the adjacent property owners, including specifically the Foresight Park owners as this alternative may affect some of the accesses. The next step is to identify utility conflicts and have the Planning Commission review and make a recommendation. Then it will come before Council in a public hearing forum for official adoption in June or July.

Councilmember Palmer referred to the cross-section shown and expressed his concern on the width of the sidewalk, saying that ten feet is too much. Mr. Moore said this cross-section is out of the street standards for 24 Road but the department is looking at this standard City-wide and assessing the best alternative.

Councilmember Spehar urged coordination with the Community Development Department.

Council President Hill asked the purpose of the study. Mr. Moore said that it will relieve the congestion on Patterson Road and will allow it to function better long term. He said this will be an option for people to use rather than using Patterson Road. Council President Hill asked why there is not an alternative route that will directly connect to 25 Road and also why no connection to I-70. Mr. Moore said that is one of the alternatives and the question of no connection to I-70 is that the modeling did not show enough traffic, people would use G Road instead.

Councilmember Spehar asked if the diagonal meets the goals better. Mr. Moore said slightly, but the cost-benefit was the reason for not selecting those alternatives; he noted that this will drive the development west of 24 Road.

Councilmember Palmer asked if this will change the zoning. Mr. Moore stated not much but a remnant might be developable.

Council President Hill asked about the property owner, with 20 acres adjacent. Mr. Moore said that they have met with them and most are on board with the concept.

Action summary: Council thanked Mr. Moore for the information.

2. **ANNUAL WATER UPDATE:** Public Works Director Mark Relph and Water Services Manager Terry Franklin updated the City Council on a variety of water issues. Mr. Relph reviewed the anticipated spring 2005 run-off. He has been meeting with the National Weather Service and has

some reports on what to expect. He said that upper Colorado is near 100%, the Gunnison is at 130%, and the Grand Mesa is greater than 150%. Mr. Relph said the last big run-off was in 1995 and his predictions are elevated run-off on Roaring Fork, the Gunnison River, Dolores River and the Plateau Creek. Mr. Relph said that the temperature forecast is cooler than normal and higher than normal precipitation. Mr. Relph said that the pattern is similar to 1995.

Water Services Manager Terry Franklin then reviewed a number of water issues including the watershed area, water rights, current supply, water demands, water conservation efforts and past projects, partnerships and affiliations. He listed the City's decrees, both reservoirs and direct flows. He then talked about supply and demand; that the City has 2-3 times what is needed in a normal year. He addressed future enhancement including the Somerville Supply Project. He said that none of the enhancement will affect ranch irrigation on the Mesa. He said the City leases land at Somerville for grazing but the City is looking at fencing the area so that some permit testing can be done without interference from cattle. He said at Juniata Reservoir, the spillway could be raised up 3 feet which will allow 500 feet of more water storage. Mr. Franklin said the current water supply is at maximum this year. He then reviewed a forty year history of the water demands and the Supplemental Reservoir Water Leasing Program where the demand has increased so users are now required to submit a sealed bid. He said the Water Conservation Plan has been expanded in the area of public education. Mr. Franklin said that May 3rd is the kickoff; he listed numerous venues for the public education program. The City changed water rates two years ago to encourage conservation. He said the usage has dropped during the winter by 20%.

Councilmember Spehar asked how they engender a conservation effort in a community where there is twice as much water as is needed.

Councilmember Kirtland applauded the forethought that has occurred regarding water and the ingenuity that continues. He feels that the citizens do not realize how much good planning is done to ensure that the City has a high quality source of water for generations to come.

Councilmember Spehar agreed with Councilmember Kirtland. He said that many other cities in the State are worried but the City's effort here dates back to the turn of the last century and the community should be thankful.

Councilmember Butler stated that he remembers the time when the Gunnison was low and slimy and that he appreciates the water department's efforts.

Action summary: Council thanked Mr. Franklin for the information.

4. **IDI REQUEST TO AMEND PURCHASE AGREEMENT:** Robert Bray, President of Industrial Developments, Inc. requested City Council to direct Staff to draft an amendment to the purchase agreement for Bookcliff Technology Park from 1996 and to relinquish the City's interests in the property. IDI felt that the request is time sensitive and stated that there is a prospect that has come through GJEP (Grand Junction Economic Partnership). He said the company wants to stay anonymous but will bring jobs in the \$60,000 range. Mr. Bray reviewed the history of the property at Bookcliff Technology Park. He said that the purchase agreement stated the City would get a portion of any sale of the properties. GJEP is asking IDI to give two parcels from the 3D Systems site to this new company, so IDI is asking the City to relinquish their interest in the Bookcliff Technology Park property. Mr. Bray referred to his letter asking Council to grant their request.

Councilmember Palmer asked for clarification on the linkage to the 3D Systems property. Mr. Bray explained that in 1996, IDI could not donate to 3D Systems and buy Bookcliff Technology Park too, so the City went into partnership with IDI in the Bookcliff Technology Park, to allow the donation to 3D Systems. Mr. Bray said the relinquishment will also relieve the City from future obligations for infrastructure development.

Councilmember Spehar asked for more clarification, noting the City will also be looking at other parcels for this company and will not want to compete with itself. Greg Hoskins, IDI Board Member, added that IDI will develop the site but wants to keep a capital nest egg. GJEP has asked for the properties for free plus IDI will have about \$200,000 in expenses to develop. As it happens, this is about the same cost the City would be owed if property at Bookcliff Technology Park was sold.

Councilmember Spehar stated that he doesn't see the immediate link to the two pieces of the transactions. He feels IDI can go forward without the relinquishment. Councilmember Palmer agreed noting the City would also be giving up any gain in value since 1996. IDI Board Member and Chamber Director Diane Schwenke said the land owned by IDI, Bookcliff Technology Park, is 55 acres and the City has rights to some proceeds from the sale but IDI controls what happens to property. She suggested Council make the relinquishment conditional on the prospect of choosing that site.

Council President Hill noted that the transfer of ownership doesn't include any cash. Ms. Schwenke said it provides leverage for loans. Mr. Bray said they understand the City has other demands for economic development and they are not asking for dollars. He suggested two conditions: 1) if IDI sells the 55 acres at Bookcliff Technology Park for other than economic development, IDI should return monies to the City and 2) if this prospect does not take this site, then the deal is off.

Kelly Arnold, City Manager, agreed with the two conditions. He noted GJEP will still probably ask for incentives no matter where the site is. He said incentives won't change based on the site selection.

Council President Hill said the community is stepping forward and providing a variety of options. Regardless of the outcome, the function of IDI is to step up to do this and know the City will work with them. The City wants to be a partner, and they can both win by continuing to work together. IDI is encouraged to continue to come forward and ask for a partnership with the City.

Councilmember Kirtland said the City is ready to step up but tying this one deal to the other is difficult and may not be required.

The other Councilmembers agreed.

Action summary: Mr. Hoskins thanked the Council and said they understand where they are and the Council's position.

ADJOURN

The meeting adjourned at 10:11 p.m.

Attach 2

Vacation of Easement Located at 597 1/2 Grand Cascade Way

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Easement Vacation – 597 1/2 Grand Cascade Way						
Meeting Date	May 4, 2005						
Date Prepared	April 18, 2005				File #VE-2005-025		
Author	Ronnie Edwards		Associate Planner				
Presenter Name	Ronnie Edwards		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The applicant proposes to vacate the south 41.00 ft. of a 55.00 ft. easement located in the Falls Subdivision adjacent to 597 1/2 Grand Cascade Way and Patterson Road. The Planning Commission recommended approval of this easement vacation request on April 26, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

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

Attachments:

1. Vicinity/Aerial Map
2. Growth Plan/Zoning Map

3. Resolution with exhibit map

Background Information: See attached

BACKGROUND INFORMATION					
Location:		597 ½ Grand Cascade Way			
Applicants:		D'Ann Sheets			
Existing Land Use:		Residential Single Family			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Proposed Church Facility			
	South	Residential Single Family			
	East	Residential Single Family			
	West	Heritage Falls Elder Care Facility			
Existing Zoning:		PD			
Proposed Zoning:		PD			
Surrounding Zoning:	North	RMF-8 and CSR			
	South	PD			
	East	PD			
	West	PD and CSR			
Growth Plan Designation:		Residential Medium High (8-12 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request approval to vacate the south 41.00 ft. of a 55.00 ft. easement located in the Falls Subdivision adjacent to 597 ½ Grand Cascade Way and Patterson Road.

ANALYSIS:

1. Background:

The subject property is part of The Falls Subdivision, which was annexed in November of 1974, and was platted as Lot 1 of Filing #4 in August of 1993 and was replatted as Lot 1 of Sheets Subdivision in 2003. Adjoining this lot to the

north is 55.00 feet of utility, fence and sign easement, which was originally platted as Tract A and dedicated to the Falls Home Owners Association. The south 41.00 feet of the easement is not being used by the residents of the subdivision for fencing or a sign and no utilities exist in this area, as they are located in the 14' multi-purpose easement that will be retained adjacent to Patterson Road and along Grand Cascade Way. The applicant approached the Home Owners Association with the request to vacate the subject area as it was not being used, but in fact had been maintained and utilized by the applicant as part of their lawn area for approximately three years. A Quit Claim Deed has been signed by the President of The Falls Home Owners Association to convey the subject area to the applicant and will be recorded concurrently with the resolution vacating the easement once approved.

2. Consistency with the Growth Plan:

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

By allowing the described easement to be vacated, the reconfigured lot will not be encumbered by an unnecessary easement and the home owner can continue utilizing the area. The north 14' will be retained for a multi-purpose easement for all existing underground utilities and services. This vacation request will not affect the adjacent individual neighborhoods.

Section 2.11.c of the Zoning and Development Code:

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

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

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

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

No parcel becomes landlocked with this vacation. The adjoining lot has existing access on Grand Cascade Way.

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

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

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation request. All existing facilities and services are provided in the 14' multi-purpose easement being retained adjacent to Patterson Road.

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

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

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

Proposal provides a benefit to the City by adjusting the utility easement location to coincide with the exact area of utilities.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing this Easement Vacation application, VE-2005-025, for the vacation of the south 41.00' of a 55.00' utility, fence and sign easement, the Planning Commission made the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. The conveyance document will be recorded concurrently with the vacation resolution.



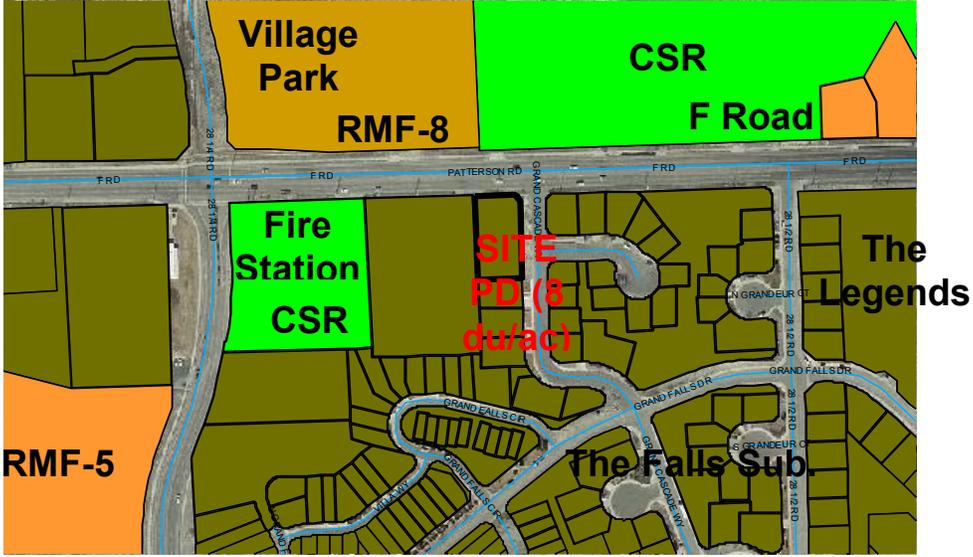
Future Land Use Map

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

Resolution No. _____

**A RESOLUTION VACATING THE SOUTH 41.00 FT. OF A 55.00 FT.
UTILITY, FENCE, AND SIGN EASEMENT
LOCATED AT 597 1/2 GRAND CASCADE WAY**

RECITALS:

The applicant proposes to vacate the south 41.00 ft. of a 55.00 ft. utility, fence and sign easement located in The Falls Subdivision adjacent to 597 ½ Grand Cascade Way and Patterson Road. The subject area is not being used by the residents of the subdivision for fencing or a sign and no utilities exist in this area. A 14 ft. multi-purpose easement will be retained adjacent to Patterson Road and along Grand Cascade Way for all existing utilities, making the described easement area unnecessary. A conveyance document will be recorded concurrent with the vacation resolution.

At its April 26, 2005 hearing the Grand Junction Planning Commission found that the request satisfies the review criteria set forth in Section 2.11.C of the Zoning and Development Code and recommended approval.

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

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

Any and all interest it may have by grant of easement for the purpose of fence placement, signs or otherwise in a tract of land situated in the NE1/4 NW1/4 of Section 7, T1S, R1E of the Ute P.M., being more particularly described as follows:

Commencing at the NW corner of Sheets Subdivision, Mesa County, Colorado as recorded in plat Book 20 Page 41 of the Mesa County Clerk and Recorder's Office; thence S1°14'34"E a distance of 14.00 feet along the west line of said subdivision for a basis of bearings; thence N89°50'00"E a distance of 10.00 feet to the POB; thence N89°50'00"E a distance of 72.51 feet; thence along a curve to the right having a long chord which bears S45°10'00"E a distance of 8.49 feet, a radius of 6.00 feet, a central angle of

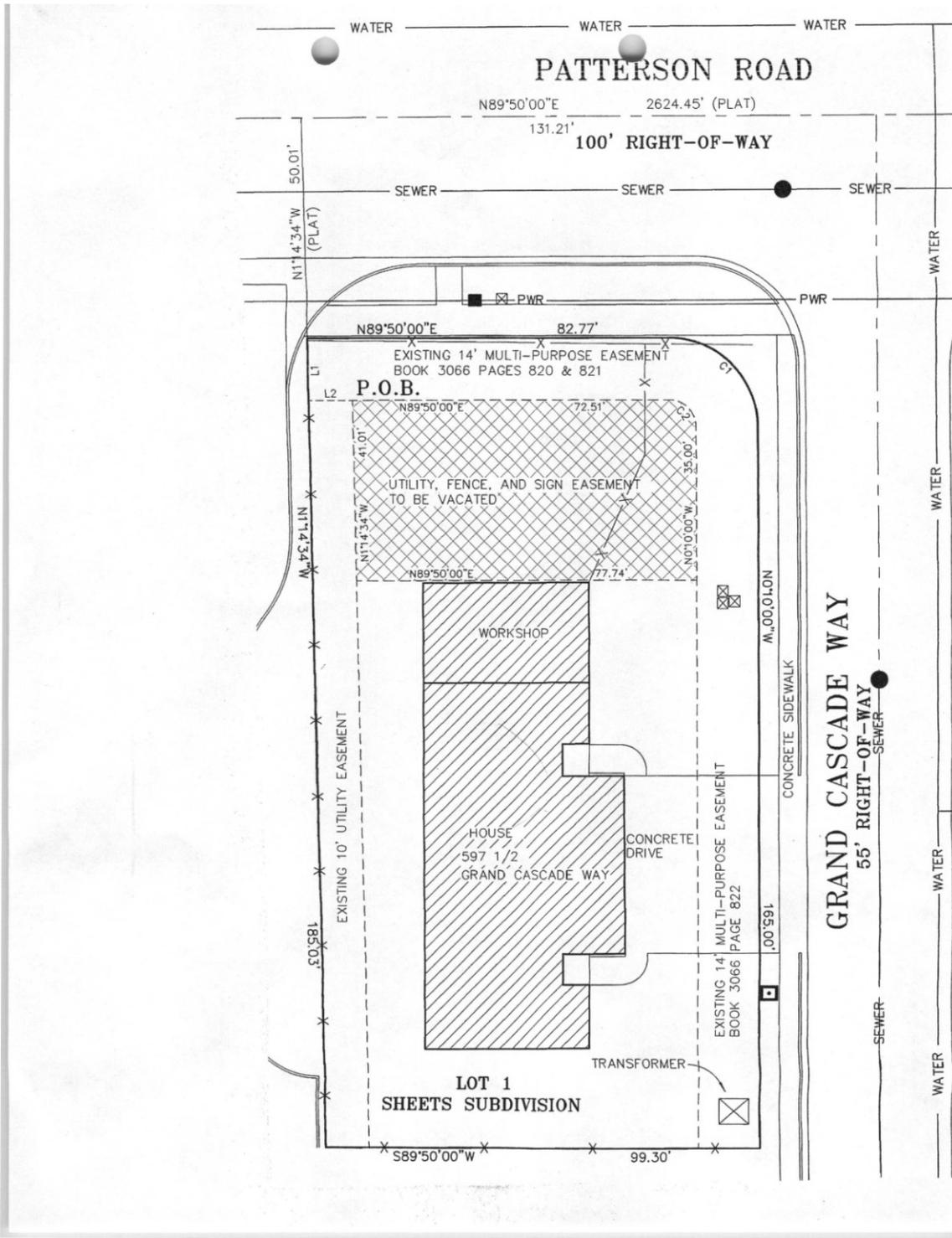
90°00'00" and an arc length of 9.42 feet; thence S00°10'00"E a distance of 35.00 feet; thence S89°50'00"W a distance of 77.74 feet; thence N1°14'34"W a distance of 41.01 feet to the POB.

PASSED and ADOPTED this _____ day of _____, 2005.

ATTEST:

City Clerk

President of City Council



Attach 3

Vacation of Easement Located in Independence Ranch Filings #12 & 13

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
Subject	Easements Vacation – Independence Ranch Filings 12 & 13						
Meeting Date	May 4, 2005						
Date Prepared	April 20, 2005				File #FPP-2004-243		
Author	Ronnie Edwards		Associate Planner				
Presenter Name	Ronnie Edwards		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The applicant proposes to vacate a temporary turn-around easement and a 44 ft. utility easement created in Filings #7 and #8 of Independence Ranch Subdivision. The Planning Commission recommended approval on April 26, 2005.

Budget: N/A

Action Requested/Recommendation: Approve the resolution vacating the referenced easements.

Attachments:

1. Site/Aerial Map
2. Growth Plan/Existing Zoning Map
3. Resolution/Exhibit Maps

Background Information: See attached

BACKGROUND INFORMATION					
Location:		NE corner 20 ½ Road & F ¾ Road			
Applicants:		Hans Brutsche			
Existing Land Use:		Vacant			
Proposed Land Use:		36 single family residential lots			
Surrounding Land Use:	North	Colorado River & open space			
	South	Previous Filings of Independence Ranch			
	East	Open Space			
	West	Country Meadow Subdivision			
Existing Zoning:		PD (PR 1.7)			
Proposed Zoning:		Same			
Surrounding Zoning:	North	County RSF-4			
	South	City PD			
	East	City PD and Park			
	West	County RSF-4			
Growth Plan Designation:		Residential Medium Low: 2 – 4 du/ac			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Applicant is requesting approval to vacate a temporary turnaround easement and a 44 ft. wide utility easement dedicated in Filings #7 and #8.

RECOMMENDATION: Approve the resolution to vacate the easements.

ANALYSIS

1. Background

The two easements referenced were required by the Zoning and Development Code to aid in the development of previous phases. By the development of the infrastructure with Filings 12 and 13, these easements are no longer needed.

2. Consistency with the Growth Plan

Policy 3.5 states the City will coordinate with service providers to develop and maintain public improvements which efficiently serve existing and new development.

The petitioner is working with service providers by developing the infrastructure for the future filings so these easements are no longer needed. New easements will be formed with the recordation of new subdivision phases.

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

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

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

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

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

No parcel becomes landlocked with this vacation. These particular easements were dedicated from previous phases and are now unnecessary. The dedication of interior streets within the last two filings creates access for all lots.

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

Access to existing and proposed lots will not be restricted. The proposal is only affecting the applicant's property.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation request. All new facilities and services will be provided in the easements and right-of-way that exist or are proposed with Filings 12 and 13.

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

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

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

Proposal provides a benefit to the City by eliminating unnecessary easements and allows new services to be located in proposed multi-purpose easements and right-of-way with the recordation of final plat of Filings 12 and 13. These easements are no longer needed as they were only implemented to aid in the development of a previous phase.

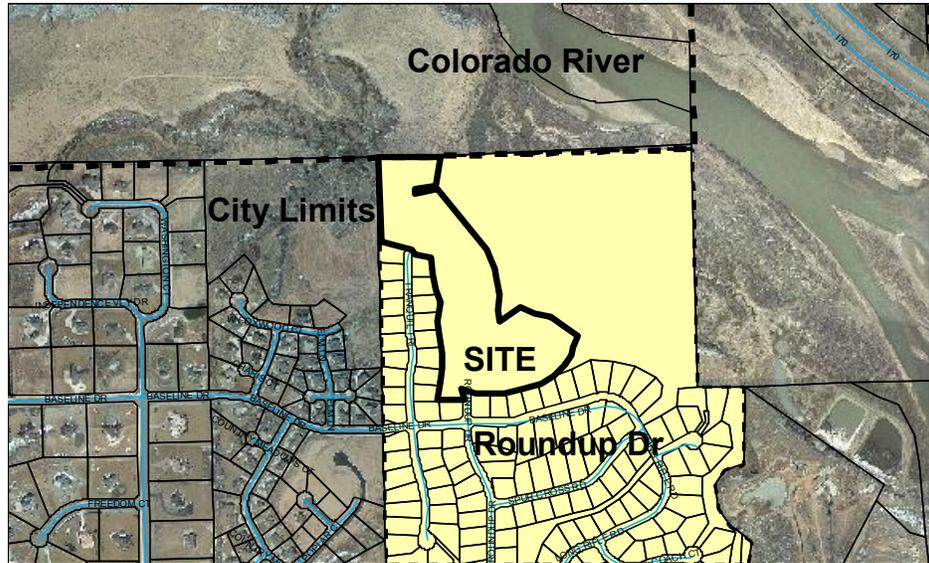
FINDINGS OF FACT/CONCLUSIONS

After reviewing the vacation application, FPP-2004-243, City Council makes the following findings of fact and conclusions:

- The requested easement vacations are consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
- The vacation of said easements is conditioned upon the dedication of easements and right-of-way as shown on the plats of Independence Ranch Filings 12 and 13 and the vacation resolution and subdivision plats be recorded concurrently.

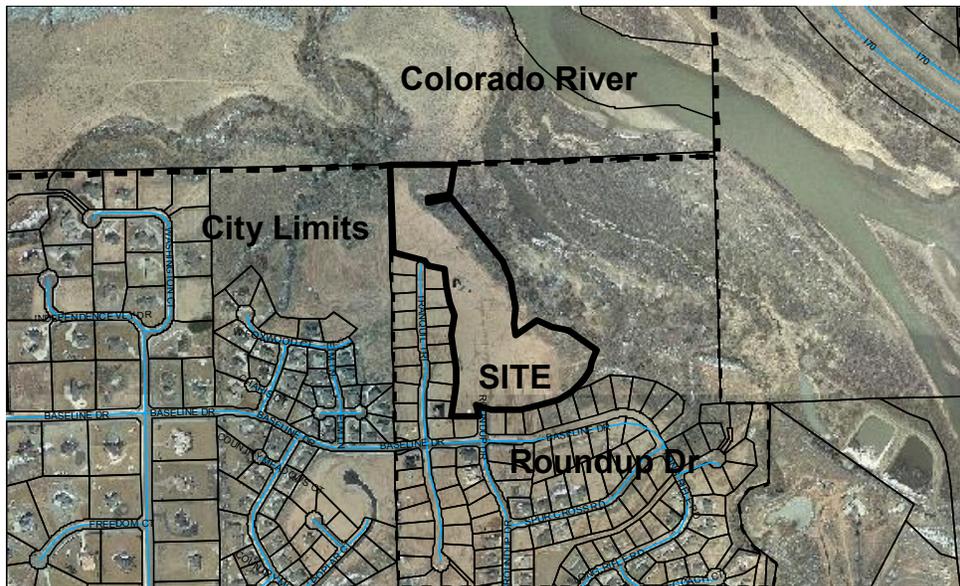
Site Location Map

Figure 1



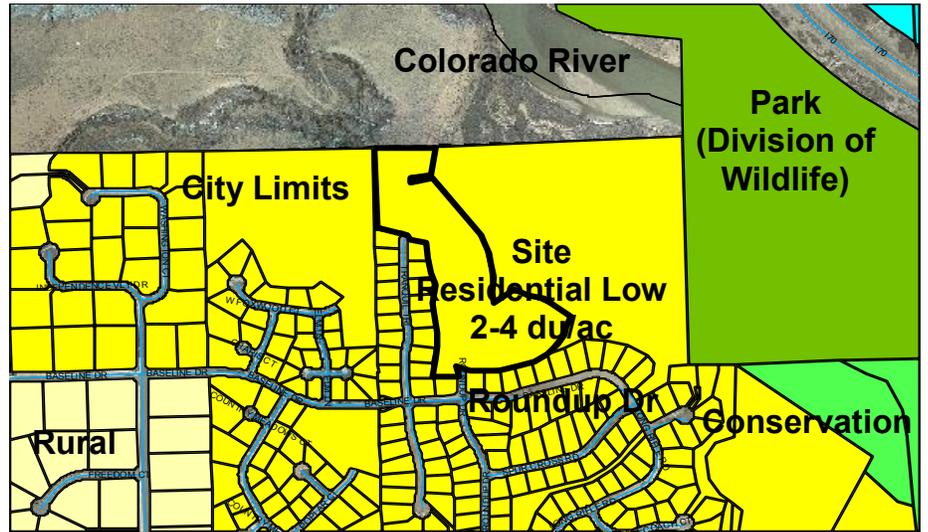
Aerial Photo Map

Figure 2



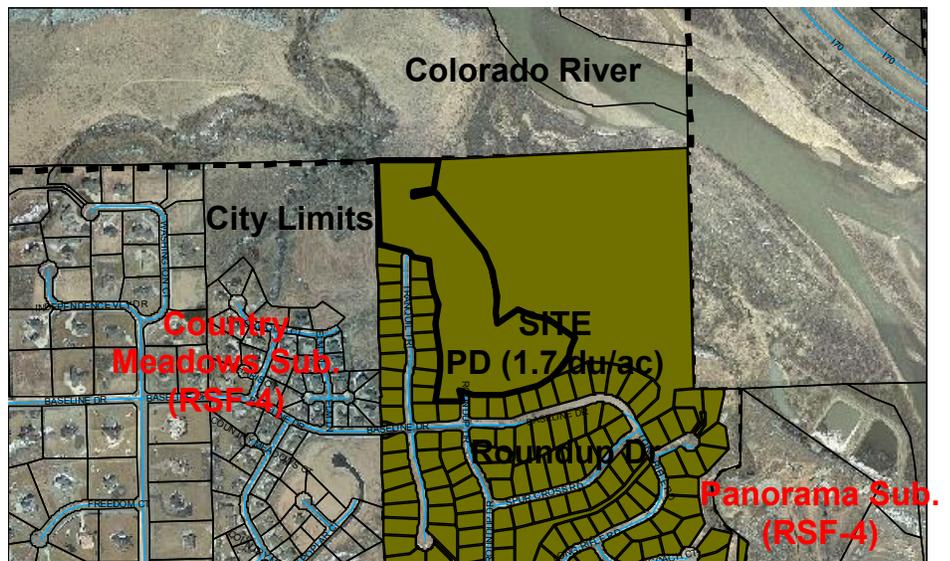
Future Land Use Map

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

RESOLUTION NO. _____

**A RESOLUTION VACATING A TEMPORARY TURNAROUND
EASEMENT AND A 44 FT. UTILITY EASEMENT LOCATED IN
INDEPENDENCE RANCH FILINGS #7 AND #8**

RECITALS:

The applicant proposes to vacate a temporary turnaround easement and a 44 ft. wide utility easement as dedicated in Filings #7 and #8 of Independence Ranch Subdivision. These easements are no longer necessary as the various proposed utilities will be installed in appropriate new easements and rights-of-way dedicated with the recordation of Filings 12 and 13 of Independence Ranch Subdivision.

At its April 26, 2005 hearing the Grand Junction Planning Commission found that the request to vacate the easements satisfies the review criteria set forth in Section 2.11.C of the Zoning and Development Code and recommended conditional approval.

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

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

1. The temporary turnaround easement and the 44 ft. wide utility easement dedicated on the plats for Independence Ranch Filings #7 and #8 recorded with the Mesa County Clerk and Recorder at Reception No. 2006386 and No. 2046433 are vacated conditioned upon the dedication of easements and rights-of-way as shown on the plats for Independence Ranch Filings 12 and 13 and the applicant paying the recording/documentary fees and costs for this Resolution and the Subdivision plats. The easements are depicted in the

attached Exhibit Maps and associated legal descriptions, which is incorporated herein.

PASSED and ADOPTED this _____ day of _____, 2005.

ATTEST:

City Clerk
City Council

President of

TEMPORARY TURNAROUND EASEMENT VACATION DESCRIPTION

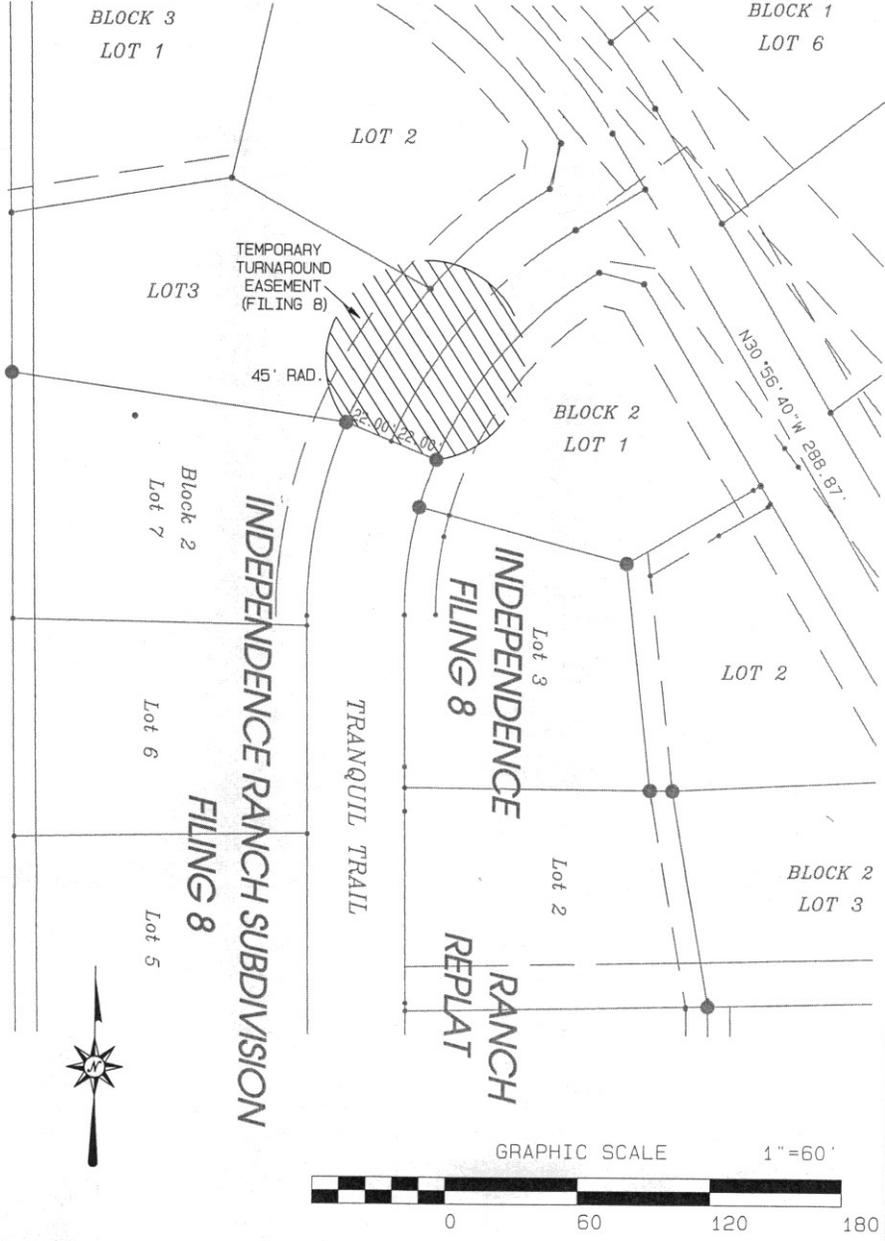
A Temporary Turnaround Easement as dedicated and shown on the plat of Independence Ranch Filing 7, which is on file with the Mesa County Clerk and Recorder at Reception No. 2006386; said easement described by metes and bounds as follows:

Beginning at the Northeast corner of Lot 7 Block 2, Independence Ranch Filing 8;
Thence along the Northerly right-of-way line of Tranquil Trail, South $67^{\circ}40'42''$ East, a distance of 44.00 feet to the Easterly right-of-way line of Tranquil Trail, being a point on a 45.00 foot radius non-tangent curve to the left, whence the radius point bears North $06^{\circ}56'35''$ West;
Thence 236.77 feet along the arc of said curve, through a central angle of $301^{\circ}27'53''$ to the Point of Beginning.

This description was prepared by:
Dennis R. Shellhorn
Colorado P.L.S. 18478
529 25 1/2 Road, Suite 210
Grand Junction, Colorado

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EASEMENT VACATION EXHIBIT



EASEMENT VACATION DESCRIPTION

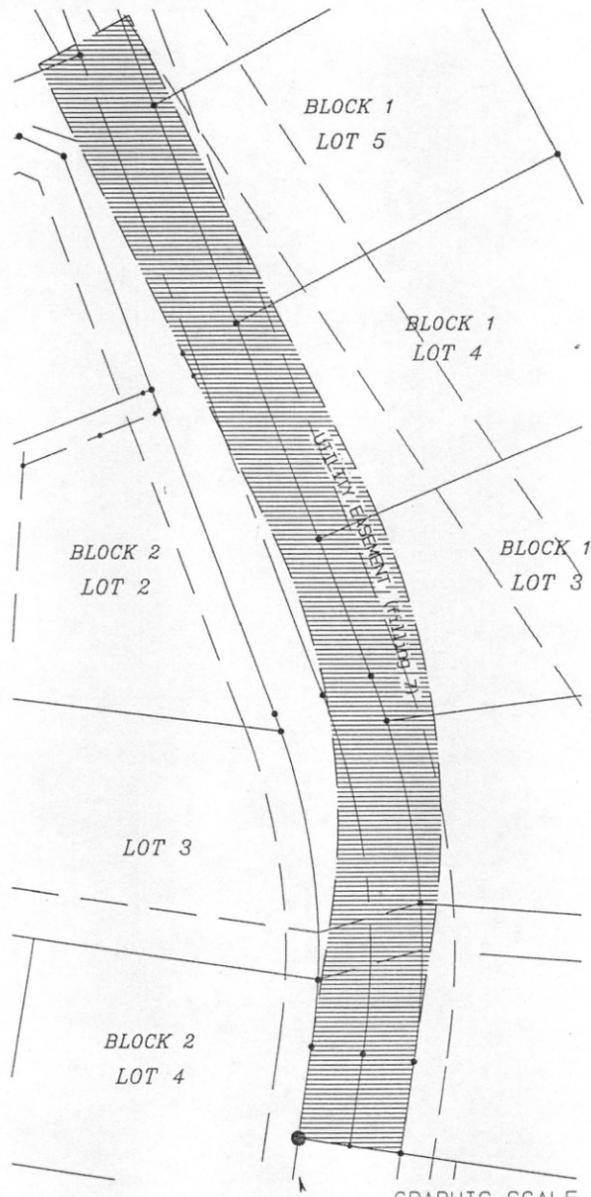
A utility easement as shown and dedicated on the plat of Independence Ranch Filing 7, a subdivision of the City of Grand Junction recorded at Reception No. 2006386 of the Mesa County records; the said easement to be vacated described below:

Beginning at a point on the northerly terminus of the westerly right-of-way line of Roundup Drive as shown on said plat of Independence Ranch Filing 7;
Thence North 00°33'50" East, a distance of 41.46 feet;
Thence 89.20 feet along the arc of a 378.62 foot radius curve to the right, through a central angle of 13°29'54", the chord of which bears North 07°18'47" East, a distance of 88.99 feet;
Thence 170.10 feet along the arc of a 378.00 foot radius curve to the left, through a central angle of 25°46'59", the chord of which bears North 01°10'15" East, a distance of 168.67 feet;
Thence 94.52 feet along the arc of a 522.00 foot radius curve to the right, through a central angle of 10°22'30", the chord of which bears North 06°31'59" West, a distance of 94.39 feet;
Thence North 01°20'44" West, a distance of 172.29 feet;
Thence 172.11 feet along the arc of a 278.00 foot radius curve to the left, through a central angle of 35°28'21", the chord of which bears North 19°04'55" West, a distance of 169.38 feet;
Thence North 36°49'05" West, a distance of 216.10 feet;
Thence North 53°10'55" East, a distance of 44.00 feet;
Thence South 36°49'05" East, a distance of 216.10 feet;
Thence 199.35 feet along the arc of a 322.00 foot radius curve to the right, through a central angle of 35°28'21", the chord of which bears South 19°04'55" East, a distance of 196.19 feet;
Thence South 01°20'44" East, a distance of 172.29 feet;
Thence 86.56 feet along the arc of a 478.00 foot radius curve to the left, through a central angle of 10°22'30", the chord of which bears South 06°31'59" East, a distance of 86.44 feet;
Thence 189.90 feet along the arc of a 422.00 foot radius curve to the right, through a central angle of 25°46'59", the chord of which bears South 01°10'15" West, a distance of 188.30 feet;
Thence 78.83 feet along the arc of a 334.62 foot radius curve to the left, through a central angle of 13°29'54", the chord of which bears South 07°18'47" West, a distance of 78.65 feet;
Thence South 00°33'50" West, a distance of 41.46 feet to the northerly terminus of the easterly right-of-way line of Roundup Drive as shown on said plat of Independence Ranch Filing 7;
Thence along said right-of-way North 89°26'10" West, a distance of 44.00 feet to the Point of Beginning.

This description was prepared by:
Dennis R. Shellhorn
Colorado P.L.S. 18478
529 25 1/2 Road, Suite 210
Grand Junction, Colorado

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EASEMENT VACATION EXHIBIT



GRAPHIC SCALE

1" = 60'



Attach 4

Setting a Hearing on Zoning the Anson Annexation Located at 2729 B ¼ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Anson Annexation, located at 2729 B ¼ Road.					
Meeting Date		May 4, 2005					
Date Prepared		April 25, 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: Introduction of a proposed zoning ordinance to zone the Anson Annexation RSF-4, located at 2729 B ¼ Road.

Budget: N/A

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

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

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

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

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

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

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

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

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

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

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

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

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

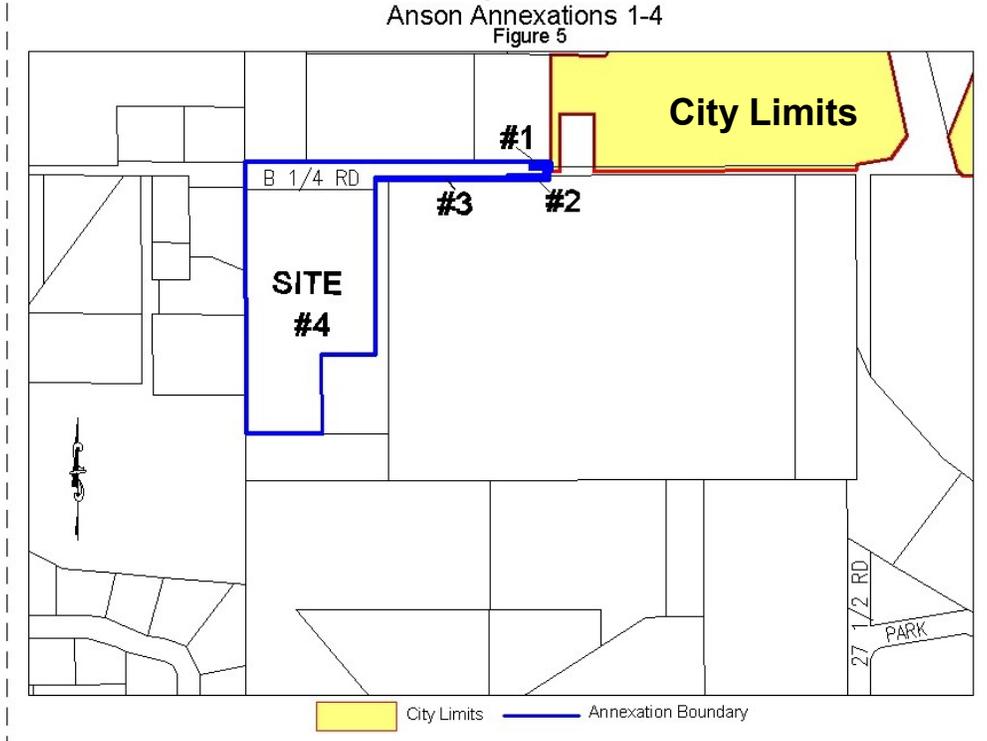
STAFF RECOMMENDATION

Staff recommends approval of the RSF-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.

