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

WEDNESDAY, SEPTEMBER 7, 2005, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Retired Pastor Eldon Coffey

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

TO THE RIVERFRONT COMMISSION

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING SEPTEMBER 17 – 23, 2005 AS “CONSTITUTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING SEPTEMBER 18 – 24, 2005 AS “YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF NOVEMBER, 2005 AS “HOSPICE MONTH” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ORGANIZATION – PATTERSON GARDENS

CITIZEN COMMENTS

Charlie Kerr, Concerned Citizens Alliance, to make a presentation to City Council regarding the Bangs Recreation Area Management Plan.

Paul Nelson to ask Council to make changes in order to reduce the number of people that are running red lights in the City.

***** CONSENT CALENDAR ***®**

**** Indicates New Item*

® Requires Roll Call Vote

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

Action: Approve the Minutes of the August 17, 2005 Regular Meeting

2. **Setting a Hearing on Vacating a Portion of the Public Sidewalk Right-of-Way, Located at 201 and 205 Colorado Avenue** [Attach 2](#)

In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Proposed Ordinance Vacating a Portion of the Public Sidewalk Right-of-Way Located at 201 and 205 Colorado Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

Staff presentation: John Shaver, City Attorney

3. **Setting a Hearing on Vacating Right-of-Way Previously Dedicated through the City-owned Painted Bowl Property, Located Northwest of Monument Road and Mariposa Drive** [File # FP-2005-167] [Attach 3](#)

Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

Proposed Ordinance Vacating Right-of-Way Dedicated Across the City-owned Painted Bowl Property

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

Staff presentation: Kathy Portner, Planning Manager

4. **Setting a Hearing for the Ace Hardware Annexation, Located at 2140 Broadway** [File # ANX-2005-177] [Attach 4](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.3 acre Ace Hardware Annexation consists of 1 parcel and is a 3 part serial annexation.

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

Resolution No. 145-05 – 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, Ace Hardware Annexations #1-3, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

®Action: *Adopt Resolution No. 145-05*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #1, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #2, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #3, Approximately 2.24 Acres, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005*

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing for the Abeyta-Weaver Annexation, Located at 3037 D ½ Road and 432 30 ¼ Road** [File # GPA-2005-188] [Attach 5](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels and is a 2 part serial annexation.

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

Resolution No. 146-05 – 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, Abeyta-Weaver Annexations #1 and #2, Located at 3037 D ½ Road and 432 30 ¼ Road

®Action: *Adopt Resolution No. 146-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #1, Approximately 0.07 Acres, Located at 3037 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #2, Approximately 12.75 Acres, Located at 3037 D ½ Road and 432 30 ¼ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005*

Staff presentation: Senta L. Costello, Associate Planner

6. **Setting a Hearing on Accepting Improvements for Alley Improvement Districts 2005** [Attach 6](#)

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

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue

- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue
- The South ½ off the North/South Alley, 6th St. to 7th St., between Grand Avenue and Ouray Avenue

Resolution No. 147-05 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement Districts No. ST-05 and No. ST-05, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: Adopt Resolution No. 147-05, Introduction of Proposed Ordinance and Set a Hearing for October 19, 2005

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Setting a Hearing on the Intent to Create 26 Road & F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05** [Attach 7](#)

A majority of the owners of real estate located in the area of 26 Road and F ½ Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 148-05 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City, 26 Road and F ½ Road Sanitary Sewer Improvement District No. SS-47-05, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

®Action: *Adopt Resolution No. 148-05 and Set a Hearing for October 19, 2005*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Construction Contract for Reed Mesa Sewer District** [Attach 8](#)

A majority of the owners (77 supporting, 32 opposing, 2 split) of real estate located west of South Broadway, east of Meadowlark Lane, south of Hwy. 340, and north of Desert Hills Estates have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties.

Action: *Authorize the City Manager to Enter into a Construction Contract with M.A. Concrete Construction, Inc. in the Amount of \$1,172,373.75, Contingent on the Formation of the Local Improvement District by the County Commissioners on September 19, 2005.*

Staff presentation: Mark Relph, Public Works and Utilities Director

9. **Construction Contract for 2005 Curb, Gutter, and Sidewalk Replacement** [Attach 9](#)

The project consists of replacing sections of hazardous or deteriorated curb, gutter, and sidewalk in various locations throughout the City.