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

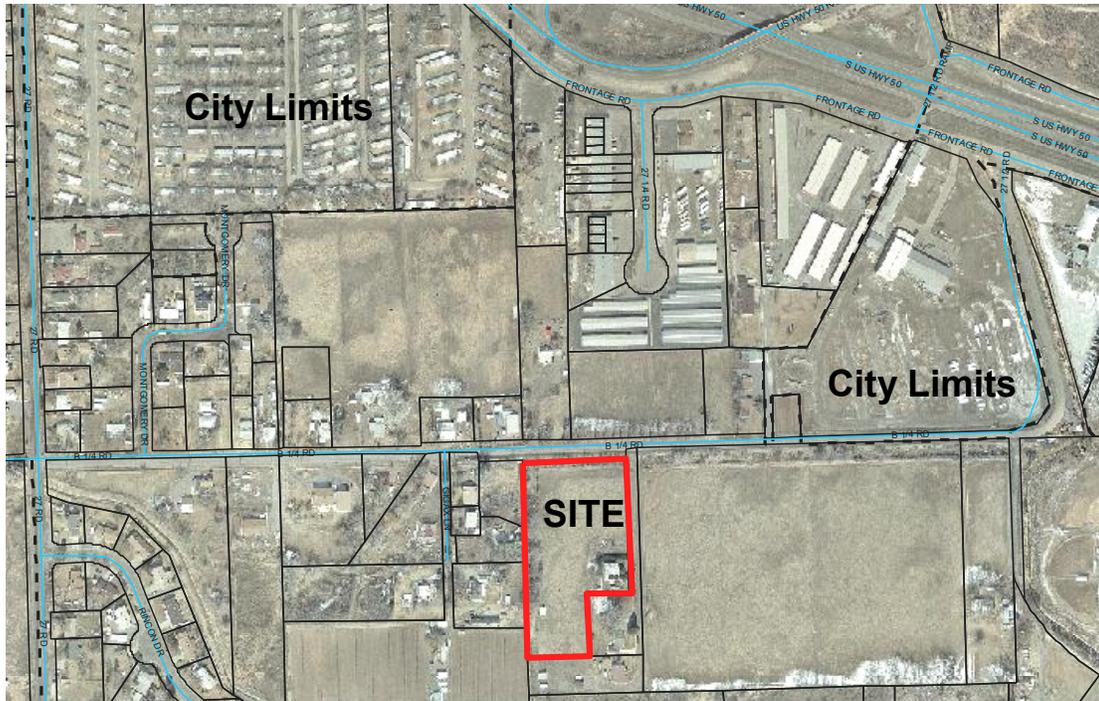
Site Location Map

Figure 1
Anson Annexations 1-4
Figure 5



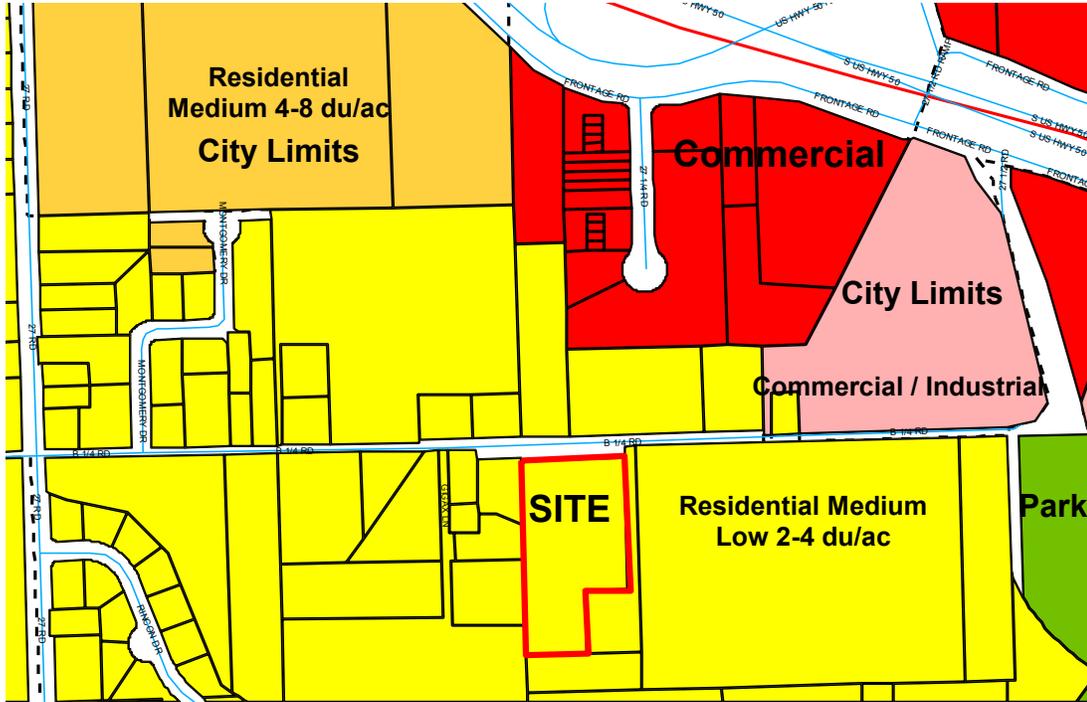
Aerial Photo Map

Figure 2



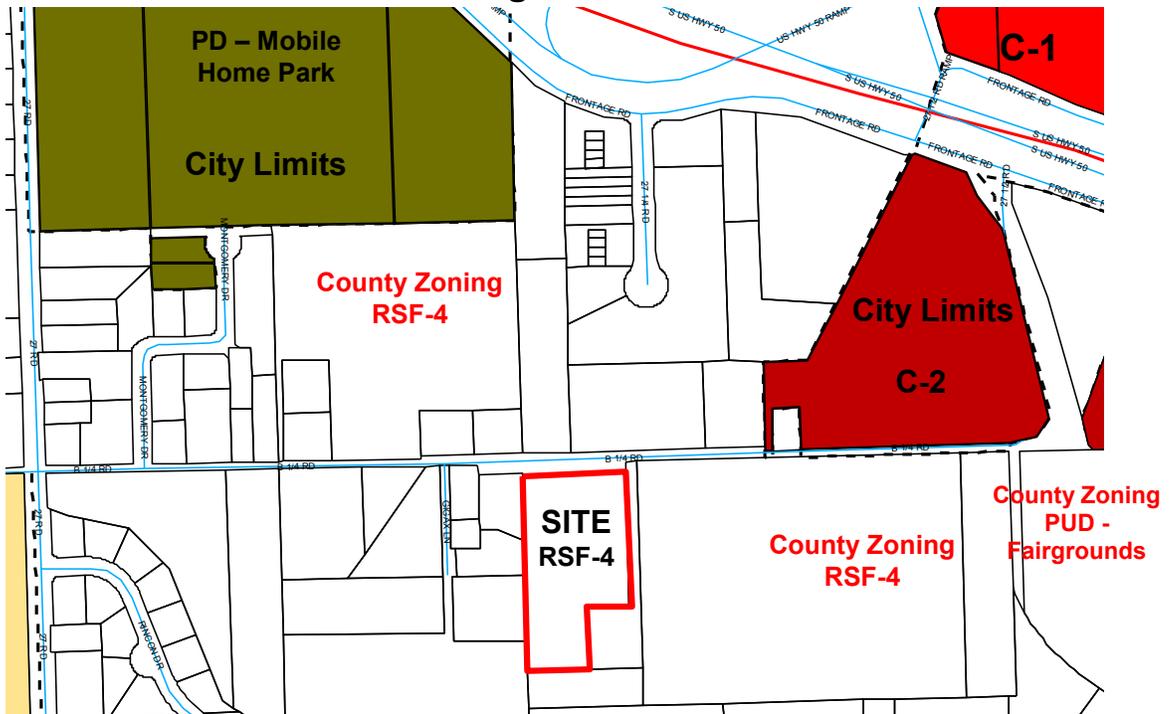
Future Land Use Map

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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 2729 B ¼ 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 Anson Annexation to the RSF-4 zone district for the following reasons:

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

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

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

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

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

ANSON ANNEXATION

BEG S 0DEG01' E 25FT FR NW COR SE4SW4 SEC 25 1S 1W E 280FT S 0DEG01' E
361.8FTW 115FT S 0DEG01' E 170FT W 165FT N 0DEG01' W 531.8FT TO POB

CONTAINING 2.97 Acres (129,373.2 Sq. Ft.), more or less, as described.

Introduced on first reading this 4th day of May, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 5

Setting a Hearing on Zoning the Burkey Park Annexation, Located at 2980 F Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Burkey Park Annexation, located at 2980 F Road.						
Meeting Date	May 4, 2005						
Date Prepared	April 25, 2005				File #GPA-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: Introduction of a proposed zoning ordinance to zone the Burkey Park Annexation CSR, located at 2980 F Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for May 18, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

5. Staff report/Background information
6. General Location Map / Aerial Photo
7. Growth Plan Map / Zoning Map
8. Zoning 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:

Zone of Annexation: The requested zone of annexation to the CSR district is consistent with the Growth Plan intensity of Park. 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:

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 when the park is developed.

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION:

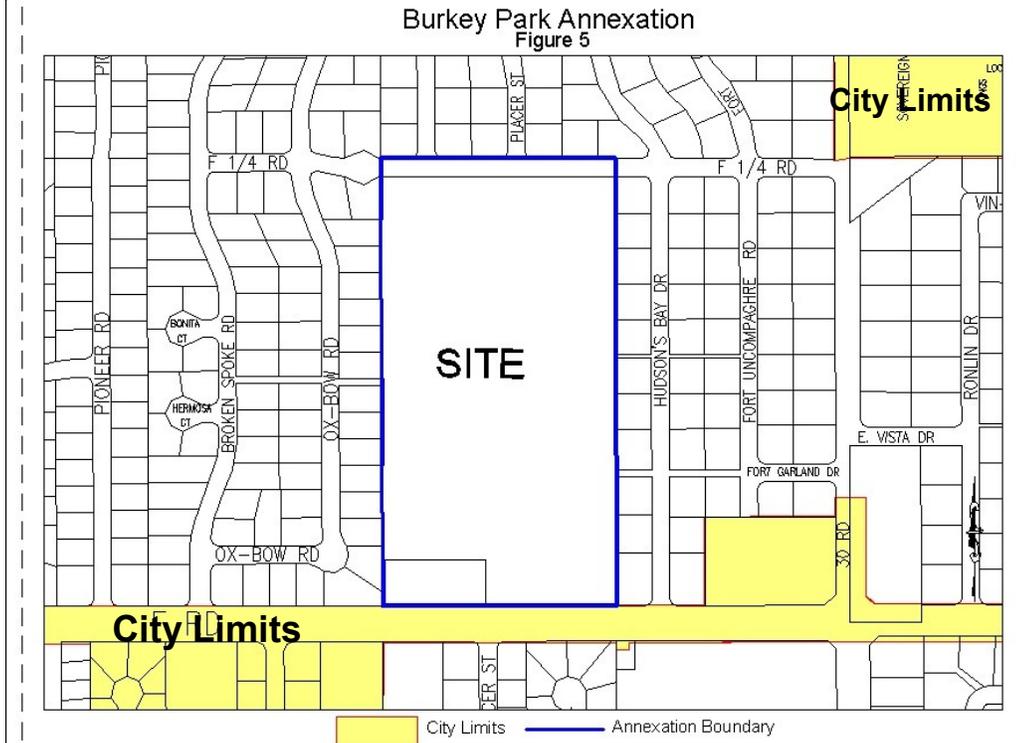
Staff recommends approval of the CSR zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

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

Burkey Park Annexation
Figure 5



Aerial Photo Map

Figure 2



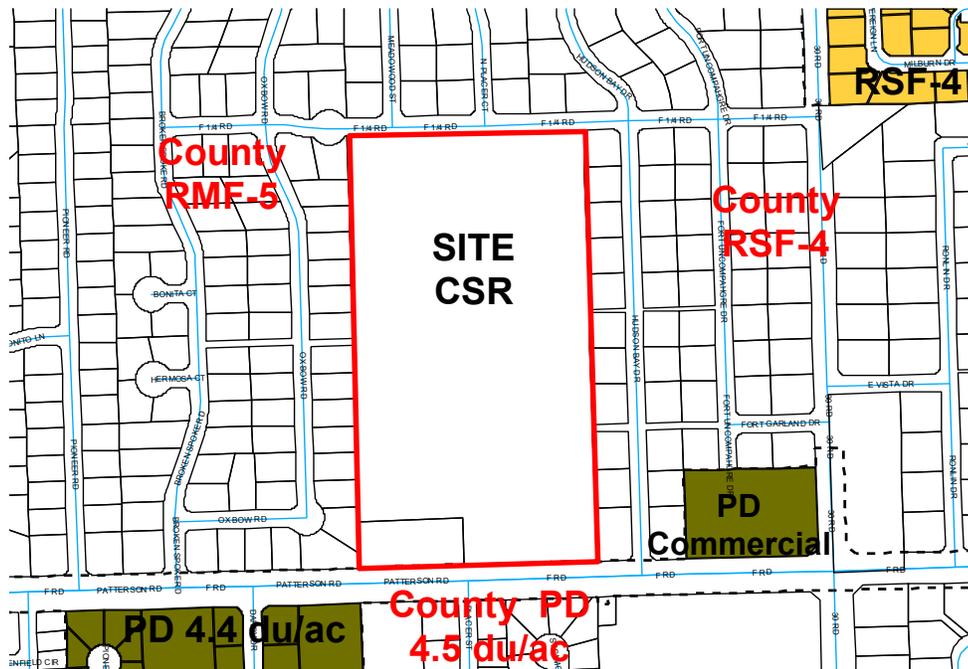
Future Land Use Map

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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BURKEY PARK ANNEXATION TO
CSR**

LOCATED AT 2980 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 Burkey Park Annexation to the CSR zone district for the following reasons:

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

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

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

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

The following property shall be zoned CSR.

BURKEY PARK ANNEXATION

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.

Introduced on first reading this 4th day of May, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 6

Setting a Hearing for the Chatfield III Annexation, Located at 3156 and 3164 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Chatfield III Annexation located at 3156 and 3164 D ½ Road						
Meeting Date	May 4, 2005						
Date Prepared	April 28, 2005				File #ANX-2005-057		
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 24.781 acre Chatfield III Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Chatfield III Annexation petition and introduce the proposed Chatfield III Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 15, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

9. Staff report/Background information
10. Annexation / Location Map; Aerial Photo
11. Growth Plan Map; Zoning Map
12. Resolution Referring Petition
13. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3156 and 3164 D ½ Road		
Applicants:		Owner: TD Investments of GJ, LLC – Thad Harris Developer: TDSM, Inc – Thad Harris Representative: Ciavonne, Roberts & Assoc. – Ted Ciavonne		
Existing Land Use:		Single Family Residence / Agricultural		
Proposed Land Use:		Single Family Residential Subdivision		
Surrounding Land Use:	North	Single Family Residential / Agricultural		
	South	Single Family Residential / Agricultural		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RMF-5		
Surrounding Zoning:	North	County RSF-R		
	South	County RSF-R / RMF-5		
	East	County RSF-R / RMF-8		
	West	City RMF-8 / RMF-5		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 24.781 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 Chatfield III 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>	
May 4, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 10, 2005	Planning Commission considers Zone of Annexation
June 1, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
June 15, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
July 17, 2005	Effective date of Annexation and Zoning

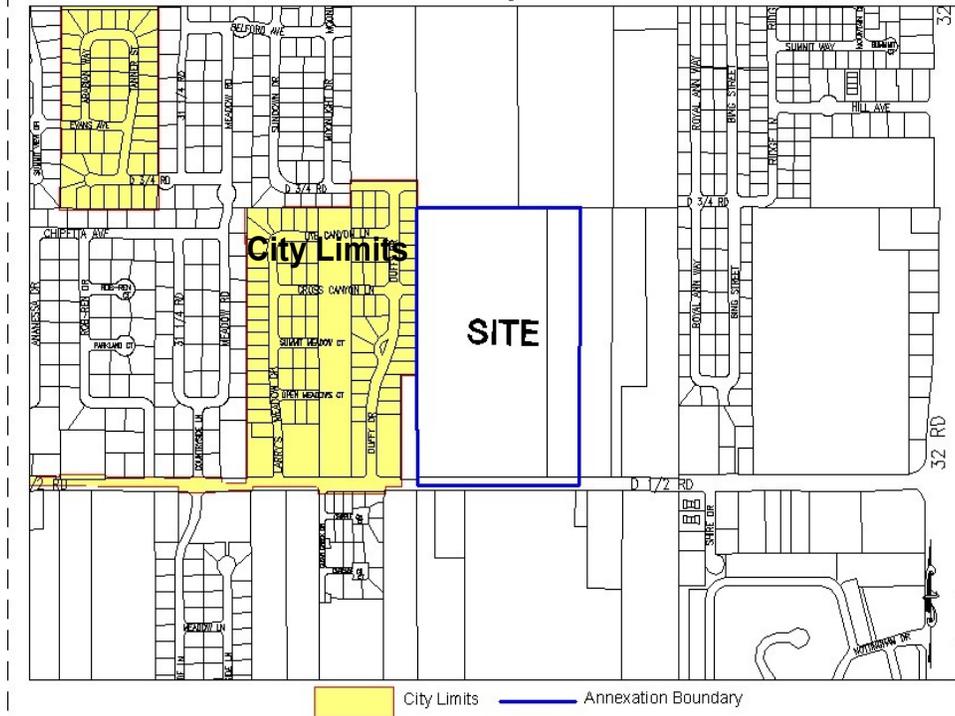
CHATFIELD III ANNEXATION SUMMARY

File Number:		ANX-2005-057
Location:		3156 and 3164 D ½ Road
Tax ID Number:		2943-151-00-029, 2943-151-00-115
Parcels:		2
Estimated Population:		5
# of Parcels (owner occupied):		0
# of Dwelling Units:		2
Acres land annexed:		24.781 acres
Developable Acres Remaining:		23.96 acres
Right-of-way in Annexation:		24,564 square feet of the D ½ Road r-o-w
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-5
Current Land Use:		Single Family Residence / Agricultural
Future Land Use:		Single Family Residential Subdivision
Values:	Assessed:	= \$13,790
	Actual:	= \$145,910
Address Ranges:		3156 to 3164 D ½ Road (even only)
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Junction Drainage
	School:	Mesa Co Valley School Dist #51
	Pest:	Upper Pest Control

Site Location Map

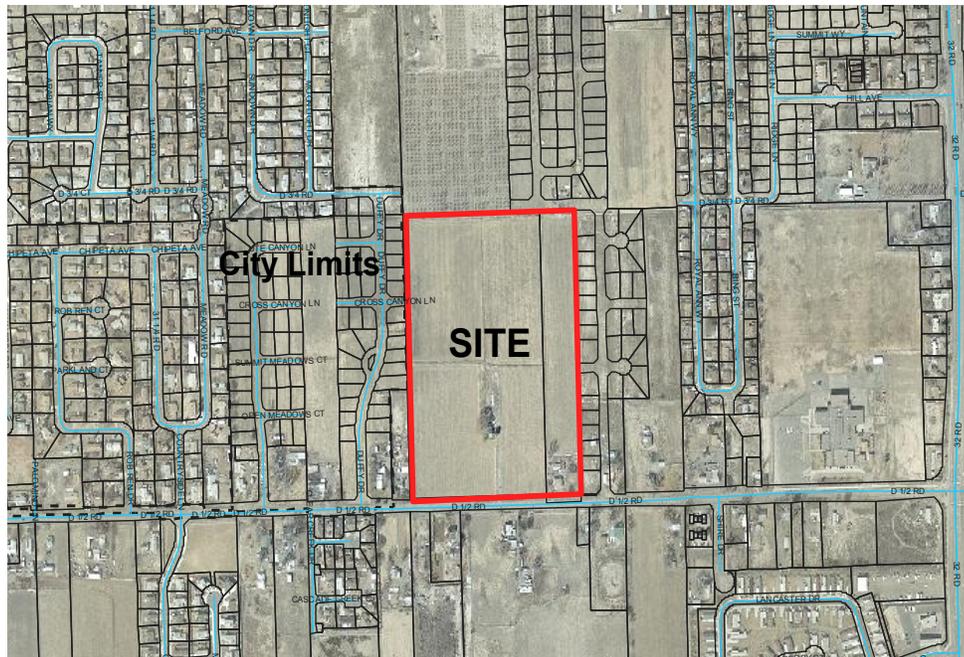
Figure 1

Chatfield III Annexation
Figure 5



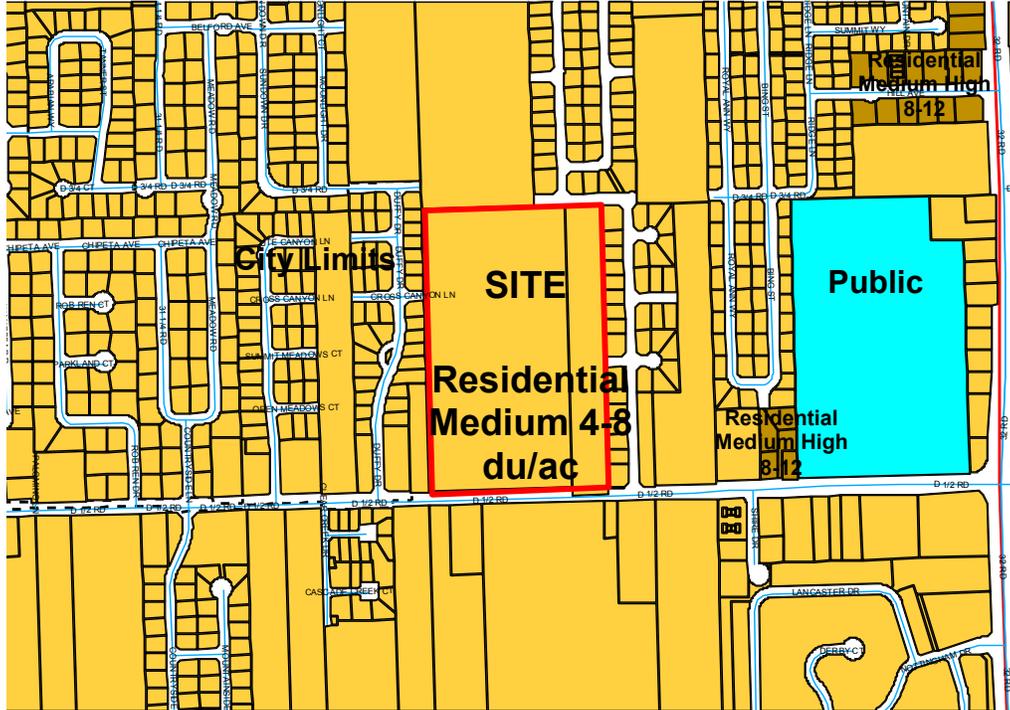
Aerial Photo Map

Figure 2



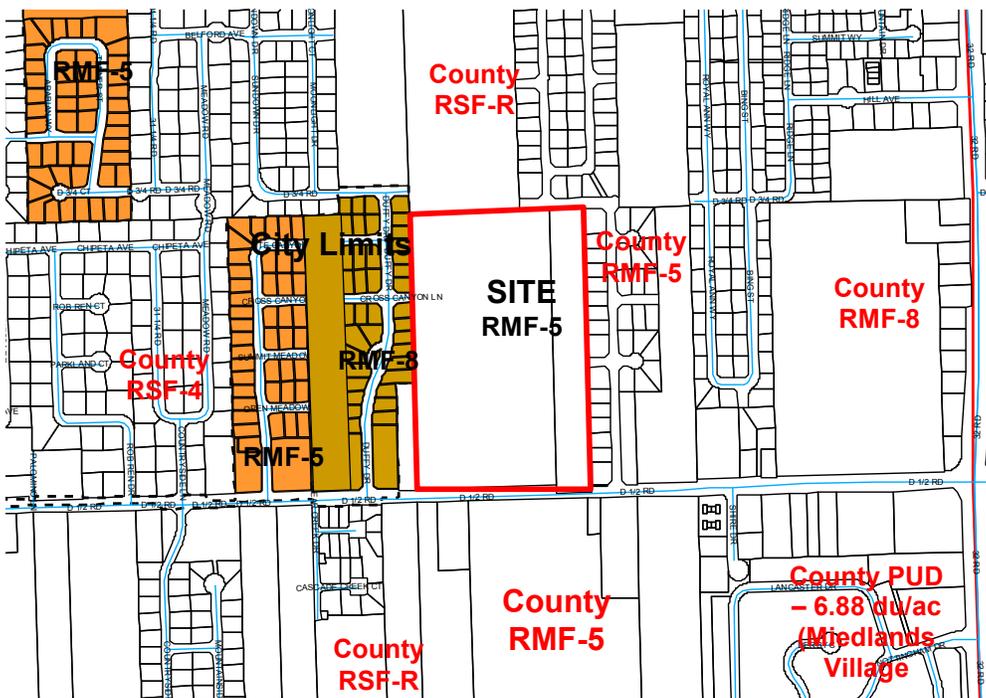
Future Land Use Map

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 4th of May, 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**

CHATFIELD III ANNEXATION

**LOCATED at 3156 and 3164 D ½ Road including a portion of the
D ½ Road right-of-way.**

WHEREAS, on the 4th day of May, 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:

CHATFIELD III ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The West-half (W 1/2) of the SW 1/4 NE 1/4 of said Section 15, TOGETHER WITH, the W 1/2 of the W 1/2 of the East-half (E 1/2) of the SW 1/4 NE 1/4 of said Section 15.

CONTAINING 24.781 Acres (1,079,478.0 Sq. Ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of June, 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 4th day of May, 2005.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
May 6, 2005
May 13, 2005
May 20, 2005
May 27, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CHATFIELD III ANNEXATION

APPROXIMATELY 24.781 ACRES

**LOCATED AT 3156 AND 3164 D ½ ROAD INCLUDING A PORTION OF THE
D ½ ROAD RIGHT-OF-WAY**

WHEREAS, on the 4th day of May, 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 15th day of June, 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:

CHATFIELD III ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The West-half (W 1/2) of the SW 1/4 NE 1/4 of said Section 15, TOGETHER WITH, the W 1/2 of the W 1/2 of the East-half (E 1/2) of the SW 1/4 NE 1/4 of said Section 15.

CONTAINING 24.781 Acres (1,079,478.0 Sq. Ft.), more or less, as described.

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

INTRODUCED on first reading on the 4th day of May, 2005 and ordered published.

ADOPTED on second reading this 15th day of June, 2005.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing for the Reynolds Annexation, Located at 3077 D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Reynolds Annexation located at 3077 D ½ Road						
Meeting Date	May 4, 2005						
Date Prepared	April 27, 2005				File #ANX-2005-058		
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 6.55 acre Reynolds Annexation consists of 1 parcel and is a 2 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Reynolds Annexation petition and introduce the proposed Reynolds Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 15, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

14. Staff report/Background information
15. Annexation / Location Map; Aerial Photo
16. Growth Plan Map; Zoning Map
17. Resolution Referring Petition
18. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		3077 D ½ Road		
Applicants:		Owner: Waite & Rhetta Reynolds Developer: South Camp LLC Representative: Ciavonne, Roberts & Assoc. – Ted Ciavonne		
Existing Land Use:		Single Family Residence / Agricultural		
Proposed Land Use:		Single Family Residential Subdivision		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residence / Agricultural		
	West	Single Family Residential		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RMF-8		
Surrounding Zoning:	North	City RMF-5		
	South	County PUD 5.32 du/ac		
	East	County RSF-R		
	West	County PUD 4.66 du/ac		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 6.55 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County 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 Reynolds Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
May 4, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 10, 2005	Planning Commission considers Zone of Annexation
June 1, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
June 15, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
July 17, 2005	Effective date of Annexation and Zoning

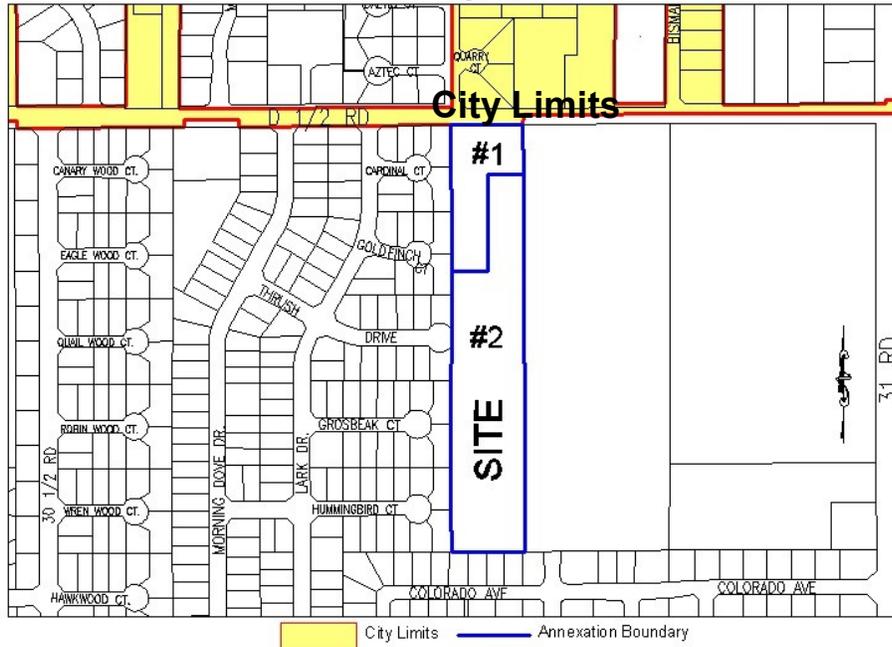
REYNOLDS ANNEXATION SUMMARY

File Number:	ANX-2005-058	
Location:	3077 D ½ Road	
Tax ID Number:	2943-164-00-121	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	6.55	
Developable Acres Remaining:	6.0 acres +/-	
Right-of-way in Annexation:	0.0 acres	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RMF-8	
Current Land Use:	Single Family Residence / Agricultural	
Future Land Use:	Single Family Residential Subdivision	
Values:	Assessed:	= \$10,660
	Actual:	= \$126,040
Address Ranges:	3077 D ½ Road	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa County School District #51
	Pest:	Upper Pest Control

Site Location Map

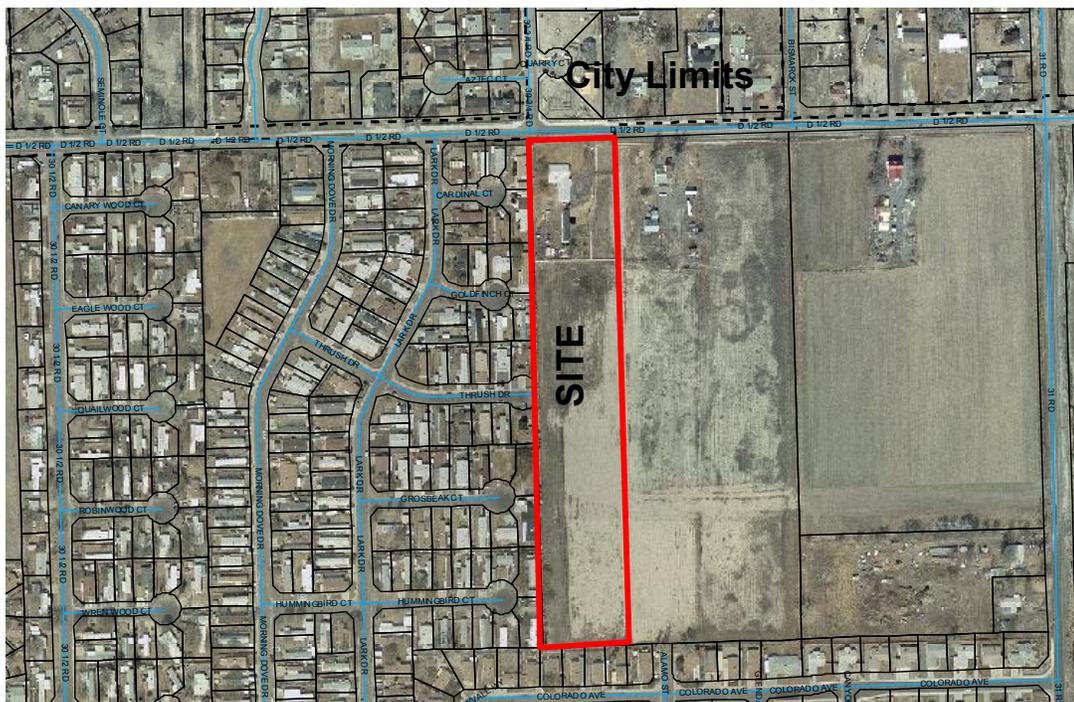
Figure 1

Reynolds Annexations #1 & #2
Figure 5



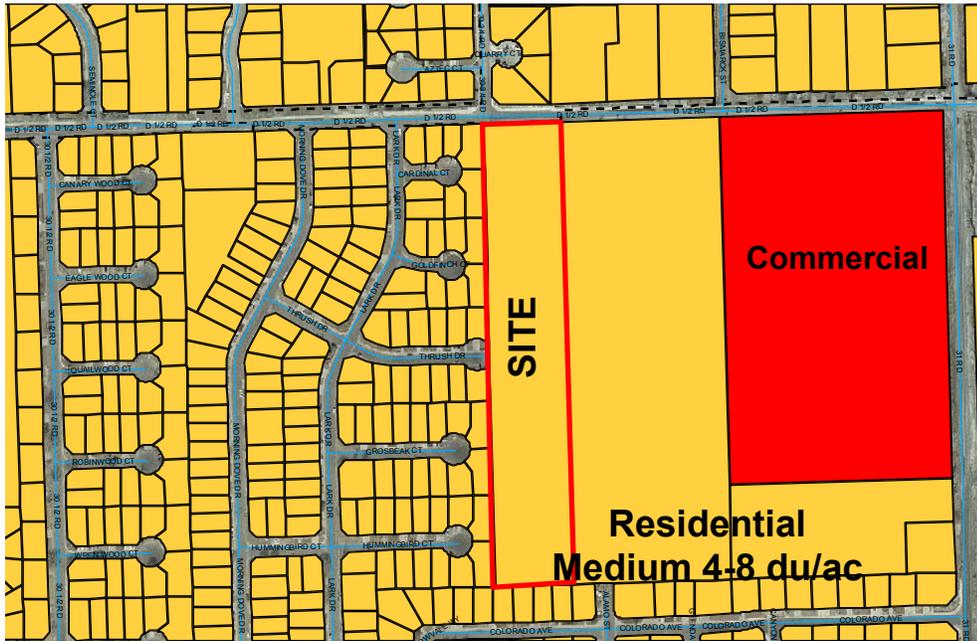
Aerial Photo Map

Figure 2



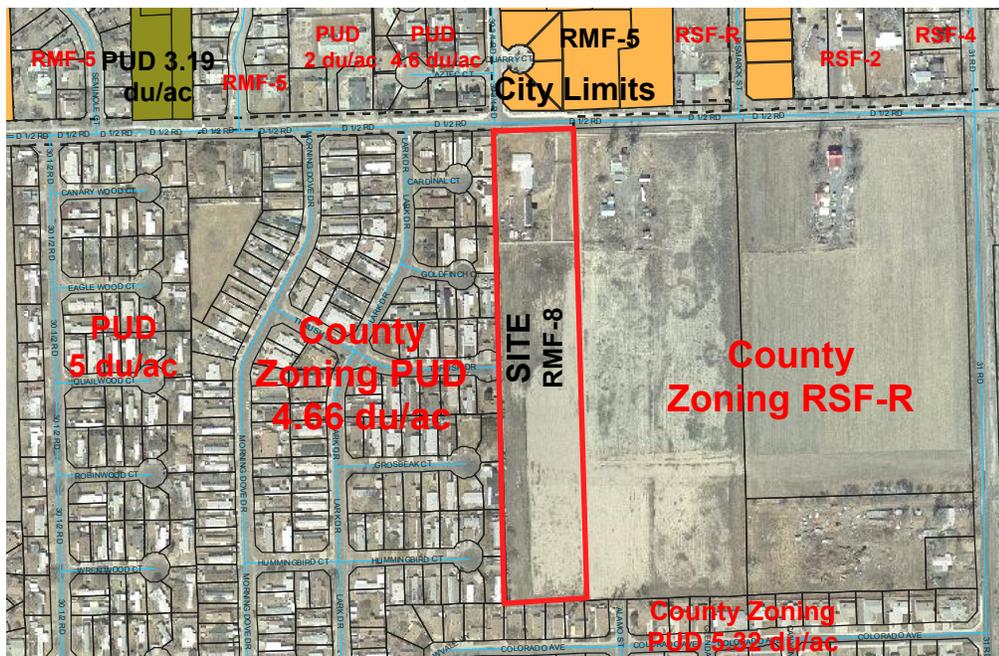
Future Land Use Map

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 4th of May, 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**

REYNOLDS ANNEXATIONS #1 & 2

LOCATED at 3077 D ½ Road.

WHEREAS, on the 4th day of May, 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:

Reynolds Annexation No. 1

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian County of Mesa, State of Colorado, being more particularly describe as follows:

Commencing at the Northwest corner of the NE 1/4 SE 1/4 of said Section 16, and assuming the North line of the NE 1/4 SE 1/4 of said Section 16 to bear N89°51'59"E with all bearings contained herein relative thereto; thence S00°01'54"E along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 30.00 feet to the South right of way of D 1/2 Road and the Point of Beginning; thence N89°51'59"E along said South right of way 220.17 feet; thence S00°01'54"E, parallel to the West line of the NE 1/4 SE 1/4 of said Section 16 a distance of 147.30; thence N90°00'00"W a distance of 110.56 feet; thence S00°00'00"E" a distance of 292.66 feet; thence N90°00'00"W 109.45 feet to the West line of the NE 1/4 SE 1/4 of said Section 16; thence N00°01'54"W along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 439.33 feet to the Point of Beginning.

Said parcel contains 1.48 acres (64419 sq ft) more or less as described.

Reynolds Annexation No. 2

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian County of Mesa, State of Colorado, being more particularly describe as follows:

Commencing at the Northwest corner of the NE 1/4 SE 1/4 of said Section 16, and assuming the North line of the NE 1/4 SE 1/4 of said Section 16 to bear N89°51'59"E with all bearings contained herein relative thereto; thence S00°01'54"E along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 469.33 feet to the Point of Beginning; thence N90°00'00"E a distance of 109.45 feet; thence N00°00'00"W a distance of 292.66 feet; thence N90°00'00"E a distance of 110.56 feet; thence S00°01'54"E a distance of 1141.89 feet to the South line of the NE 1/4 SE 1/4 of said Section 16; thence S89°53'39"W along the South line of the NE 1/4 SE 1/4 of said Section 16 a distance of 220.17 feet to the Southwest corner of the NE 1/4 SE 1/4 of said Section 16; thence N00°01'54"W along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 849.76 feet to the Point of Beginning.

Said parcel contains 5.04 acres (219,420 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 15th day of June, 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 4th day of May, 2005.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
May 6, 2005
May 13, 2005
May 20, 2005
May 27, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

REYNOLDS ANNEXATION #1

APPROXIMATELY 1.48 ACRES

LOCATED AT 3077 D 1/2 ROAD

WHEREAS, on the 4th day of May, 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 15th day of June, 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:

Reynolds Annexation No. 1

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian County of Mesa, State of Colorado, being more particularly describe as follows:

Commencing at the Northwest corner of the NE 1/4 SE 1/4 of said Section 16, and assuming the North line of the NE 1/4 SE 1/4 of said Section 16 to bear N89°51'59"E with all bearings contained herein relative thereto; thence S00°01'54"E along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 30.00 feet to the South right of way of D 1/2 Road and the Point of Beginning; thence N89°51'59"E along said South right of way 220.17 feet; thence S00°01'54"E, parallel to the West line of the NE 1/4 SE

1/4 of said Section 16 a distance of 147.30; thence N90°00'00"W a distance of 110.56 feet; thence S00°00'00E" a distance of 292.66 feet; thence N90°00'00"W 109.45 feet to the West line of the NE 1/4 SE 1/4 of said Section 16; thence N00°01'54"W along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 439.33 feet to the Point of Beginning.

Said parcel contains 1.48 acres (64419 sq ft) more or less as described.

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

INTRODUCED on first reading on the 4th day of May, 2005 and ordered published.

ADOPTED on second reading this 15th day of June, 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**

REYNOLDS ANNEXATION #2

APPROXIMATELY 5.07 ACRES

LOCATED AT 3077 D ½ ROAD

WHEREAS, on the 4th day of May, 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 15th day of June, 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:

Reynolds Annexation No. 2

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian County of Mesa, State of Colorado, being more particularly describe as follows:

Commencing at the Northwest corner of the NE 1/4 SE 1/4 of said Section 16, and assuming the North line of the NE 1/4 SE 1/4 of said Section 16 to bear N89°51'59"E with all bearings contained herein relative thereto; thence S00°01'54"E along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 469.33 feet to the Point of Beginning; thence N90°00'00"E a distance of 109.45 feet; thence N00°00'00"W a distance of 292.66 feet; thence N90°00'00"E a distance of 110.56 feet; thence

S00°01'54"E a distance of 1141.89 feet to the South line of the NE 1/4 SE 1/4 of said Section 16; thence S89°53'39"W along the South line of the NE 1/4 SE 1/4 of said Section 16 a distance of 220.17 feet to the Southwest corner of the NE 1/4 SE 1/4 of said Section 16; thence N00°01'54"W along the West line of the NE 1/4 SE 1/4 of said Section 16, a distance of 849.76 feet to the Point of Beginning.

Said parcel contains 5.04 acres (219,420 sq ft) more or less as described.

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

INTRODUCED on first reading on the 4th day of May, 2005 and ordered published.

ADOPTED on second reading this 15th day of June, 2005.

Attest:

President of the Council

City Clerk

Attach 8

Setting a Hearing for the Swan Lane Annexation Located at the South End of Swan Lane
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Setting a hearing for the Swan Lane Annexation located at the south end of Swan Lane					
Meeting Date		May 4, 2005					
Date Prepared		April 28, 2005				File #ANX-2004-249	
Author		Senta L. Costello		Associate Planner			
Presenter Name		Senta L. Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.47 acre Swan Lane annexation consists of 6 parcel(s) and a portion of the Broadway and Swan Lane rights-of-way.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Swan Lane Annexation petition and introduce the proposed Swan Lane Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 15, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

19. Staff report/Background information
20. Annexation / Location Map; Aerial Photo
21. Growth Plan Map; Zoning Map
22. Resolution Referring Petition
23. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		<i>South end of Swan Lane</i>		
Applicants:		Owner/Developer: Robert Smith Representative: Rolland Engineering – Tom Dixon		
Existing Land Use:		<i>Vacant</i>		
Proposed Land Use:		<i>Residential</i>		
Surrounding Land Use:	North	<i>Single Family Residential</i>		
	South	Single Family Residential / Vacant residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	<i>County RSF-4</i>		
	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 4.47 acres of land and is comprised of 6 parcels. 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 residential subdivisions on the Redlands within ¼ mile of the existing City Limits of Grand Junction 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 Swan Lane 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>	
May 4, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 10, 2005	Planning Commission considers Zone of Annexation
June 1, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
June 15, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
July 17, 2005	Effective date of Annexation and Zoning

SWAN LANE ANNEXATION SUMMARY

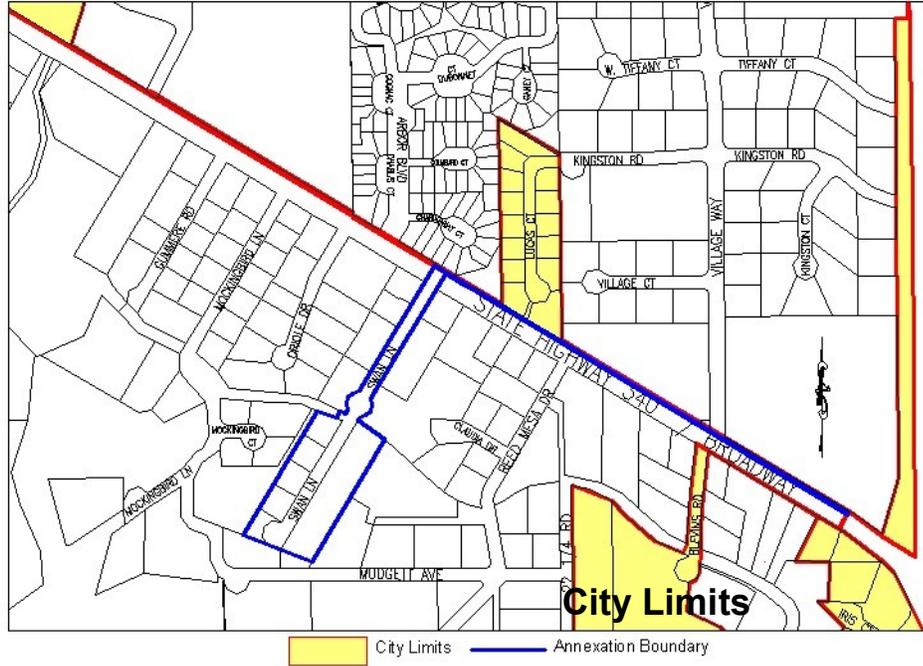
File Number:	ANX-2004-249
Location:	South end of Swan Lane
Tax ID Number:	2945-073-00-007; 2945-073-09-003; 2945-073-09-004; 2945-073-09-008; 2945-073-09-009; 2945-073-09-010
Parcels:	6
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	4.47 acres
Developable Acres Remaining:	2.77
Right-of-way in Annexation:	72,929 sq ft of the Broadway and Swan Lane rights-of-way
Previous County Zoning:	RSF-4
Proposed City Zoning:	RSF-4
Current Land Use:	Vacant
Future Land Use:	Residential
Values:	Assessed: = \$48,140
	Actual: = \$166,000
Address Ranges:	501 thru 509 Swan Lane inclusive
Special Districts:	Water: Ute Water

	Sewer:	Septic
	Fire:	Grand Junction Rural
	Irrigation/Drainage:	Redlands Water and Power
	School:	Mesa Co School District #51
	Pest:	None

Site Location Map

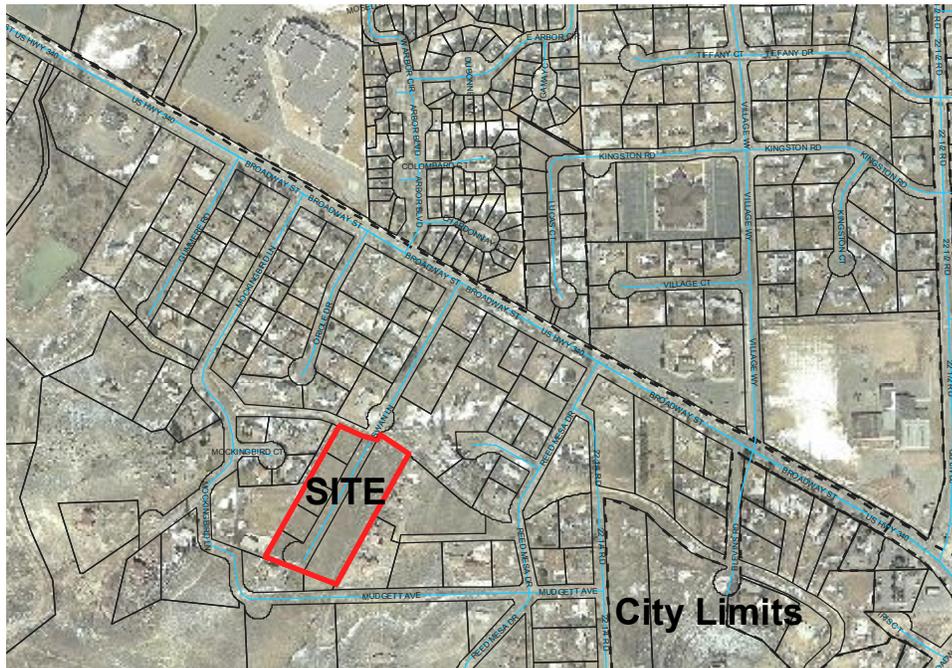
Figure 1

Swan Lane Annexation
Figure 5



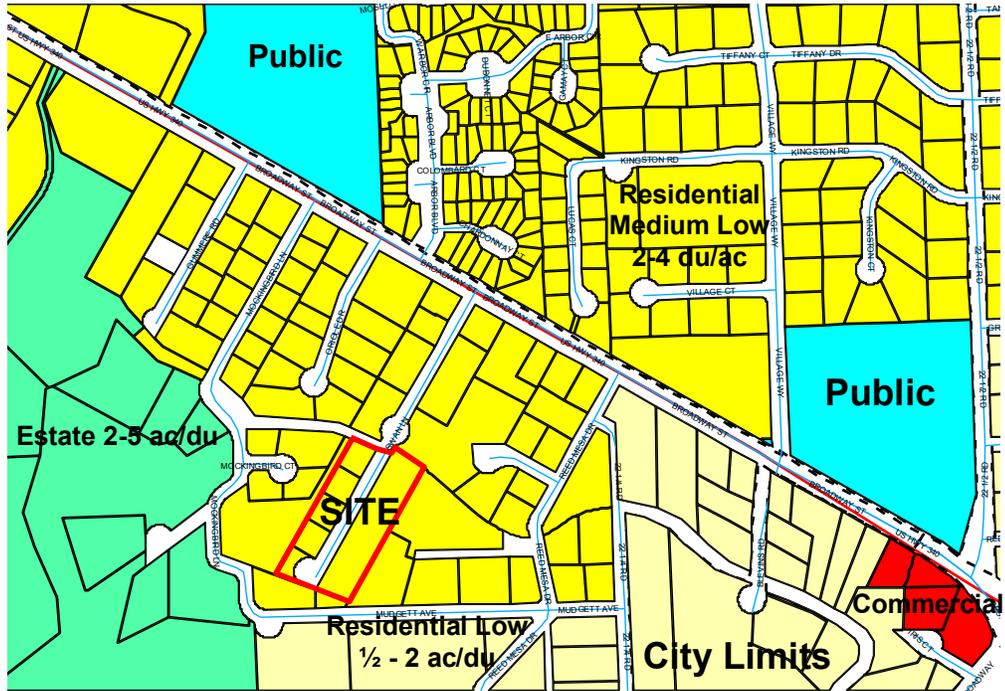
Aerial Photo Map

Figure 2



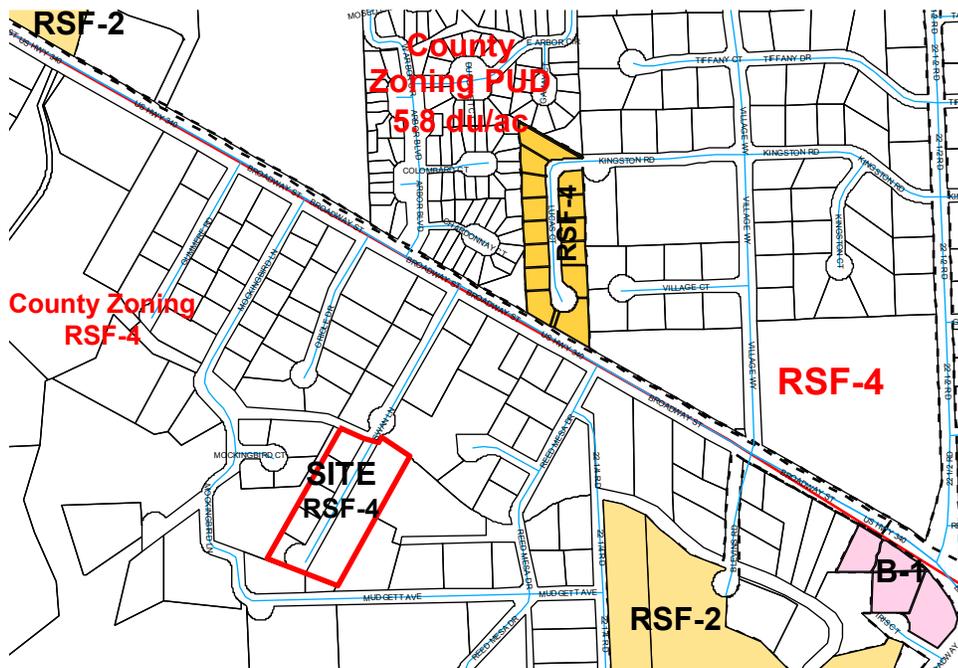
Future Land Use Map

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 4th of May, 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

SWAN LANE ANNEXATION

*LOCATED AT SOUTH END OF SWAN LANE and including a PORTION OF THE
BROADWAY AND SWAN LANE RIGHTS-OF-WAY.*

WHEREAS, on the 4th day of May, 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:

SWAN LANE ANNEXATION

A parcel of land located in the Southwest 1/4 (SW 1/4) of Section 7, 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 Southwest corner of Lucas Annexation No. 2, Ordinance No. 3474 City of Grand Junction, and assuming the South line of said Lucas Annexation No. 2 to bear S59°08'46"E with all bearings contained herein relative thereto; thence from said Point Of Commencement S00°55'42"E along the Southerly projection of the West line of said Lucas Annexation No.2 distance of 7.06 feet to the South line of Bogart Annexation, Ordinance No. 3603, City of Grand Junction; thence along the South line of said Bogart Annexation S59°28'46"E a distance of 1541.03 feet to the West line of Krause Annexation No. 1, Ordinance No. 3133, City of Grand Junction; thence S30°51'14"W along the West line of said Krause Annexation a distance of 2.00 feet; thence N59°08'46"W along a line being 12.00 feet South of and parallel with the Northerly Right of Way of Colorado State Highway 340 (Broadway) a distance of 1780.51 feet to the intersection of the East Right of Way line of Swan Lane projected Northeasterly as recorded on the plat of Liberty Cap Subdivision Replat, Plat Book 9,

Page 11, public records of Mesa County, Colorado; thence along said Northeasterly projected East Right of Way line of Swan Lane S30°56'14"W a distance of 553.63 feet; thence along the East Right of Way of said Swan Lane 104.65 feet along the arc of a 50.00 foot radius curve, concave Northwest, through a central angle of 119°55'00", whose long chord bears S30°53'44"W with a long chord length of 86.57 feet to the Southwest corner of Lot 5 of said Liberty Cap Subdivision Replat; thence N89°08'46"W a distance of 28.45 feet to the Northwest corner of Lot 6 Block 8, Reed Mesa Subdivision Amended, as recorded in Plat Book 9, Page 62, public records of Mesa County, Colorado; thence along the South line of said Lot 6, Block 8, the following three (3) courses; (1) S63°41'08"E a distance of 11.19 feet; (2) thence S35°44'03"E a distance of 2.79 feet to the Northeast corner of Swan Lane Right of Way as recorded on the plat of Mockingbird Heights Subdivision, Plat Book 10, Page 21, public records of Mesa County, Colorado; (3) thence S55°51'47"E a distance of 125.52 feet to the intersection of the West line of Mulli Subdivision projected Northeasterly, as recorded in Plat Book 15, Page 48, public records of Mesa County, Colorado; thence along said West line S30°59'13"W a distance of 548.94 feet to the Northeast corner of Block 5 of said Reed Mesa Subdivision; thence along the South line of said Mockingbird Heights Subdivision, N68°18'47"W a distance of 279.00 to a point on the South line of Lot 5, Block 2, of said Mockingbird Heights Subdivision, being the intersection of a Southerly projected West line of Lots 1 through 4, Block 2 of said Mockingbird Heights Subdivision; thence along the Southerly projected West line of said lots 1 through 4, N30°59'13"E a distance of 554.03 feet to the Northwest corner of said Lot 1; thence along the North line of said Lot 1, S67°51'47"E a distance of 87.04 feet; thence N30°59'13"E a distance of 29.59 feet to the South line of Lot 6 of said Liberty Cap Subdivision; thence along the South line of said Lot 6 S63°41'08"E a distance of 24.92 feet to the Southeast corner of said Lot 6, also being the Westerly Right of Way of said Swan Lane; thence along the Westerly Right of Way of said Swan Lane the following two (2) courses; (1) N30°56'14"E a distance of 16.28 feet; (2) thence 104.72 feet along the arc of a 50.00 foot radius curve, concave Southeast, through a central angle of 120°00'00", whose long chord bears N30°56'14"E with a long chord length of 86.60 feet; thence N30°56'14"E a distance of 555.55 feet; thence along a line that is 10.00 South of and parallel with the Northerly Right of Way of said Highway 340, S59°08'46"E a distance of 289.34 feet to the POINT OF BEGINNING.

Said parcel contains 4.47 acres (194,576 sq. ft.) more or less, as described.

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

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

1. That a hearing will be held on the 15th day of June, 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 4th day of May, 2005.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
May 6, 2005
May 13, 2005
May 20, 2005
May 27, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SWAN LANE ANNEXATION

APPROXIMATELY 4.47 ACRES

**LOCATED AT SOUTH END OF SWAN LANE and including a PORTION OF THE
BROADWAY AND SWAN LANE RIGHTS-OF-WAY**

WHEREAS, on the 4th day of May, 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 15th 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:

SWAN LANE ANNEXATION

A parcel of land located in the Southwest 1/4 (SW 1/4) of Section 7, 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 Southwest corner of Lucas Annexation No. 2, Ordinance No. 3474 City of Grand Junction, and assuming the South line of said Lucas Annexation No. 2 to bear S59°08'46"E with all bearings contained herein relative thereto; thence from said Point Of Commencement S00°55'42"E along the Southerly projection of the West line of said Lucas Annexation No.2 distance of 7.06 feet to the South line of Bogart Annexation, Ordinance No. 3603,

City of Grand Junction; thence along the South line of said Bogart Annexation S59°28'46"E a distance of 1541.03 feet to the West line of Krause Annexation No. 1, Ordinance No. 3133, City of Grand Junction; thence S30°51'14"W along the West line of said Krause Annexation a distance of 2.00 feet; thence N59°08'46"W along a line being 12.00 feet South of and parallel with the Northerly Right of Way of Colorado State Highway 340 (Broadway) a distance of 1780.51 feet to the intersection of the East Right of Way line of Swan Lane projected Northeasterly as recorded on the plat of Liberty Cap Subdivision Replat, Plat Book 9, Page 11, public records of Mesa County, Colorado; thence along said Northeasterly projected East Right of Way line of Swan Lane S30°56'14"W a distance of 553.63 feet; thence along the East Right of Way of said Swan Lane 104.65 feet along the arc of a 50.00 foot radius curve, concave Northwest, through a central angle of 119°55'00", whose long chord bears S30°53'44"W with a long chord length of 86.57 feet to the Southwest corner of Lot 5 of said Liberty Cap Subdivision Replat; thence N89°08'46"W a distance of 28.45 feet to the Northwest corner of Lot 6 Block 8, Reed Mesa Subdivision Amended, as recorded in Plat Book 9, Page 62, public records of Mesa County, Colorado; thence along the South line of said Lot 6, Block 8, the following three (3) courses; (1) S63°41'08"E a distance of 11.19 feet; (2) thence S35°44'03"E a distance of 2.79 feet to the Northeast corner of Swan Lane Right of Way as recorded on the plat of Mockingbird Heights Subdivision, Plat Book 10, Page 21, public records of Mesa County, Colorado; (3) thence S55°51'47"E a distance of 125.52 feet to the intersection of the West line of Mulli Subdivision projected Northeasterly, as recorded in Plat Book 15, Page 48, public records of Mesa County, Colorado; thence along said West line S30°59'13"W a distance of 548.94 feet to the Northeast corner of Block 5 of said Reed Mesa Subdivision; thence along the South line of said Mockingbird Heights Subdivision, N68°18'47"W a distance of 279.00 to a point on the South line of Lot 5, Block 2, of said Mockingbird Heights Subdivision, being the intersection of a Southerly projected West line of Lots 1 through 4, Block 2 of said Mockingbird Heights Subdivision; thence along the Southerly projected West line of said lots 1 through 4, N30°59'13"E a distance of 554.03 feet to the Northwest corner of said Lot 1; thence along the North line of said Lot 1, S67°51'47"E a distance of 87.04 feet; thence N30°59'13"E a distance of 29.59 feet to the South line of Lot 6 of said Liberty Cap Subdivision; thence along the South line of said Lot 6 S63°41'08"E a distance of 24.92 feet to the Southeast corner of said Lot 6, also being the Westerly Right of Way of said Swan Lane; thence along the Westerly Right of Way of said Swan Lane the following two (2) courses; (1) N30°56'14"E a distance of 16.28 feet; (2) thence 104.72 feet along the arc of a 50.00 foot radius curve, concave Southeast, through a central angle of 120°00'00", whose long chord bears N30°56'14"E with a long chord length of 86.60 feet; thence N30°56'14"E a distance of 555.55 feet; thence along a line that is 10.00 South of and parallel with the Northerly Right of Way of said Highway 340, S59°08'46"E a distance of 289.34 feet to the POINT OF BEGINNING.

Said parcel contains 4.47 acres (194,576 sq. ft.) more or less, as described.

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

INTRODUCED on first reading on the 4th day of May, 2005 and ordered published.

ADOPTED on second reading this 15th day of June, 2005.

Attest:

President of the Council

City Clerk

Attach 9

Amendment to Resolution No. 56-05

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment to City Council Resolution No. 56-05 for the Vacation of a Temporary Turnaround Easement in the North Crest Industrial Subdivision					
Meeting Date	May 4, 2005					
Date Prepared	April 26, 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 City Council approved a vacation of a temporary turnaround easement at the April 6, 2005. In reviewing the final resolution, it was noticed that there was an error in the legal description, and a conditions of approval by the Planning Commission has erroneously be left off of the resolution. The petitioners are aware of the oversight, and have indicated that they do not object to the inclusion of the condition in the revised resolution.

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. It is recommended that the City Council adopt the Resolution amending Resolution No. 56-05 to correct the errors.

- 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:

- m. 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.

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

No parcel will be landlocked as a result of the vacation.

- o. 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.

- p. 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.

- q. 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.

- r. 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:

4. 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.

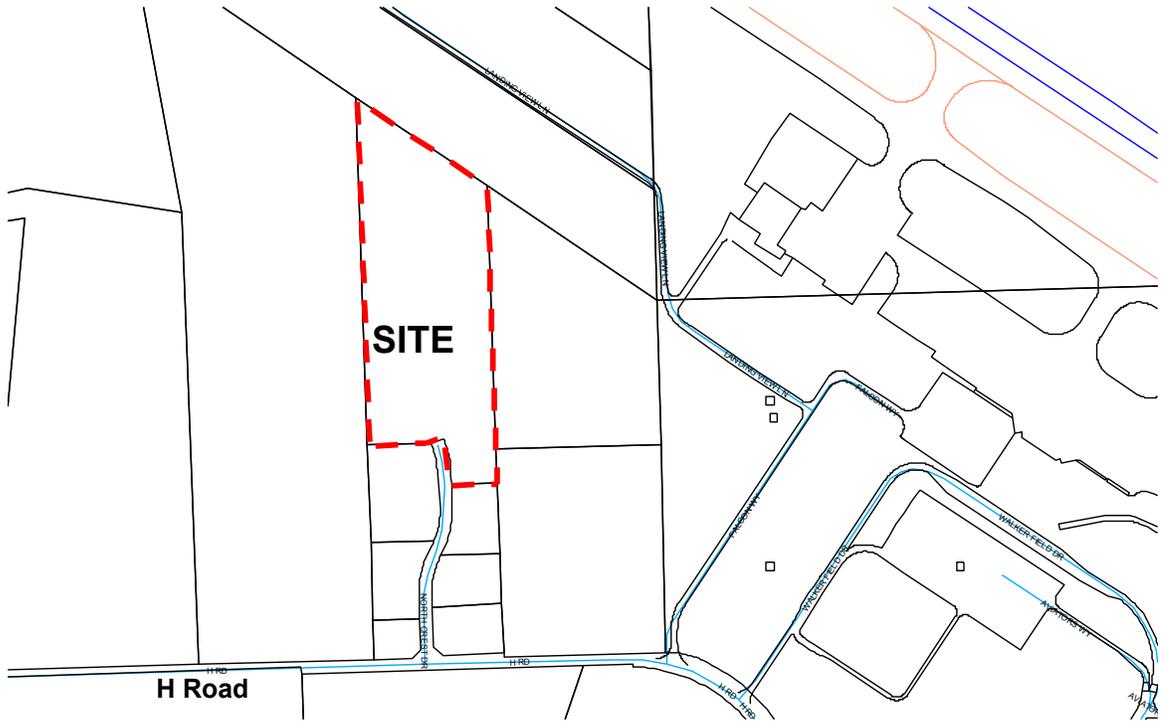
PLANNING COMMISSION RECOMMENDATION:

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

Site Location Map

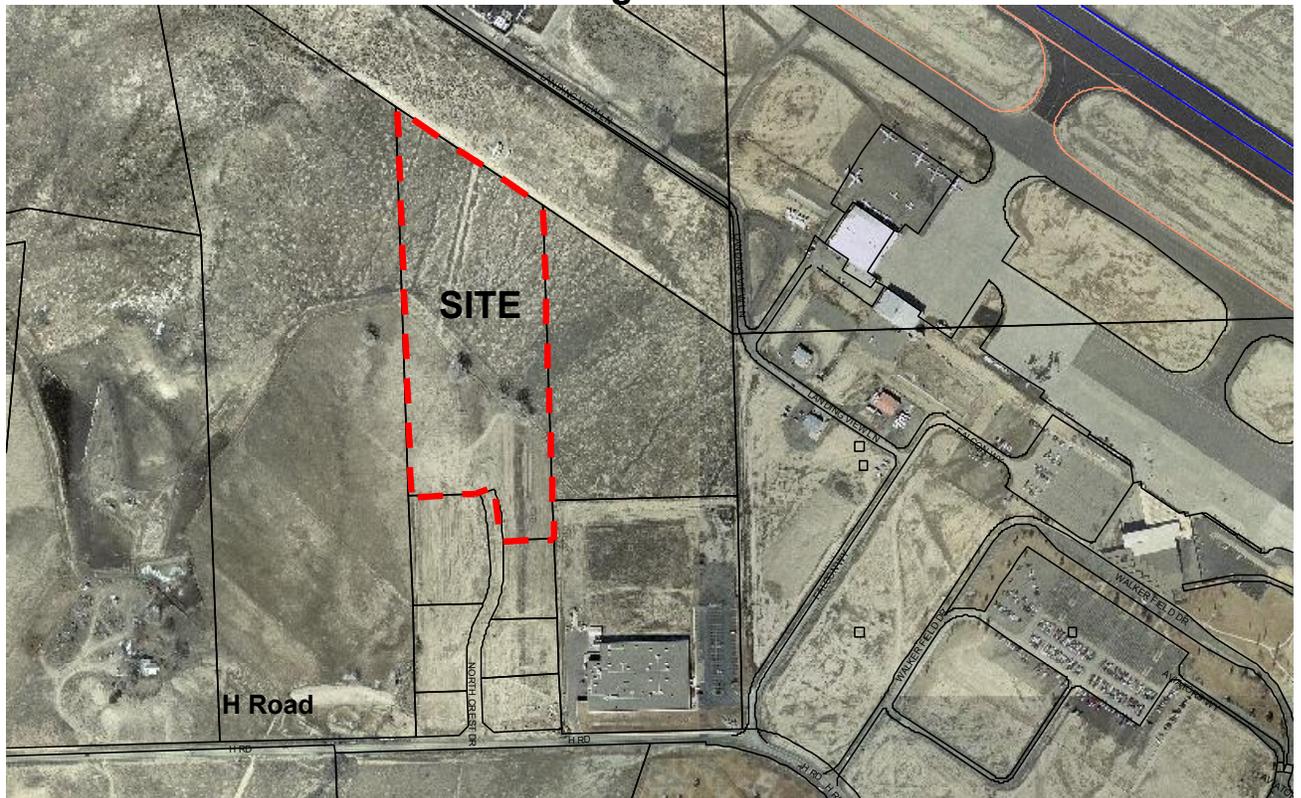
Figure 1

c



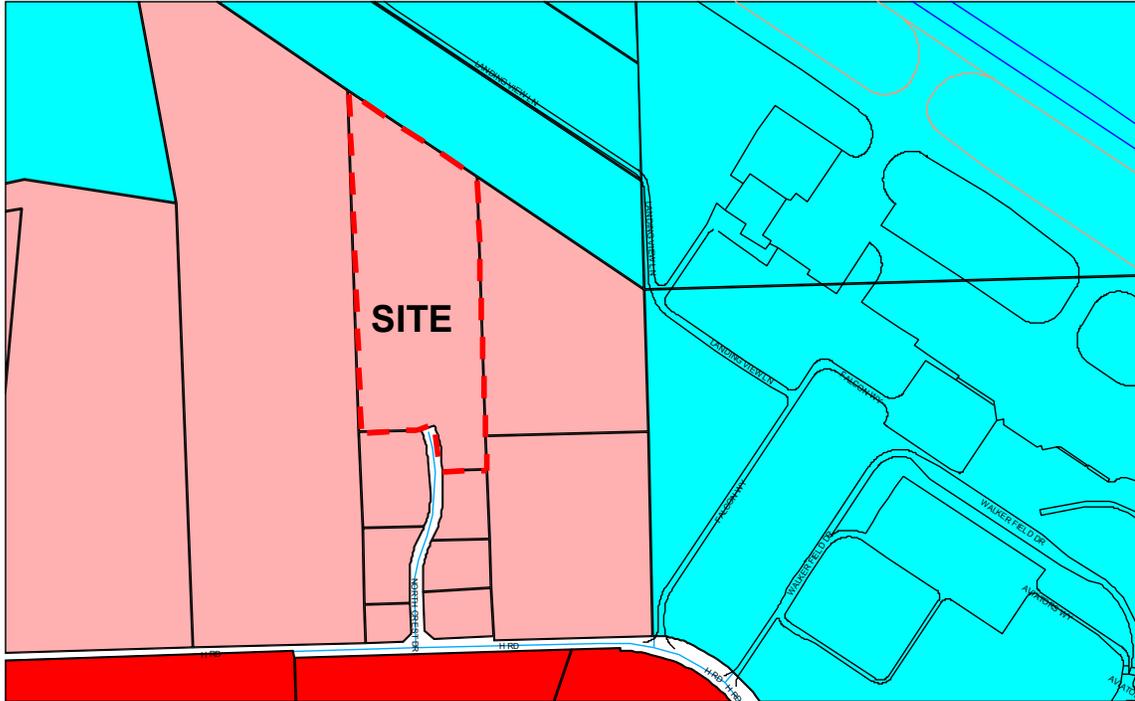
Aerial Photo Map

Figure 2



Future Land Use Map

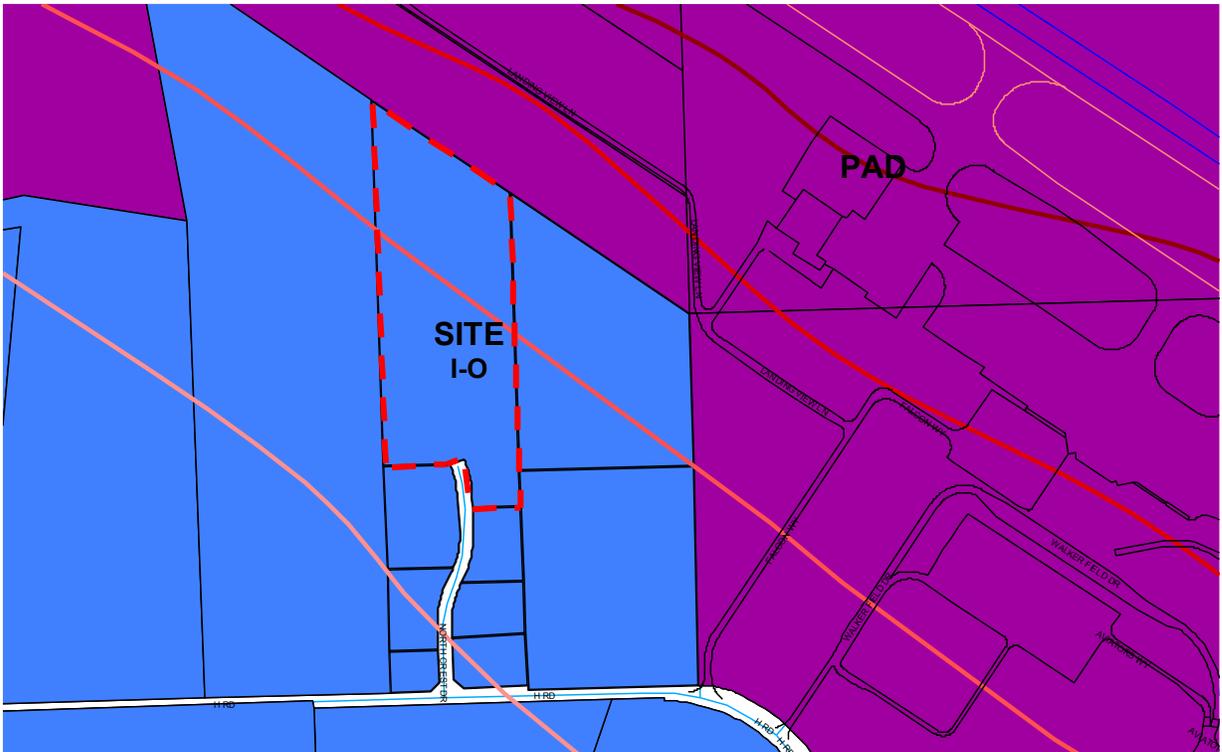
Figure 3



H Road

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."

RESOLUTION NO. _____

**A RESOLUTION AMENDING RESOLUTION NO. 56-05 TO VACATE A TEMPORARY
TURNAROUND EASEMENT, UTILITY EASEMENT, AND INGRESS/EGRESS
ACCESS EASEMENT
IN THE NORTH CREST INDUSTRIAL PARK**

Recitals.

On or about April 6, 2005, City Council approved Resolution No. 56-05. The Resolution did not clearly set forth the easements to be vacated and did not state all conditions for vacation of said easement.

As a part of the development of the proposed North Crest Industrial Park Filing No. Two, ("Filing No. Two") new roads are to be built. An existing temporary turnaround easement, utility easement, and ingress/egress access easement, dedicated with the filing of the North Crest Industrial Park plat will no longer be needed once the new roads serving Filing No. 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 conditionally approved. The conditions are the same conditions being approved by City Council, except that the Planning Commission required approval of the Utilities Coordinating Commission ("UCC"). The UCC has granted that approval.

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

On or about April 6, 2005, City Council approved Resolution No. 56-05. The Resolution did not clearly set forth the easement to be vacated and did not state all conditions for vacation of said easement. The Resolution is amended to read as follows:

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 and the plat for North Crest Industrial Park Filing No. Two;
(b) The City's approval of and recordation of a final plat of the replat of Block 2, Lot 1 of the North Crest Industrial Park to be known as the North Crest Industrial Park Filing No. Two within two years from the approval of the vacation by City Council with dedication of equivalent right-of-way replacing the need for the easements; and

(c) The Resolution vacating the easements shall be recorded concurrent with the plat.

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

The Easements for Temporary Turnaround, Utility, and Ingress/Egress Access purposes 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 herein relative thereto; 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, more or less, to the Point of Beginning.

Exhibit A attached hereto and incorporated herein depicts the easement to be vacated.

PASSED and ADOPTED this _____ day of May, 2005.

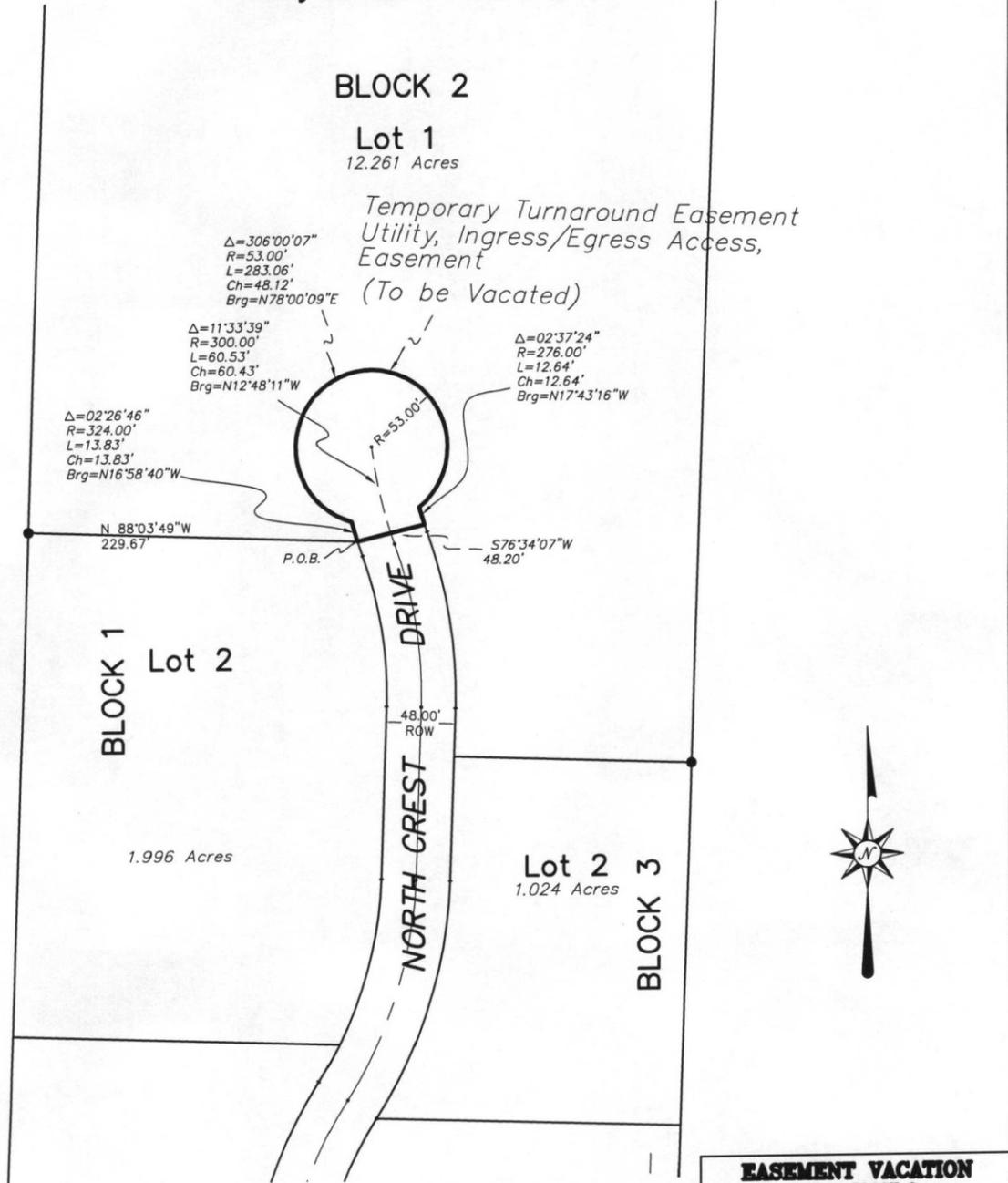
President of City Council

ATTEST:

City Clerk

Exhibit "A" EASEMENT VACATION

**Temporary Turnaround Easement
Utility/Ingress/Egress Access
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) 245-4090</small>	
<small>SUR. DATE:</small>	<small>DRAWN DATE: 11/23/04</small>
<small>SUR. BY:</small>	<small>DRAWN BY: PRC</small>
<small>JOB NO. 204088.10</small>	<small>SHEET 1 OF 1</small>

Attach 10

Setting a Hearing to Correct Scrivener's Error in Parking Code

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Correction of scrivener's error in parking code					
Meeting Date	May 4, 2005					
Date Prepared	April 22, 2005				File #	
Author	Shelly Dackonish			Staff Attorney		
Presenter Name	John Shaver			City Attorney		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes	x	No	Name	
	Workshop			Formal Agenda	X	Consent
						Individual Consideration

Summary: On December 6, 2000, Ordinance No. 3320 was adopted, containing Section 36-22, regarding parking privileges for the handicapped. Due to a scrivener's error, the word "not" was omitted from that Section describing exceptions to the privileges for handicapped parking. This amendment is designed to correct the scrivener's error.

Budget: N/A

Action Requested/Recommendation: Adopt proposed amendment.

Attachments: (1) Redlined ordinance highlighting the amendment. **(2)** Ordinance.

Background Information: On December 6, 2000, Ordinance No. 3320 was adopted, containing Section 36-22, regarding parking privileges for the handicapped. Due to a scrivener's error, the word "not" was omitted from that Section describing exceptions to the privileges for handicapped parking. This amendment is designed to correct the scrivener's error.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 36 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO HANDICAPPED PARKING PRIVILEGE

Recitals.

On December 6, 2000, Ordinance No. 3320 was adopted, containing Section 36-22, regarding parking privileges for the handicapped.

Due to a scrivener's error, the word "not" was omitted from that Section describing exceptions to the privileges for handicapped parking.

This amendment is corrects the scrivener's error.

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

Chapter 36-22 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows.

Sec. 36-22. Parking privilege for the handicapped.

A vehicle with distinguishing license plates or an identifying placard indicating a "person with mobility handicap," defined as a person so severely handicapped that the person is unable to move from place to place without the aid of a mechanical device, may be parked along public streets regardless of any time limitation imposed by official signs upon parking in such area; except that such privilege shall **not** apply to zones in which:

- (1) Stopping, standing or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked; or
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

All other provisions of Chapter 36 shall remain in full force and effect.

PASSED for first reading this _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005 on
Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 36 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO HANDICAPPED PARKING PRIVILEGE

Recitals.

On December 6, 2000, Ordinance No. 3320 was adopted, containing Section 36-22, regarding parking privileges for the handicapped.

Due to a scrivener's error, the word "not" was omitted from that Section describing exceptions to the privileges for handicapped parking.

This amendment is designed to correct the scrivener's error.

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

Chapter 36-22 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows.

Sec. 36-22. Parking privilege for the handicapped.

A vehicle with distinguishing license plates or an identifying placard indicating a "person with mobility handicap," defined as a person so severely handicapped that the person is unable to move from place to place without the aid of a mechanical device, may be parked along public streets regardless of any time limitation imposed by official signs upon parking in such area; except that such privilege shall not apply to zones in which:

- (1) Stopping, standing or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked; or
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

All other provisions of Chapter 36 shall remain in full force and effect.

PASSED for first reading this _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005 on
Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 11

Purchase of High Cube Van Mounted with Sewage TV Inspection System

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase of High Cube Van Mounted with a Sewage TV Inspection System						
Meeting Date	May 4, 2005						
Date Prepared	April 28, 2005						
Author	Julie M. Hendricks		Buyer				
Presenter Name	Ronald Watkins Mark Relph		Purchasing Manager Public Works & Utilities Director				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This is for the purchase of a 2005 GMC Truck with a Aires mounted sewage TV inspection system body. This unit inspects and records the condition of sewer and drainage lines for the City of Grand Junction as well as other customers in the valley. The existing unit is currently scheduled for replacement in 2005, as identified by the annual review of the fleet replacement committee.

Budget: There are sufficient funds budgeted in the 2005 Fleet Replacement, Persigo CIP, and Information Services budgets for the replacement of Unit #1207, which is a 1993 Ford One-ton Van. Williams Equipment has offered a fair trade-in value of \$9000.00 for the City's existing truck. The total purchase price of the replacement truck is \$151,220 less \$9,000 trade for a net final cost of \$142,220.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase a 2005 GMC Truck with Aires Mounted Sewage TV Inspection System Body Unit from Williams Equipment, Henderson, CO in the amount of \$142,220

Background Information: The High Cube Van mounted with a Sewage TV Inspection System was solicited from the City's on-line bidding service and the solicitation was advertised in the Daily Sentinel, as per the City's Purchasing Policy. The City solicited proposals from 51 vendors and received four proposals. A committee comprised of Larry Brown (Wastewater Maintenance Supervisor), Bill Wulff (TV Equipment Operator), Chuck Leyden (Fleet and Facilities Manager), Richard White

(Systems Support Supervisor) and Julie Hendricks (Buyer), then narrowed down the vendors to two, based on the award criteria contained in the RFP. The City required a demonstration truck be provided from each vendor, and tested the integration of the vendor software with current City GIS and GBA software to recommend the award of the Aires truck offered from Williams Equipment.

Attach 12

Purchase of Property at 426 Noland Avenue for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 426 Noland Avenue for the Riverside Parkway Project					
Meeting Date	May 4, 2005					
Date Prepared	April 28, 2005				File #	
Author	Trent Prall		Riverside Pkwy Project Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The City has entered into a contract to purchase the property at 426 Noland Ave from Helen Malagon for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

2005 Right-of-Way Budget	\$10,000,000
2005 Right-of-Way Related Expenses to Date:*	\$5,049,729
Costs Related to this Property Purchase:	
Purchase Price	\$100,000
Moving Costs (owner)	\$1,000
Relocation Supplement (tenant)	\$33,034
Moving Costs (tenant)	\$4,000
Closing Costs	\$1,000
Environmental Inspections	\$3,500
Asbestos Removal	\$5,000
Demolition and Misc environmental cleanup	\$4,500
Total Costs Related to This Request	\$152,034
2005 Remaining Right-of-Way Funds	\$4,798,237
Total Project Budget	\$91,495,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,486,000
Other Prelim. Engineering (Admin / Stipends / Attorneys)	\$3,115,000
Utility Relocations / Street Lights	\$4,500,000
Final Design	\$2,994,000
Construction	\$52,000,000
Construction Oversight	\$4,400,000
Right-of-Way Land Purchases and Relocations	\$19,000,000
Total Estimated Project Costs	\$91,495,000
Remaining Funds / Contingency	\$0
*Includes 910 S. 4th St, 1014 S 4th St, 1554 Independent and 2502 Hwy 6&50 approved by Council on 2/2/05, 2501 Hwy 6&50 and 912, 918 and 940 S 4th St approved by Council on 2/16/05 and 402 Noland Ave multiple CWOA properties approved on 3/2/05, UPRR Property and 2523 and 2525 River Road approved 4/20/05.	

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 426 Noland Ave from Helen Malagon.

Attachments:

1. Proposed Resolution.

Background Information: On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

This is the sixth house to be purchased in the Lower Downtown area. It is located just west of Highway 50 (5th St) just east of the Paintball facility. The subject property contains 0.143 acres of C-2 zoned land and a 1,165 square foot owner occupied home. The house was constructed in 1920.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

E-13 / 426 Noland

Proposed
Riverside
Parkway

5th St (Hwy 50)

Noland Ave



View looking north at 426 Noland
Avenue

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 426 NOLAND AVE FROM HELEN MALAGON

Recitals.

A. The City of Grand Junction has entered into a contract with Helen Malagon, formally known as Helen Valdez, for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 426 Noland Ave and the Mesa County Assessor parcel number is 2945-232-01-006, designated as Project Parcel No. E-13.

B. The purchase contract provides that on or before May 2, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property.

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

1. The above described property shall be purchased for a price of \$100,000. In addition, personal property moving expenses are estimated at \$1,000. The total acquisition cost is \$101,000. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$101,000 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 13

Intergovernmental Agreement with CDOT for Interchange Study at 29 Road and I-70B Interchange

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Approval of Intergovernmental Agreement with Colorado Department of Transportation for Interchange Study at 29 Road and I-70B					
Meeting Date	May 4, 2005					
Date Prepared	April 28, 2005				File #	
Author	Jim Shanks Trent Prall		Riverside Pkwy Program Manager Riverside Pkwy Project Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The proposed Intergovernmental Agreement with Colorado Department of Transportation (CDOT) will reimburse CDOT for anticipated expenses associated with the 1601 Interchange Study for 29 Rd and I-70B.

Budget: Sufficient funds exist in the 2005 29 Rd and I-70B budget to complete the City's due diligence investigations and purchase of this property:

2005 29 Road and I-70B Interchange Approval Study	\$800,000
Contract with Carter & Burgess (Approved January 5, 2005)	\$754,920
Admin Costs	\$20,000
This initial IGA w/ CDOT	\$20,000
2005 Remaining 29 Rd / I-70B Funds	\$5,080

Action Requested/Recommendation: Pass and adopt proposed resolution.

Attachments: 1. Proposed Resolution, 2. Proposed Intergovernmental Agreement

Background Information: A key component of the transformation of the 29 Road corridor into a major component of the transportation network is the proposed interchange at I-70 B. This project proposes to construct a viaduct to extend 29 Road over the Union Pacific Railroad tracks and I-70B. These improvements are part of the 29 Road corridor improvements that will eventually connect Highway 50 with Interstate 70.

Prior to the approval of a new intersection or interchange with the State highway system, CDOT requires completion of a feasibility study and an environmental assessment to serve as tools in deciding whether or not an intersection or interchange is appropriate. The study is completed to comply with CDOT policy directive 1601.

As part of the 1601 approval process, an initial Intergovernmental Agreement (IGA) is required between the applicant (City of Grand Junction) and CDOT addressing responsibility for administrative and application costs, analytical procedures and responsibilities, anticipated level of design detail, approval process, anticipated schedule and other necessary issues following a project scoping meeting between the applicant and CDOT. Staff has been meeting with CDOT since early February to develop this IGA.

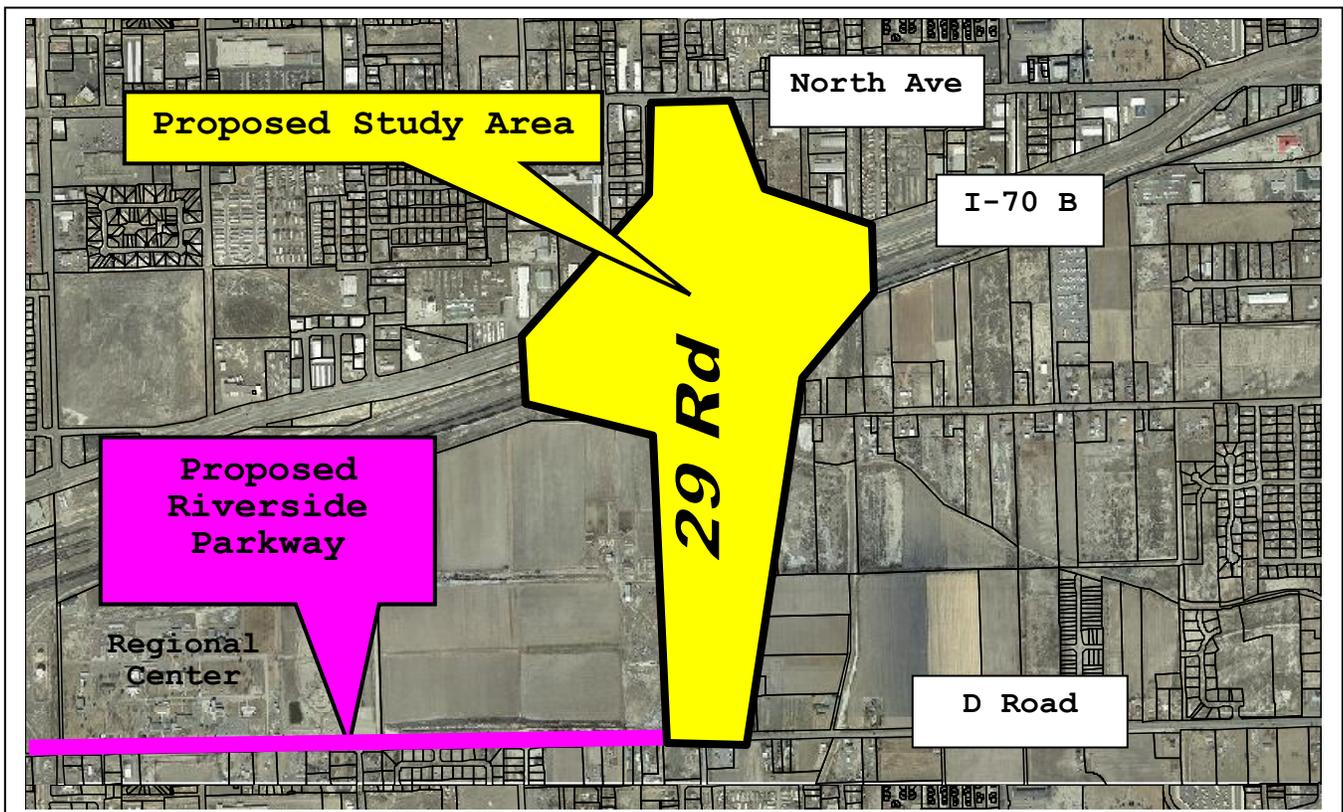
A final IGA will be negotiated after the system level study is approved and applicable environmental and design requirements are addressed.