Action: *Authorize the City Manager to Sign a Construction Contract for the 2005 Curb, Gutter, and Sidewalk Replacement Project to BPS Concrete, Inc. in the Amount of \$59,538.54*

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **Construction Contract for New Curb, Gutter, and Sidewalk – Grand Avenue from 24th Street to 28 Road and Riverside Sidewalk Improvement** [Attach 10](#)

This project includes installation of new monolithic curb, gutter, and sidewalk along the south side of Grand Avenue from 24th Street to 28 Road. In the Riverside neighborhood, new sidewalk will be installed along the east side of Chuluota Avenue from Colorado Avenue to Hale Avenue. There will also be new sidewalk installed along the east side of Park Avenue, from Fairview Avenue to Riverside Drive.

Action: Authorize the City Manager to Sign a Construction Contract for the New Curb, Gutter, and Sidewalk – Grand Avenue, from 24th Street to 28 Road and Riverside Sidewalk Improvement to Reyes Construction in the Amount of \$120,904.60

Staff presentation: Mark Relph, Public Works and Utilities Director

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

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

11. Sister City Request – San Pedro Perulupan [Attach 11](#)

This is a request for the City of Grand Junction to enter into a “Sister City” relationship with the village of El Espino, San Pedro Perulapan, El Salvador, Central America.

Action: Approve a “Sister City” Relationship Between the City of Grand Junction, Colorado and the Village of El Espino, San Pedro Perulapan, El Salvador, Central America Through an Organization Known as the Foundation for Cultural Exchange

Staff presentation: David Varley, Assistant City Manager

12. Public Hearing – Zoning the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70 [File #GPA-2005-045] CONTINUED FROM AUGUST 17, 2005 [Attach 12](#)

Hold a public hearing and consider final passage of the ordinance to zone the 35.52 acre Twenty Three Park Plaza Annexation I-O (Industrial/Office Park).

Ordinance No. 3819 – An Ordinance Zoning the Twenty Three Park Plaza Annexation to I-O (Industrial/Office Park), Located at the NW corner of 23 Road and I-70

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3819

Staff presentation: Kathy Portner, Planning Manager

13. **Public Hearing – Loggains Annexation and Zoning, Located at 2234 Railroad Avenue** [File #ANX-2005-162] [Attach 13](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Loggains Annexation. The Loggains Annexation is located at 2234 Railroad Avenue and consists of 1 parcel on 5.69 acres. The zoning being requested is I-1.

a. Accepting Petition

Resolution No. 149-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Loggains Annexation, Located at 2234 Railroad Avenue is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3820 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Loggains Annexation, Approximately 5.69 Acres, Located at 2234 Railroad Avenue

c. Zoning Ordinance

Ordinance No. 3821 – An Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

®Action: Adopt Resolution No. 149-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinances No. 3820 and 3821

Staff presentation: Senta L. Costello, Associate Planner

14. **Public Hearing – Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue** [File #RZ-2005-121] [Attach 14](#)

Request to rezone 302 West Grand Avenue, comprised of .358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office). Planning Commission recommended approval of the rezone at its August 9, 2005 meeting.

Ordinance No. 3822 – An Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 West Grand Avenue

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3822

Staff presentation: Ronnie Edwards, Associate Planner

15. **Public Hearing – Vacating Right-of-Way Located at 1531, 1559, and 1561 High Street** [File #VR-2005-079] [Attach 15](#)

The applicant proposes to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line. The Planning Commission recommended approval of the right-of-way vacation on August 9, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Ordinance No. 3823 – An Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3823

Staff presentation: Ronnie Edwards, Associate Planner

16. **Public Hearing – Grand Junction Storm Water Ordinance** [Attach 16](#)

City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7th with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Ordinance No. 3824 – An Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 3824*

Staff presentation: Tim Moore, Public Works Manager

17. **Purchase of Property at 2741 D Road for the Riverside Parkway Project**

[Attach 17](#)

The City has entered into a contract to purchase a portion of the property at 2741 D Road from Parkerson Brothers LLC. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 150-05 – A Resolution Authorizing the Purchase of Real Property at 2741 D Road from Parkerson Brothers LLC

®Action: *Adopt Resolution No. 150-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Purchase Order for North-South River Road (East of City Shops) to 4th Avenue Undergrounding and Authorization to Public Service Company of Colorado to Use City Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Project**

[Attach 18](#)

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This contract will underground approximately 1.3 miles of power line from approximately River Road east of City Shops to 4th Avenue west of Koch Asphalt. The "invoice" from Xcel Energy states that the undergrounding cost is estimated at \$613,786. The City/Public Service 1% underground fund is proposed to back all of this project and \$386,214 of previously approved Riverside Parkway undergrounding for a total of \$1,000,000.