The initial IGA anticipates that the City will reimburse CDOT up to \$20,000 for administrative costs incurred as part of the review and approval process.

The IGA requires a resolution by the applicants governing body which is attached.

Although Mesa County is funding half of the 29 Rd / I-70B project, it is not included in the IGA as the City is lead agency.

Vicinity Map



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGARDING 29 ROAD AND I-70 B INTERCHANGE APPROVAL PROCESS.

RECITALS:

A key to the transformation of the 29 Road corridor into a major component of the transportation network linking the Riverside Parkway, 29 Road and ultimately I-70, is the proposed interchange at I-70 B. The interchange project proposes to construct a viaduct to extend 29 Road over the Union Pacific Railroad tracks and I-70B. These improvements are part of the 29 Road corridor improvements that will eventually connect Highway 50 with Interstate 70.

Prior to the approval of a new intersection or interchange on the State highway system, CDOT requires completion of a feasibility study and an environmental assessment. Those studies serve as tools in deciding whether or not an intersection or interchange will be allowed. The studies are completed in accordance with CDOT policy directive 1601.

As part of the 1601 process, an initial Intergovernmental Agreement (IGA) is required between the applicant (City of Grand Junction) and CDOT addressing responsibility for administrative and application costs, analytical procedures and responsibilities, anticipated level of design detail, approval process, anticipated schedule and other necessary issues following a project scoping meeting between the applicant and CDOT.

The initial IGA anticipates that the City will reimburse CDOT up to \$20,000 for administrative costs incurred as part of the review and approval process.

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

- a. The agreement attached hereto and which outlines the process whereby the City will reimburse CDOT for incurred expenses is authorized and approved.
- b. Approval of the agreement authorizes the expenditure(s) as provided by the agreement and for the purposes of the agreement.

PASSED AND ADOPTED this _____ day of _____,
2005

CITY OF GRAND JUNCTION, COLORADO

/s/ Bruce Hill
President of the Council

ATTEST:

/s/ Stephanie Tuin
City Clerk

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT made this ___ day of _____ 20___, by and between the State of Colorado for the use and benefit of the COLORADO DEPARTMENT OF TRANSPORTATION hereinafter referred to as the State and the CITY OF GRAND JUNCTION, COLORADO, 250 North 5th Street, Grand Junction, Colorado 81501, FEIN: 846000592, hereinafter referred to as the City or the "Local Agency."

RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Appropriation Code 010, Organization Number 9991, Program 2000, Function 3020, Object 2312 1N Phase D, Reporting Category 3410, Intergovernmental Agreement Encumbrance Number 15224, (Intergovernmental Agreement Encumbrance Amount: \$0.00).
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Pursuant to 43-2-104.5 C.R.S. as amended, the State may Intergovernmental Agreement with Local Agencies to provide maintenance and construction of highways that are part of the state (or local agency) highway system.
4. The City anticipates a project for a new interchange at I 70B and 29 Road and by the date of execution of this Agreement , the Local Agency and/or the State will have completed and agreed upon a Scope of Work (Exhibit A) describing the general nature of the Work.
5. The City will be preparing conceptual designs, studies, and other documents in anticipation of a new interchange project at I 70B and 29 Road. The interchange project will be subject to the procedures outlined in CDOT's procedural directive 1601, which is attached hereto by this reference.
6. The City has made funds available for project C 0701-175 (15224), which shall consist of review services by CDOT of the conceptual designs, studies and other documents, which will be prepared by the City to evaluate a new interchange in accordance to procedural directive 1601, referred to as the "Project" or the "Work." Such Work will be performed in Grand Junction, Colorado, specifically described in Exhibit A.
7. The City has funds available and desires to provide 100% of the funding for the work.
8. The City has estimated the total cost of the work and is prepared to provide the funding required for the work, as evidenced by resolution duly passed and adopted by the authorized

representatives of the City, which expressly authorizes it to enter into this Agreement and to expend its funds for the work under the project. A copy of such resolution is attached hereto and incorporated herein as Exhibit B.

9. This Agreement is executed under the authority of §§ 29-1-203, 43-1-110; 43-1-116, 43-2-101(4)(c) and 43-2-144, C.R.S. and Exhibit B.

10. The parties hereto desire to agree upon the division of responsibilities with regard to the project.

THE PARTIES NOW AGREE THAT:

Section 1. Scope of Work

The Project or the Work under this Agreement shall consist of review services by CDOT of the conceptual designs, studies and other documents, which will be prepared by the City to evaluate a new interchange project at I 70B and 29 Road, in Grand Junction, Colorado, as more specifically described in Exhibit A.

Section 2. Order of Precedence

In the event of conflicts or inconsistencies between this Agreement and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. This Agreement
2. Exhibit A (Scope of Work)
3. Exhibit C (Agreement Modification Tools)
4. Other Exhibits in order of their attachment.

Section 3. Term

This Agreement shall be effective upon approval of the State Controller or designee, or on the date made, whichever is later. The term of this Agreement shall continue through the completion and final acceptance of the Project by the State, FHWA and the Local Agency.

Section 4. Project Funding Provisions

A. The City has estimated the total cost of the work and is prepared to provide the funding required for the work, as evidenced by a resolution duly passed and adopted by the authorized representatives of the City, which expressly authorizes it to enter into this Agreement and to expend its funds for the work under the project. A copy of such resolution is attached hereto and incorporated herein as Exhibit B.

B. The parties have estimated the total cost the work to be \$20,000.00, which is to be funded as follows:

- | | |
|---------------------------------|-------------|
| a. City of Grand Junction Funds | \$20,000.00 |
|---------------------------------|-------------|

Total Funds:

\$20,000.00

C. The maximum amount payable by the City under this Agreement shall be \$20,000.00, unless such amount is increased by an appropriate written modification of this Agreement executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that such cost is subject to revision(s) (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

D. The parties hereto agree that this Agreement is contingent upon all funds designated for the project herein being made available from state sources, as applicable. Should these sources fail to provide necessary funds as agreed upon herein, the Agreement may be terminated by any of the parties, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

Section 5. Project Payment Provisions

A. The City will reimburse the State for its share of incurred costs relative to the project following its review and approval of such charges, subject to the terms and conditions of this Agreement.

B. If the City is to be billed for CDOT incurred costs, the billing procedure shall be as follows:

1. Upon receipt of each bill from the State, the City will remit to the State the amount billed no later than 60 days after receipt of each bill. Should the City fail to pay money due the State within 60 days of demand or within such other period as may be agreed between the parties hereto, the City agrees that, at the request of the State, the State Treasurer may withhold an equal amount from future apportionment due the City from the Highway Users Tax Fund and to pay such funds directly to the State. Interim funds, until the State is reimbursed, shall be payable from the State Highway Supplementary Fund (400).
2. If the City fails to make timely payment to the State as required by this section (within 60 days after the date of each bill), the City shall pay interest to the State at a rate of one percent per month on the amount of the payment which was not made in a timely manner, until the billing is paid in full. The interest shall accrue for the period from the required payment date to the date on which payment is made.

C. The State will prepare and submit to the City, no more than monthly, charges for costs incurred relative to the project. The State's invoices shall include a description of the amounts of services performed, the dates of performance and the amounts and description of reimbursable expenses. The invoices will be prepared in accordance with the State's standard policies, procedures and standardized billing format.

D. If there is a legitimate disagreement or dispute over or above the bill, City shall notify the State in writing, which action shall suspend the application of B1 and B2 above.

Section 6. State and Local Agency Commitments

A. The City shall be responsible for preparing the conceptual designs, studies and other documents required in accordance with the provisions of the CDOT 1601 procedural directive for the proposed new interchange.

B. CDOT shall provide review services for the conceptual designs, studies and other documents as prepared by the city for compliance with the 1601 procedural directive and other applicable state and federal requirements.

Section 7. Environmental Obligations

The City shall prepare its conceptual designs, studies and other documents in accordance with the requirements of the current federal and state environmental regulations including the National Environmental Policy Act of 1969 (NEPA) as applicable.

Section 8. Record Keeping

The parties shall maintain a complete file of all records, documents, communications, and other written materials, which pertain to the costs incurred under this Agreement. The parties shall maintain such records for a period of six (6) years after the date of termination of this Agreement or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. Each party shall make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of the state, the City and/or the County to inspect the project and to inspect, review and audit the project records.

Section 9. Termination Provisions

This Agreement may be terminated as follows:

A. Termination for Convenience. The State may terminate this Agreement at any time the State determines that the purposes of the distribution of moneys under the Agreement would no longer be served by completion of the project. The State shall effect such termination by giving written notice of termination to the Local Agency and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.

B. Termination for Cause. If, through any cause, the Local Agency shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if the Local Agency shall violate any of the covenants, agreements, or stipulations of this Agreement, the State shall thereupon have the right to terminate this Agreement for cause by giving written notice to the

Local Agency of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Local Agency under this Intergovernmental shall, at the option of the State, become its property, and the Local Agency shall be entitled to receive just and equitable compensation for any services and supplies delivered and accepted. The Local Agency shall be obligated to return any payments advanced under the provisions of this Agreement.

Notwithstanding the above, the Local Agency shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the Agreement by the Local Agency, and the State may withhold payment to the Local Agency for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Local Agency is determined.

If after such termination it is determined, for any reason, that the Local Agency was not in default or that the Local Agency's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the parties shall be the same as if the Agreement had been terminated for convenience, as described herein.

Section 10. Legal Authority

Each party warrants that it possesses the legal authority to enter into this Agreement and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Agreement and to bind each party to its terms. The person(s) executing this Agreement on behalf of the town or the county warrants that such person(s) has full authorization to execute this Agreement.

Section 11. Representatives and Notice

The State will provide liaison with the City through the State's Region Director, Region 3, 222 South 6th Street, Grand Junction CO 81501, (970) 248-7225. Said Region Director will also be responsible for coordinating the State's activities under this Agreement and will also issue a "Notice to Proceed" to the City for commencement of the Work. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region 3 and the City. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either party may from time to time designate in writing new or substitute representatives.

If to State:
Ed Fink
Region Director
CDOT Region 3
222 South 6th Street,
Grand Junction CO 8159
(970) 248-7225

If to the City:
Jim Shanks
Project Manager
City of Grand Junction
2529 High County Court
Grand Junction CO 81501
(970) 244-1543

Section 12. Successors

Except as herein otherwise provided, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 13. Third Party Beneficiaries

It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement, shall be strictly reserved to the State and the City. Nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the City that any such person or entity, other than the State or the City receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.

Section 14. Governmental Immunity

Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as now or hereafter amended. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of § 24-10-101, et seq., C.R.S., as now or hereafter amended and the risk management statutes, §§ 24-30-1501, et seq., C.R.S., as now or hereafter amended.

Section 15. Severability

To the extent that this Agreement may be executed and performance of the obligations of the parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

Section 16. Waiver

The waiver of any breach of a term, provision, or requirement of this Agreement shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

Section 17. Entire Understanding

This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any

force or effect unless embodied in a writing executed and approved pursuant to the State Fiscal Rules.

Section 18. Survival of Agreement Terms

Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this Agreement and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

Section 19. Modification and Amendment

Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this Agreement and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the City.

Section 20. Funding Letters

The State may allocate more or less funds available on this Agreement using a Funding Letter substantially equivalent to Exhibit C and bearing the approval of the State Controller or his designee. The funding letter shall not be deemed valid until it shall have been approved by the State Controller or his designee.

Section 21. Disputes

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement will be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, the City mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the City shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the City shall proceed diligently with the performance of the Agreement in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals will be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this Agreement, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT

**INTERGOVERNMENTAL AGREEMENTOR:
STATE OF COLORADO:**

**BILL OWENS
GOVERNOR**

**CITY OF GRAND JUNCTION,
COLORADO**

Legal Name of Intergovernmental
Agreementing Entity

846000592

Social Security Number or FEIN

By _____

For Executive Director

Department of Transportation

Signature of Authorized Officer

Print Name & Title of Authorized Officer

CORPORATIONS:

(A corporate seal or attestation is required.)

Attest (Seal) By _____

(City Clerk)

SCOPE OF WORK

The City of Grand Junction anticipates a project for a new interchange at I-70B and 29 Road in the City of Grand Junction. The City shall prepare and submit a proposal including conceptual designs, studies and other documents to CDOT for review and evaluation of the new interchange in accordance with CDOT's Policy Directive 1601 dated December 15, 2004. The City of Grand Junction will be responsible for all costs for the development, administration and evaluation of the proposal.

_____ City of Grand Junction initial
_____ State of Colorado initial

**COLORADO DEPARTMENT OF TRANSPORTATION
INTERGOVERNMENTAL AGREEMENT
FUNDING INCREASE/DECREASE AND APPROVAL
LETTER** Region: Complete section 1 and submit to CDOT
Controller's office.

AUTHORITY:
State Controller Policy letter on June
12, 1996
CDOT Controller letter on May 23,
1996

(1) This form to be used for the following Intergovernmental Agreements/situations only (check the appropriate situation):

- indefinite quantity, order more/add more utility/railroad, underestimated total cost
 CDOT construction, sum of CMO's LA construction, underestimated cost
 CDOT construction, underestimated total cost CDOT consultant, underestimated cost

SECTION 1 (Region use)

Date: (2) Project code (3)

To: CDOT Controller (FAX #(303) 757-9573 or e-mail CONTROLLER) Project # (4)

From: Office: (5) Phone # (5) FAX # (5)
Region # (5)

CDOT has executed a Intergovernmental Agreement with: (6)

Address: (6)

FEIN # (6) Intergovernmental Agreement routing # (7) COFRS encumbrance # (indicate PO, SC or PG #) (8)

Fund (9)	Orgn. (9)	Appro. (9)	Prgr m. (9)	Fun c. (9)	Object/Sub-obj N/P (9)	GBL (9)	Reporting Catg. (9)	Proj/Sub/Phase (9)

Original amount \$ (10) Has a Budget Request been processed to cover the Intergovernmental Agreement amount increase? yes no (14)

Previous Funding Letter(s) total \$ (11) (Funding letter #1 thru #___) Preparer's name (15)
PHONE NO:

This Funding Letter total \$ (12) (#___) Intergovernmental Agreement Administrator's/Business Manager's Approval (16)
PHONE NO:

Exhibit C

Adjusted amount \$ (13)		CDOT Designee Approval (17)	
		Local Agency approval (18)	
SECTION 2 (Controller's Office use) (19)			
Total allotment amount \$ (19)		Commission budget \$ (19)	
If construction: __CE pool elig. (19)	CE charges \$ (19)	Indirect chgs \$ (19)	Adjusted Intergovernmental Agreement amount plus total CE & indirect charges calculation \$ (19)
I have reviewed the financial status of the project, organization, grant and have determined that sufficient funds are available to cover this increase, effective as of _____ (19)			
State Controller or Delegee (20)			Date (20)

Attach 14

Conveyance of a Nonexclusive Easement Across City Property Along 25 Road for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Authorizing the Conveyance of a Nonexclusive Easement across City property along 25 Road to the Public Service Company of Colorado					
Meeting Date	May 4, 2005					
Date Prepared	April 28, 2005				File #	
Author	Trent Prall		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: Public Service Company is requesting an easement across City right-of-way along 25 Road to accommodate new facilities being installed in conjunction with the relocations of their 230 kV power line in preparation of the Riverside Parkway.

Budget: No Fiscal Impact.

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

Attachments: 1) Vicinity Map; 2) Proposed Resolution; 3) Proposed Easement Agreement which includes Exhibit A.

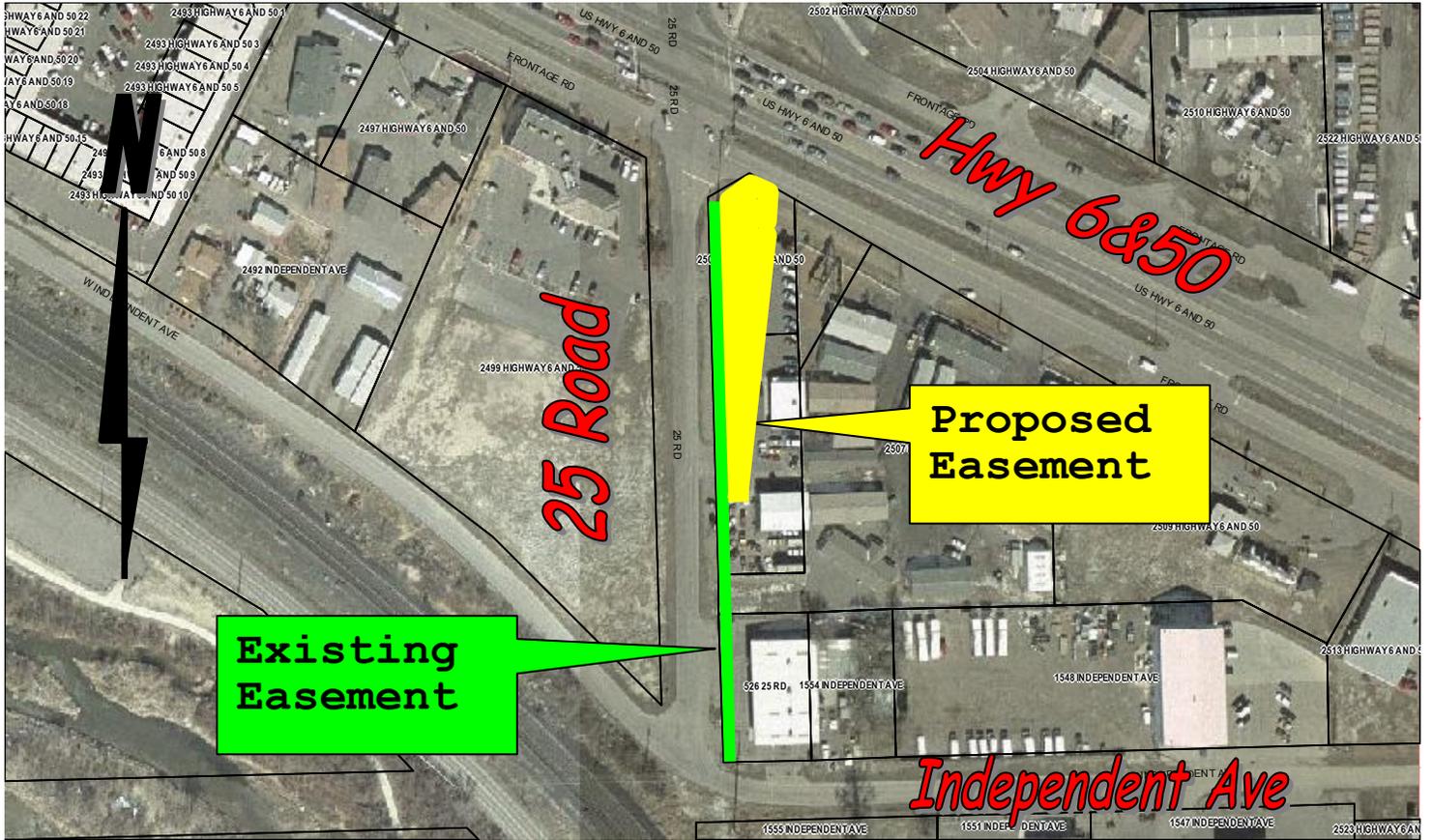
Background Information: Public Service Company is relocating its 230 kV power line along the east side of 25 Road in preparation for the construction of the Riverside Parkway.

The proposed easement will allow Public Service Company to relocate its existing 230 kV power line. The easement would be nonexclusive, meaning the City reserves the right to use and occupy the encumbered property for any purpose. Normally, to comply with the City’s Charter, the initial term of the proposed easement is for a period of 25

Exhibit C

years with an option to extend for additional 25 year terms. The 230 kV facility resides in a non-exclusive easements that Public Service purchased in 1983 from adjacent property owners. Therefore, staff proposes an easement without term provided Public Service Company quitclaims any interests in unused easements.

Exhibit C



RESOLUTION NO. _____

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

WHEREAS, the City of Grand Junction believes it is the owner of certain real property described as

Parcel B-2 2501 Highway 6&50 Mesa County Assessor #2945-103-00-067
Legal: BEG 708.4FT S + 30FT E OF W4 COR SEC 10 1S 1W S61DEG22MIN E 100FT
S 143FT W 87.77FT N 247.94FT TO BEGEXC TR BK 911 PG 420

Parcel B-3 2501 Highway 6&50 Mesa County Assessor #2945-103-00-068
Legal: BEG 220FT N + 30FT E OF SW COR NW4SW4 SEC 10 1S 1W E88.77FT N
203.86FT W 88.77FT S TO BEG; and

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

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

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

PASSED and ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into as of the _____ day of _____, 2005, by and between The City of Grand Junction, a Colorado home rule municipality ("City"), whose address is 250 North 5th Street, Grand Junction, Colorado 81501, and Public Service Company of Colorado, a Colorado corporation ("Public Service"), whose address is Seventeenth Street Plaza, 1225 17th Street, Denver, Colorado 80202-5533.

RECITALS

- A. The City believes it is the owner of certain real property described as
Parcel B-2 2501 Highway 6&50 Mesa County Assessor #2945-103-00-067
Legal: BEG 708.4FT S + 30FT E OF W4 COR SEC 10 1S 1W S61DEG22MIN E
100FT S 143FT W 87.77FT N 247.94FT TO BEGEXC TR BK 911 PG 420
- Parcel B-3 2501 Highway 6&50 Mesa County Assessor #2945-103-00-068
Legal: BEG 220FT N + 30FT E OF SW COR NW4SW4 SEC 10 1S 1W E88.77FT
N 203.86FT W 88.77FT S TO BEG;
- Both parcels are the County of Mesa, State of Colorado.
- B. Public Service is proposing to install, operate and maintain overhead electric lines and facilities appurtenant thereto to relocate existing electric transmission facilities in preparation for the City's Riverside Parkway Project ("the Project").
- C. The parties desire to provide for the conveyance of a non-exclusive easement required for the Project pursuant to the terms and conditions stated in this Agreement.

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

- Consideration, Grant. For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the City hereby grants and conveys to Public Service, by quit claim, a non-exclusive easement on, along, over, under, through and across the limits of the City Property described in Exhibit "A" attached hereto and incorporated herein by reference ("Easement"), and Public Service accepts such grant and conveyance subject to the terms and conditions of this Agreement.
- Term. The term will run in perpetuity with the exception of paragraph 3 below.

Exhibit C

3. Abandonment/Automatic Termination. In the event of permanent abandonment of the Easement by Public Service, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have occurred if Public Service shall fail to use the Easement for any twelve (12) consecutive month period.
4. Express Limitations. Public Service's utilization of the Easement shall be specifically limited to the installation, operation, maintenance and repair of overhead electric service lines and facilities directly related or appurtenant thereto. The easement rights herein granted do not include the right to expand utilization of the Easement for any other purposes unless such uses are authorized by subsequent conveyance instrument(s).
5. General Indemnification. Public Service hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold the City, its officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including reasonable attorneys' fees and costs (except those caused by the City's gross negligence or its willful or wanton acts) to any person or with regard to any property, including claims arising from injury or death, resulting from Public Service's gross negligence or willful act or failure to act pursuant to this Agreement. The foregoing indemnification obligations shall extend to claims which are not reduced to a suit and any claim which may be compromised by Public Service prior to the culmination of any litigation or the institution of any litigation.
6. Default. Should Public Service (a) default in the performance of this Agreement and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to Public Service, or (b) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed, or (c) fail to timely cure such default, the City, at its option, may file an action to cancel and annul this Agreement and obtain an order from a court of competent jurisdiction to enter and take possession of the Easement. This Agreement shall then terminate upon such occupation. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against Public Service, including, but not limited to, the right of the City to obtain injunctive relief. If the City succeeds in such effort, Public Service shall pay the City's reasonable attorneys' fees.
7. Public Service Acceptance Subject to Existing Conditions.
 - 7.1 Public Service has inspected the Easement and accepts the same in its present condition and location. Public Service agrees that the condition of the Easement is sufficient for the purposes of Public Service. The City makes no warranties, promises or representations, express or implied, that the Easement is sufficient for the purposes of Public Service. If the Easement is damaged due to fire, flood or other casualty, or if the Easement is damaged or deteriorates to the extent that it is no longer functional for the purposes of Public Service, the City shall have no obligation to repair the Easement nor to

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

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

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

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

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

Grand Junction,
Attest:
rule municipality

The City of
a Colorado home

City Manager City Clerk

Service Company of Colorado,
corporation

Public
a Colorado

By _____

Exhibit C

Nicholas B. Faes, Manager,
and Land Rights,
Energy Services, Inc., Agent for
Service Company of Colorado

Siting

Xcel

Public

Exhibit "A"

Legal Description of Easement

A non-exclusive easement situated upon a parcel of land being a portion of a parcel described in Book 2160 at Page 519, recorded at the Mesa County Clerk & Recorder's Office on July 26, 1995, lying in the Northwest Quarter of the Southwest Quarter of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 10 (a found 2 1/2" Brass Cap "MESA COUNTY SURVEY MARKER LS illegible" in concrete), whence the witness monument to the Southeast corner of the Northwest Quarter of Southwest Quarter of said section 10 (found an Aluminum Cap "1/16 45.0 2003 LS17465") bears N89° 56'54" E, a distance of 1274.54 feet; THENCE N07° 15'20" E a distance of 594.91 feet to the northerly line of said parcel of land described in Book 2160 at Page 519, being the POINT OF BEGINNING;

THENCE S 61°24'59" E along said northerly line, a distance of 35.41 feet
THENCE S 11°27'21" W a distance of 305.72 feet;
THENCE N 00°02'59" W a distance of 300.23 feet;
THENCE N 61°19'31" E along said northerly line, a distance of 34.07 feet to the POINT OF BEGINNING.

Containing 9661 square feet, (0.222 Acres), more or less for a non-exclusive, electric transmission easement.

Basis of Bearing: N 89°58'01" E between Mesa County Local Coordinate System points Southwest Corner of Section 15 (2-1/2" Aluminum Cap in Monument Box Stamped: AES T1S R1W S16/S15/S21/S22 2002 PLS 24320) and the Southeast Corner of Section 15, (2-1/2" Brass Cap Stamped: COUNTY SURVEY MARKER 828-1 15/14/22/23), both in Township 1 South, Range 1 West Ute P.M.

END OF EXHIBIT "A"

Attach 15
Sidewalk Dining Applications

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Sidewalk Dining Applications							
Meeting Date		May 4, 2005							
Date Prepared		April 26, 2005			File #				
Author		Harold Staf			Executive Director/DDA				
Presenter Name		Harold Staf			Executive Director/DDA				
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: A number of downtown restaurants are seeking the opportunity to serve alcohol outdoors along Main Street. Rendezvous of Grand Junction (317 Main St), Dolce Vita II (336 Main St), and Crystal Café (314 Main St.), have submitted applications for a revocable permit for use of the public right-of-way in front of their business. These businesses have the required permits from the DDA for use of the sidewalk, but are required to have a revocable license from the City of Grand Junction to expand their licensed premise, permitting alcohol sales.

The current ordinance requires outdoor facilities to end service at 10pm. Several of the applicants have requested that this be extended to 12 midnight, still well in advance of their licensed closing time.

Budget: No expenditures are required.

Action Requested/Recommendation: Approval of lease for extension of premises and amendment of closing time.

Attachments: Permit application including drawing of affected area and copy of current ordinance.

Background Information: Council approved the expansion of sidewalk dining with liquor service in July, 2004. However, at that time it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor licensed. Approval of these leases will allow for the applicants to apply for

Exhibit C

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

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

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY
TO RENDEZVOUS OF GRAND JUNCTION, LTD.**

WHEREAS, the City has negotiated an agreement for Rendezvous of Grand Junction, Ltd. to lease a portion of the sidewalk right-of-way located in front of 317 Main Street from the City for use as outdoor dining; and

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to Rendezvous of Grand Junction.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for a period of twenty-one months at \$100 per year, totaling \$175, to Rendezvous of Grand Junction.

PASSED and ADOPTED this _____ day of _____, 2005.

The City Council of the City of Grand Junction

Council President

Attest:

Stephanie Tuin, City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of May 4, 2005 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and RENDEZVOUS of GRAND JUNCTION, LTD., an individual, partnership, corporation, as Lessee, hereinafter Lessee.

RECITALS.

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

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

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

1. The City does hereby lease to Lessee approximately 100 square feet of the sidewalk in the DSP located in front of 317 Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of 8' feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
2. The term of this lease shall be for a period of one year beginning on May 1, 2005 and terminating on February 3, 2007. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$175.00 which sum shall be payable in advance on or before May 1, 2005, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

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

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

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

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

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

- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
 - j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.
8. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.
9. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.
10. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.
11. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.
12. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
13. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
14. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be

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

15. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.
16. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.
17. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

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

Lessee:
Rendevous of Grand Junction, Ltd.
317 Main St.
Grand Junction, Co. 81501

CITY OF GRAND JUNCTION

City Manager

LESSEE

Business Owner

4/25/05

I approve of Rendez-vous restaurant
putting up a fence adjacent to ours
at a 90° angle from our building.

Pablo



319 Main Street

Grand Junction

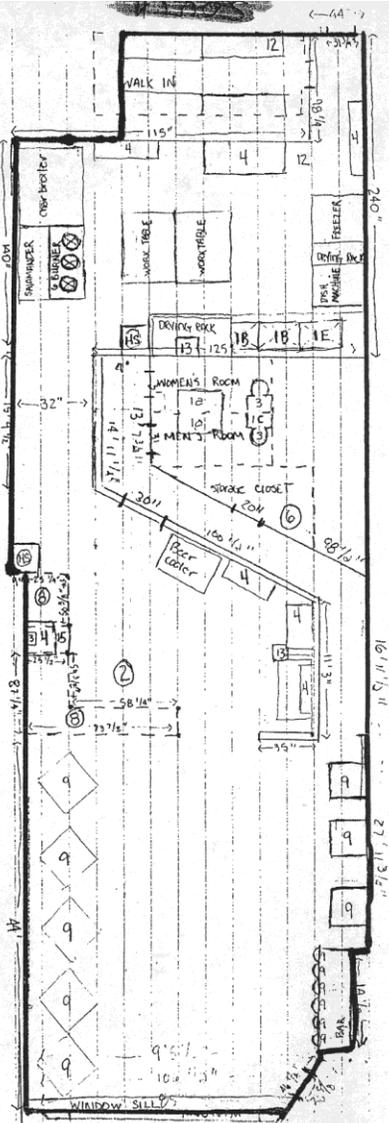
Colorado

81501

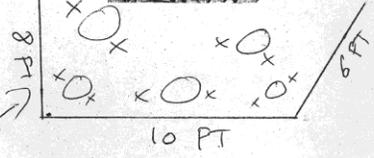
970.255.8879

www.pablospizza.com

- 1 SINKS
- 2 WAIT STATION
- 3 INDOOR SEATING
- 4 LAVATORY
- 5 TOILET FACILITIES
- 6 RECYCLIC
- 7 BITE/FEED PEP SINKS
- 8 DRY FOOD STORAGE
- 9 DAMAGE/RECHARGE AREA
- 10 UTILITY SINKS
- 11 CHEMICAL STORAGE
- 12 FLOOR SINK FLOOR DRAIN
- 13 DUMP SINK
- 14 WATER HEATER
- 15 ICE MACHINE
- 16 WASH WASHING SINKS
- 17 BAR SERVICE



EXISTING FENCE !!



RENDEZ VOUS RESTAURANT
 C.F. COT CORNER
 SEATING CAPACITY 32 PEOPLE
 NO BAR, NO LOUNGE

PROPOSED

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY
TO THE CRYSTAL CAFÉ AND BAKE SHOP**

WHEREAS, the City has negotiated an agreement for CRYSTAL CAFE, to lease a portion of the sidewalk right-of-way located in front of 314 Main Street from the City for use as outdoor dining; and

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to CRYSTAL CAFE.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for seventeen months at \$200 per year, totaling \$267, to CRYSTAL CAFE.

PASSED and ADOPTED this _____ day of _____, 2005.

The City Council of the City of Grand Junction

Council President

Attest:

Stephanie Tuin, City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of May 4, 2005 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and CRYSTAL CAFE, an individual, partnership, corporation, as Lessee, hereinafter Lessee.

RECITALS.

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

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

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

1. The City does hereby lease to Lessee approximately 200 square feet of the sidewalk in the DSP located in front of 314 Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of 8' feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
2. The term of this lease shall be for a period beginning on May 1, 2005 and terminating on September 26, 2006. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$267.00 which sum shall be payable in advance on or before May 1, 2005, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

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

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

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

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

Exhibit C

- a. Not be wider than the street frontage of the business nor extend further than a maximum of 8' feet from the edge of the Lessee's building ensuring that such extension does not impede pedestrian traffic.
- b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
- c. The Leased Area may not be an island; i.e., the perimeter enclosure around the Leased Area shall abut the Lessee's building and business.
- d. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
- e. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
- f. No cooking shall be located on the Leased Area.
- g. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
- h. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.
- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.

- j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.
8. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.
9. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.
10. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.
11. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.
12. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
13. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
14. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action

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

15. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.
16. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.
17. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

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

Lessee:
Crystal Cafe
314 Main St.
Grand Junction, Co. 81501

CITY OF GRAND JUNCTION

City Manager

LESSEE

Business Owner



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

Wendy Hayduk

Name

316 Main St.

Address

Wendy Hayduk

Signature



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

T. Michael Holmes
Name

300 Main St. #102
Address

T. Michael Holmes
Signature



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

Deeje Calavan
Name

300 Main St Ste 264
Address

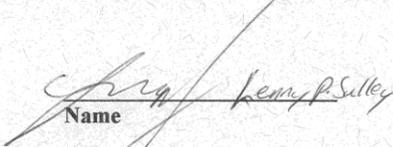
Deeje Calavan
Signature

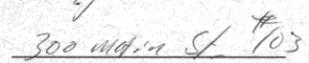


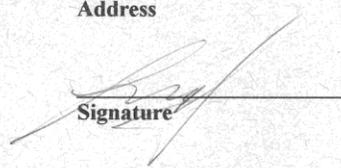
City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.


Name


Address


Signature



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

Drew Moore — Drew Moore
Name

300 Main Street #103
Address

Signature



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

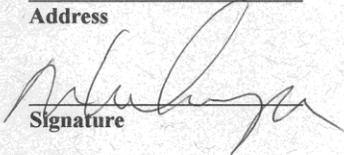
I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

Dan Neuschwanger (Neuschwanger Investment Consultants)

Name

300 Main Street #2
Grand Junction, CO 81501

Address


Signature



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

Marilyn S. Veselack MARILYN S. VESELACK
Name

300 Main St. #106
Address

Marilyn S. Veselack
Signature
Institute of Therapeutic Massage
of W. Colo.



City of Grand Junction
ATTN: City Clerks Office
250 N. 5th Street
Grand Junction, Co. 81501

Re: Crystal Café Outside Patio

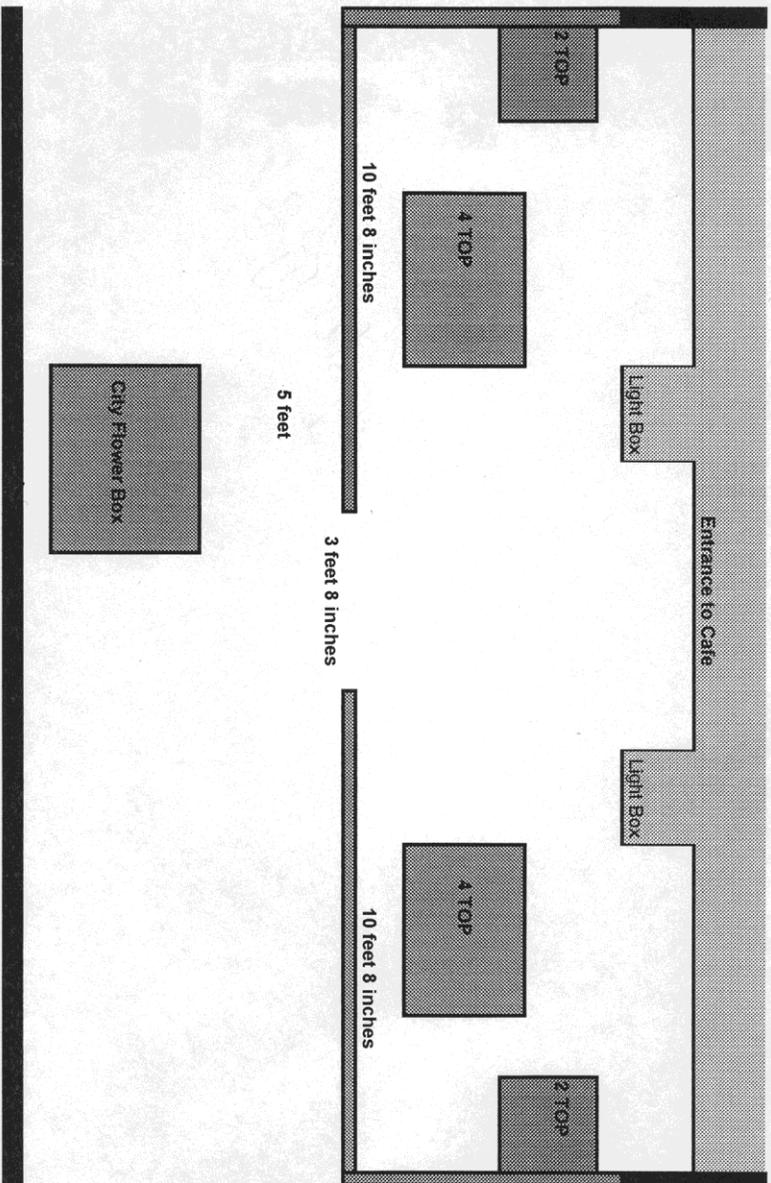
I am writing this letter to give my permission for The Crystal Café & Bake Shop (314 Main Street, Grand Junction, Co.) to extend their seating capacity to include a fenced in patio in front of the building. It is my understanding that the patio will not impede foot traffic and will conform to all City and DDA guidelines.

NANCY E. KISSNER
Name

300 MAIN ST, STE. 308, G.J., Co. 81501
Address

Nancy E. Kissner
Signature

The Crystal Café - 314 Main Street



Main Street

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY
TO DOLCE VITA II**

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

WHEREAS, the City Council deems it necessary and appropriate that the City lease said property to DOLCE VITA II.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for 21 months at \$200 per year, totaling \$350.00, to DOLCE VITA II.

PASSED and ADOPTED this _____ day of _____, 2005.

The City Council of the City of Grand Junction

Council President

Attest:

Stephanie Tuin, City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of May 4, 2005 by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and DOLCE VITA II, an individual, partnership, corporation, as Lessee, hereinafter Lessee.

RECITALS.

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

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

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

- 1 The City does hereby lease to Lessee approximately 200 square feet of the sidewalk in the DSP located in front of 336 Main Street hereinafter the Leased Area. Specifically the Leased Area is that portion of the sidewalk abutting the Lessee's business and extending a maximum of 8' feet from the edge of the building and/or lot; provided, however, that overhang(s) and/or other encroachment(s) are not to be considered to be part of such building and/or lot.
- 2 The term of this lease shall be for a period of one year beginning on May 15, 2005 and terminating on December 15, 2006. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area, Lessee agrees to pay the City the total sum of \$350.00 which sum shall be payable in advance on or before May 1, 2005, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

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

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

service be extended beyond 10:00 p.m. Food shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.

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

Exhibit C

- a. Not be wider than the street frontage of the business nor extend further than a maximum of 8' feet from the edge of the Lessee's building ensuring that such extension does not impede pedestrian traffic.
- b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
- c. The Leased Area may not be an island; i.e., the perimeter enclosure around the Leased Area shall abut the Lessee's building and business.
- d. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.
- e. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
- f. No cooking shall be located on the Leased Area.
- g. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
- h. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.
- i. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
- j. No signage, including but not limited to, on furniture, planters or banners shall be allowed on the Leased Area. Menu signs shall be

allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by DDA.

8. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.
9. Lessee agrees to permit agents of the City and/or DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

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

10. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.
11. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.
12. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
13. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
14. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees.
15. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

16. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.
17. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

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

Lessee:
Dolce Vita II
336 Main St.
Grand Junction, Co. 81501

CITY OF GRAND JUNCTION

City Manager

LESSEE

Business Owner

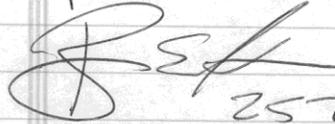
2/25/05

I UNDERSTAND THAT POLICE VITA
WILL BE EXPANDING THEIR
DECK TOWARDS MAIN STREET
AND THAT IT WILL MEET THE
SPECIFICATIONS OF DPA &
CITY OF GRAND JUNCTION.

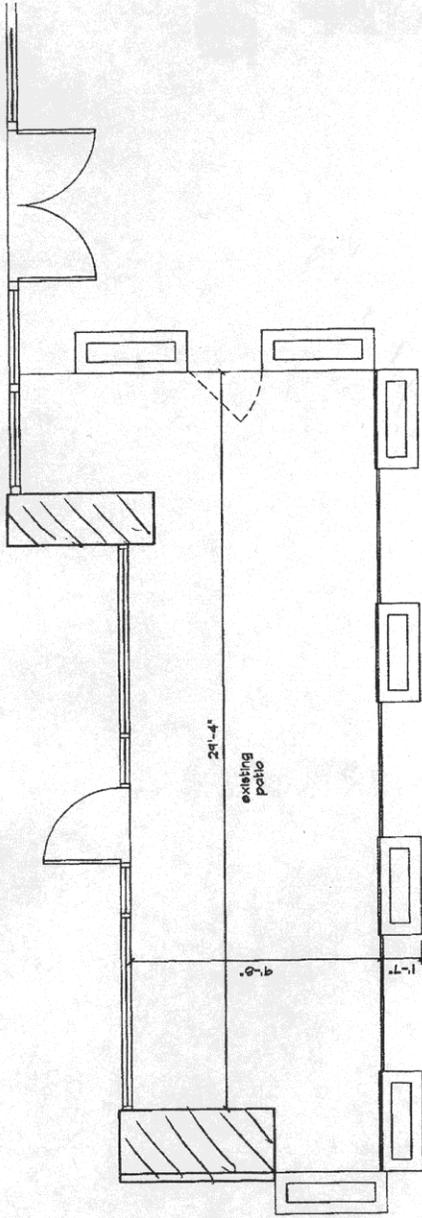
I ACKNOWLEDGE & GIVE
APPROVAL OF THIS PROJECT.

Sincerely

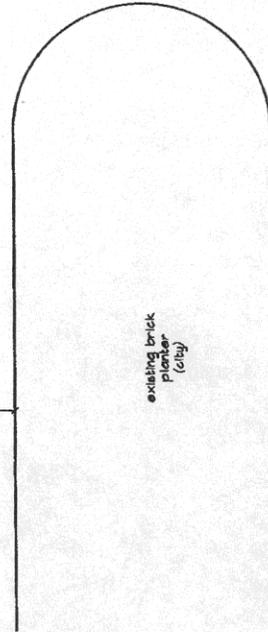
Fox Building, LLC



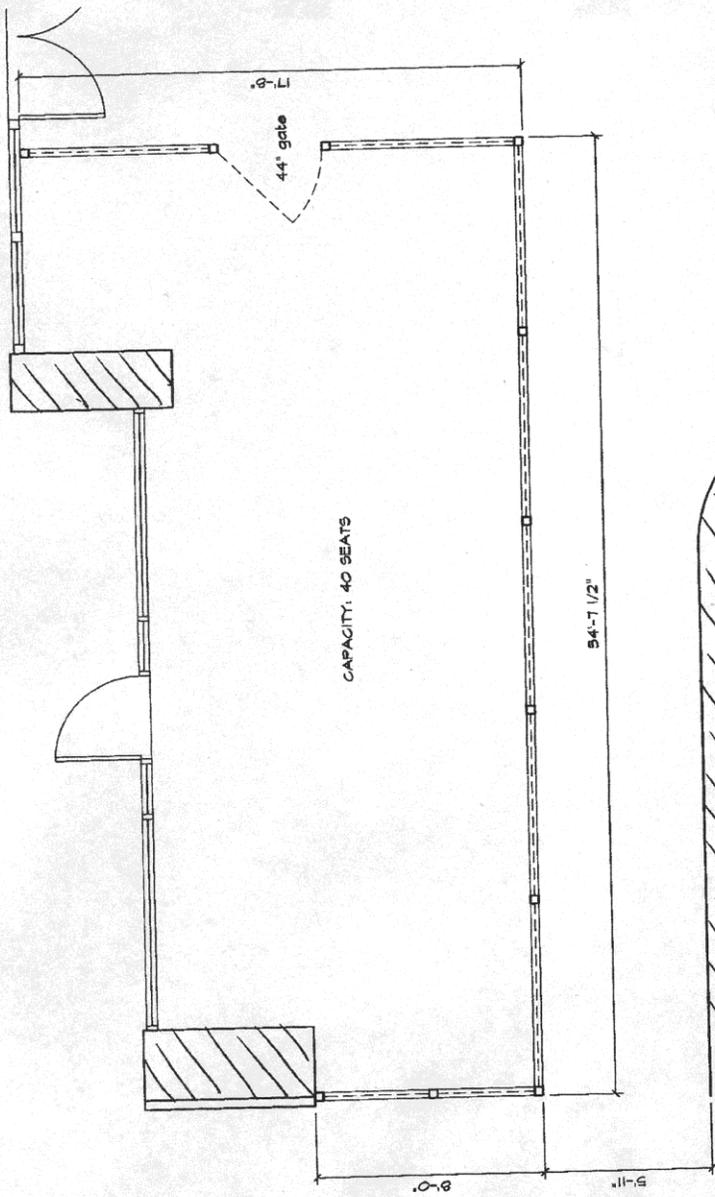
257-0161



EXISTING
N.T.S.



SPACE JOLLY
254-8777



PROPOSED PATIO
N.T.S.

Dove VTR II

Attach 16
ISO Certification Funding Request

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	ISO Certification Funding Request					
Meeting Date	May 4, 2005					
Date Prepared	April 20, 2005				File #	
Author	Thea Chase			Business Incubator Center		
Presenter Name	Thea Chase			Business Incubator Center		
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: The Business Incubator Center, Chamber of Commerce, and Grand Junction Economic Partnership have been working to develop resources for local manufacturing firms to obtain ISO certification and will be requesting financial assistance in the amount of \$25,000 from the City of Grand Junction.

Budget: There is no current budget for this request.

Action Requested: That the City Council approve \$25,000 in funding for ISO certification for manufacturing companies currently located in Mesa County.

Attachments: Memorandum

Background Information: Please see attached memorandum.

ISO/AS Training and Registration Project of Mesa County

Description of the Program: The Business Incubator Center, Grand Junction Area Chamber of Commerce, Mid-America Manufacturing and Technology Center and the State of Colorado are partnering to provide a unique approach to increase the capacity of the manufacturing sector in Mesa County. The history of the project lies with the response to the closure of the Hamilton Sundstrand (HS) plant in 2005 which employs 245 people in the aerospace machining industry. Opportunities for laid-off employees to contract back manufacturing and services to HS as a series of existing and new independent companies arose but were stifled by requirements by HS for AS quality control certification to become approved vendors. The program will establish a pool of \$75,000 to provide up to a 75% match for existing companies in the machining and manufacturing industries to obtain ISO/AS registration (This is an expensive and lengthy process that requires documentation of a company's quality control process from obtaining an order to producing a product). Businesses are expected to obtain and keep registration for a period of three years. Even though there is limited opportunities to pursue work from HS in the near term, with these certifications, companies will have access to other HS work and additional work from companies such as Boeing, Raytheon and others. One local company is in contention for \$7 million in HS work which would create approximately 25 jobs. With additional work it is expected that other existing companies will be able to employ additional skilled labor being laid off this year. The State of Colorado on March 24, 2005 invested \$25,000 in this program contingent on local community match of \$50,000. There are 11 companies ranging from 1 to 250 employees that have expressed interest in this program.

Requirements: Companies must be an existing business in Mesa County, be either in the machining technologies or supporting industries, be committed to completing the registration process within one year of grant award and maintain the certification for at least three years (Successful applicants will be required to sign agreements and may be required to return grant funds if conditions of the award are not met.), be committed to business expansion through job creation and investment as a result of obtaining additional work, be willing to share results of obtaining ISO/AS registration, e.g. getting additional work, amount of contracts, jobs created, investment, etc. (All information will be held in strict confidence and is intended to be used to further assist companies and report in aggregate to policy makers in order to measure the effectiveness of the program), participate in 4 part training program focused on obtaining competitive advantage through bidding, marketing, lean manufacturing and financial management.

ISO/AS Training and Registration Project of Mesa County

Description of the Program: To provide up to a 75% match for existing companies in the similar business as Hamilton Sundstrand and supporting manufacturing processes to obtain ISO/AS registration. Grant awards will be a maximum of \$7500 a piece.

Businesses are expected to obtain and keep registration for a period of three years.

Requirements:

- ✓ Be an existing business in Mesa County
- ✓ Be either in the machining technologies or supporting industries
- ✓ Have interest in bidding on aerospace work
- ✓ Be committed to completing the registration process within one year of grant award
- ✓ Be committed to business expansion through job creation and investment as a result of obtaining additional work
- ✓ Be willing to share results of obtaining ISO/AS registration, e.g. getting additional work, amount of contracts, jobs created, investment, etc. (All information will be held in strict confidence and is intended to be used to further assist companies and report in aggregate to policy makers in order to measure the effectiveness of the program)

ISO/AS Training and Registration Project of Mesa County

Registered Business Name:	Date:
Address:	Telephone:
	e-mail:
Contact and Title:	Fax:

FEIN:	Number of employees:
Estimated Project Cost: Pleases include both out of pocket and value of investment of staff time and other expenses*	
If the maximum grant is \$7500, how would the additional expenses be covered?	

*For assistance in estimating costs contact Monty Rutherford at MAMTC (970) 263-8300

1. I am interested in

ISO Registration
 AS Registration
 Both

2. Are you currently in the process of ISO/AS Registration? If "yes," where are you in this process?

3. What will ISO/AS Certification do for your company?

4. What do you anticipate your business expansion to be as a result of this registration?

_____ # of jobs created

_____ Capital investment

Attach 17

Public Hearing – First Supplemental Appropriation Ordinance for 2005

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	1st Supplemental Appropriation Ordinance for 2005					
Meeting Date	May 4, 2005					
Date Prepared	April 11, 2005				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Administrative Services Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

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

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$11,819,743. The following provides a summary of the requests by fund.

General Fund #100, \$469,545:

- Council Contributions account: \$23K of unexpended budget for the purchase of development rights in the buffer-zone and \$8K for the 2003 and 2004 contributions to the energy Office.
- Community Development: \$47,500 carryover to complete various development plans.
- Police: \$236K carryover for capital equipment including Document Imaging and the Records Management System.
- Fire: \$48,000 carryover for specialty equipment including Mobile Data Terminals and EMS Pulse Oximeters.
- Public Works: \$54,545 requested primarily for the Work Order / Infrastructure Management Computer System.

- Parks & Recreation: \$52,500 carryover request; \$29K to complete the Lincoln Park Master Plan, \$2.5K for a laser printer, and \$21K Cultural Arts projects.

E-911 Special Revenue Fund #101, \$53,000: Transfer to the Communications Center Fund for equipment purchases.

CDBG, Grant Distribution Fund #104, \$227,350: Appropriation required to complete the distributions for the Linden Pointe and Riverside Community Center re-roof projects.

Sales TAX CIP Fund #201, \$3,260,000:

- Public Works: \$2,447,000 to complete various improvement projects, includes a \$200K additional request for the cost of an environmental assessment for the 29 Road Viaduct project.
- Parks & Recreation: \$562,000 for various park improvement projects including Paradise Hills, Westlake Park, Darla Jean and Wingate parks.
- \$251,000 for transfers to complete capital projects in the two subsidized funds (Two Rivers and Swimming Pools).

Storm Drainage Improvements Fund #202, \$1,505,014: Appropriation carryover for the Leach Creek/Airport Detention project, and the Ranchmen's Ditch "Big Pipe" project.

DDA/TIF Capital Improvements Fund #203, \$791,000: Carryforward unexpended proceeds from the 2003 TIF Bond issue.

Riverside Parkway Capital Improvement Fund #204, \$2,270,000: Carryforward unexpended budget from the first year of the Riverside Bypass project.

Water Fund #301, \$1,016,000: Various water system improvement projects, primarily (\$900K) water line replacements.

Solid Waste Fund #302, \$1,500: Complete work on the Recycling Center Bldg. roof.

Two Rivers Convention Center Fund #303, \$105,000: \$55K for a Facility Management Software system and \$50K for Theatrical Lighting at the Avalon Theater.

Swimming Pools Fund #304, 220,000: \$110K for Lincoln Park Pool Re-plaster project, \$7K for Shower Partitions at the OM Pool, and \$103K for Spray Park at Lincoln Park.

Data Processing #401, \$574,848: Reorganization of the GIS functions, moved from Public Works to the Information Services division of Administrative Services.

Equipment Fund #402, \$213,000: Scheduled replacement of vehicles and equipment that were not completed by the end of the prior year and \$15K to enlarge the logo and add the City's website on City vehicles.

Communications Center Fund #405, \$53,000: Carryover for equipment purchases.

Parks Improvement Advisory Board (PIAB) Fund #703, \$6,500: Funding for the Stadium PA System project.

Joint Sewer System Fund #900, \$1,444,171: Sewer system improvements including SSEP, CSEP, trunk line extensions, and interceptor repair and replacements.

Action Requested/Recommendation: First Reading of the appropriation ordinance on April 20th, 2005 and adoption of the ordinance following the public hearing on May 4th, 2005.

Attachments: Proposed Ordinance, General Fund Overview, Sales Tax CIP Fund Overview.

Background Information: The first supplemental appropriation ordinance is adopted every year at this time to carry-forward unexpended appropriations for capital project and equipment purchases not completed in the prior year.

GENERAL FUND OVERVIEW

	<u>2004 BUDGET</u>	<u>2004 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
BEGINNING FUNDS AVAILABLE	\$ 9,985,344	\$ 9,985,344	\$ -	
REVENUE				
Taxes	\$ 38,615,631	\$ 39,500,764	\$ 885,133	-
Licenses & Permits	113,100	111,452	(1,648)	-
Intergovernmental	284,493	192,544	(91,949)	-
Charges for Services	3,594,145	3,408,181	(185,965)	-
Interfund Charges	906,650	917,269	10,619	-
Interest & Investments	362,000	395,172	33,172	-
Other Operating Revenue	800,682	780,796	(19,886)	-
Capital Proceeds	-	-	-	-
Transfers-In from Other Funds	78,532	59,292	(19,240)	-
TOTAL REVENUE	\$ 44,755,234	\$ 45,365,471	\$ 610,237	\$ -
EXPENSE				
City Administration	\$ 2,042,664	\$ 1,803,008	\$ 239,656	\$ 31,000
Administrative Services	3,284,647	3,219,242	65,405	-
Community Development	2,200,896	2,001,041	199,855	47,500
Police	12,294,193	11,843,168	451,025	236,000
Fire	8,898,285	8,528,801	369,484	48,000
Public Works	8,423,898	8,049,857	374,041	54,545
Parks & Recreation	5,485,332	5,378,934	106,398	52,500
Subtotal: Departmental	\$ 42,629,914	\$ 40,824,050	\$ 1,805,865	\$ 469,545
<u>Non-Departmental</u>				
Contingency	336,170	-	336,170	-
Budget Savings	(500,000)	-	(500,000)	-
Transfers-Out to Other Funds	2,483,205	2,437,091	46,114	-
Subtotal: Non-Departmental	\$ 2,319,375	\$ 2,437,091	\$ (117,716)	\$ -
TOTAL EXPENDITURES	\$ 44,949,289	\$ 43,261,141	\$ 1,688,149	\$ 469,545
NET SOURCE (USE) OF FUNDS	\$ (194,056)	\$ 2,104,330	\$ 2,298,386	
ENDING FUNDS AVAILABLE	\$ 9,791,288	\$ 12,089,674	\$ 2,298,386	
Plus: Revenue Adjustments			\$ -	
Minus: Expense Adjustments			\$ (469,545)	
NET IMPACT ON 2005 ENDING BALANCE			\$ 1,828,841	

SALES TAX CIP FUND OVERVIEW

	<u>2004 BUDGET</u>	<u>2004 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
BEGINNING FUNDS AVAILABLE	\$ 4,869,096	\$ 4,869,096	\$ -	
REVENUE				
Sales & Use Taxes	\$ 8,927,455	\$ 8,881,990	\$ (45,465)	-
Other Income	4,325,728	2,777,053	(1,548,675)	1,459,000
Transfers-In from Other Funds	3,348,000	3,348,000	-	6,500
TOTAL REVENUE	\$ 16,601,183	\$ 15,007,043	\$ (1,594,140)	\$ 1,465,500
EXPENSE				
City Administration	\$ -	\$ -	\$ -	\$ -
Administrative Services	-	762	(762)	-
Community Development	-	-	-	-
Police	-	-	-	-
Fire	1,357,185	1,350,650	6,535	-
Public Works	10,432,947	8,185,994	2,246,953	2,447,000
Parks & Recreation	2,294,309	1,667,882	626,427	562,000
Subtotal: Projects	\$ 14,084,441	\$ 11,205,287	\$ 2,879,154	\$ 3,009,000
Transfers-Out to Other Funds				
Economic Development	\$ 300,000	\$ 300,000	-	-
DDA TIF Revenue	38,000	32,015	5,985	-
Storm Drainage	400,000	400,000	-	-
Two Rivers	100,000	17,086	82,914	80,000
Debt Service	1,380,194	1,380,269	(75)	-
Swimming Pools	185,800	63,695	122,105	171,000
Subtotal: Transfers-Out	\$ 2,403,994	\$ 2,193,065	\$ 210,929	\$ 251,000
TOTAL EXPENDITURES	\$ 16,488,435	\$ 13,398,352	\$ 2,879,154	\$ 3,260,000
NET SOURCE (USE) OF FUNDS	\$ 112,748	\$ 1,608,691	\$ 1,495,943	
ENDING FUNDS AVAILABLE	\$ 4,981,844	\$ 6,477,786	\$ 1,495,943	
Plus: Revenue Adjustments			\$ 1,465,500	
Minus: Expense Adjustments			\$ (3,260,000)	
NET IMPACT ON 2005 ENDING BALANCE			\$ (298,558)	

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2005 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2005, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 469,545
E-911 Special Revenue	101	\$ 53,000
CDBG, Grant Distributions	104	\$ 227,350
Sales Tax Capital Improvements	201	\$ 3,260,000
Storm Drainage Capital Improvements	202	\$ 1,304,000
DDA, TIF Capital Improvements	203	\$ 791,000
Riverside Parkway Capital Project	204	\$ 2,270,000
Water	301	\$ 1,016,000
Solid Waste	302	\$ 1,500
Two Rivers Convention Center	303	\$ 105,000
Swimming Pools	304	\$ 220,000
Data Processing	401	\$ 574,848
Equipment	402	\$ 213,000
Communications Center	405	\$ 53,000
PIAB	703	\$ 6,500
Joint Sewer	900	\$ 1,255,000
TOTAL ALL FUNDS		\$ 11,819,743

INTRODUCED AND ORDERED PUBLISHED this 20th day of April, 2005.

PASSED AND ADOPTED this ____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 18

Public Hearing – Amendment to Chapter 4, Code of Ordinances Regarding Special Events

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Special Events Permits							
Meeting Date		May 4, 2005							
Date Prepared		April 12, 2005				File #			
Author		John Shaver			City Attorney				
Presenter Name		John Shaver			City Attorney				
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Amendments to Chapter 4 of the Code of Ordinances are proposed to codify the City’s current practice of not issuing Special Events permits for the consumption of spirituous liquors in public places.

Budget: N/A

Action Requested/Recommendation: Approval of ordinance to amend section 4-54 regarding special events permits.

Attachments: Proposed Ordinance.

Background Information: The City issues Special Events permits which allow the consumption of alcoholic beverages at other than licensed establishments. Under State law a special events permittee may serve wine, beer or spirituous liquor. The City’s practice has been to not issue permits for the consumption of spirituous liquors at events that occur in public places. The purpose of this ordinance is to limit as a matter of law the types of alcoholic beverages that may be served at special events in streets, parks and public ways.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 4 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGE LICENSING.

Recitals.

In 1993 the City Council approved Ordinance No. 2688 (now codified at Chapter 4, Section 4-54) of the Code of Ordinances, City of Grand Junction (“Code”) to allow for the issuance of Special Events permits in accordance with State law. Ordinance 2688 adopted the recodified state law.

By City ordinance consumption of malt, vinous and spirituous beverages in public places in the City may occur only when and if such possession and consumption is authorized under a special events permit. At present, the Code does not limit the type of alcohol that may be served under a special event permit.

The City’s practice has been to not issue permits for the consumption of spirituous liquors at special events that occur in public places. The purpose of this ordinance is to limit as a matter of law the types of alcoholic beverages that may be served at special events that occur in streets, parks and public ways.

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

Chapter 4, Section 54 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. Deletions are shown in strikethrough; ADDITIONS ARE SHOWN IN ALL CAPS.

Sec. 4-54. Special event permits.

(A) Under the authority granted in C.R.S. 12-48-107(1) AND (2), an application for a special event permit shall be filed with the local licensing authority and shall be accompanied by a fee as established by resolution of the City Council for both investigation and issuance of such permit.

(B) A SPECIAL EVENT PERMIT ISSUED BY THE CITY FOR ANY EVENT OCCURRING IN OR ON ANY PUBLIC STREET, ROAD, HIGHWAY, AND PARK OR PUBLIC WAY WHICH IS PUBLICLY OWNED SHALL NOT ALLOW THE POSSESSION AND CONSUMPTION OF SPIRITOUS LIQUORS.

All other provisions of Chapter 4 shall remain in full force and effect.

PASSED for first reading this 20th day of April, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005 on Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 19

Public Hearing – Vacating ROW Located at 774 Old Orchard Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Vacation of Right-of-way, 774 Old Orchard Road (Old Orchard Estates Subdivision)				
Meeting Date		May 4, 2005				
Date Prepared		April 22, 2005			File # VR-2004-201	
Author		Pat Cecil		Development Services Supervisor		
Presenter Name		Pat Cecil		Development Services Supervisor		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	Individual Consideration

Summary: The petitioner is requesting City Council approval to vacate a portion of the road right-of-way for Clarkdell Court, comprising of approximately 0.87 acres. There are no public improvements within the right-of-way. The Planning Commission reviewed the vacation request on March 22, 2005, and recommends that the City Council approve the vacation request.

Budget: The proposed vacation will not have any impacts to the budget since there are no public improvements existing within the road right-of-way.

Action Requested/Recommendation: Conduct a public hearing, and adopt the Ordinance vacating the right-of-way.

Attachments:

- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Preliminary Plat
- Vacation Ordinance and Exhibit "A"

Letter from adjacent property owner

Background Information: See attached.

BACKGROUND INFORMATION					
Location:		<i>774 Old Orchard Road</i>			
Applicants:		Northwest Plateau Development- Steve Heil Robert and Dorothy Ruth Rolland Engineering - Representatives			
Existing Land Use:		<i>Existing residential uses and accessory buildings</i>			
Proposed Land Use:		<i>Residential subdivision</i>			
Surrounding Land Use:	North	<i>City Park Land</i>			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-2			
Proposed Zoning:		Same			
Surrounding Zoning:	North	CSR (Park)			
	South	RSF-R			
	East	RSF-R			
	West	PD (residential)			
Growth Plan Designation:		Residential Low – ½ to 2 dwelling units			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The petitioner is requesting approval of a vacation of public right-of-way, comprising of approximately 0.87 acres of area.

The portion of Clarkdale Court proposed for vacation, was created when the project site was platted into three parcels while under County jurisdiction, and the northerly extension was access to these parcels. These parcels are being replatted by the current application, and all of the newly configured lots will take access from the new right-of-way that will be created with the recording of the plat for the Old Orchard Estates subdivision. There is no constructed road within the vacation area.

Access to the site will be from a new right-of-way to be dedicated from 26 ½ Road that will cross the northerly portion of the Ruth parcel. The Ruth's have agreed to dedicate the proposed right-of-way and have signed the application consenting to the project. There is an existing garage located on the Ruth parcel that will either be removed or relocated at final platting since it will not conform to setback criteria once the new right-of-way is dedicated.

An adjacent property owner to the south (Stenmark) has written a letter (attached) that requests that the vacation also include portion of Clarkdell Court that their property takes access from, and that the additional vacated area be deeded to them. In order for this to occur, the Stenmark's must file a separate application for vacation of public right-of-way. While the City could process the request, the City cannot assure the Stenmark's that the vacated right-of-way would go to them. Mesa County determines who is entitled to vacated right-of-way, with the property going back to the land of origin. This issue should be researched by the Stenmark's prior to submitting an application for vacation.

The Vacation Ordinance will be recorded concurrently with the Plat of the Old Orchard Estates subdivision thereby assuring that no lots will become land locked.

A 15 foot wide Irrigation and Utility easement will be retained in the northerly 245.8 feet of the vacation area that will contain an existing electrical service line.

The UCC group has reviewed the proposed vacation and has indicated that as proposed it will not interfere with services to the site and area.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve the Vacation of Public Right-of-Way, conditioned upon the recording of the Vacation Ordinance concurrent with the final plat and retaining a 15 foot wide Irrigation and Utility easement within the northerly 245.8 feet of the vacated area..

ANALYSIS:

1. Background: The vacation of public right-of-way comprises the northerly leg of Clarksdell Court on the project site. This right-of-way had previously been approved for vacation by Mesa County, but due to non-compliance with conditions of the vacation, that approval lapsed. There are three accessory structures currently existing within the right-of-way vacation area, with two that will be removed at final platting.

The project area was annexed as part of the G Road North Annexation that occurred in September of 2000.

2. Consistency with the Growth Plan: The proposed project is consistent with Goals and Policies 1.7, 4.5, 7.1, 7.2 and is consistent with the densities identified on the Future Land Use Map.

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:

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

The proposed to be vacation will have no impacts on the Growth Plan, major street plan or any other adopted plan.

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

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

- u. 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 proposed vacation will not restrict access to any other property.

- v. 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
There will be no adverse impacts on the health, safety, and/or welfare of the general community as a result of the vacation, and services will not be impacted.

- w. 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.

Public facilities and services will not be impacted due to the vacation.

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

The proposed vacation will allow for the elimination of excess right-of-way while providing access meeting all City standards.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Old Orchard Estates application, VR-2004-201 for Vacation of Public Right-of-Way the Planning Commission made the following findings of fact and conclusions:

1. The proposed Public Right-of-way Vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met for the proposed Public Right-of-Way Vacation.

ORDINANCE NO. _____
AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY LOCATED
AT THE NORTHERLY PORTION OF CLARKDELL COURT
774 OLD ORCHARD ROAD

Recitals:

A request to vacate the northerly portion of Clarkdell Court has been submitted by the City of Grand Junction. The City will reserve and retain a 15 foot Utility Easement on, along, over, under, through and across the east side of the 245 foot northerly portion of the right-of-way to be vacated. Approval of the right-of-way vacation is conditioned upon the recordation of the vacation ordinance concurrently with the final plat for the Old Orchard Estates subdivision.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the vacation ordinance concurrently with the final plat for the Old Orchard Estates subdivision.

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

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

All that certain right-of-way situated in the SE1/4 NW1/4 of Section 35, Township One North, Range One West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, granted to the public in Book 884 at Page 418 in the Office of the Mesa County Clerk and recorder, being more particularly described as follows:

Commencing at a Mesa County Survey Marker for the C-N1/16 Corner of said Section 35, from whence a Mesa County Survey Marker for C1/4 Corner of said Section 35 bears S00°00'05"E for a distance of 1311.18 feet; thence N89°55'55"W for a distance of 958.73 feet to a point on the northerly line of said SE1/4 NW1/4 Section 35 and the point of beginning; thence the following courses and distances:

1. S00°00'15"E for a distance of 7.44 feet;
2. 104.82 feet on the arc of a non-tangent 50.00 foot radius curve

to

the right (the central angle of which is 120°06'56" and the chord of which bears S00°00'15"E for a distance of 86.65 feet;

3. S00° for a distance of 487.22 feet;
4. 39.26 feet on the arc of a 25.00 foot radius curve to the left (the central angle of which is 89°58'12" and the chord of which bears S44°W for a distance of 35.35 feet);
5. S89°58'27"E for a distance of 10.07 feet;
6. S00°00'00"W for a distance of 50.00 feet to the southerly line of the N1/2 SE1/4 NW1/4 of said Section 35;
7. N89°58'27"W, on said southerly line for a distance of 85.06 feet;
8. N00°00'15"W for a distance of 562.24 feet;
9. 104.62 feet on the arc of a non-tangent 50.00 foot radius curve to the right (the central angle of which is 119°53'04" and the chord of which bears N00°00'15"W for a distance of 86.55 feet);
10. N00°00'15"W for a distance of 7.55 feet to the northerly line of the SE1/4 NW1/4 of said Section 35;
11. S89°55'55"E for a distance of 50.00 feet to the beginning.

This description contains 0.87 acres more or less, as depicted on Exhibit "A" attached to this ordinance.

2. The City hereby reserves and retains a 15 foot utility easement over the east side of the northerly 245 feet of said vacated right-of-way.

Introduced for first reading on this 20th day of April, 2005.

PASSED and ADOPTED this 4th day of May, 2005.

ATTEST:

President of City Council

City Clerk

MCSM
C-N 1/16 COR.
SECTION 35
T1N, R1W, U.M.

POINT OF COMMENCEMENT
BASIS OF BEARING
S 00°00'05" E 1311.18'

MCSM
C1/4 CORNER
SECTION 35
T1N, R1W, U.M.

N 89°55'55" W 958.73'

NORTHWEST PLATEAU DEVELOPMENT
BOOK 3559 PAGE 70

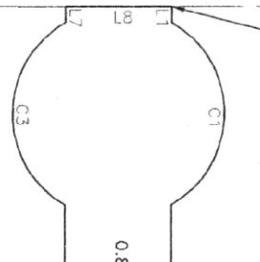
PARCEL 3

(R.O.W AT BOOK 884 PAGE 418)

50.00
R.O.W

SOUTH LINE N1/2 SE1/4 NW1/4
SECTION 35

POINT OF BEGINNING



0.87 ACRES

RIGHT-OF-WAY TO BE VACATED
(R.O.W AT BOOK 884 PAGE 418)

NORTHWEST PLATEAU DEVELOPMENT
BOOK 3559 PAGE 70

PARCEL 1

PARCEL 2

Basis of Bearing Statement

Bearings are based on the line between Mesa County Survey Markers for the C-N 1/16 Corner and the C1/4 Corner of Section 35. The bearing derived on this line from the Mesa Co LCS = S00°00'05"E 1311.18 feet.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	104.82'	86.65'	S 00°00'15" E	120°06'56"
C2	25.00'	39.26'	35.35'	S 44°59'21" E	89°58'12"
C3	50.00'	104.62'	86.55'	N 00°00'15" W	119°53'04"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'15" E	7.44'
L2	S 00°00'15" E	487.22'
L3	S 89°58'27" E	10.07'
L4	S 00°00'00" W	50.00'
L5	N 89°58'27" W	85.06'
L6	N 00°00'15" W	562.24'
L7	N 00°00'15" W	7.55'
L8	S 89°55'55" E	50.00'



1" = 60'

LEGEND

R.O.W. RIGHT-OF-WAY

MCSM MESA COUNTY SURVEY MARKER

RICHARD J STENMARK HELEN F STENMARK
BOOK 2176 PAGES 169-170

Exhibit "A"



ROLLAND ENGLEZLING
Professional Engineer
No. 1075, B.E. 81303
State of Colorado
(970) 243-8300

RIGHT-OF-WAY VACATION EXHIBIT

Project: C:\PROJECTS\2088\2088\BACK\CMH2.DWG
Sheet: 11 of 11
Date: 11/02/04

Attach 20

Public Hearing – Vacate Portions of Elm Ave, College Pl, Mesa Ave, Bunting Ave, and Various Alleys Internal to the Mesa State College Campus

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>								
Subject	Vacating portions of Elm Avenue, College Place , Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus							
Meeting Date	May 4, 2005							
Date Prepared	April 27, 2005				File #VR-2004-292			
Author	Kathy Portner			Planning Manager				
Presenter Name	Kathy Portner			Planning Manager				
Report results back to Council	X	No		Yes	When			
Citizen Presentation	x	Yes		No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Hold a public hearing and consider final passage of an ordinance vacating portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing to consider final passage of the Right-of-Way Vacation Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- Vicinity Map/Aerial Photo
- Growth Plan Map/Zoning Map
- MSC Areas Streets Noon LOS
- MSC Area Street Volumes
- Accident Report
- Applicant’s Project Report
- MSC Interim Plan
- Letters of Support and Opposition
- Planning Commission Minutes
- Ordinance

AGENDA TOPIC: VR-2004-292 Mesa State College ROW Vacation

ACTION REQUESTED: Vacation of portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus.

BACKGROUND INFORMATION					
Location:		Mesa State College Campus			
Applicants:		Mesa State College Rolland Engineering			
Existing Land Use:		College campus and single family homes			
Proposed Land Use:		College campus			
Surrounding Land Use:	North	College campus			
	South	Commercial			
	East	Commercial and Residential			
	West	Single Family Residential			
Existing Zoning:		CSR and RMF-8			
Proposed Zoning:		CSR			
Surrounding Zoning:	North	PD and CSR			
	South	Commercial			
	East	Commercial, RMF-8, RMF-16			
	West	RMF-8			
Growth Plan Designation:		Public and Residential Medium			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: A request to vacate portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus.

RECOMMENDATION: Staff recommends approval with conditions.

ANALYSIS

1. Background

Mesa State College is requesting the vacation of several streets and alleys to allow the expansion of its campus in accordance with the 1999 Facilities Master Plan. The proposed vacations, as well as interim and future uses are as follows:

- A. All alleys within the block bounded by North Avenue, College Place, Bunting Avenue and Houston Avenue—Would allow the consolidation of an entire section of individual platted lots on one block to implement future conversion to green space and possibly future building construction.
- B. College Place from North Avenue to Mesa Avenue along with a section of alley between Elm Avenue and Texas Avenue, excepting out the west 30 feet of the right-of-way from Texas Avenue north to the north edge of the alley—Would eventually create a one-way (south to north) traffic pattern to provide continued parking on both sides of the street that would be converted to paid parking for MSC. The west portion of College Place between Texas Avenue and the alley cannot be vacated at this time due to a private property not owned by Mesa State College. The property is located at the northwest corner of the intersection of College Place and Texas Avenue.
- C. Alley within the block bounded by Bunting Avenue, College Place, Elm Avenue and Houston Avenue—Would complete the alley vacation that occurred next to the Fine Arts building to expand green area and may be part of the site for a future campus building.
- D. Elm Avenue between 12th Street and College Place—Would restrict vehicular traffic to access only the campus parking lots and allow delivery trucks going to and from the College Center building but would prohibit through motor vehicle traffic in order to maximize the safety of pedestrians having to cross Elm Avenue; would also allow the potential expansion of the College Center to the north.
- E. Mesa Avenue between College Place and Cannell Avenue—Would accommodate the future expansion of Bergman Field to the south allowing more recreation and green space area on the campus. An emergency turn-around at the end of College Place would allow

emergency access to Bergman Field and Saunders Fieldhouse as well as a turn-around for the public.

- F. Bunting Avenue from College Place to Houston Avenue—Would further consolidate two large campus blocks for a future building site and/or to expand campus green space.

In the General Project Report submitted by Mesa State, they referred to the proposed plans for the use of the vacated ROW (see attached). Through the review process, the staff requested that both the interim plan and long term plan for the use of the ROW to be vacated be submitted. The response was that the long term plans are contained in the 1999 Facilities Master Plan. The types of improvements intended range from academic and auxiliary to landscaped open spaces, including new academic buildings, on-campus housing, athletic/intramural facilities and additional parking.

The interim plan is for temporary parking and landscape improvements. An interim plan was submitted with the response to comments, showing the intended use of College Place for paid parking (see attached). In reviewing the request to vacate ROW, the staff considered the proposed interim plan, but also had to assume that all of the streets would eventually be closed and may or may not provide access to the campus. Typically, the interim plan and long term plan would come through a Civic and Institutional Master Plan process and site plan review process, at which time we would review the specifics of the proposal. At this time we do not have a commitment from Mesa State that they will go through our review process and comply with City regulations for future projects.

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan designates the properties owned by Mesa State College as Public. The designation has not been changed on properties acquired by the College since the last update of the Growth Plan in 2003. The properties that are currently designated as Public are zoned CSR (Community Services and Recreation). Those properties that are still designated as Residential Medium are zoned RMF-8. As properties are acquired the Future Land Use designation should be changed to Public and the properties should be rezoned to CSR.

There are several goals and policies in the Growth Plan that support the expansion of the Mesa State College campus.

Goal 8: To support the long-term vitality of existing centers of community activity as shown in Exhibit V.5, Existing Centers of Activity Map.

Policy 8.12: The City and County will encourage Mesa State College to retain its main campus in the City of Grand Junction at its current location, and will support

the growth of the college at its current campus or at facilities located within non-residential portions of the urbanizing Area.

Policy 8.13: The City will encourage the College to maximize the use of its existing land through increased height allowances, but will support the planned westward growth of the College as identified in the Mesa State College Facilities Master Plan.

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

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

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

The Grand Valley Circulation Plan classifies Elm Avenue, between 7th Street and 12th Street, as a Minor Collector. Since the installation of traffic calming devices adjacent to the Student Center and the increased amount of pedestrians crossing Elm at that location, traffic volumes along that section of Elm have decreased. If Elm Avenue is vacated, the Grand Valley Circulation Plan will be amended to remove Elm Avenue as a Minor Collector. College Place, Mesa Avenue and Bunting Avenue are classified as local streets.

The Mesa County Regional Transportation Planning Office (RTPO) ran the 2030 Grand Valley traffic model to assess the traffic circulation impacts of the proposed closure of Elm Avenue. The model showed no measurable impacts to the level of service on either 12th Street or North Avenue. The model showed a modest increase in traffic on 12th Street between Elm Avenue and North Avenue, and a small increase in traffic on North Avenue in the vicinity of the campus. However, there were no impacts to the volumes on Elm Avenue between the campus and 7th Street. An attached table shows the current level of service and anticipated level of service with the closure of Elm Avenue for several intersections.

Mesa State College conducted a survey of drivers on Elm Avenue last fall in conjunction with a traffic count the City did. The results of the survey were that 75%-80% of the traffic on Elm was directly related to Mesa State College and was not traffic passing through. A significant portion of the traffic on the streets to be vacated is attributed to vehicles looking for a parking space and those vehicles have already used the external street system to access the campus.

Attached are graphic representations of traffic volumes and accident data in and around the campus.

Elm Avenue, between 7th Street and 12th Street is identified as a Bike Route on the Urban Trails Master Plan. MSC has indicated that Elm Avenue will be preserved as a bike route through campus. Appropriate easements will be required on the final plat to preserve the route. Future planning for the campus can include rerouting the bike route if necessary.

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

There are two pieces of property adjacent to the ROW to be vacated that are not owned by MSC or the Foundation. One is parcel number 2945-114-23-981, located on the west side of College Place, the third property north of North Avenue. That property is owned by the Bishop of Pueblo. MSC is negotiating for the purchase of the property and has received a letter from the owner stating their consent to the ROW vacation. However, the property is currently zoned RMF-8, which requires a minimum street frontage of 20' (Table 3.2 of the Zoning and Development Code). Therefore the parcel must be owned by Mesa State College so that it can be incorporated into the replat of all the lots into one lot. If the vacation is to be approved, staff is recommending a condition that MSC must own the parcel so that it can be incorporated into the plat.

MSC also does not own the parcel at the northwest corner of Texas Avenue and College Place. The requested vacation of College Place does not include the half ROW adjacent to this parcel. Texas Avenue and the alley to the north will not be vacated at this time, and access easements and a turn-around at Mesa Avenue are proposed to maintain adequate access and circulation for this parcel, as well as the campus.

- aa. 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 of the ROW must be conditioned on the recording of a plat, combining all lots. The remaining lot at the northwest corner of Texas Avenue and College Place will continue to have access along Texas Avenue and the alley, connected by an access easement through the vacated College Place.

- bb. 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).

Through circulation must still be allowed between Texas and Elm via an access easement. The bike route must be maintained along Elm with a non-motorized access easement. A condition of approval is that access easements be dedicated.

Adequate emergency access must be maintained through the campus and to all structures. The interim plan proposal to convert the section of College Place, between North Avenue and Elm Avenue, to a one-way access with angled parking on both sides must be modified to meet the minimum fire access aisle width of 20'. MSC has indicated they are working on a plan to widen that section and will meet emergency access requirements. The interim plan also includes a turn-around at the end of College Place at Mesa Avenue to provide for emergency access. As was stated previously, review of the proposed interim plan or any future plans would typically go through a Civic and Institutional Master Plan process and site plan review process. However, we have no mechanism in place to assure that Mesa State College will go through the local review process. The Fire Department is concerned that there are no assurances that adequate access will be maintained. Council may want to consider adding a condition that the interim plan be constructed to meet all traffic circulation and emergency access requirements.

In response to a question raised at the Planning Commission hearing, the Fire Department has indicated that the requested vacations will not compromise response times to the adjoining neighborhood. The neighborhood to the west of Mesa State College receives first emergency response from station 1 (located at 330 6th Street), second response from station 3 (located next to Pomona School) and 3rd response from station 2 (located on Patterson and 28 ¼ Road). Most of the access to this area is from 7th Street, or from Cannell which is continuous between North Avenue and Orchard Avenue. Fire Department does not think there would be any increase in response times to this area, unless station 1 and 3 are on other calls and station 2 must respond. The potential increased response time from station 2 with Elm closed would be insignificant.

Elm Avenue, between Cannell and 12th Street, is currently a bus route for Grand Valley Transit (GVT), with two bus shelters located near the Student Center. The City of Grand Junction entered into an agreement with Outdoor Promotions for the provision of bus benches and shelters within the City limits. Paragraph 6(e)(f) of the agreement states:

If the City terminates this Agreement or the Revocable Permits without cause or fault of OPRO or its subcontractors, the City shall pay to OPRO \$8,000 per shelter...the amount to be paid per shelter and bench as set forth in (e) above shall be decreased each year based on a twenty-year straight-line depreciation with the first year being 2002.

If Elm Avenue is vacated, the City will have to revoke the permit for the two shelters located in front of the Student Center. Based on the agreement with OPRO, the City might be required to reimburse the provider for the depreciated value of the two shelters.

According to the Manager of GVT, the Elm Ave. section of the route has minimal ridership. With the closure of Elm, the bus route will change to exclude that

section of Elm, going directly to and from the transfer station at 12th and Orchard. There is also currently a bus route that circulates north on College Place, west on Bunting and south on Cannell to North Avenue. If College Place and Bunting are closed, the route will stay on North Avenue. All future bus stops will be reviewed and approved by the City.

With the closure of Elm and the provision of additional parking along College Place, the right turns from North Avenue onto the one-way College Place are likely to increase. It may be that current traffic volumes already warrant a right-turn lane at that location. In the absence of a traffic study showing otherwise, the City will require the dedication of ROW for a right-turn lane at the northeast corner of North Avenue and College Place. If future plans for college expansion make Houston Avenue more of a main entrance, the ROW at College Place could be vacated and rededicated at Houston. As a condition of approving this vacation, staff is recommending that right-of-way be dedicated at the northeast corner of North Avenue and College Place for a future right turn lane.

There are currently 117 on-street parking spaces along College Place and 43 on-street parking spaces along Mesa Avenue between College Place and Cannell. The reconfigured College Place would result in 167 parking spaces, however, all spaces on the vacated ROW would be pay parking, which might push the quest for free, on-street parking further into the surrounding neighborhood.

- cc. 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.

All of the ROW proposed to be vacated includes a number of buried and above ground utilities. The ROW in its entirety must be retained as utility easement, as proposed by the applicant. Otherwise, all utilities would have to be specifically located and individual easements described and depicted for each. Within the utility easements only sod or asphalt surface treatment will be allowed. Other surface treatment would be subject to review and approval by the City. A condition of approval is that utility easements be dedicated with restrictions on surface treatments.

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

The vacated ROW will become the maintenance responsibility of MSC. An estimated value of the ROW to be vacated, based on recent ROW acquisition costs is \$193,000 (assuming 237,533 s.f. of right-of-way with easements being retained). In addition, there are 14 street trees located along the section of Mesa Avenue proposed for vacation, and 10 street trees located along College Place that the City currently maintains. The total estimated value of those trees is \$119,920.

Additional Information (based on questions raised by City Council and responded to as an addendum to the staff report for 1st reading of the ordinance)

Mesa State College owns approximately 150 acres in Pear Park, at the northwest corner of D Road and 29 Road. One of the implementation strategies of the adopted Pear Park Neighborhood Plan is to identify preferred site(s) for a law enforcement substation and/or fire station/training facility.

In addition, right-of-way will be needed for the completion of the Riverside Parkway and 29 Road corridor adjacent to the property as follows:

- Riverside Parkway ROW needs—for a 3 lane section, with the assumption the balance needed for a 5 lane section would be dedicated when the property develops.

ROW: 46,797 s.f. (1.074 acres)

Easement: 43,077 s.f. (0.989 acres)

Total estimated value is \$0.40/s.f. for ROW and \$0.20/s.f. for easement:
\$27,334

- Riverside Parkway ROW needs—for a 5 lane section. Would need an addition 30 ft. +/- strip along the corridor or 78,000 s.f. (1.80 acres), at \$.40/s.f.: \$31,200
- 29 Road ROW needs—for a 5 lane section. The alignment will be skewed to the west to avoid property impacts on the east side of 29 Road. Therefore, 40-50 ft. of ROW is required along the 2,600 ft. length of property, for a total of 104,000 to 130,000 s.f. (2.4 to 3.0 acres), at \$0.40/s.f.: \$41,600 to \$52,000.

Easement: a 14 ft. easement along the length, for a total of 36,400 s.f. at \$0.20/s.f.: \$7,280.

- Total estimated value of ROW and easement needed: \$107,414 to \$117,813

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Mesa State College Right-of-Way Vacation application, VR-2004-292, for the vacation of public right-of-way, staff makes the following findings of fact and conclusions:

5. The requested right-of-way vacation is consistent with the Growth Plan.

6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met, with the following conditions.
7. Conditions of approval are as follows:
 - a. The ROW vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.
 - b. The plat cannot be recorded until MSC owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).
 - c. The vacated ROW, in its entirety must be maintained as utility easements and so noted on the plat.
 - d. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Other surface treatment shall be subject to review and approval by the City.
 - e. The vacated College Place, between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue, west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.
 - f. The vacated Elm Avenue, east of College Place, must be retained as an access easement for non-motorized use.
 - g. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place.

RECOMMENDATION:

Staff and Planning Commission recommend approval of the requested right-of-way vacation, VR-2004-292, with the findings and conclusions listed above and the following conditions:

1. The ROW vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.
2. The plat cannot be recorded until MSC owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).
3. The vacated ROW, in its entirety must be maintained as utility easements and so noted on the plat.
4. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Other surface treatment shall be subject to review and approval by the City.
5. The vacated College Place, between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue,

west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.