Resolution No. 151-05 – A Resolution Authorizing Public Service Company of Colorado d/b/a Xcel Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Improvement Project as Established in the Ordinance Granting a Franchise Signed November 4, 1992

®Action: *Adopt Resolution No. 151-05*

Staff presentation: Mark Relph, Public Works and Utilities Manager

19. **Design Contract for Downtown Parking Structure**[Attach 19](#)

A request for qualifications process was used to select Blythe Design + co. of Grand Junction as the Design Professional for the Downtown Parking Structure. Four proposals were submitted on June 30, 2005. All four firms were interviewed. Blythe Design + co. was selected over Watry Design, Inc. of Redwood City, California, Short Elliott Hendrickson Inc. of Grand Junction and Newman Cavender & Doane of Denver.

Action: Authorize the City Manager to Execute a Contract for Design of the Downtown Parking Structure to Blythe Design + Co. in the Amount of \$398,850

Staff presentation: Mark Relph, Public Works and Utilities Director

20. **NON-SCHEDULED CITIZENS & VISITORS**21. **OTHER BUSINESS**22. **ADJOURNMENT**

Attach 1
Minutes from Previous Meeting

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

AUGUST 17, 2005

The City Council of the City of Grand Junction convened into regular session on the 17th day of August 2005, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Coons led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Spiritual Center.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING THE WEEK OF AUGUST 29 – SEPTEMBER 5, 2005 AS "GRAND JUNCTION FIRE FIGHTER APPRECIATION WEEK" IN THE CITY OF GRAND JUNCTION, COLORADO AS REQUESTED BY THE MUSCULAR DYSTROPHY ASSOCIATION FOR THE FIRE DEPARTMENT'S PARTICIPATION IN THE "FILL THE BOOT" CAMPAIGN

APPOINTMENTS

TO THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

Councilmember Coons moved to appoint Deb Hoefler to the Visitor and Convention Bureau Board of Directors for an unexpired term expiring December 2007. Council President Pro Tem Palmer seconded the motion. Motion carried.

TO THE RIVERFRONT COMMISSION

Councilmember Beckstein moved to reappoint John Gormley, appoint Kathy Herzog and Dave Soker to the Riverfront Commission for 3 year terms expiring July 2008 and also appoint Lesley Blumberg to the Riverfront Commission for an unexpired term expiring July 2006. Councilmember Spehar seconded the motion. Motion carried.

CITIZEN COMMENTS

Mike Anton, President of Grand Junction Air Show, Inc., thanked the City Council and all the other entities in the City of Grand Junction for their participation in the 2005 Air Show. There was a storm on Saturday night that required a crew of volunteers to reset the show for Sunday, including City streets employees. They worked tirelessly until four o'clock in the morning to make sure the show was ready to go on Sunday.

The City Council presented Mr. Anton with Certificates of Appreciation for all the members of Grand Junction Air Show, Inc.

CONSENT CALENDAR

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

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the August 3, 2005 Special Session and the August 3, 2005 Regular Meeting

2. **Setting a Hearing on Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue** [File #RZ-2005-121]

Request to rezone 302 West Grand Avenue, comprised of 0.358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office).

Proposed Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 W. Grand Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

3. **Setting a Hearing for a Right-of-Way Vacation, Located at 1531, 1559, and 1561 High Street** [File #VR-2005-079]

Introduction of a proposed ordinance to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

Proposed Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

4. **Setting a Hearing on Zoning the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162]

Introduction of a proposed zoning ordinance to zone the Loggains Annexation I-1, located at 2234 Railroad Avenue.

Proposed Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

5. **Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the October 5, 2005 City Council Meeting** [File #ANX-2005-076] CONTINUED FROM JULY 6, 2005

Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the August 17, 2005 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the October 5, 2005 City Council Meeting.

Action: Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the October 5, 2005 City Council Meeting

6. **Request to Continue the Zoning of the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70** [File #GPA-2005-045]

Request to continue the Public Hearing for the Zoning of the Twenty Three Park Plaza Annexation. The City Council remanded the zoning consideration to the Planning Commission. It is scheduled for the August 23, 2005 Planning Commission hearing. The request will need to be continued to the September 7th City Council meeting.

Action: Continue the Public Hearing and Final Consideration of the Zoning Ordinance until the September 7, 2005 City Council Meeting

7. **Setting a Hearing for the Grand Junction Storm Water Ordinance**

City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7th with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Proposed Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005 and Authorize Publication in Pamphlet Form

8. **2006 LEAF Grant for DUI Enforcement**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for three years. This will be the third consecutive year the Grand Junction Police Department will be seeking funds from this grant source. Funding has been received during the past two years. In the 2005 process the Grand Junction Police Department applied for \$145,133 to fund DUI enforcement activities and a Mobile DUI vehicle. The Mobile DUI vehicle was denied, \$35,000 was awarded to fund DUI enforcement activities.