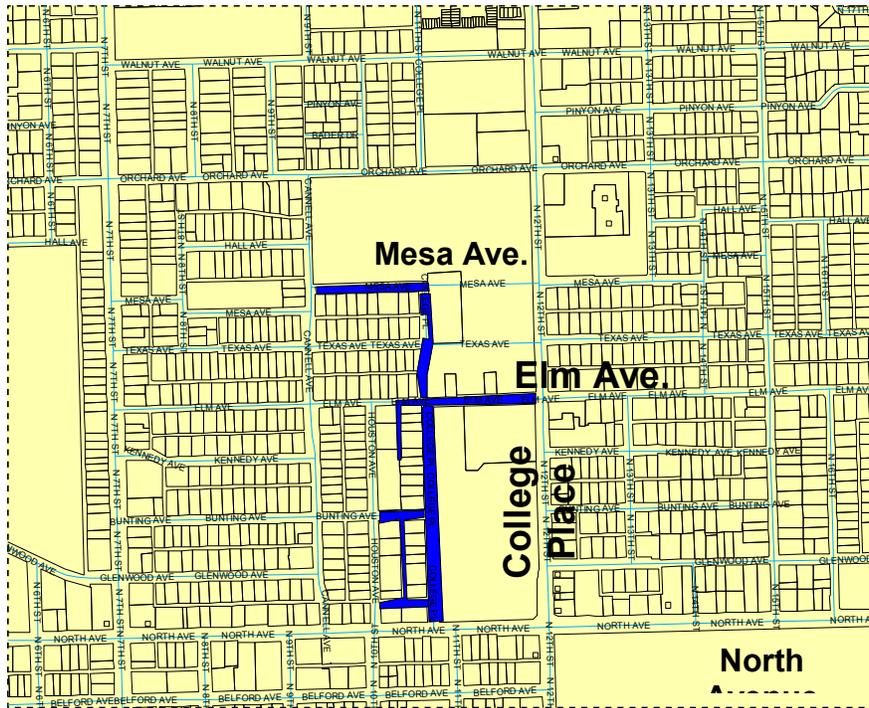
6. The vacated Elm Avenue, east of College Place, must be retained as an access easement for non-motorized use.
7. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place.

[Attachments:](#)

Vicinity Map/Aerial Photo
Growth Plan Map/Zoning Map
MSC Areas Streets Noon LOS
MSC Area Street Volumes
Accident Report
Applicant's Project Report
MSC Interim Plan
Letters of Support and Opposition
Planning Commission Minutes
Ordinance

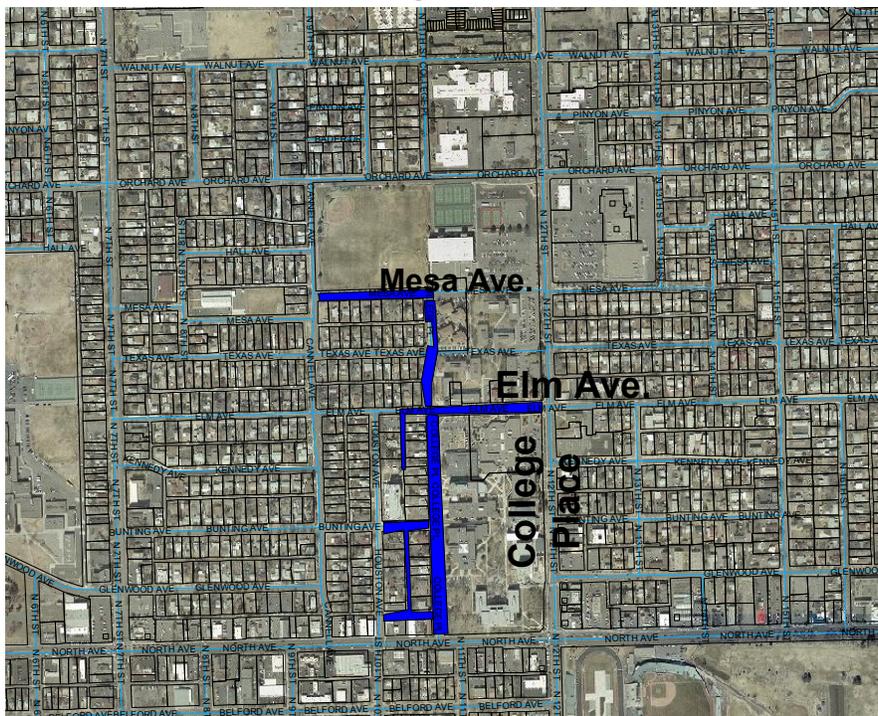
Site Location Map

Figure 1



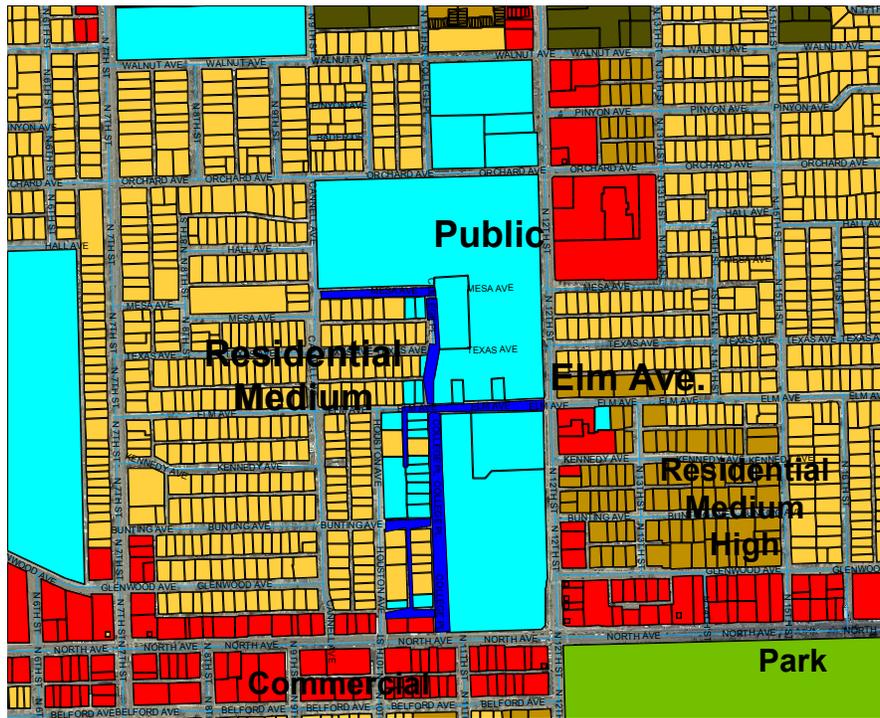
Aerial Photo Map

Figure 2



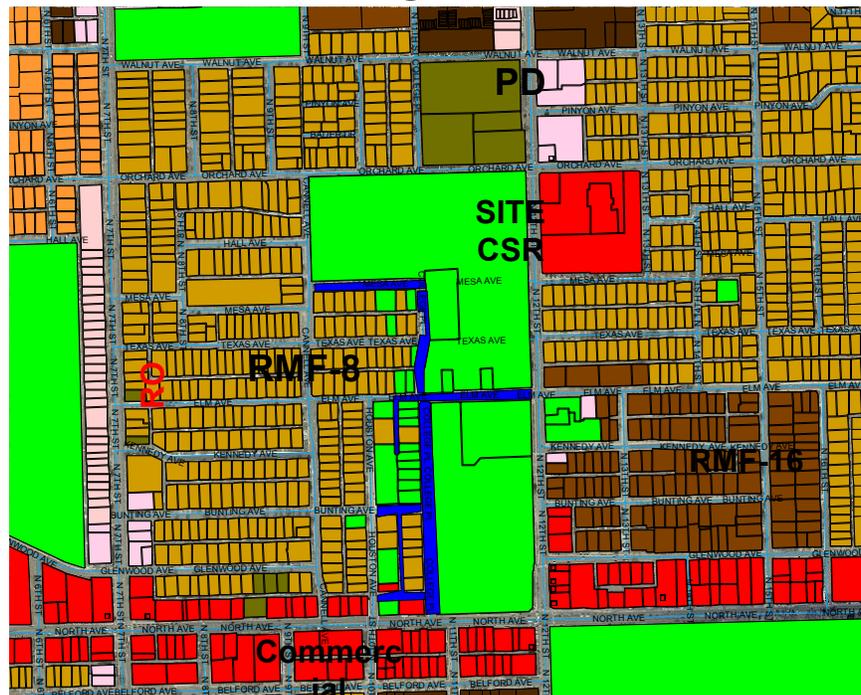
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



MSC AREA STREETS NOON LOS

LOCATION	EXISTING LOS	EXISTING DELAY (sec)	W/O ELM LOS	W/O ELM DELAY (sec)
7 th St. & North Ave.	C	29.8		
10 th St./Houston Ave. & North Ave.	B+	10.2	B+	11.2
12 th St. & North Ave.	C	32.8	C	31.9
12 th St. & Elm Ave.	B	17.0	B	15.0
12 th St. & Orchard Ave.	C	29.1	C	28.0
7 th St. & Orchard Ave.	C	29.3		

LOS A: Represents free flow. Users virtually unaffected by others.

LOS B: Represents stable flow. Users start to notice others.

LOS C: Represents stable flow. Users significantly affected by others.

LOS D: Represents high density but stable flow. Users are severely restricted by others.

LOS E: Represents near capacity level. Users are dependent on others.

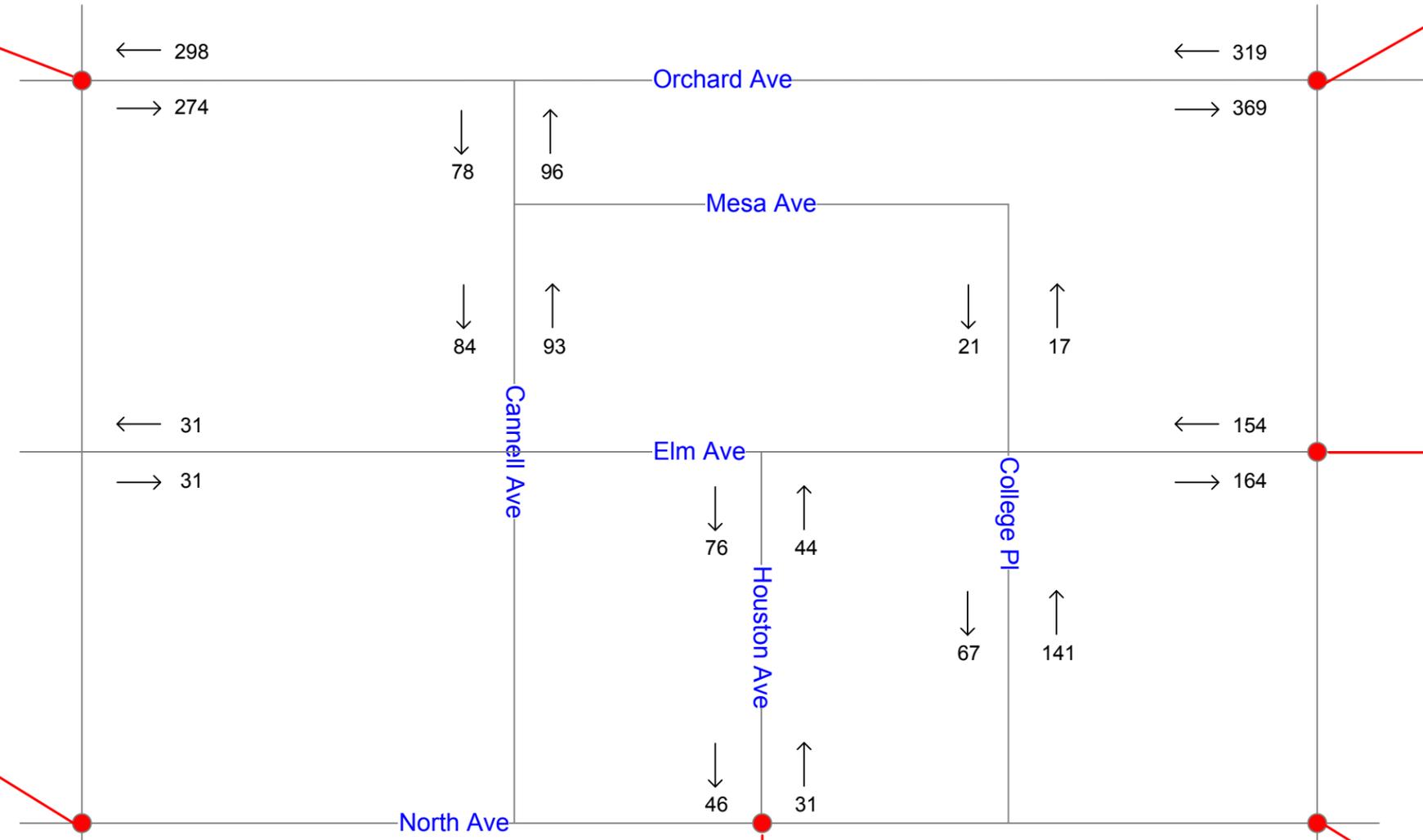
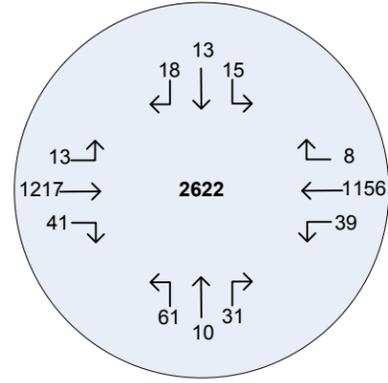
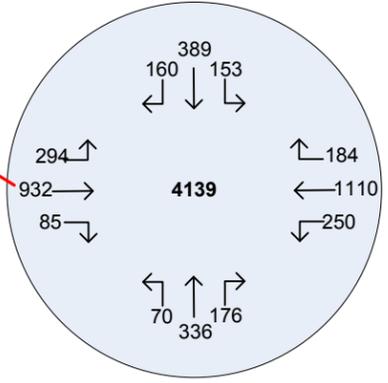
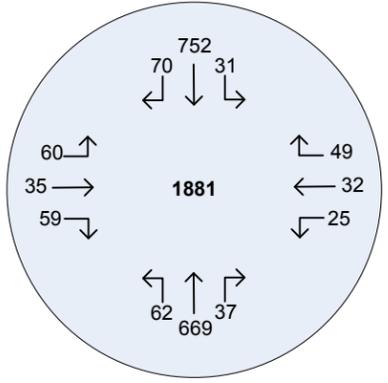
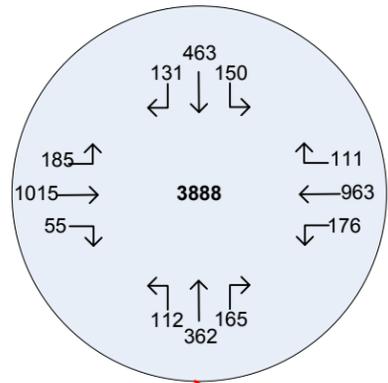
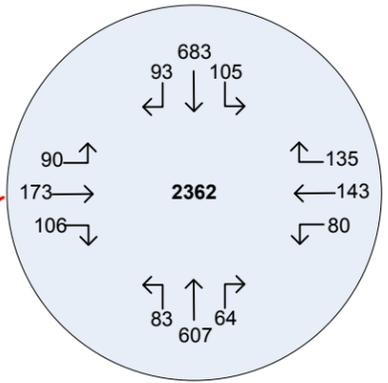
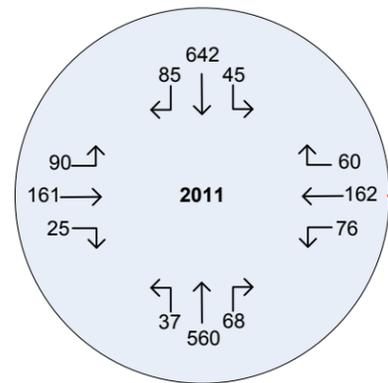
LOS F: Represents breakdown in traffic flow. Users exceed amount of traffic able to traverse the point.

The City of Grand Junction strives to maintain and operate our transportation system at a Level of Service of D or better.

LABEL

MSC Area Street Volumes

Existing 2005 Noon Hour



KEY

- Traffic Signal
- Directional Noon Hour Volume
- Intersection Noon Hour Volumes

LABEL

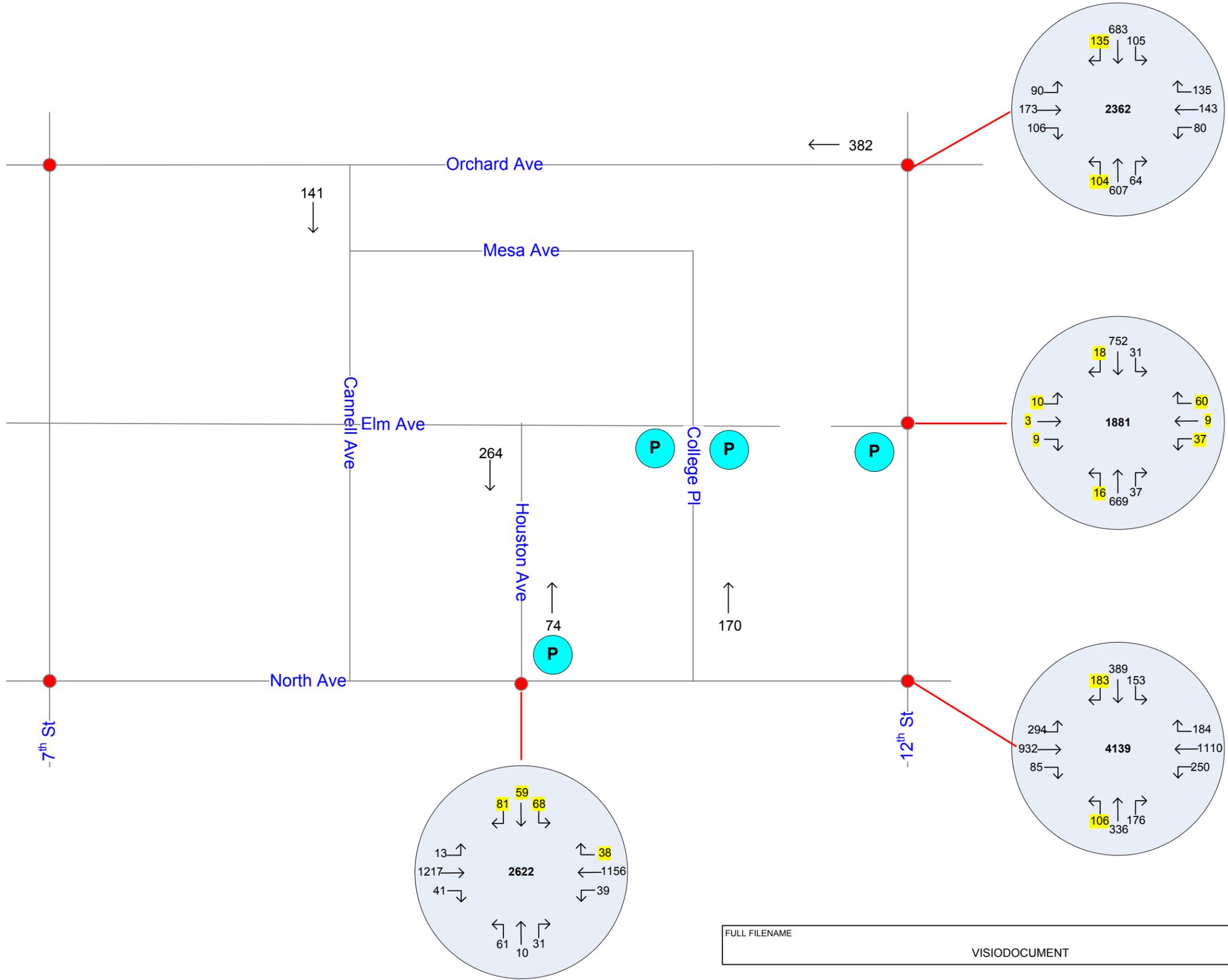
MSC Area Street Volumes

Interim Plan - Noon Hour



KEY

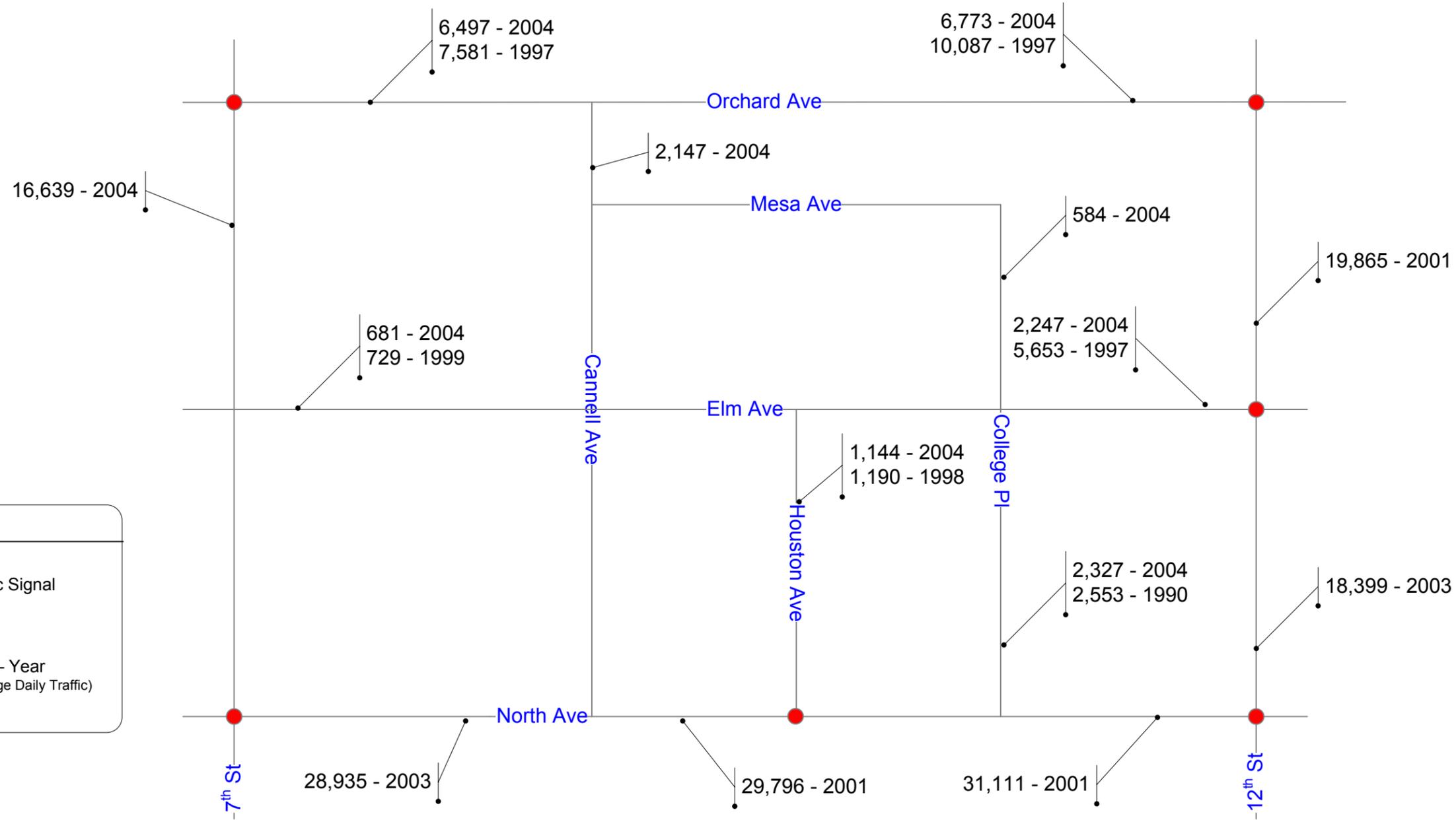
- Traffic Signal
- \rightarrow # Directional Noon Hour Volume
- Total Entering Volumes
- P Parking Lot
- Volume Change



LABEL

MSC Area Street Volumes

Average Daily Traffic Volumes

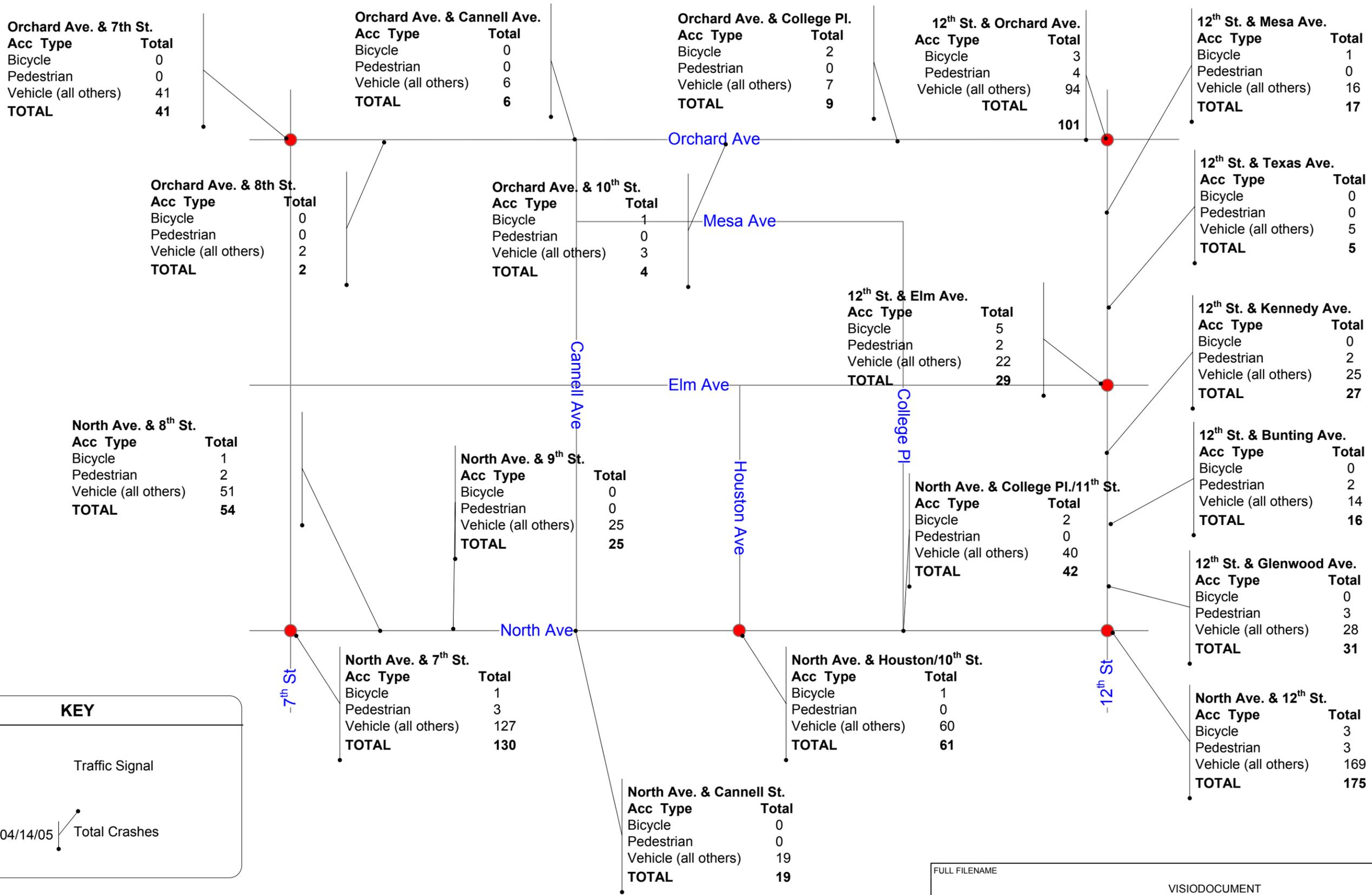


KEY

- Traffic Signal
- ADT - Year (Average Daily Traffic)

20,000 - 2003

LABEL
MSC Area Street Accidents



KEY

● Traffic Signal

01/01/00 – 04/14/05 Total Crashes

GENERAL PROJECT REPORT
FOR
MESA STATE COLLEGE
Street and Alley Vacation Submittal

Prepared for:

Mesa State College
Office of Facilities Services
1100 North Avenue
Grand Junction, CO 81501

Prepared by:

ROLLAND Engineering
405 Ridges Blvd.
Grand Junction, CO 81503

December 6, 2004

Project Description

Mesa State College (MSC) requests the vacation of several streets and alleys to allow the expansion of its campus. The vacation of the following rights-of-way have long been anticipated by MSC and represent the implementation of the Mesa State College Facilities Master Plan (1999) which identified these streets and alleys as necessary vacations in order to most efficiently expand the school's campus.

Prior to MSC's current Master Plan, other physical plans going back at least to 1976 likewise graphically depicted various street closures on the west side of the campus. MSC is now prepared to go forward with the vacation of the identified streets and alleys. Each of these rights-of-way represent different opportunities for campus expansion and to meet various college related needs. The proposed vacations and an explanation of their purposes are as follows:

- 1) **All alleys within the block bounded by North Avenue, College Place, Bunting Avenue and Houston Avenue** – Would allow the consolidation of an entire section of individual platted lots on one block to implement future conversion to green space and possibly future building construction.
- 2) **College Place from North Avenue to Mesa excepting out the west 30 feet of the right-of-way from Texas Avenue north to the north edge of the alley** – Would eventually create a one-way (south to north) traffic pattern to provide continued parking on both sides of the street that would be converted to paid parking for MSC. The west portion of College Place between Texas Avenue and the alley cannot be vacated at this time due to a private property not owned by Mesa State College. The property is located at the northwest corner of the intersection of College Place and Texas Avenue.
- 3) **Alley within the block bounded by Bunting Avenue, College Place, Elm Avenue and Houston Avenue** – Would complete the alley vacation that occurred next to the Fine Arts building to expand green area and may be part of the site for a future campus building.
- 4) **Elm Avenue between 12th Street and College Place** – Would restrict vehicular traffic to access only the campus parking lots and allow delivery trucks going to and from the College Center building but would prohibit through motor vehicle traffic in order to maximize the safety of pedestrians having to cross Elm Avenue; would also allow the potential expansion of the College Center to the north.
- 5) **Mesa Avenue between College Place and Cannell Avenue** – Would accommodate the future expansion of Bergman Field to the south allowing more recreation and green space area on the campus. An emergency turn-around at the end of College Place would allow emergency access to Bergman Field and Saunders Fieldhouse as well as a turn-around for the public.
- 6) **Bunting Avenue from College Place to Houston Avenue** – Would further consolidate two large campus blocks for a future building site and/or to expand campus green space.

Section 2.11 Vacations of Public Rights-of-Way or Easements

C. Approval Criteria. The vacation of the right-of-way or easement shall conform to the following:

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

The requested right-of-way vacations would impact the Growth Plan designation for some properties west of the campus. Currently, the majority of the area between College Place, North Avenue, Cannell Avenue and Mesa Avenue are designated for Residential Medium (4 – 8 units per acre) in the Growth Plan and these same properties are mostly zoned RSF-4. Meanwhile, the main MSC campus and its related development is zoned CSR (Community Service and Recreation) and its future land use designation is Public. As MSC goes forward with its expansion, it may be desirable to have Growth Plan amendments on properties to be used or re-developed for campus-related activities. Growth Plan amendments would allow consistency to occur for the campus expansion under the proper zoning designation.

The requested vacations should not affect the major street plan since all streets or rights-of-way involved are local streets except for Elm Avenue which is classified as a minor collector. Local circulation in the neighborhood is already restricted in some areas due to student parking and the high number of pedestrians located in a relatively limited area. This is especially true of Elm Avenue where a raised, pedestrian-safety crosswalk has been installed north of the College Center building west of 12th Street. The effect of this elevated crosswalk is to slow motor vehicle traffic speeds (or to require a full stop) in order for students crossing Elm Avenue to attend classes or go back and forth across campus via the College Center building. The heavy student foot traffic during the school year which occurs throughout the day combined with the permanent traffic speed calming structure in the street significantly reduces the functional ability of Elm Avenue and causes it to perform at a level below the typical capability of a minor collector. For example, Gunnison Avenue is also classified as a minor collector but allows constant traffic movement even through its school zones.

The effect of these requested vacations will be to re-route only minimal amounts of traffic to other streets such as Orchard Avenue, Cannell Avenue and North Avenue. At this time, College Place will remain as an access to the campus although future plans may alter its function or use. The closing of Elm Street will cause drivers to seek alternative routes through or around MSC. Surrounding streets currently have sufficient capacity, based on the City's street capacity guidelines, to accommodate the marginal amount of traffic that may need to use other streets in the neighborhood. Therefore, the requested vacations should not adversely affect the major street plan or any other City policies intended to ensure safe and efficient movement of traffic.

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

The existence of numerous platted residential lots in the area west of the campus would eventually result in landlocking some lots if all the requested vacations were to be granted. This is being resolved through a simple subdivision process which essentially consolidates all the MSC properties and the vacated rights-of-way into one lot. The creation of one large continuous tax parcel means that access would be maintained for any future development. Therefore, no developable lots would be landlocked that are not otherwise associated with MSC.

3. 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.

No lot or parcel having frontage on any street requested for vacation will end up having restricted or limited access which would be deemed to be unreasonable or cause the property to be devalued or otherwise economically reduced. MSC has worked to avoid such situations by purchasing or otherwise accepting properties in entire blocks in order to consolidate and unite land under its ownership and control.

4. 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.

The health, safety and/or welfare of both the college community and the residential neighborhood could derive some benefit from the proposed vacations. The provision for more parking within the campus boundaries would help reduce conflicts within the neighborhood. It would also improve the safety for the current student population since some students resort to parking south of North Avenue or east of 12th Street and then

have to cross those heavily used traffic streets to get to campus buildings and facilities. Additional parking along College Place would help reduce this safety issue for campus users.

There is adequate capacity on surrounding streets to accommodate the slight additional traffic that may occur with the proposed vacations. Since College Place will remain at this time as a main campus access, campus traffic can still utilize that street after the granting of the vacations. However, the future needs and planning of the MSC campus could result in the street being altered or eliminated. Observations of the current function of College Place is that it serves almost exclusive use for college-related traffic.

If additional easements for future service provisions are necessary within the vacated rights-of-way, they can be granted as long as there is no expected conflict with future building opportunities. As a condition of development approval for the site, necessary easements for public utilities and/or irrigation can be provided and would be re-located, if necessary, for future campus building activity.

5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six.

Existing and future public facilities and services would not be inhibited to this or any other nearby property. The areas having existing utilities or other types of service facilities will continue to have these available after the vacations. This will occur by either an easement over the existing utility or re-location of the utility should a structure need to be built on or over where an existing utility is located.

Utility locations have been researched and utility providers contacted to make sure there were no foreseeable issues regarding utility lines. To date, there has not been any issues or concerns identified from utility providers indicating problems or disapproval to what is being proposed.

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

The elimination of these alleys and, particularly the streets, will be to reduce the City's maintenance requirements. Traffic from these vacated streets do have alternative streets available for circulation. The primary ones to accept the minimal traffic seeking alternative routes would be North Avenue, Orchard Avenue and Cannell Avenue. The vacation of the requested rights-of-way will also reduce the City's responsibility for maintaining streets that are heavily (although not exclusively) used by MSC students, faculty and staff as well as other MSC facility visitors.

Some of the streets proposed to be vacated will continue to function as internal streets at this time, perhaps with some modifications, to serve Mesa State College. As a public entity, those streets can be used by the general public for College-related events or other business. However, once the extension of Bergman Field occurs, Mesa Avenue will be eliminated entirely and the portion of Bunting Avenue requested for vacation could eventually become a pedestrian and emergency-only access. Both of these potential improvements would provide enhancement to the MSC campus while alternative access options would remain available for vehicular movement to and through the college.

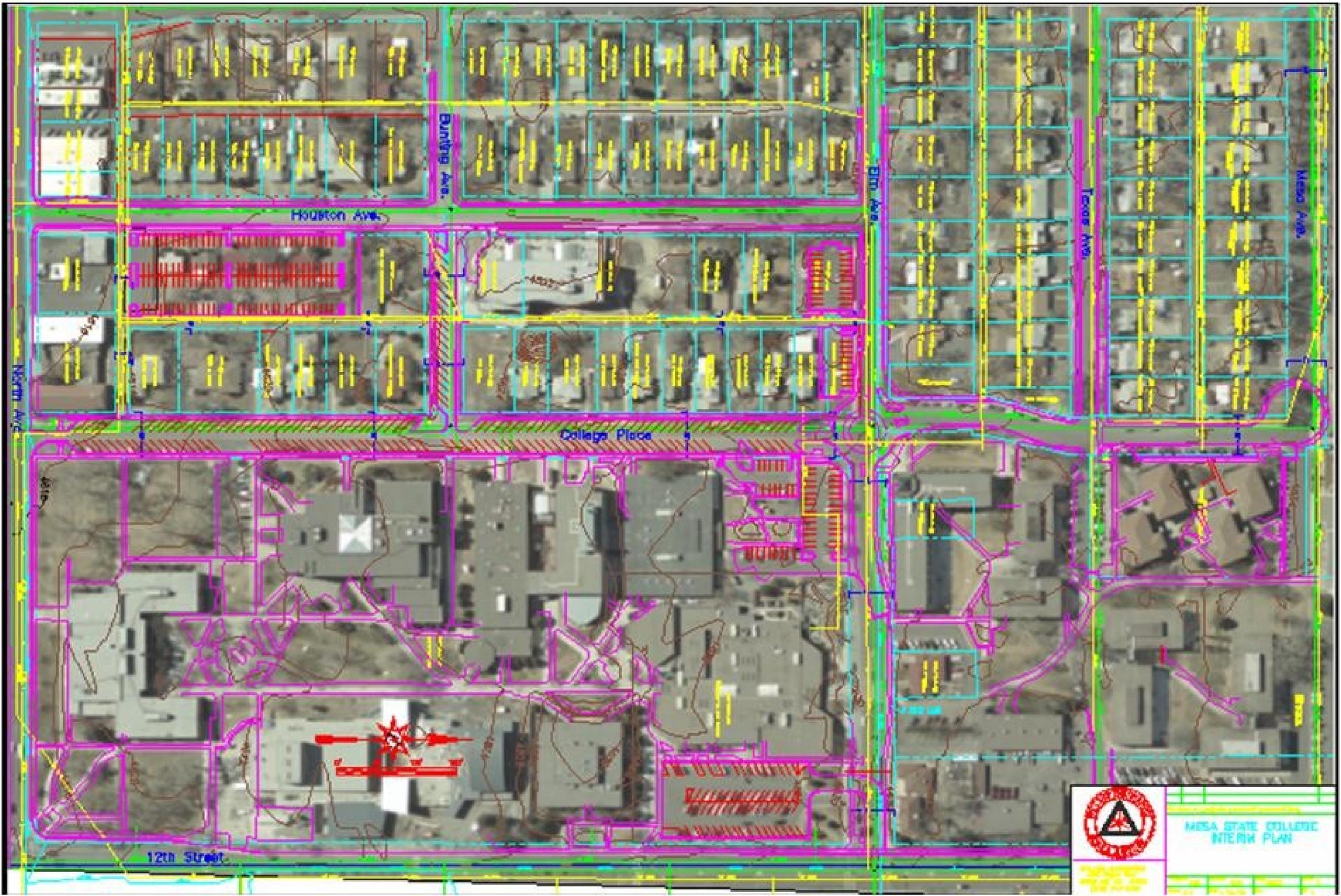
Conclusion

In 1999, the Mesa State College Facilities Master Plan identified the 1997 school enrollment as 4,716. Since then, the college has seen a steady yearly growth in enrollment and the enrollment for the fall semester, 2004, of 5,569 represents a 4% increase from just a year ago when fall enrollment was 5,343. The change from 1997 to the fall semester, 2004, represents a 15.3% increase in MSC enrollment. In the meantime, necessary facilities such as classroom space, student support and activity

services, and parking availability have not increased substantially to keep pace with the school's growth. Although new classroom space has increased with the construction of the Science Center building and the Moss Performing Arts Center over the course of the past three years, classroom supply is still not keeping up with enrollment or program expansion needs.

The identification of street and alley vacations was contemplated to some degree when MSC produced its first known master plan in 1975. It was clearly recognized then that Mesa State College would need to expand its campus to accommodate its growth and the only viable direction to grow was to the west. Over the past decade, the college has had an aggressive and successful property acquisition program with the goal of constantly adding to its desired campus area. Although progress has been made in increasing the campus development to the west, as evidenced by the construction of the Fine Arts building west of College Place, the necessity to fully engage the concept of significant campus expansion is now a priority of the highest order.

The requested vacations are a necessary step for MSC to fulfill its academic mission in serving the Grand Junction area and to most effectively perform its objective of providing higher education opportunities for the State of Colorado. The college needs to plan for its future with as much certainty and clarity as possible given the financial constraints facing public higher education throughout the state. Without the granting of these vacations, MSC will be considerably hampered in its efforts to meet the desires of its education objectives and the beneficial role it performs for Grand Junction and the surrounding region. The granting of these public rights-of-way are an essential component of the college's destiny.



MESA STATE COLLEGE
NETWORK PLAN

From: Elaine Ingvertsen <ejijct@juno.com>
To: <KathyP@gjcity.org>
Date: 4/11/2005 9:34:07 PM
Subject: Planning Commission Hearing

Re: VR-2004-292 - Mesa State College Row Vacation request.

As we discussed earlier today, I am unable to attend the April 12 Planning Commission meeting due to illness. However, I would like to protest the above street vacation request.

For almost 40 years I have lived one block from the college campus at 1257 Elm Avenue. During that time I have watched the traffic and parking problems around the college virtually explode. There is never any parking available on Elm when classes are in session. If the interior campus streets are closed, students looking to park will become even more frustrated and, instead of driving around the campus from one side to the other as they can now on Elm, will doubtless park even more carelessly. I have had to call the police multiple times regarding cars parked across my driveway or in front of the fire hydrant on my corner.

Another area of concern is the limitation of access to the homes east of the campus if the streets are closed. Should there be need for any emergency vehicles, fire, ambulance, etc., they will have to go totally around the campus to reach this site. Wasting that amount of time could create a life and death situation.

The increase in traffic on Elm which will then have to turn either right or left at the intersection of 12th and Elm will create a major hazard for vehicles and pedestrians as well. As one who does walk in this area, I fear that someone in a hurry to get to the other side of the campus will ignore the traffic control and endanger a pedestrian. Even now crossing at that intersection is dangerous.

Several years ago the college requested a closure of these streets and a major traffic survey was undertaken (I'm sure at taxpayers' expense!) which showed that such a closure was not in the best interest of all concerned. I do not understand why the question is being revisited. Does the college intend to keep asking for this closure until someone gives in and approves it? It certainly will do nothing to improve the liveability for the neighborhood.

Please enter my protest against this request. I can be reached at 242-4640 if there are any questions.

Sincerely,

Elaine Ingvertsen

Beverly Lindsay
2537 Walnut Ave
Grand Junction, CO 81501
April 7, 2005

Community Development
City of Grand Junction
250 N 5th St
Grand Junction, CO 81501

RECEIVED
APR 07 2005
COMMUNITY D

To Whom It May Concern:

RE: Mesa State College request to close streets around the campus

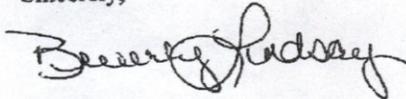
I am writing in regards to the upcoming hearing about the street closures around Mesa State College. I am writing for an elderly friend who lives in the area and continually drives down Elm Ave.

She is opposed to the closure of Elm Ave, as this will hinder her access to stores that are in the immediate area, as well as others that she shops at. She prefers to travel Elm Ave because of the limited traffic. North Ave and Orchard Ave are primary streets in the area that other motorists use and can be very busy making it difficult for her and other elderly people who live in the area to gain access too. Also because of her age, she is limited in the speeds and areas that she can drive.

Please consider the elderly people who live and drive in the area of Mesa State College. Closing Elm Ave would directly affect their abilities to travel in their immediate area. Their needs should be strongly considered before allowing Mesa State College to close roads around the campus that have been there for a long time. Hindering the traveling public would be a detriment to the entire community around Mesa State College.

Thank you for hearing my concerns for my elderly friend, as well as other elderly people who live in the area.

Sincerely,



Beverly Lindsay

From: Gi Moon <gmoon@weststarbank.com>
To: "KathyP@gjcity.org" <KathyP@gjcity.org>
Date: 4/11/2005 10:56:45 AM
Subject: FW: Notice of Development - VR-2004-292 - Mesa State College Row

Hi Kathy, Thank you again for your time this morning. I am forwarding you the original email I sent to the city council members in March. To clarify I only oppose the closer of Elm Avenue from College Place to 12th Street. I want to see this street remain a thoroughfare in our city and hope to see compromise on this access to 12th Street from our neighborhood.

Thank you

Gi Moon
WestStar Bank - Grand Junction
(970) 254-7509 (direct)
(970) 270-7654 (cell)

-----Original Message-----

From: Bruce Hill [mailto:brucehill@ci.grandjct.co.us]
Sent: Friday, March 18, 2005 1:17 PM
To: Bill McCurry; Cindy Enos-Martinez; Dennis Kirtland; Gregg Palmer; Harry Butler; jimsp@cigrandjct.co.us; gmoon@weststarbank.com
Subject: RE: Notice of Development - VR-2004-292 - Mesa State College Row

Hi Gi,
Thank you for taking the time to express your viewpoint and concerns. It is always good to here from our public and residents that take an active role in helping shape our community to be the best it can be.
Thanks again,
Bruce

Bruce Hill
Mayor
City of Grand Junction

www.gjcity.org

>>> Gi Moon <gmoon@weststarbank.com> 3/18/2005 11:54:27 AM >>>
Dear City Council Members:

I am responding to the pending request from Mesa State College to vacate basically all public access and thoroughfare from North Avenue to Orchard Avenue and 12th Street to Cannel Avenue. As a 14 year resident of this neighborhood, I wish to express my objections to the proposed vacation. I live at 885 Hall Avenue and regularly use Elm Avenue to access both 12th and 7th Streets. I appreciate the college's responsibility to keep their pedestrian students and staff safe. I also understand that as the College has acquired property along College Place and Houston Avenue this vacation request would seem a natural progression.

I propose however, that this plan is much too extreme and does not acknowledge nor value the many households that also call this area of Grand Junction home. I purposefully live in a central part of Grand Junction partially so that we can enjoy the easy access to the City's amenities. The proposed vacation creates too large of an area with no public thoroughfare. The college proposed a similar closing of Elm Avenue a few years ago when they put in the student housing on the corner of College Place and Elm Avenue. Community residents opposed the closer then and I oppose it again today. To my knowledge there have been no car/pedestrian accidents on Elm Avenue in this area since the current crosswalk(s) were installed and in my opinion the current crosswalk(s) for Elm Avenue in this vicinity provide a good balance addressing the College's concerns and preserving the neighborhood's access.

Thank you for your attention to this matter and please vote No on the closer of Elm Avenue from 12th Street to College.

Gi Moon
WestStar Bank - Grand Junction
(970) 254-7509 (direct)
(970) 270-7654 (cell)

Joint Advisory Council Members

Mike Akens, Bookcliff Auto Parts, Inc.
Mark Fugere, Hilltop Community Resources
Ed Gardner, Whitewater Building Materials
Frank Mitchell, ZIMKOR
Steve Poust, SOS Staffing Services, Inc.
Doug Rosendale, VA Medical Center
Pennie Scanga, Mesa State College
Larry Theisen, Big O Tires
Dave Duff, Reynolds Polymer Technology
Joanna Little, Re/MAX 4000
Linda Bowman, Ryan, Whitney & Co.

May 2, 2005

Dear Grand Junction City Council Members,

My son, my wife and I own the property at 937 Texas Avenue. My son currently lives there. Our street runs parallel between the part of Mesa Avenue which the college is proposing to close and develop and the block of Elm just west of where the proposed closure would occur. This block of Texas Avenue ends at College Place where the college plans to reconfigure the street and its traffic patterns.

Even if the changes in road layouts and traffic patterns in the entire neighborhood was not, in and of itself, detrimental to our property values, the fact that the Mesa State College master plan has our property right in the middle of the baseball fields is. How many people are going to want to buy a house that is slated to be absorbed by a baseball field? MSC claims (verbally) that they will pay Fair Market Value for property they acquire, but, as the saying goes "value is determined by location, location, location". It is only logical, then, to assume this particular location will be adversely affected when the competition is reduced to only one prospective buyer – the college, thus causing owners to begin to develop short term perspectives on their homes and investments.

The ironic factor in our particular situation is that we bought this property 3 ½ years ago from the Mesa State College Foundation. We did so in good faith, believing what we were told, "The college has decided not to expand in this direction." For that reason, we cannot help but believe the college has not always been honest and forthright. That makes us feel that what they say in and about the future should be suspect as well.

We have spent a considerable amount of time and money on repairs, improvements, and upgrades of this property. We had expected to continue this process and possibly retire in this house because of its relatively good physical accessibility and its location near many of the amenities offered in the central Grand Junction area. After viewing the current proposals and the master plan of MSC, we are now quite unsure of what to do. Because of what we were told by the college foundation, we never expected to become Mesa State's Field of Dreams.

It is a tribute to the school and the community that MSC is growing and needs to expand. We would hope that you can find a way to do this without making property owners who are displaced by this process suffer undue financial hardship.

I attended and spoke to this issue at the Planning Commission Public Hearing on April 12th. I felt that body acted well on the issues brought forth by the Planning Department, but property values were not specifically addressed. Surely this is not an isolated concern of the people affected by this project. Other communities have surely faced similar situations. Is there anything to be learned from how this dilemma was addressed elsewhere?

Thank you for your time. I regret that previous commitments prevent me from attending Wednesday night's meeting in person.

Sincerely,

Danny Galloway

Rose M. Johnston
1010 Texas Ave.
Grand Junction,
Colorado 81501
May 2, 2005

Grand Junction City Council
250 N. 5th
Grand Junction,
Colorado 81501

Re: Premature Vacation of Mesa Ave., Elm Ave. and College Place

Dear Honorable Member of the Grand Junction City Council:

I am writing to oppose the premature vacation of Mesa Avenue, Elm Avenue and College Place.

I apologize that I am not able to appear before you in person to express my concerns but I am a ninety-year-old widow and my severe arthritis inhibits my mobility.

My home of fifty-seven-years is located just three houses from College Place and is surrounded by Mesa Avenue and Elm Avenue. I believe the vacation of these streets is premature. There are three reasons I oppose the vacation: **1) A safety concern for the ingress and egress of emergency vehicles to my neighborhood, 2) further devaluation of my home, and 3) expense and hardship to college students.**

Safety Concern: If these streets are vacated it will greatly limit the accessibility to our neighborhood. There will be only one street to access my home and the houses of my neighbors. If this one street were blocked from an automobile accident or from a tree falling it would be impossible for emergency vehicles to respond. Texas Avenue is a very narrow street and I doubt a fire truck would be able to egress from our neighborhood due to a lack of turnaround. My immediate neighbor, the neighbor across the street and I are all widows over eighty-five years old and have lived in our homes

for over four decades. It is very important that emergency vehicles be able to respond to our neighborhood.

Devaluation of Our Property: I believe that the vacation of these streets will serve to further devalue my home. Prior to Mesa State College acquiring houses in my neighborhood, the homes were exclusively owner occupied. Since Mesa State has purchased houses in our neighborhood many of the houses are used as rentals and some have been torn down and the property is left vacant. Mesa State is not a good landlord, the structures sit vacant and become structurally unsound and the landscaping is not cared for and creates an eyesore. This has greatly affected the quality of our neighborhood and has created a slum. My family attorney advised me that if I wanted to move I would have a cause of action against Mesa State for constructive eviction. However, I do not want to move from my home. I strive to maintain my property.

Expense and Hardship to Students: Currently the students at the college park on our street when attending classes or staying in the dorm. They are allowed to do this for free. I believe that if these streets are vacated to Mesa State the students will have to pay to park in these areas. I base my assumption because students are made to pay to park near the dorm. Students are charged one-dollar per hour to park in a substandard lot near the campus. I believe Mesa State will continue to generate revenue by charging for parking and thereby forcing students to park elsewhere.

In summary, I am not opposed to the expansion of Mesa State campus. I do believe that when Mesa State has raised the funds, purchased all the property for their expansion and has the funds to move forward with the expansion, the vacation of these streets makes sense. However, Mesa State is not ready for the expansion and the vacation is premature.

Thank you for listening to the ramblings of an old and very concerned lady.

Thank you,

A handwritten signature in cursive script that reads "Rose M. Johnston".

Rose M. Johnston

cc: Mesa State College

1175 Texas Ave.

Daily Sentinel
734 S. 7th St.

Grand Junction Fire Department
330 S. 6th St.

From: <RTheobold@aol.com>
To: <jimsp@ci.grandjct.co.us>
Date: 5/4/05 8:22:09 AM
Subject: Elm Ave

Jim:

Some thoughts on tonight's Elm vacation.

This is a bad idea. This has been pushed by the college for years and years, and the neighborhood always rises to the occasion and defeats it. But I'm not sure the neighbors have the will anymore. They feel pretty beat up by the college over the years.

I'm against vacating Elm for three reasons:

(1) Elm is a major through street between North Ave. and Orchard. It is widely used. The impact of closing Elm impacts more than the immediate two or three blocks, but from 7th Street to nearly 29 Road.

(2) The college can't justify this request. Safety is no longer an issue due to the traffic calming redesign. All they really want is a free parking lot. (And in fact they apparently plan to keep Elm for their use for trucks, but not for the public, which undermines the safety issue.)

(3) Long term, it is NOT in the college's best interest. Last summer, I spent a week in Austin, Texas, near the University of Texas. As the UT grew over the years, it also closed streets. I attempted to attend some events on campus. You can't get there. They have closed so many streets (pedestrian only now) that you simply cannot get from one side of the campus to another. GJ is smaller than Austin, just as Mesa is smaller than UT. But the concept is the same. The public, and the college, need a few basic streets to be able to move traffic even within the campus. And in that respect, Elm (east-west) and Cannell (north-south) make the most sense.

Closing or changing other streets may make sense, but Elm and Cannell need to remain.

There are other factors. Closing streets will make congestion worse in the surrounding neighborhoods. Mesa needs to spend money on parking lots, rather than expecting the city streets (whether closed or not) to meet their needs.

And once a decision is made, it can't be undone. A future council can revisit the issue if things change.

But for now, I'd strongly urge a "No" vote on Elm.

...reford

MEMORANDUM

From: Steve Clark
To: City of Grand Junction
Date: 4/16/2005
Subject: vacating Elm Ave.

I would like to express my displeasure with the idea of closing down Elm Avenue where it passes through the Mesa State College. This is a ridiculous and extremely inconvenient idea for anyone, including employees and students of the college who live and commute around the college area. Please do not approve this plan.

Thanks very much,

Steve Clark

**GRAND JUNCTION PLANNING COMMISSION
APRIL 12, 2005 MINUTES
7:00 p.m. to 9:35 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 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, Bill Pitts and John Redifer. Pat Carlow (2nd Alternate) replaced John Redifer at the onset of the Full Hearing Agenda

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lisa Cox (Senior Planner), Ronnie Edwards (Associate Planner), Scott Peterson (Associate Planner), and Faye Hall (Planning Technician).

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

Terri Troutner was present to record the minutes.

There were approximately 48 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the March 8, 2005 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the minutes for March 8, 2005."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. CDP-2005-018 (Condo Plat--Reed Building Condominium)
2. PFP-2004-039 (Preliminary/Final Plat--Tompkins Subdivision)
3. GPA-2005-060 (Growth Plan Amendment--Burkey Park Growth Plan Amendment)
4. CUP-2004-310 (Conditional Use Permit--Brinton Group Home)
5. PFP-2004-167 (Preliminary/Final Plat--Brach's Commercial Subdivision)
6. FP-2005-050 (Final Plan- Redlands Mesa Clubhouse and Pool)
7. PP-2005-007 (Preliminary Plat--The Boulders Subdivision)

8. PP-2004-127 (Preliminary Plat--Orchard Estates)

Chairman Dibble briefly explained the nature of the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more of the items pulled for additional discussion.

No objections were received from the audience, planning commissioners, or staff on any of the items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the acceptance of the Consent Agenda, items 1-8, as presented."

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

IV. FULL HEARING

Commissioner Redifer acknowledged his status as an employee of Mesa State College. While he felt he could render a finding without prejudice, he opted to recuse himself to avoid any perceived conflict of interest. Commissioner alternate Patrick Carlow participated in his stead on the following item.

VR-2004-292 VACATION OF RIGHTS-OF-WAY, MESA STATE COLLEGE ROW VACATION

A request to vacate portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue, and various alleys internal to the Mesa State College campus.

Petitioner: Mesa State College

Location: College Place, Elm, Mesa and Bunting Avenues

PETITIONER'S PRESENTATION

Tom Dixon, representing the petitioner, gave a PowerPoint presentation containing the following slides: 1) approval criteria responses; 2) various photos of the proposed right-of-way vacation sites; 3) Mesa State College Master Plan; and 4) conclusion. In addition, Mr. Dixon distributed to planning commissioners and staff copies of a handout containing: 1) a copy of the 1976 Adopted Mesa College Master Plan; 2) a concept drawing depicting the college's property acquisition over the last 10 years; 3) Educational Attainment of Western Colorado Counties; and 4) the currently adopted Mesa State College Master Plan.

Mr. Dixon referenced all right-of-way locations proposed for vacation. Those included: 1) all alleys within the block bounded by North Avenue, College Place, Bunting Avenue and Houston Avenue; 2) College Place from North Avenue to Mesa Avenue, along with a section of alley between Elm Avenue and Texas Avenue, excepting out the west 30 feet of the right-of-way from Texas Avenue north to the north edge of the alley; 3) the alley within the block bounded by Bunting Avenue, College Place, Elm Avenue, and Houston Avenue; 4) Elm Avenue between 12th Street and College Place; 5) Mesa Avenue between College Place and Cannell Avenue; and 6) Bunting Avenue from College Place to Houston Avenue. Also referenced was the concept drawing showing the college's planned acquisition and current ownership of properties bounded by Cannell Avenue to the west, North Avenue to the South, 12th Street to the East, and Orchard Avenue to the North. Most of the properties needed to accomplish the necessary expansion were already owned by the college. Traffic patterns in the area would have to change to accommodate new buildings and campus functions. Traffic patterns had already changed along Elm Avenue following the installation of a traffic-calming median and pedestrian walkway near 12th Street.

The Code's vacation criteria were addressed in the petitioner's Powerpoint presentation. The Bishop of Pueblo's property located at 1135 College Place would be landlocked as a result of the vacations; however, negotiations were underway for the college to purchase the property. The only other property that could be impacted by the vacations would be the northwest corner of College Place and Texas Avenue. A half-street vacation (east half only) would preserve needed access to that property. Once closed to through public traffic and reconfigured as a one-way street, the west side of College Place would be restriped to facilitate angle parking. This would increase the number of available parking space along College Place to 167; parking spaces along that corridor would be paid spaces.

Mr. Dixon said that the increased growth in student enrollment was outpacing academic facilities and classroom space. Approval of the request would allow consolidation of onsite and offsite classrooms; the construction of

additional buildings; expansion of college services; improved parking; and continued beautification of the campus. He felt that the vacations would also result in an upgrade to the quality of public facilities and services; improved safety for students; and a savings to the City in street/alley maintenance expense. Photos of the streets/alleys proposed for vacation were referenced.

Mr. Dixon concluded by saying that the subject streets and alleys were predominantly used for Mesa State College-related purposes anyway. Once vacated, the subject streets and alleys would remain open for traffic circulation around the campus for the next few years, with the exception of Elm Avenue.

Lena Elliott, Chairperson for the Mesa State College Board of Trustees acknowledged the financial assistance the college had received from both the City and Mesa County to aid the college in its property acquisition. However, that commitment had been for a 10-year period of time, which had recently ended. It was time for the college to proceed to the next step. Vacating the subject streets and alleys represented that next logical step.

Tim Foster, President of Mesa State College, reiterated that the college had long been a community asset and was also was one of the fastest growing four-year colleges in the state. The relationship between the college and the community was unique in that it represented one of partnership, mutual commitment, and common goals. And while it would undoubtedly be less expensive to relocate the entire campus to a larger acreage elsewhere, the college and its Board of Trustees, in recognition of that unique relationship with the community, were committed to remaining in their present location. Mr. Foster referenced the college's initial Master Plan approved in 1976 and compared it to the one currently in place. The similarities in scope and design, he said, were very apparent. The need for expansion of the college and vacation of the subject streets and alleys had been foreseen almost 30 years prior. In the current Master Plan, College Place was represented as the center of the campus. Mr. Foster referenced a quote from a Mesa County planner who'd said that closing the subject streets and alleys would have negligible impacts on 12th Street and North Avenue. He reiterated that the subject streets and alleys were, in fact, primarily used by students in conjunction with campus-related activities.

QUESTIONS

Commissioner Cole acknowledged the college's efforts to garner traffic counts along the various streets. What were the counts along Elm Avenue? Mr. Dixon said that a traffic study of the corridor had been undertaken in October of 2004. The results confirmed that 69 percent of vehicle trips were campus-related; approximately 32 percent of total counts came from vehicles outside a five-block radius. Travel options were greater for those coming to the area from greater distances, he said.

Commissioner Cole asked if the college was in agreement with staff's conditions of approval. Mr. Foster said that college administrators had spent a lot of time working with City staff to mitigate issues. He asked that consideration be given to eliminating or at least forestalling condition 7 that required the dedication of right-of-way for a future turn lane at the northeast corner of North Avenue and College Place. City staff seemed unsure as to whether it would even be necessary, and constructing the turn lane would negatively impact what some regarded as one of the best "view planes" of the campus from Houston Hall. Mr. Foster said that there was a lesser concern with condition 3 regarding the retention of vacated right-of-way as utility easements in their entirety. Expansion of the science building would require extension into College Place.

Commissioner Lowrey asked for clarification on the impacts expected as a result of the college's adherence to staff conditions 4, 5, and 6. Mr. Foster said that with condition 3, staff's verbiage would require the college to come back before the Planning Commission periodically and request utility easement vacations, even if there were no utilities within the vacated right-of-way. That, he said, didn't make much sense to him. Condition 4 was closely tied to condition 3. Conditions 5 and 6 weren't really issues; however, if the City could be more specific with condition 6, it would provide the college with additional clarification. Condition 7 presented the biggest concern.

Commissioner Lowrey remarked that as long as College Place was used to park cars going north, construction of the turn lane made sense. If College Place were no longer open to through traffic, it seemed to him that the turn lane would no longer be necessary. Mr. Foster conjectured that with the closure of College Place to through traffic, there would be a marked reduction in vehicular traffic from North Avenue. He reiterated that the college would certainly

provide the right-of-way for a turn lane if one were truly necessary; however, to construct one before knowing whether it was truly warranted would likely create more negative impacts than positive benefits.

STAFF'S PRESENTATION

Kathy Portner gave a PowerPoint presentation and pointed out the site's location on an aerial photo map. She overviewed the request and addressed individual Code criteria and Growth Plan recommendations as outlined in the April 12, 2005 staff report. She confirmed that the closure of Elm Avenue east of College Place would have minimal impacts to either 12th Street or North Avenue. She said that Elm Avenue between 7th and 12th Streets had been identified as a bike route on the Urban Trails Plan. Because Mesa State College had agreed to let it remain, the City was asking that Elm Avenue east of College Place be retained as an access easement for non-motorized use (bike traffic). She clarified that the easement did not have to encompass the entire Elm Avenue right-of-way; details could be worked out between City and college staffs.

Ms. Portner said that the college would not be allowed to record its plat until it owned the Bishop of Pueblo property. The college also did not own the parcel at the northwest corner of Texas Avenue and College Place. The requested vacation of College Place did not include the half-street right-of-way to that parcel. Texas Avenue and the alley to the north would not be vacated at the present time, and access easements and a turnaround at Mesa Avenue were proposed to maintain adequate access and circulation for that parcel as well as for the campus. Traffic circulation must be maintained from where Texas Avenue would dead-end into the vacated College Place. With the vacation of College Place and a portion of Elm Avenue, she noted two points where each street would dead-end. Thus, a section of College Place and Elm Avenue must be maintained as an access easement for vehicular traffic use until the college was ready to vacate the remaining right-of-way. Adequate emergency access must be maintained through the campus and to all structures, of which the college was well aware. To accommodate the modified parking configuration along College Place, additional widening and construction of a turnaround of the street would be required to meet the minimum fire access aisle width of 20 feet.

Elm Avenue between Cannell Avenue and 12th Street currently was currently included by the Grand Valley Transit as a bus route, with two bus shelters located near the Student Center. With the closure of Elm Avenue, the bus route would exclude that section of Elm Avenue and travel instead to and from its transfer station at 12th and Orchard.

While the closure of College Place and subsequent restriping would increase the number of parking spaces to 167, there was some concern that because those spaces were "pay" parking, the quest for free on-street parking might extend even further into the surrounding neighborhood.

She clarified that the City's requirement to maintain vacated rights-of-way as utility easements were because the college had not provided survey data to pinpoint the exact locations of above- and below-ground utilities that may or may not lie within them. Since some of those utilities could be difficult to find, the City just thought it easier to retain the rights-of-way in their entirety as utility easements. This seemed initially to be acceptable to college administrators; however, if they wanted to provide more precise information up front about the locations of utilities within those vacated rights-of-way that would be acceptable as well. It was also important that utility easements remained accessible to utility providers for maintenance purposes; hence, condition 4 allowed only asphalt or sod surface treatments, with sidewalk crossings subject to City review. As the college expanded structurally, there might be a need to relocate existing utilities. At that time, the college could then vacate affected utility easements and dedicate new ones. Ms. Portner said that an official utility easement vacation process was still necessary, even with the vacation of rights-of-way.

Ms. Portner said that with the closure of Elm Avenue and the provision of additional parking along College Place, right turns from North Avenue onto the one-way College Place were likely to increase. She suggested that a right-turn lane might already be warranted at College Place and North Avenue. If future expansion plans made Houston Avenue a more desirable entrance, the College Place right-of-way could be vacated and returned to the college. Staff recommended that sufficient right-of-way be dedicated at the northeast corner of North Avenue and College Place to accommodate a future right-turn lane.

Staff concluded that the request would meet both Code criteria and Growth Plan recommendations subject to the following conditions of approval:

1. The right-of-way vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.
2. The plat cannot be recorded until Mesa State College owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).
3. The vacated right-of-way in its entirety must be maintained as utility easements and so noted on the plat.
4. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Sidewalk crossings are subject to review and approval by the City.
5. The vacated College Place between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.
6. The vacated Elm Avenue east of College Place must be retained as an access easement for non-motorized use.
7. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place.

QUESTIONS

Commissioner Cole referenced staff condition 3 and suggested alternate verbiage, to read: "Utility easements shall be maintained as easements, with only sod or asphalt surface treatment allowed. In the event that an easement was to be covered by a building, an alternate easement shall be provided as approved by the City. Sidewalk crossings are subject to review and approval by the City." Ms. Portner deferred the question to Asst. City Attorney, Jamie Kreiling, who said that as the City's Code was written, it would specifically require a separate vacation process for utility easements. To avoid having the vacated right-of-way in its entirety being designated a utility easement would require evidence to show exactly what utilities were located where and how wide the actual easement would have to be to accommodate those utilities.

Chairman Dibble asked if there had been any utility information submitted by the college. Ms. Portner said staff had asked college administrators whether their intent was to retain vacated rights-of-way in their entirety as utility easements, and the response had been affirmative. So no further discussion had ensued. Commissioner Dibble remarked that it had been prudent of the City to cover an unknown variable.

When Commissioner Lowrey asked if the normal process included vacating easements at the time of actual development, Ms. Porter responded affirmatively.

Chairman Dibble asked what would trigger construction of the right-turn lane. Ms. Portner said that the need for a turn lane was typically identified in conjunction with a traffic study. Since none had been undertaken at that location by college representatives, the "need" had been determined by the City. When constructed, it would be paid for by TCP funds and built by the City.

Chairman Dibble asked what would happen to the turn lane if it were no longer necessary. Ms. Portner said that it could be later vacated.

Commissioner Lowrey asked if the burden of proof lay with the petitioner to show that the turn lane wasn't needed. Ms. Portner said that the Code required developers to undertake a traffic study to determine volumes of traffic and to ascertain what improvements were needed. While requested of them by the City, college administrators had chosen not to do that. The City opted to request the right-of-way up front because likely it was needed now.

Eric Hahn came forward and agreed that the exchange between City and college staffs had been very amenable. He said given that most of the traffic around the college was college-related, traffic that normally would have been directed down Elm Street would be redirected, possibly, to Orchard and Cannell Avenues. If redirected to North Avenue, motorists were likely to use the first available access, which was College Place. Traffic counts already warranted construction of the turn lane, even without the college's expansion. Whether or not it would be built, or where, the City would still like to have the right-of-way available. With regard to utility easements, the City's Utility

Engineer had requested specific definitions of easements based on the existing utilities within rights-of-way. The petitioner had chosen not to provide the information, which had been understandable given that it would have involved some extensive survey work throughout all of the affected corridors. The condition to maintain all vacated rights-of-way in their entirety as utility easements had been formulated as an alternative.

A brief recess was called at 8:25 p.m. The public hearing reconvened at 8:35 p.m.

PUBLIC COMMENTS

FOR:

Rick Gibson (2328 Falcon Place, Grand Junction), Chairman for the Grand Junction Chamber's Board of Directors, expressed his support for the request.

Buzz Schoenbeck (no address given) felt that Mesa State College should be complimented on its Master Plan. He'd been aware of the Plan's presence since 1976, and college administrators still adhered to their original vision. He felt that college administrators had presented strong evidence to support their current request, and he agreed that the right-of-way vacations were the next logical step.

John Williams (no address given) expressed his support for the request and felt it to be the "right thing to do," especially given the consistent enrollment increases at the college. The college, he said, was important to the community, both economically and culturally, and should be supported.

Erik Groves (2408 Broadway, Grand Junction), Mesa State College student and Vice-President of External Affairs and the Associated Student Government, felt that the plans presented by college representatives would result in improved safety for students. Recalling an incident where he'd almost been hit by a motorist while riding his bike along Houston Avenue, he felt that the proposed street/alley closures would result in a more pedestrian-friendly environment. A larger, improved, and more aesthetic campus would benefit the college and community by being able to attract more quality students.

Karen Madsen (2484 Sage Run Court, Grand Junction) agreed with previous citizen comments and voiced her support for the vacation request.

Orville Bege (349 Lilac Lane, Grand Junction) remarked that parking around Mesa State College had always been bad. He was in wholehearted support of the college's plans to add more parking spaces.

Keith Knudsen (876 Covey Road, Grand Junction) commented that all of Mesa State College's past presidents had had to deal with the college's growing pains and the restrictions of being situated in the middle of town. The community and local governments had actively supported the college in the past and should continue to do so by approving the current request.

Mike Pacheco (780 Elm Avenue, Grand Junction), a student at Mesa State College, felt that the college had done a good job in striking an equitable balance between the needs of the college and the needs of the neighborhood. He felt that the vacations would improve student safety and provide for future growth of the college.

Jerry Whitaker (3411 Northridge Drive, Grand Junction), member of the Mesa State College Alumni Association, commended college representatives throughout the years for their foresight in planning for the college's expansion needs well into the future. He was anxious to see what the college might look like in 20 years.

Toni Milyard (868 Quail Run, Grand Junction) agreed that the college represented a tremendous asset to the community. Property around the college had always held its value.

Dale Reece (2065 Blue Water Drive, Grand Junction) expressed his support for the request.

Bill Robinson (754 26 ½ Road, Grand Junction) recalled that in the 1960s Mesa State College campus had been very small and had been referred to as the North Avenue University. The college was a definite jewel to the community, the state, and to the country. The college's expansion would benefit the City as a whole and improve student safety.

AGAINST:

Gary McMurty (860 Hall Avenue, Grand Junction) said that while not necessarily against the request, he objected to students always parking in front of his house. The college really needed to construct a parking garage to handle its student parking.

Jim White (1016 Elm Avenue, Grand Junction) said that he'd followed the progress of the college's Master Plan over the last 10 years. He wondered if any thought had been given to modifying the traffic light at the Houston Avenue/North Avenue intersection. He also had concerns that emergency vehicles would have to travel further around the campus to serve homes in his neighborhood. Mr. White also asked for clarification on the increased parking along College Place. Were there to be a total of 167 spaces or an increase of 167 spaces? Which alleys were slated for vacation?

Gi Moon (no address given) felt the college's plan to be somewhat aggressive and unfriendly towards the surrounding neighborhood. She was used to driving down Elm Avenue several times a day and would miss its availability. The traffic calming features on Elm Avenue near 12th Street were effective and presented a good compromise between pedestrian and vehicular needs. She, too, felt that pay parking would encourage more students to park further away and encroach into the surrounding neighborhood.

Danny Galloway (937 Texas Avenue, Grand Junction) was not necessarily opposed to the college's expansion; however, he was concerned that the alley vacation near his home (between Texas and Elm Avenues) would result in the loss of access. Noting the location of his home, he wondered how the vacations would affect him.

Giles Paulson (860 Kennedy Avenue, Grand Junction) expressed a concern that the vacations would somehow adversely affect neighboring property values.

Prior to closing the public comments portion of the public hearing, Ms. Kreiling added that since it was indicated during the review process that the petitioner's intention was to retain all vacated rights-of-way as utility easements, utility providers had been effectively put on notice that there were no concerns to address from their perspectives. Since the college had since changed its position, she cautioned against modifying the condition since none of the utility providers had been forewarned, nor were they present to protect their interests. In fact, since the college had only this evening changed a position that they'd maintained had been satisfactory, the City had not had a chance, through the regular review process, to look at all of those elements that would normally have been considered. Her recommendation was that if the Planning Commission was considering modifying applicable conditions of approval, the request should be continued to allow proper notification of utility providers.

Commissioner Putnam remarked that if planning commissioners chose to move forward and include the conditions as stated by staff, there would be no need for a continuance.

Mr. Foster said that they had little desire to fight over condition 3 and urged planning commissioners to move forward and render a decision without further delay. He would work with City staff on the utility easement issue. He did reiterate his earlier request for some flexibility on condition 7.

PETITIONER'S REBUTTAL

Mr. Foster said that parking was a problem for every college campus, and one not likely to go away soon. A lot of onsite campus parking was available, and a new parking lot had been recently completed. However, students routinely chose not to use the parking areas provided for them; they preferred to venture out into the neighborhood for free parking. One solution for the people living in surrounding neighborhoods might be to create parking districts or impose parking restrictions, which should discourage students from parking in front of their homes. He clarified that the college was not asking to vacate the alley between Texas and Elm, so there would be no access impact to Mr. Galloway.

Mr. Dixon added that undertaking a traffic study for the entire right-of-way vacation area had been cost prohibitive. His understanding was that a comprehensive study hadn't been required because of the costs involved. He again

asked for flexibility in the right-turn lane requirement. If constructed immediately by the City, it would effectively limit other access options available to the college.

QUESTIONS

Chairman Dibble asked the petitioner to explain the gain in parking spaces along College Place. Mr. Dixon said that 117 spaces were there presently. With the street's closure and restriping for angle parking, a net gain of 50 spaces would be achieved, for a total of 167 spaces.

Commissioner Cole was inclined to include the right-turn lane requirement as stated in staff's conditions; however, if some other alternative were proposed at a later date, planning commissioners and staff could consider other options. Planning commissioners had to be mindful of protecting the citizens of Grand Junction.

Commissioner Lowrey agreed and asked staff if there were any way to readdress the turn lane issue at a later date. Bob Blanchard advised planning commissioners to take into account the information staff had already provided. Traffic counts at the College Place/North Avenue intersection were sufficient to warrant construction of a turn lane even without the college's expansion or the reconfiguration of College Place. But just because the turn lane was warranted, that didn't mean that the City would immediately go out and construct it.

Commissioner Pitts wondered if the fact that North Avenue was a state highway had any bearing on whether or when the turn lane would be constructed. Mr. Hahn came forward and replied negatively, adding that he didn't think CDOT had commented either way on the request. He provided traffic counts to support the need for a turn lane; however, constructing the improvement without knowing what was to occur on the site, or constructing the improvement with the understanding that it would later be removed made little sense. Asking for the improvement now would protect the City's interests, yet there were no immediate plans to construct it. The City had every intention of working with Mesa State College prior to moving forward with any construction plans.

Chairman Dibble wondered what would trigger construction of the turn lane. Mr. Hahn said it wasn't so much what would trigger it as how it would fit into the City's budgeting. The need would have to be ascertained and then that need would be assigned a priority to determine whether it warranted inclusion in the Capital Improvements Plan (CIP). Once that decision was made, the City would then determine when construction should occur.

Commissioner Cole remarked that if another alternative were selected, the college would have to come back and request a vacation of the right-of-way and a potential rededication of right-of-way elsewhere. Mr. Hahn concurred with Commissioner Cole's assessment.

Commissioner Lowrey noted that the college's Master Plan seemed to indicate a decel lane located off of Houston. If that became the preferred alternative, would the City be agreeable to vacating the North Avenue turn lane right-of-way? Mr. Hahn said that the City could combine the dedication of the new right-of-way and the vacation of the North Avenue right-of-way into one proposal. In response to Mr. White's suggestion that the traffic light at the Houston Avenue/North Avenue intersection be modified would be subject to ongoing review by the City's Transportation Engineer as changes occurred on the college campus.

When asked if staff had anything further to add, Ms. Portner came forward and said that with regard to condition 4, she'd spoken with the petitioner during the break and offered the following revised verbiage to replace the second sentence of that condition: "Other surface treatments are subject to review and approval by the City." The first sentence would remain unchanged.

DISCUSSION

Commissioner Cole supported the petitioner's request but expressed reservation over the condition to require the North Avenue right-of-way. It seemed that the only alternative was to trust that the City's Engineering staff and college representatives would work things out at the appropriate time.

Commissioner Lowrey concurred. He didn't think the turn lane would take up that much space, and it would provide a safety benefit. He felt comfortable in supporting staff's recommendation of approval, subject to all seven

conditions, including the modification to condition 4. The City had always been a staunch supporter of Mesa State College's expansion efforts. It would be illogical to think otherwise in the case of the turn lane issue.

Commissioner Carlow expressed his support as well. Colleges elsewhere had the same problems as those of Mesa State, and they too had come up with creative solutions. Those solutions, he said, took mutual cooperation, and he had every confidence that the City and college administrators would work together for mutual benefit.

Commissioner Pitts also supported the request. He commended staff and college representatives on the work they'd done to mitigate outstanding issues.

Commissioner Pavelka-Zarkesh agreed and also felt she could support the request.

Chairman Dibble echoed that the college and City staff had done an excellent job in mitigating the issues while protecting the integrity of the neighborhood. With regard to the turn lane, he felt it was better to err on the side of safety. And while the turn lane's construction was a possibility, it was not necessarily an eventuality. He supported approving the request with all seven of staff's conditions as modified.

MOTION: (Commissioner Cole) "Mr. Chairman, on item VR-2004-292, the Mesa State College right-of-way vacation request, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report and subject to the following conditions:

- 1. The right-of-way vacation is not effective until a plat is recorded combining lots and dedicating necessary easements.**
- 2. The plat cannot be recorded until Mesa State College owns the property currently owned by the Bishop of Pueblo (parcel number 2945-114-23-981).**
- 3. The vacated right-of-way in its entirety must be maintained as utility easements and so noted on the plat.**
- 4. The plat shall indicate that within the utility easements only sod or asphalt surface treatment will be allowed. Other surface treatments are subject to review and approval by the City.**
- 5. The vacated College Place between Elm Avenue and the east-west alley north of Texas Avenue, and the vacated Elm Avenue west of College Place, must be retained as an access easement for traffic circulation and so noted on the plat.**
- 6. The vacated Elm Avenue east of College Place must be retained as an access easement for non-motorized use.**
- 7. Right-of-way shall be dedicated on the plat for a future right-turn lane at the northeast corner of North Avenue and College Place."**

Commissioner Pitts seconded the motion. 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 9:35 p.m.

ORDINANCE NO.

AN ORDINANCE VACATING COLLEGE PLACE, A PORTION OF MESA AVENUE, BUNTING AVENUE AND ELM AVENUE AND VARIOUS ALLEYS NEAR THE MESA STATE COLLEGE CAMPUS

Recitals

Mesa State College has requested the vacation of several streets and alleys to allow expansion of the campus to the west, in accordance with the 1999 Facilities Master Plan. The interim plan for some of the right-of-way proposed to be vacated is to provide additional parking for the campus. In order to facilitate continued provision of utilities to the campus, all of the vacated right-of-way must be maintained as utility easements; provision of access easements to allow for adequate circulation and the continuation of the bicycle route on Elm Avenue is also required. According to City Code the vacated right-of-way must be consolidated with the adjacent lots through a replat of the property.

The City Council finds that the College's request is consistent with the Growth Plan goals and policies that encourage Mesa State College to remain at the existing location and expand to the west. The application also meets the criteria of section 2.11 of the Zoning and Development Code, with the conditions of approval, as stated below.

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

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

The following described dedicated public right-of-way is hereby vacated for the use and benefit, subject to the conditions stated herein, of Mesa State College:

That certain street and alley right-of way dedicated by the plat of McMullin & Gormley Subdivision of the W1/2SE1/4SE1/4 Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 349926 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All of College Place between the northerly right-of-way line of North Avenue, as extended East of the Southeast Corner Block 5 and extending northerly to the intersection with Elm Avenue, as shown on said plat.
2. All that part of Elm Avenue, as shown on said plat, lying east of the southward extension of the westerly line of Lot 32 in South Garfield Park,

- Reception Number 539508, and extending easterly to the easterly right-of-way line of College Place, as shown on said plat.
3. All that part of Bunting Street lying east of the easterly right-of-way line of Houston Avenue as extended South of the Southwest Corner of Block 1 and extending easterly to the easterly right-of-way line of College Place, as shown on said plat.
 4. That entire north-south alley in Block 4, as shown on said plat.
 5. That entire east-west alley lying between Block 4 and Block 5, as shown on said plat.
 6. All that north-south alley lying in Block 1, as shown on said plat, not previously vacated by Ordinance Number 3356, as recorded in Book 3163 at 733 in the Office of the Mesa County Clerk and Recorder.

That certain street and alley right-of way dedicated by the plat of Mesa College Campus, in the E1/2SE1/4SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 459010 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All of College Place between the northerly right-of-way line of North Avenue, as extended West and extending northerly to the intersection with Elm Avenue, as shown on said plat.
2. All of Elm Avenue lying west of the west right-of-way line of 12th Street as extended North and extending westerly to the intersection with College Place, as shown on said plat.

That certain street and alley right-of way dedicated by the plat of South Garfield Park, in the SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 539508 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All that part of Elm Avenue lying east of the southward extension of the westerly line of Lot 32 of said subdivision, and extending easterly to the westerly right-of-way line of 12th Street, as shown on said plat.
2. All that part of the east-west alley lying East of the westerly line of Lot 11 of said subdivision extended South, and extending easterly to the westerly end of that certain alley vacated by Ordinance Number 2913, as recorded in Book 2232 at Page 120 in the Office of the Mesa County Clerk and Recorder.
3. All that certain right-of-way granted by quit-claim deed in Book 973 at Page 255 in the Office of the Mesa County Clerk and Recorder, said right-of-way comprising all or parts of Lot 11, Lot 12, Lot 30 and Lot 31 in said South Garfield Park.
4. All that part of Texas Avenue lying east of the southward extension of the centerline of College Place as described in Garfield Park Subdivision, as recorded by reception #444756 in the Office of the Mesa County Clerk and Recorder and extending easterly to the easterly right-of-way line of College

Place and to the westerly end of that part of Texas Avenue vacated by Ordinance Number 1299.

That certain street and alley right-of way dedicated by the plat of Garfield Park Subdivision, in the SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 444756 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All that part of the east one-half of College Place lying north of the intersection with Texas Avenue, as shown on the plat, and extending northerly to the eastward extension of the northerly right-of-way line of the east-west alley in Block 6 of said Garfield Park Subdivision, as shown on said plat.
2. All of College Place lying north of the eastward extension of the northerly right-of-way line of the east-west alley in Block 6 of said Garfield Park Subdivision and extending northerly to the northerly right-of-way line of Mesa Avenue as extended east from the Southeast Corner Block 3 of said subdivision, as shown on said plat.
3. All of Mesa Avenue lying east of the easterly right-of-way line of Cannell Avenue, as shown on said plat, and extending easterly to the easterly right-of-way line of College Place and the westerly end of that part of Mesa Avenue vacated by ordinance Number 1299.

See Exhibit A attached hereto and incorporated by this reference as if fully set forth.

Provided, however, that the street and alley rights-of-way vacated hereby shall be subject to, and be considered as utility easements and within such utility easements only sod or asphalt surface treatment shall be allowed. Other surface treatment shall be subject to review and approval by the City of Grand Junction prior to installation.

Also provided that the section of College Place, between the southern boundary of Elm Avenue and the east-west alley north of Texas Avenue, and that portion of Elm Avenue, west of College Place, shall be subject to an access easement for general traffic circulation.

And, also provided that the section of Elm Avenue, east of the western boundary of College Place, shall be subject to an access easement for non-motorized vehicular access and consistent with the bicycle route along Elm Avenue.

Each and every vacation of right-of-way provided by this ordinance shall also be subject to and contingent upon dedication of right-of-way for and construction by Mesa State College of a right turn lane at the northeast corner of North Avenue and College Place, with the understanding that any right-of-way not needed for City purposes will revert to Mesa State College. In accordance with the existing process for creation of right-of way, the reversion shall be processed at such time that access to College Place from

North Avenue is no longer needed as determined by and in the sole discretion of the City.

Each and every vacation of right-of-way provided by this ordinance should be subject to Mesa State College assuming any and all liability that may accrue to the City for compensating Outdoor Promotions and/or its successor Colorado West Outdoor Advertising for the value of the existing bus shelters within that section of the Elm Avenue right-of-way to be vacated.

This ordinance shall not be effective until a plat drawn to City standards is recorded for the adjoining properties consolidating lots and dedicating the required easements and additional right-of-way.

Introduced on first reading this 20th day of April, 2005 and ordered published.