Action: Authorize the Grand Junction Police Department to Apply for the 2006 LEAF Grant in the Amount of \$146,987.05

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Designation of 131 S. 6th Street/560 Colorado Avenue as a Historic Structure [File # HBD-2005-174]

R.A. Schiesswohl, owner of the Schiesswohl Building located at 131 South 6th Street/560 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Kristen Ashbeck, Senior Planner, reviewed this item. She related the history of the family and the building to be designated as a historic structure. Jacob Schiesswohl, the grandfather of the current owner, was namesake of the building. There has recently been a renovation to the upper floor. The owners would like to apply for historic grant funding and the designation will make them eligible. The Historic Preservation Board felt the property met the required criteria for historical designation and recommended approval.

Council President Pro Tem Palmer inquired if there is other conveyance in historic designation. Ms. Ashbeck said there is no protection or regulations, the City can only make recommendations for renovations. Grant funding may have certain requirements that will need to be followed.

Resolution No. 141-05 – A Resolution Designating the Schiesswohl Building Located at 131 South 6th Street/560 Colorado Avenue in the City Register of Historic Sites, Structures and Districts

Councilmember Palmer moved to adopt Resolution No. 141-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Formation of Downtown Grand Junction Business Improvement District

The Downtown Grand Junction Business Improvement District group has turned in petitions which represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the District should be formed. The City Council may exclude property from the District as allowed by statute or if it deems it to be in the best interest of the District. Once the Improvement District is formed, the petition group has asked that Council set a special election for November 1, 2005 for a ballot question on a special assessment and authorizing the retention of all revenues (de-Brucing).

Council President Pro Tem Palmer stated as a downtown business owner he consulted the City Attorney as to conflict of interest. Even though the Attorney advised that no actual conflict exists, due to the possibility of an appearance of conflict, he recused himself from the item and left the Council chambers.

Council President Hill advised that his business occupies a downtown property and he signed a petition for the formation so to avoid any appearance of impropriety, he too will recuse himself. He asked former Council President Jim Spehar to preside over this portion of the meeting and he left the Council chambers.

Acting Council President Spehar opened the public hearing at 7:35 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She explained the request, how it was presented to her and what the Operating Plan submitted with the petitions stated. She reviewed the process and the purpose of the public hearing. Ms. Tuin stated the petitions represented 51.30% of the land and 62.91% of the assessed value of the proposed District.

Acting Council President Spehar asked for public comments.

Jim Golden, property owner of 2808 North Avenue, Suite 400, is supportive of the District as an owner of five storefronts and was authorized by his LLC to sign the petition. He also personally owns some parking lots in the 600 block of White Avenue for which he also supports the District. He also owns 7 lots at 6th Street and Grand Avenue on the northeast perimeter of the district, five are vacant and two lots are classified as residential. He identified what uses were in existence of each parcel. He disagrees with the presentation of what is included and what is not included. A residential property that is included in the district that is converted to commercial property would then be subject to the assessment. He suggested the boundary be adjusted. He noted discrimination on Pitkin Avenue where there are lots that are excluded from the taxation. There are a series of lots near Simmons Lock and Key that are excluded. He noted another, the Fireworks Shop on Spruce and Rice Street, as being excluded. He then referred to what he calls the Hadrian Wall of Grand Avenue at 6th Street and said that since there is no crosswalk going from the south side of the street to the north side of the street, he feels it should not be included in the district.

Councilmember Coons asked what the definition of commercial property is with respect to the Business Improvement District. City Attorney Shaver stated that commercial property is defined by the County Assessor.

Mr. Golden stated he checked each one of the properties at the 4th and Pitkin and at 3rd and Pitkin at the Assessors office and all those properties are commercial.

Acting Council President Spehar asked for clarification of the boundary. City Attorney Shaver stated that it is the proponents that defined the District.

Mr. Golden stated that he disagrees with Mr. Shaver. The Statutes state boundary and service area and in his view by combining that and everything within the boundary is the District.

City Attorney Shaver stated that the ordinance is drafted as specified by the proponents, therefore it is their District.

Councilmember Coons asked if someone wants to be excluded from the District, do they have to make a formal proposal to be excluded from the District. City Attorney Shaver responded affirmatively.

Helmut Hunger, owner of a shop at 545 Colorado Avenue, stated that in 2002, loading zone signs were placed over his easement, making it illegal to park out front. He has received tickets and many times his driveway was blocked by other trucks. He is asking what the City is going to do about it.

Acting Council President Spehar said he understands the issue but it is not subject to this public hearing tonight.

Mr. Hunger stated that the alley was cut down and was barricaded for about a month.

Acting Council President Spehar again stated that those issues are not subject to this hearing tonight and the appropriate way to handle this is to meet with the City Manager and have the City Manager report back to Council in four weeks.

Brunella Gualerzi, owner of Il Bistro, 400 Main Street, stated she has been actively involved in this project for close to two years. She has worked on this database, made some mistakes, took petitions to the City Clerk, had properties at the fringe of the district that were left out by mistake. The former City Market properties are owned by the Holy Family Foundation, and she thought they would be excluded by Statute. She is not aware of a barrier mentioned by Mr. Golden. They looked at what most people would consider what downtown would be, sent out a survey in January asking for feedback and it appeared that this was the area. They also looked at projects in the making; Grand Avenue appeared to be an important corridor with a lot of businesses; inclusion would make that area feel like a part of downtown. They also looked at south of Main Street and felt those areas would be a part of the core downtown. They tried to be equitable, hired consultants, formed town meetings, and talked one on one to citizens.

Scott Howard, DDA Board Member, worked on this project. It was a huge undertaking with hundreds of parcel owners. They had quite a bit of support from owners on Grand

Avenue. They stopped when they reached the 50% threshold of the value and the acreage. Very few people said they were opposed to the District. If some on the periphery do not want to be in the District, then maybe they shouldn't. City Market would not sign due to corporate rules not allowing signature on anything that will raise taxes. Property owners could sign the petition for each of their parcel numbers, however the vote will be different, it will only be one vote per entity.

Councilmember Coons asked if there is a process to include properties that were excluded from the District.

City Attorney Shaver stated that there is a later inclusion process that can happen at any time once the District is formed.

Councilmember Thomason asked if the proposed boundaries are final. City Attorney Shaver stated that the boundaries are not final until Council says they are final. City Council can always add or subtract properties.

City Manager Arnold asked about the specific contribution from City of Grand Junction noted in the Operating Plan and asked how they got that figure. Mr. Howard stated that he feels like Mesa County and the City have a stake in this. They have also talked to the County, hoping the City and County will kick in.

Acting Council President Spehar asked if the City is agreeing to that contribution tonight. City Attorney Shaver stated that the City is under no obligation by the action tonight.

Ms. Gualerzi stated that if the District is formed, they will be back requesting funds from the City.

City Manager Arnold asked if there a formula for getting to the \$25,000 figure. Ms. Gualerzi stated that it is based on need to be able to supplement the budget.

Mr. Howard said that as an average business owner, he will be paying around \$600; Main Street properties will pay more than those off of Main Street.

Ms. Gualerzi said that Main Street is the primary beneficiary; only the ground floor of properties will be assessed.

Mr. Howard gave a history of the City's current funding, the Downtown Partnership, and for three years, \$75,000 was given to them for marketing.

Councilmember Doody asked if \$25,000 is a start up or an annual request. Mr. Howard stated that it is just a figure that will be requested at this time and they will be willing to work with it.

Karen Vogel, Chief Financial Officer for Home Loan and also a DDA Board Member, is representing downtown business owners. She supports this. She wants to make sure that funding is ensured for downtown events and believes that everyone will benefit.

Dave Berry, manager of two philanthropic businesses at 327 N. 7th and 337 N. 7th. He does not want to be included in the District. He feels that the District won't help his businesses. He is against creating another taxing district.

Councilmember Coons asked what is the nature of his philanthropic businesses. Mr. Berry said they are a good place to start a business, they are old houses, a nice place to be, they don't make much money, are a lot of upkeep, and primarily offices.

Karen Hildebrandt, business owner of Unique Expressions on Main Street, stated that she has been part of this discussion for a number of years. They were given a challenge by the City to make the downtown more vibrant. They looked at a number of possibilities for funding, and agrees with the Business Improvement District. She also agrees with Karen Vogel, it will make the downtown more equitable and strongly urges the Council for favorable consideration to continue to enhance downtown.

Mary Donlan, owner 7th and Main Street property, which houses the Cabaret. She has owned the property since 1994. It has been a pleasure to work with City offices and the County offices. She believes that her tenants have brought a lot of people to Grand Junction annually. She would like to be excluded because her taxes have gone from \$3,000 to \$14,000 in last eleven years and she cannot pass the taxes onto the tenants. All of her tenant's profits have gone back into the business. The taxes from the District would work out to about \$1,380 per year. She related past experiences with DDA and having to redo the sidewalk and planting trees. There is some inequity in the plan, being that it is based on the footprint, and a lot of her building is warehouse. Other property owners have income producing floors that won't be assessed. There is also a proposal for a 5% increase, it is a burden. She supports downtown events. She addressed accountability and she doesn't mind paying the price for services but she does not feel her property has benefited from being in the DDA. She feels that the DDA is going to be the governing board in the District with the same people and the same attention. The DDA has other funding, grants, the TIF, their mill levy, and she doesn't understand the numbers, therefore would like to be excluded.