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

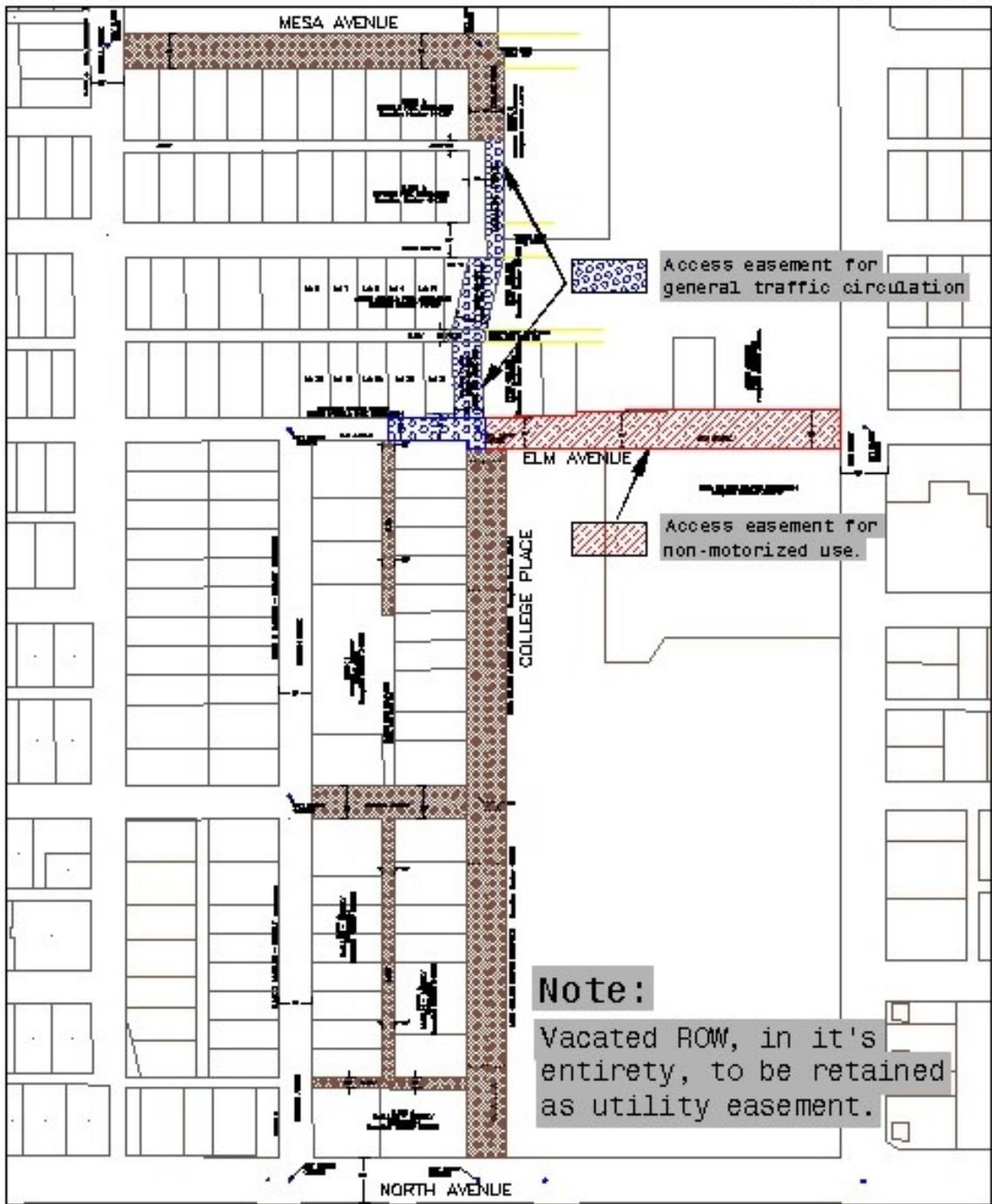
Mayor

ATTEST:

City Clerk

Mesa State ROW Vacation

Exhibit A



Attach 21

Public Hearing – Iris Court Enclave Annexation & Zoning Located at 2250 South Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Annexation and zoning of the Iris Court Enclave Annexation located at 2250 South Broadway						
Meeting Date	May 4, 2005						
Date Prepared	April 14, 2005				File #ANX-2005-028		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No	Name
	Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>
							Individual Consideration

Summary: Consider the annexation and zoning for the Iris Court Enclave Annexation. The Iris Court Enclave Annexation is located at 2250 South Broadway and consists of 1 parcel on 0.35 acres. The zoning being requested is RSF-2 (Residential Single Family 2 du/ac).

Budget: N/A

Action Requested/Recommendation: Public hearing to consider final passage of annexation and zoning ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

- 24. Staff report/Background information
- 25. Annexation - Location Map / Aerial Photo
- 26. Growth Plan Map / Zoning Map
- 27. Annexation Ordinance
- 28. 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:

ANNEXATION:

This annexation area consists of annexing 0.35 acres of land. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within 5 years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The Iris Court Enclave has been enclaved since May 4, 1997.

The Iris Court Enclave is one of 3 annexations within the Urban Growth Boundary being considered at the same time for annexation. Letters have been sent to all affected property owners giving them notice of the intent to annex.

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:

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.

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.

The following annexation and zoning schedule is being proposed.

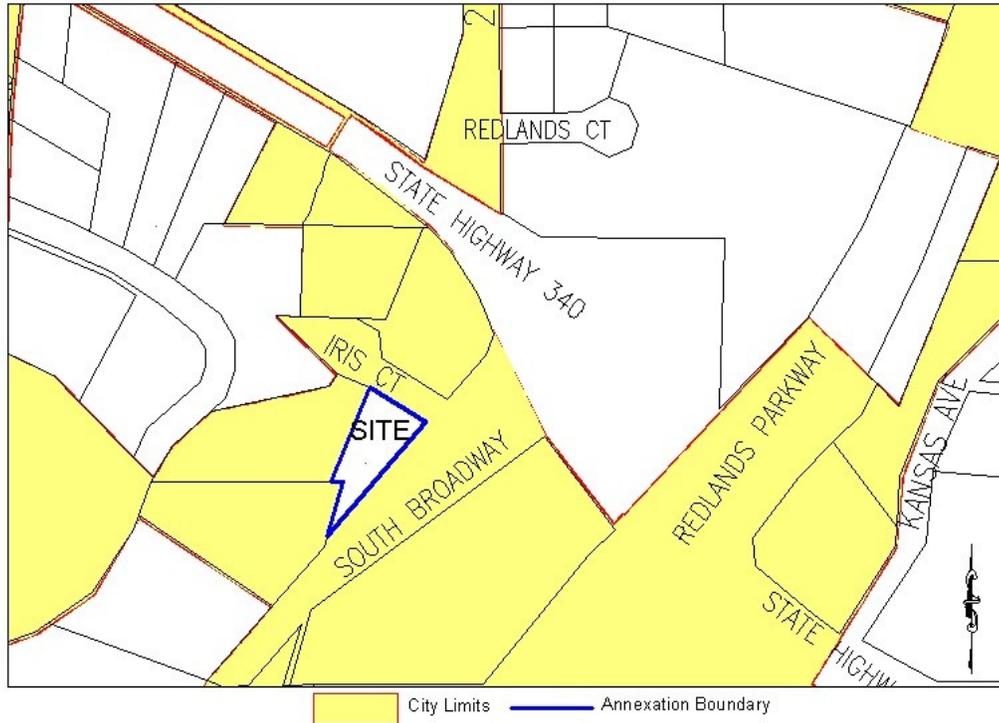
<u>ANNEXATION SCHEDULE</u>	
March 16, 2005	Notice of Intent to Annex & (30 Day Notice)
March 22, 2005	Planning Commission considers Zone of Annexation
April 6, 2005	First Reading on Annexation & Zoning by City Council
April 20, 2005	Public hearing on Annexation and Zoning by City Council
May 22, 2005	Effective date of Annexation and Zoning

IRIS COURT ENCLAVE ANNEXATION SUMMARY

File Number:	ANX-2005-028
Location:	2250 South Broadway
Tax ID Number:	2945-073-00-016
Parcels:	1
Estimated Population:	2
# of Parcels (owner occupied):	1
# of Dwelling Units:	1
Acres land annexed:	0.35 ac
Developable Acres Remaining:	0.0 ac
Right-of-way in Annexation:	0.0 ac
Previous County Zoning:	RSF-4
Proposed City Zoning:	RSF-2
Current Land Use:	Single Family Residence
Future Land Use:	Single Family Residence
Values:	Assessed: = \$8,390
	Actual: = \$105,290
Address Ranges:	2250 South Broadway
Special Districts:	Water: Ute Water
	Sewer: City of Grand Junction
	Fire: Grand Junction Rural Fire
	Irrigation/Drainage: Redlands Water & Power
	School: Mesa County School District #51
	Pest: Redlands Mosquito Control

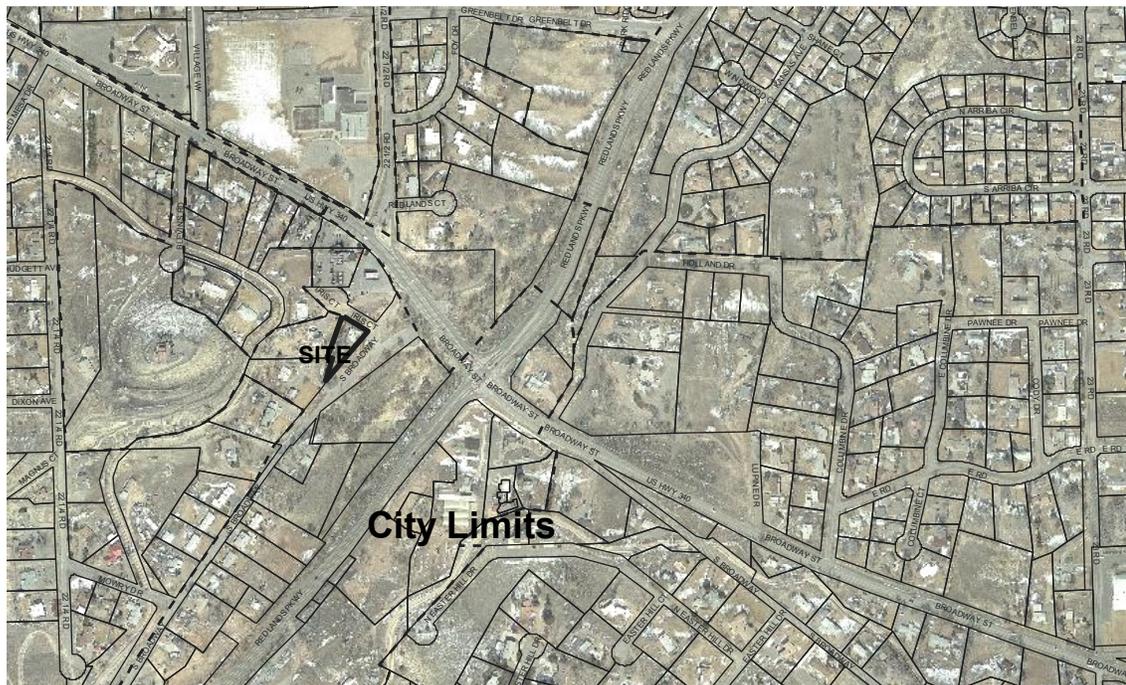
Site Location Map

Figure 1



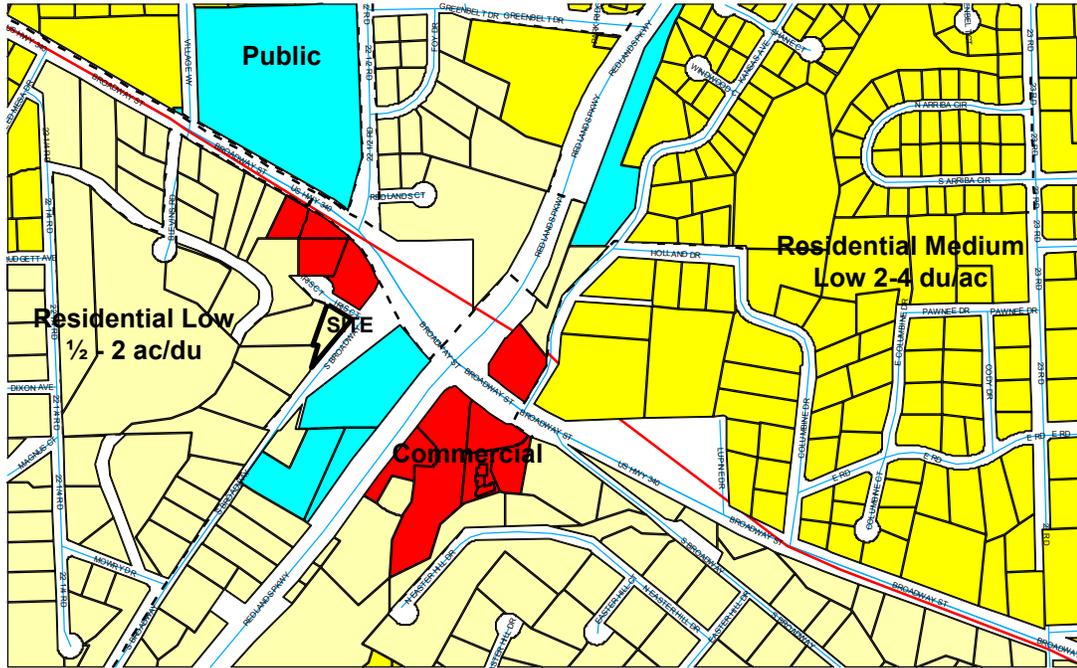
Aerial Photo Map

Figure 2



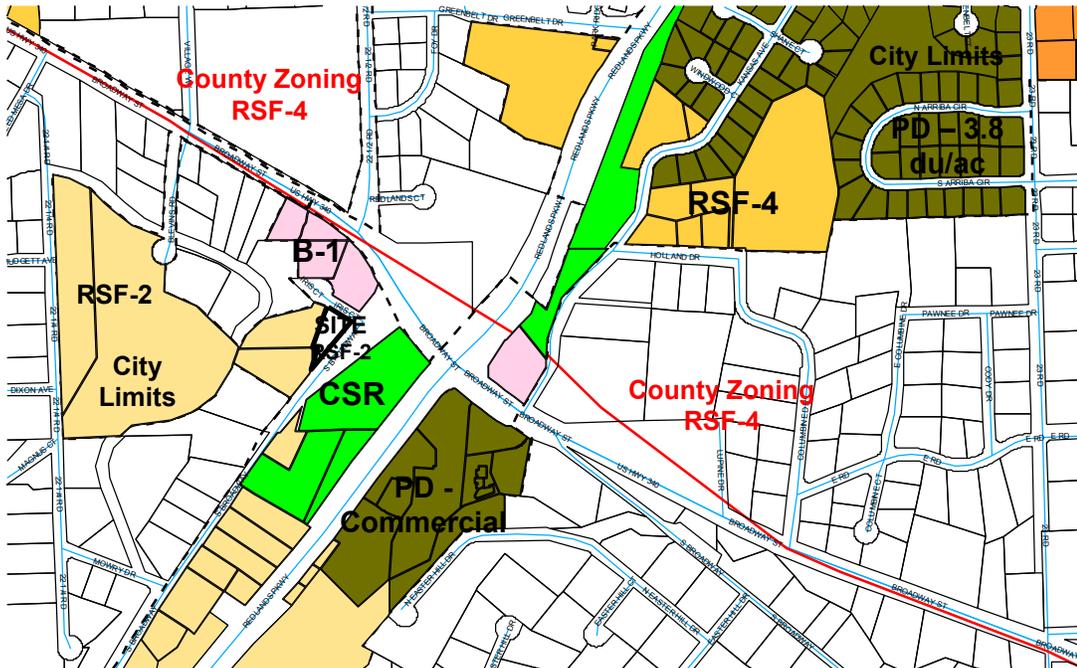
Future Land Use Map

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

**IRIS COURT ENCLAVE ANNEXATION
LOCATED AT 2250 SOUTH BROADWAY**

CONSISTING OF APPROXIMATELY 0.35 ACRES

WHEREAS, on the 16th day of March, 2005 the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction, a tract of land in the County of Mesa, State of Colorado, commonly known as the Iris Court Enclave, and more particularly described as follows:

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

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R. S.

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 commonly known as the Iris Court Enclave, is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 16th day March, 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 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 22

Public Hearing – PS Substation Enclave Annexation & Zoning Located on 29 Road Just South of F Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Annexation and zoning of the PS Substation Enclave located on 29 Road just south of F Road						
Meeting Date	May 4, 2005						
Date Prepared	April 14, 2005				File #ANX-2005-027		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Consider the annexation and zoning for the PS Substation Enclave Annexation. The PS Substation Enclave Annexation is located on 29 Road just south of F Road and consists of 1 parcel on 0.06 acres. The zoning being requested is RMF-5 (Residential Multi-Family 5 du/ac).

Budget: N/A

Action Requested/Recommendation: Public hearing to consider final passage of annexation and zoning ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

- 29. Staff report/Background information
- 30. Annexation - Location Map / Aerial Photo
- 31. Growth Plan Map / Zoning Map
- 32. Annexation Ordinance
- 33. 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:

ANNEXATION:

This annexation area consists of annexing 0.06 acres of land. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within 5 years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The PS Substation Enclave has been enclaved since October 23, 1994.

The PS Substation Enclave is one of 3 annexations within the Urban Growth Boundary being considered at the same time for annexation. Letters have been sent to all affected property owners giving them notice of the intent to annex.

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:

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 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.

12. 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.

13. 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.

14. 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.

10. 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 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.

The following annexation and zoning schedule is being proposed.

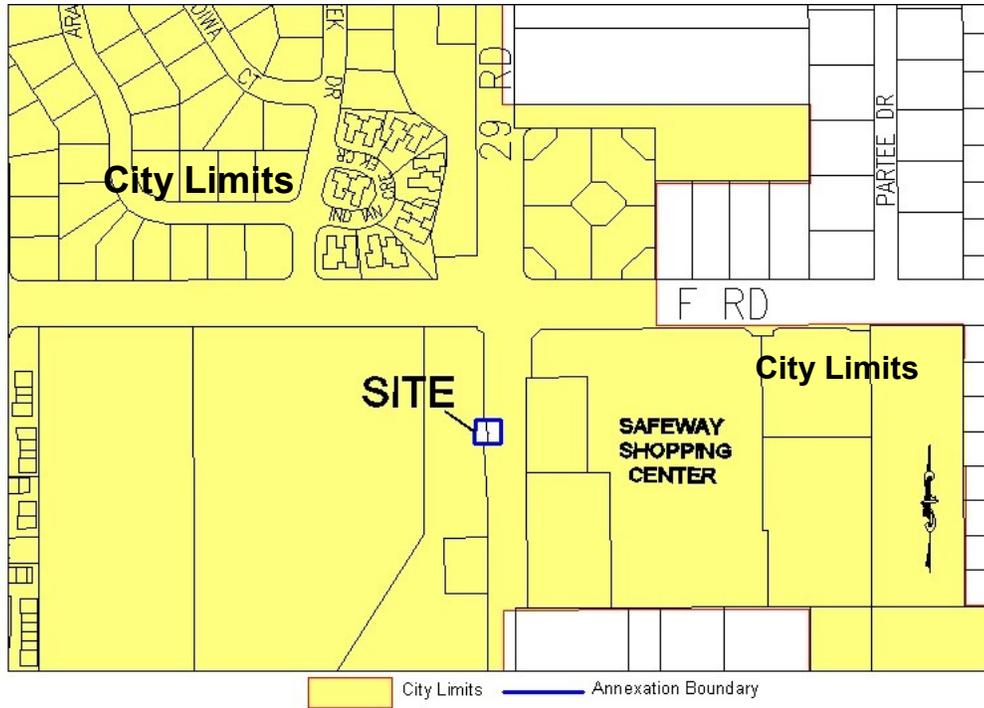
<u>ANNEXATION SCHEDULE</u>	
March 16, 2005	Notice of Intent to Annex & (30 Day Notice)
March 22, 2005	Planning Commission considers Zone of Annexation
April 6, 2005	First Reading on Annexation & Zoning by City Council
April 20, 2005	Public hearing on Annexation and Zoning by City Council
May 22, 2005	Effective date of Annexation and Zoning

PS SUBSTATION ENCLAVE ANNEXATION SUMMARY

File Number:	ANX-2005-027
Location:	29 Road just south of F Road
Tax ID Number:	2943-071-00-001
Parcels:	1
Estimated Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	0.06
Developable Acres Remaining:	0
Right-of-way in Annexation:	1,795 sq ft
Previous County Zoning:	RSF-R
Proposed City Zoning:	RMF-5
Current Land Use:	Electrical substation
Future Land Use:	Electrical substation
Values:	Assessed: Information not available
	Actual: Information not available
Address Ranges:	595 29 Road
Special Districts:	Water: Ute Water
	Sewer: Central Grand Valley Sanitation
	Fire: Grand Junction Rural Fire District
	Irrigation/Drainage: Grand Valley Water Users / Grand Junction Drainage District
	School: Mesa County School District #51
	Pest: N/A

Site Location Map

Figure 1



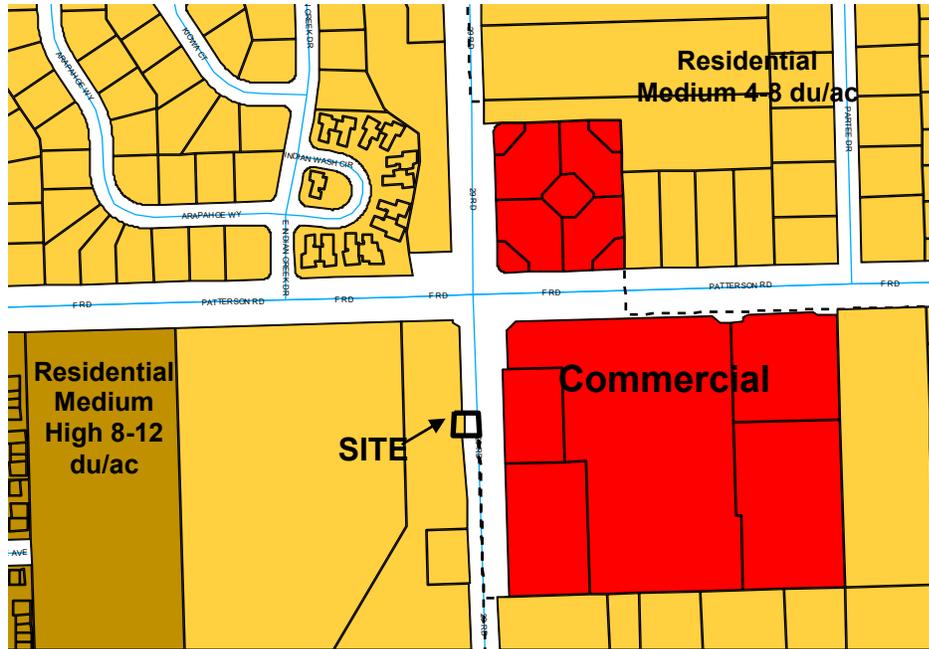
Aerial Photo Map

Figure 2



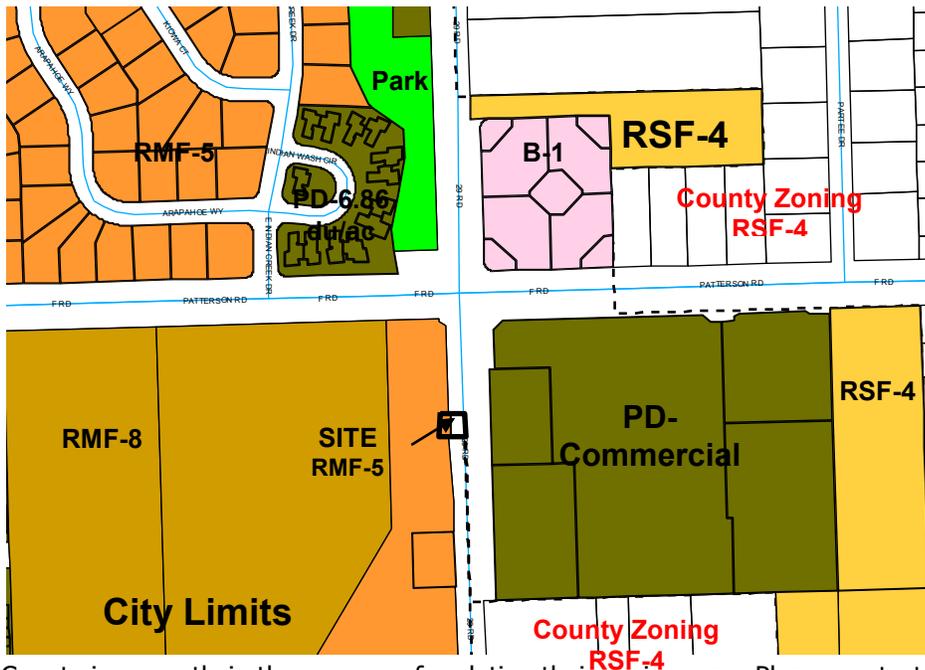
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PS SUBSTATION ENCLAVE ANNEXATION

LOCATED AT 29 ROAD JUST SOUTH OF F ROAD

**AND INCLUDING A PORTION OF THE
29 ROAD RIGHT-OF-WAY**

CONSISTING OF APPROXIMATELY 0.06 ACRES

WHEREAS, on the 16th day of March, 2005 the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction, a tract of land in the County of Mesa, State of Colorado, commonly known as the PS Substation Enclave, and more particularly described as follows:

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.

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R. S.

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 commonly known as the PS Substation Enclave, is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 16th day March, 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 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 23

Public Hearing Webb Crane Enclave Annexation & Zoning Located at 728, 738, 745, 747
23 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Annexation and zoning of the Webb Crane Enclave Annexation located at 728, 738, 745, and 747 23 ½ Road						
Meeting Date	May 4, 2005						
Date Prepared	April 14, 2005				File #ANX-2005-029		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Consider the annexation and zoning for the Webb Crane Enclave Annexation. The Webb Crane Enclave Annexation is located at 728, 738, 745, and 747 23 ½ Road and consists of 4 parcels on 16.89 acres. The zoning being requested is M-U (Mixed Use) and I-1 (Light Industrial).

Budget: N/A

Action Requested/Recommendation: Public hearing to consider final passage of annexation and zoning ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

- 34. Staff report/Background information
- 35. Annexation - Location Map / Aerial Photo
- 36. Growth Plan Map / Zoning Map
- 37. Annexation Ordinance
- 38. 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:

ANNEXATION:

This annexation area consists of annexing 16.89 acres of land. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within 5 years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The Webb Crane Enclave has been enclaved since March 19, 2000.

The Webb Crane Enclave is one of 3 annexations within the Urban Growth Boundary being considered at the same time for annexation. Letters have been sent to all affected property owners giving them notice of the intent to annex.

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:

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

15. 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.

16. 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.

17. 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.

11. 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.

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:

6. 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.

18. 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.

19. 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.

20. 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.

12. 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.

The following annexation and zoning schedule is being proposed.

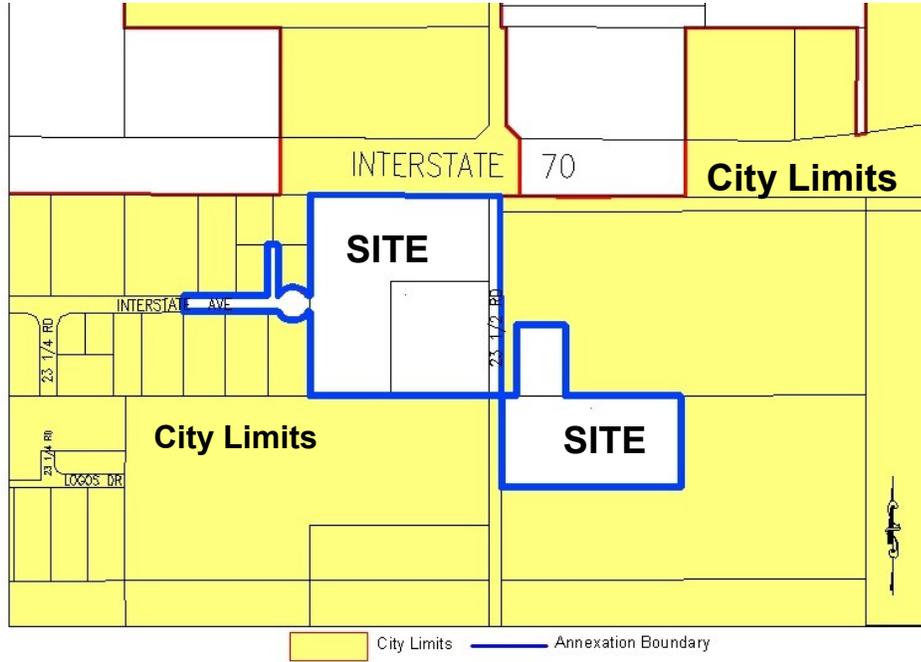
<u>ANNEXATION SCHEDULE</u>	
March 16, 2005	Notice of Intent to Annex & (30 Day Notice)
March 22, 2005	Planning Commission considers Zone of Annexation
April 6, 2005	First Reading on Annexation & Zoning by City Council
April 20, 2005	Public hearing on Annexation and Zoning by City Council
May 22, 2005	Effective date of Annexation and Zoning

WEBB CRANE ENCLAVE ANNEXATION SUMMARY

File Number:	ANX-2005-029	
Location:	728, 738, 745, and 747 23 ½ Road	
Tax ID Number:	2701-323-00-090; 2701-323-00-091; 2701-324-00-038; 2701-324-00-039	
Parcels:	4	
Estimated Population:	7	
# of Parcels (owner occupied):	2	
# of Dwelling Units:	3	
Acres land annexed:	16.89 ac	
Developable Acres Remaining:	16 ac +/-	
Right-of-way in Annexation:	41,384 sq. ft.	
Previous County Zoning:	C-2	
Proposed City Zoning:	M-U; I-1	
Current Land Use:	3 Single Family Residences; Warehouse/Storage facilities	
Future Land Use:	3 Single Family Residences; Warehouse/Storage facilities	
Values:	Assessed:	= \$151,550
	Actual:	= \$811,250
Address Ranges:	728, 738, 745, and 747 23 ½ Road	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation; Grand Junction Drainage
	School:	Mesa Co School District #51
	Pest:	N/A

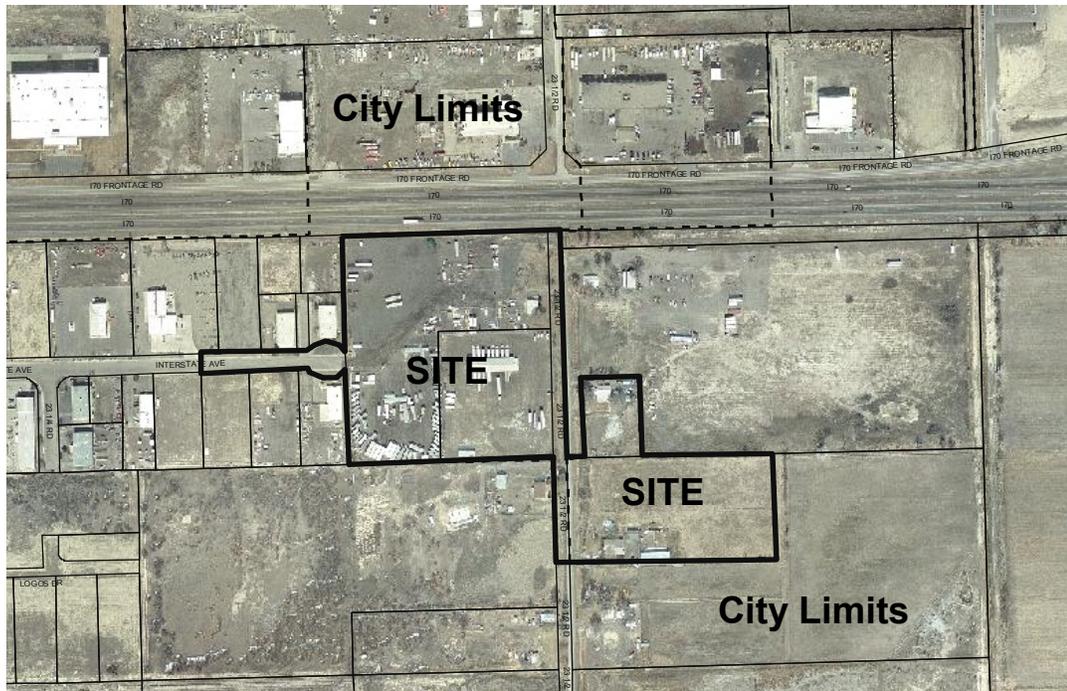
Site Location Map

Figure 1



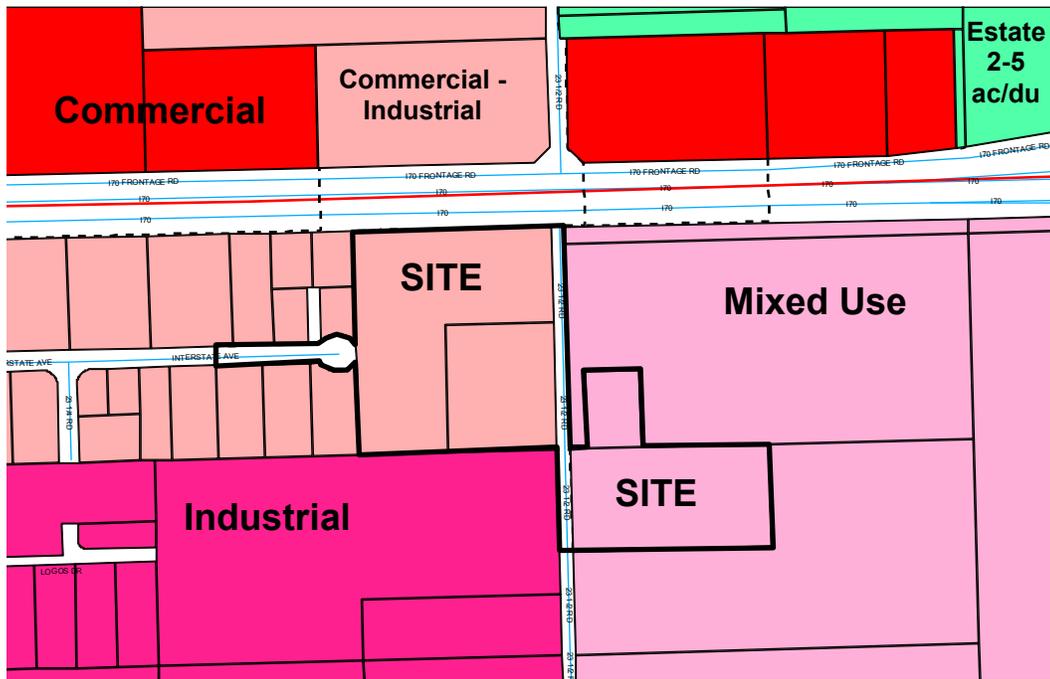
Aerial Photo Map

Figure 2



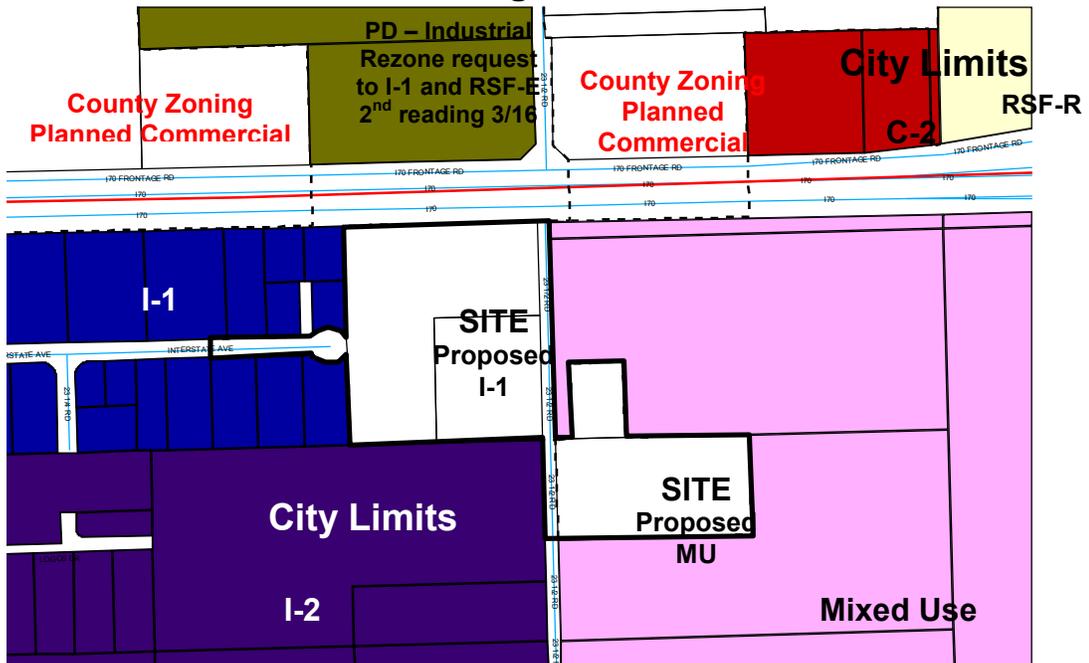
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN 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

WHEREAS, on the 16th day of March, 2005 the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction, a tract of land in the County of Mesa, State of Colorado, commonly known as the Webb Crane Enclave, and more particularly described as follows:

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 32, Township 1 North, 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 the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4 NE1/4 SW1/4) of said Section 32, and assuming the West line of the NE1/4 NE1/4 SW1/4 of said section 32 bears N00°04'46"E for a basis of bearings with all bearings contained herein being relative thereto: thence from said POINT OF BEGINNING along said West line N00°04'46"E a distance of 300.02 feet to the South Right of Way of Interstate Avenue recorded on the plat of Interstate Commercial Park, Plat Book 12, Page 288 of the Mesa County, Colorado public records; thence along said South Right of Way the following four courses, N89°59'13"W a distance of 8.05 feet; thence 114.86 feet along the arc of a 60.00 foot radius curve, concave North, through a central angle of 109°40'50", whose long chord bears S84°51'10"W with a long chord length of 98.11 feet; thence 21.68 feet along the arc of a 25.00 foot radius curve, concave Southwest, through a central angle of 49°40'48", whose long chord bears N65°08'49"W with a long chord length of 21.00 feet; thence N89°59'13"W a distance of 325.19 feet to the Northwest corner of Lot 4, Block 3 of said Interstate Commercial Park; thence N00°00'47"E a distance of 60.00 feet to the North Right of Way of said Interstate Avenue; thence along said North Right of

Way, S89°59'13"E a distance of 298.19 feet to the Southeast corner of Lot 14A of the Subdivision of Lots 14 & 15, Block One, Interstate Commercial Park, as recorded in Plat Book 13, Page 241 of the Mesa County, Colorado public records; thence along the East line of said lot 14A, N00°00'42"E a distance of 159.99 feet; thence S89°59'26"E a distance of 40.00 feet to the Northwest corner of Lot 15A of said Interstate Commercial Park; thence along the West line of said lot 15A S00°00'47"W a distance of 156.35 feet to the Southwest corner of said lot 15A; thence continuing along the South line of said lot 15A the following three courses: 7.99 feet along the arc of a 25.00 foot radius curve, concave Northwest, through a central angle of 18°19'15", whose long chord bears N49°29'37"E with a long chord length of 7.96 feet; thence 114.86 feet along the arc of a 60.00 foot radius curve, concave South, through a central angle of 109°40'50", whose long chord bears N84°49'36"E with a long chord length of 98.11 feet; thence S89°59'13"E a distance of 8.12 feet to the West line of the NE1/4 NE1/4 SW1/4 of said Section 32; thence along said West line N00°04'46"E a distance of 301.11 feet to the NW Corner of the NE1/4 NE1/4 SW1/4 of said Section 32; thence along the North line of the Northeast Quarter of the Southwest Quarter of said Section 32 S89°59'03"E a distance of 659.95 feet to the Northeast Corner of the Southwest Quarter of said section 32; thence along the East line of the NE1/4 SW1/4 of said section 32 S00°05'18"W a distance of 661.12 feet to the Southeast Corner of the NE1/4 NE1/4 SW1/4 of said Section 32; thence along the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW1/4 NW1/4 SE1/4) N89°59'32"E a distance of 63.96 feet; thence N00°05'39"E a distance of 250.00 feet; thence N89°59'32"E a distance of 174.24 feet; thence S00°05'39"W a distance of 250.00 feet to said South line; thence along said South line N89°59'32"E a distance of 421.17 feet; thence S00°04'35"W a distance of 330.44 feet; thence S89°58'53"W a distance of 659.44 feet to the East line of the NE1/4 SW1/4; thence along said East line N00°05'16"E a distance of 330.56 feet to the Southeast Corner of NE1/4 NE1/4 SW1/4; thence along the South line of the NE1/4 NE1/4 SW1/4 of said Section 32 N89°59'07"W a distance of 659.85 feet to the POINT OF BEGINNING.

Said parcel contains 16.89 acres (735,620 sq. ft.) more or less, as described

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R S.

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 commonly known as the Webb Crane Enclave, is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 16th day March, 2005.

ADOPTED and ordered published this ___ day of _____, 2005.

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 20FTFOR 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 24

Council Assignments for 2005-2006

RESOLUTION NO. __-05

**A RESOLUTION APPOINTING AND ASSIGNING
CITY COUNCILMEMBERS TO REPRESENT THE CITY
ON VARIOUS BOARDS AND ORGANIZATIONS**

Be it resolved by the City Council of the City of Grand Junction that:

1. Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED and ADOPTED this _____ day of _____, 2005.

ATTEST:

City Clerk

President of the Council

Date: May 4, 2005

To: Mayor and City Council

Re: City Council Assignments

CITY COUNCIL FORMAL ASSIGNMENTS

Individual Members will be assigned for each of the following:

Board/Organization	Meeting Day/Time/Place	05-2006 Assignments
Downtown Development Authority	1st & 3 rd Thursday @ 7:30 am @ various locations	Jim Doody
Grand Junction Housing Authority	4 th Monday @ 11:30 am @ 1011 N. 10 th	Teresa Coons
Walker Field Public Airport Authority	3 rd Tuesday @ 5:15 pm @ Airport (3 rd Floor)	Gregg Palmer
Associated Governments of Northwest Colorado	1 st Thursday - different municipalities	Jim Doody
Parks Improvement Advisory Board (PIAB)	3 rd Thursday @ 8:00 am (as needed) @ Parks & Rec. Administration	Doug Thomason
Parks & Recreation Advisory Committee	3 rd Thursday @ noon @ Two Rivers	Doug Thomason
Mesa County Separator Project Board (PDR)	Quarterly @ 750 Main St.	Doug Thomason
MC Community Transit Steering Committee (GVRTC)	4 th Monday @ 3:00 pm @ Old Courthouse (multipurpose room)	Bonnie Beckstein
Riverview Technology Corporation	2 nd Friday, quarterly, @ noon @ Incubator	Gregg Palmer
Grand Junction Economic Partnership	4 th Wednesday of every other month @ 7:00 am @ Airport, 3 rd floor	Bruce Hill
Economic Partners	Meets 1 st Wednesday @ 9 am @ Chamber	Jim Spehar, Bruce Hill and Kelly Arnold
Business Incubator	1 st Wednesday @ 7:30 am @ Incubator	Bruce Hill
Grand Mesa Slopes Steering Committee	As needed - various locations	Jim Spehar
Colorado Association of Ski Towns (CAST)	Meets six times a year – including at CML	Teresa Coons

	Conference	
Colorado Water Congress	Meets 3-4 times a year in Denver	Jim Spehar
Chamber Transportation Committee	Meets as needed	Bonnie Beckstein
FEMA Funding Board	Meets quarterly	Teresa Coons
Western Colorado Water, Inc. (WCW, Inc.)	Meets 2 nd Monday at 7:00 p.m.	Jim Spehar
Parking Management Advisory Group (PMAG)	As needed	Gregg Palmer
Chamber Governmental Affairs (Legislative) Committee	Meets biweekly during the legislative session and monthly during the rest of the year	Bruce Hill Jim Spehar
EMS Study Group	Meets 4 th Monday at 3:00 at County Administration (3 rd Floor)	Gregg Palmer
Methamphetamine Task Force	Meets 1 st Monday at 7:30 p.m.	Teresa Coons
5-2-1 Drainage Authority	Meets the 4th Wednesday of month at 3:30 p.m. in the Old Courthouse in Multi Purpose Room	Jim Doody

NO COUNCIL MEMBER ASSIGNMENTS

Individual Members will not be assigned to serve as a liaison to the following. To assure good communications the entire City Council will meet with these on an annual or as needed basis as indicated.

Meet with Annually

VCB

Riverfront Commission

Meet with as Needed

Museum of Western Colorado

MC Enterprise Zone Comm.

Meet with Semi-Annually

School District 51

Separate Memo not part of the Resolution

Date: May 4, 2005

To: Mayor and City Council

Re: Other City Council Commitments

Under "Other Council Commitments", these are not formal assignments made by Council but rather are either elected positions or appointments made by other entities, with Council's support. This is provided for informational purposes only.

"Strategic Plan Committees" are ad hoc committees created to address specific goals in the current Strategic Plan (2005-2006).

Other Council Commitments

National League of Cities

Community & Economic Steering Committee (1 year term)
Meets 4 times a year

Bruce Hill

Colorado Municipal League

Board of Directors (2 year term)
Meets many times per year

Jim Spehar
(Sec./Treas.)

Policy Committee (1 year term)
Meets 2 times a year

Bruce Hill

Strategic Plan Committees

Team #1: Using zoning and infrastructure as tools to encourage development along major corridors and citizen-based planning.

City Council Member(s): **Palmer, Spehar**

Team #2: Better local utilization of I-70 as a transportation corridor and funding options (including bonds) to accelerate road construction.

City Council Member(s): **Hill, Beckstein**

Team #3: Re-evaluate the Parks Master Plan.

City Council Member(s): **Hill, Thomason**

Team #4: Weeds

City Council Member(s): **Palmer, Thomason**

Team #5: Shelter & Housing

City Council Member(s): **Spehar, Coons**

Carryover from Last Year: Gateway & Beautification

City Council Member(s): **Hill, Doody**