Corky Hunt, 521 Rood and 522 5th Street, requests to be excluded. He stated that Ms. Donlan has a point. Taxes are paid by people, not corporations. It is another layer of bureaucracy to a businessman that is trying to make a profit. Merchants will benefit the most from the District, and free enterprise should rule the roost, let the development people bring the value to the table and let the merchants gaining the most value pay for it.

Bill Thompson, 634 Ouray, owns Credit Jewelry and Loans at 401 Colorado Avenue. The downtown events adversely affect his business. He feels this will only help a small amount of people on Main Street. All downtown events take up all his parking. He is against the Business Improvement District.

Acting Council President Spehar asked Mr. Thompson if he was requesting to be excluded from the District. Mr. Thompson stated yes.

Dave Hildebrandt, co owner of Unique Expressions at 336 Main Street, believes the community should be talked about, not just the businesses. At first he thought Farmer's Market caused the business to suffer, but thought it was good for the community and can see that now it is beneficial for the community and businesses. He is bothered that some

people think that the committee didn't try to include them in the process. People on the committee tried very hard to make contact with everyone. There are thousands of people that come downtown and do benefit, either directly or indirectly. The process has not been perfect but should improve as time goes on. The City of Grand Junction has one of the greatest downtowns in Colorado. This type of district has proved to be successful in other communities.

Jim Golden, Attorney and property owner on 6th and Grand, is not part of the DDA District and has always been defined as not part of the District. He is not being critical of the committee; he realizes that they worked very hard.

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

Acting Council President Spehar began to move through exclusion requests. First of all Council should discuss Mr. Golden's seven parcels.

Councilmember Coons asked if there is a mechanism to re-evaluate the process of the assessment. Can it be changed in future years? City Attorney Shaver stated that there may be some adjustments to that but the fundamental proposal is not likely to change.

Councilmember Beckstein moved to accept Mr. Golden's request for those properties to be excluded. Councilmember Doody seconded. Motion carried with Councilmember Coons stating she was against excluding properties designated as commercial.

Councilmember Thomason moved to exclude the Berry properties, 327 and 337 N. 7th Street, from the Business Improvement District. Councilmember Beckstein seconded. Motion carried.

Councilmember Beckstein moved to exclude the Donlan properties at 7th Street and Main Street, from the Business Improvement District. Councilmember Thomason seconded. Motion carried with Councilmembers Coons and Spehar voting NO.

Councilmember Thomason moved to exclude the Thompson property at 401 Colorado Avenue from the Business Improvement District. Councilmember Doody seconded. Motion carried with Councilmembers Coons and Spehar voting NO.

Councilmember Doody moved to exclude the Hunt properties at 521 Rood Avenue and 155 N. 5th Street from the Business Improvement District. Councilmember Thomason seconded. Motion failed with Councilmembers Coons, Spehar and Beckstein voting NO.

Councilmember Beckstein asked the City Attorney for clarification on the next action of the Business Improvement District. City Attorney Shaver clarified the process for the future.

Councilmember Coons stated that the former City Council requested the business property owners downtown find a way to replace the \$75,000 and the proponents have made a good faith effort and found a reasonable way to replace those funds. This is a community and what happens downtown benefits all and all of those downtown, too many downtown communities have died because no one goes there. It is important to bring people downtown for events as they will see other store fronts and signs that advertise

other businesses and that's a good reason to support what the Downtown Business Improvement District is doing, and therefore supports the ordinance.

Councilmember Doody stated that the committee worked hard to get the BID in front of Council, and marketing and promoting goes further than that and the events. He is in favor of the ordinance.

Ordinance No. 3815 – An Ordinance Creating and Establishing the Downtown Grand Junction Business Improvement District and Approving an Operating Plan and Budget Therefor

Councilmember Thomason moved to adopt Ordinance No. 3815 as amended with the previous exclusions on second reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill and Council President Pro Tem Palmer returned to the Council chambers. Council President Hill presided over the remainder of the meeting.

Setting a Special Election, Approving an Intergovernmental Agreement with Mesa County and Approving a Mail Ballot Plan for the Downtown Grand Junction Business Improvement District Special Assessment

The City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District (DGJBID) has been requested to set a Special Election to vote on a Special Assessment for the properties in the newly formed District. In conjunction with setting an election, the Board for the DGJBID will need to approve an Intergovernmental Agreement with Mesa County and approve a Mail Ballot Plan with the Secretary of State.

Stephanie Tuin, City Clerk, reviewed this item. She explained the Special Assessment and the election process as well as the actions associated with the election.

Resolution No. 142-05 – A Resolution Calling a Special Election in the Downtown Grand Junction Business Improvement District; and Providing Other Details Relating Thereto

Councilmember Spehar moved to adopt Resolution No. 142-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 9:10 p.m.

The meeting reconvened at 9:23 p.m.

Infill/Redevelopment Incentive Request – 202 North 7th Street

This is a request for infill/redevelopment incentives for an office building to be built on the northeast corner of 7th Street and Rood. Incentives include relaxation of select requirements in the Transportation Engineering Design Standards (TEDS), financial assistance to move and replace the existing sewer, financial contributions for façade

improvements and assistance with several off-site improvements likely to be required as part of development review.

Bob Blanchard, Community Development Director, reviewed this item. There are some potential financial impacts in this request. Mr. Blanchard reviewed the adoption of the program. Very specific boundaries for such incentives were mapped, criteria was developed, nine potential incentives were identified, and a committee was identified for review of all requests. Ten applications were received at the time of the report and since the date of the report, five more have been received. Three applications were deemed valid. The specific request is for 202 North 7th Street, a two story office building on the northeast corner of 7th Street and Rood Avenue. The property is currently fenced and there is a vacation of the alleyway and undergrounding of utility lines being requested. Mr. Blanchard then deferred to Assistant to the City Manager Sheryl Trent for more explanation. Ms. Trent reviewed some of the requirements of the program, they have had several meetings with the applicant. The process allows the applicant to ask for a wide variety of things and that is encouraged. Some of them are assistance with the review, a request for a relaxation of Transportation Engineering Design requirements (that will be handled at the staff level), financial participation including: the original application mentioned a relocation of the sewer line; a scan first showed it needed to be repaired and a new scan showed that to be an error so that is no longer necessary; assistance with the facade upgrade to limestone is the applicant's priority request, a number of off site improvements were mentioned, undergrounding is not a requirement of the applicant so if the City chooses to do it, it would cost the City about \$75,000. Since the lines continue across 7th Street, it is staff's recommendation to continue the undergrounding across 7th Street if the City chooses undergrounding. Last, the applicant is asking that the City landscaping be extended closer to the building on 7th Street and Rood Avenue. Staff recommendation is to focus on the infrastructure and then contribute to the landscaping in the estimated amount of \$30,000. Staff recommends the funding should come from the economic development fund. Future applications should be funded through specific funds. The additional undergrounding across 7th Street is estimated at \$5,000.

Council President Pro Tem Palmer supported the landscaping and undergrounding request, but is uncomfortable with the recommendation on paying the 60% for facade upgrade.

Councilmember Spehar agrees with staff recommendation. He didn't anticipate enhancements would be a part of the infill/redevelopment, he thought it was to help properties with problems areas.

City Manager Arnold suggested that further discussion on the purpose of the infill/redevelopment policy can be done at another time.

Councilmember Thomason asked if undergrounding is usually paid by developers on a project that is not an infill/redevelopment project. Ms. Trent stated that the Zoning and Development Code requires, under certain guidelines, that if the property is required to have undergrounding, the developer would be required to pay. This property is too short, but it is not required. She also mentioned that the property owner provided documentation that showed the facade improvement will not increase the value of the building.

Councilmember Coons is glad to see that the vacant property is being developed. She supports the undergrounding, supports the landscaping, and is also troubled by the request to support the facade improvement.

Councilmember Doody said he is pleased to see this incentive is available, and he agrees with undergrounding and supports the landscaping request.

Councilmember Thomason sees this request as a trend for upcoming projects. The list of incentives is a wish list for a point to begin negotiations. He too supports undergrounding and landscaping.

Councilmember Beckstein also supports the request for undergrounding and landscaping and believes the limestone would be an enhancement, but without it, it would still be a nice building. She liked Councilmember Thomason's wish list idea.

Council President Hill asked for more clarification on the TEDs exception for the entryway into the parking lot.

Ms. Trent stated it is the entryway to the parking lot off of Rood Avenue. It deals with the sight distances and the line distances between 7th Street and the other entryways along there. It is a common request.

Council President Hill stated that there may be instances where a facade improvement could be considered, but Council must balance the benefit with the costs and weigh all the factors. He solidly supports the undergrounding and landscaping.

Councilmember Spehar moved to approve the request for infill/redevelopment incentives for the property to constructed 202 N. 7th Street specifically contributing the estimated \$75,000 cost for undergrounding power lines in the alleyway from 7th Street to 8th Street and to also extend 7th Street urban landscaping to a maximum of \$16,000 and replace sidewalk and extend landscaping east along Rood Avenue not to exceed \$14,000. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Position on Statewide Issues Referenda C & D

The Grand Junction City Council is considering a resolution endorsing State Referenda C & D.

David Varley, Assistant City Manager, reviewed this item. He explained that the two referenda are being referred to the voters by the legislature to address the affect of TABOR on the State budget. Numerous organizations have taken a position on these two issues. The proposed resolution is in support of the referenda. The Council has the option to discuss and take action either in favor or against the two referenda or take no action.

Council President Hill noted that there was a broadcasted forum held on a regular workshop night with a number of officials. He asked for individual comments from Councilmembers.

Councilmember Coons is in support of the Referenda C & D. The reasons are multiple; it is not a way of subverting TABOR, it is a way of deciding, as voters, to have an opportunity, as our economy has improved, to take some of that money to restore some of the funding that was cut during the economic downturn, and to do some of the projects that have not been done due to the lack of funding. Additional cuts of \$500 million from the State budget would be made if Referenda C & D are not approved. Roads and courts are two areas that would be cut. The tax refund to individuals would be \$24. She feels that if \$24.00 per taxpayer was retained by the State, the State could really do something with those funds.

Councilmember Beckstein does not personally support Referenda C & D. She is concerned with possible future downturns in the economy. There are areas in the State that still need to be addressed first; property taxes for businesses need to get under control, and trust accounts should not be raided during downturns. She would like to see the State rethink this, to address those problems first. With reservations, she cannot support it at this time.

Councilmember Thomason was hesitant to say much. He is against D because of the huge debt it would create for the State of Colorado. He is somewhat in favor of C. Amendment 23 and the Gallagher amendment need to be addressed. He will go along with Council in support of the Resolution.

Council President Pro Tem Palmer agrees with Councilmember Beckstein and doesn't support Referenda C & D. He understands the intent of legislature but feels that Amendment 23 and the Gallagher amendment need to be addressed. The ratcheting effect of TABOR needs to be addressed. Council's action really doesn't matter on this tonight because the voters will decide. He won't support the Resolution.

Councilmember Spehar stated that it is entirely appropriate to ask voters to temporarily modify TABOR, and appropriate for Council to take a position. He will support the Resolution on C & D for a couple of reasons; there are five highway projects in Mesa County that will be affected. The City will benefit with the State funding the liability in the Fire and Police Pension Fund. He is not afraid of the bonding scenario. The recent State budget cuts now has cut air and water quality areas and may have the Feds move in to oversee. There is a lack of energy impact funds for grants; there are impacts on Mesa State College and higher education in general. He recognizes that it is not a perfect solution. The reality that homeowners voting to reduce the taxes paid by businesses is not likely. Giving up \$24 of tax refund is worth the investment.

Councilmember Doody stated that all of these points are good points, and he agrees with Councilmembers Spehar and Coons. Governor Owens crossed party lines to put this together working with the legislature. Having a vision, perhaps short term, is important for all the Mesa County projects. He encourages voters to educate themselves on Referenda C & D and vote on it. He supports Referenda C & D.

Council President Hill advised that he is intentionally staying neutral, because his role is to make sure all of Council have their say. He has been bombarded by the problems of the State budget. The State has suffered a recession, dropped 17%, and now must move forward from a new base. The State has been pulling funds out of its savings accounts, college funds, which is why there have been cuts to higher education. He feels

that the State needs to touch all the funds and deal with all of it. The State is pushing down issues to local government. The City needs to make sure to do its part. There are points in Referendum C in that it deals with the ratcheting down affect; it would average out to have more consistency and would hopefully keep excess revenues. TABOR allows for it and the Referendum specifies what it will be spent on. Referendum D is simply asking for permission to borrow money. Without Referendum D, there are no projects in Mesa County. The State needs Referendum C to pay for it. He can support and is willing to support Referenda C & D with mixed emotions to support a Resolution. He likes to hear what the public has to say. There is conflict whether this is the right thing to do, therefore he is not sure if he can support a Resolution.

Councilmember Spehar pointed at that, also in addition to the mechanical things Council does, as leaders, if Council believes in those things, they should suggest to citizens and recommend a role to them.

Councilmember Coons added that they, as Councilmembers, are also stewards for the City. It is important that Council looks at impact on the City and not their individual viewpoints, and take a stand on the Resolution.

Resolution No. 143-05 – A Resolution Supporting Referenda C and D

Councilmember Spehar moved to adopt Resolution No. 143-05. Councilmember Coons seconded the motion. Motion carried by roll call vote with Beckstein, Palmer and Hill voting NO.

Public Hearing - Water's Edge No. 2 Annexation and Zoning, Located at 2927 D Road [File #ANX-2005-116]

Acceptance of a petition to annex and consider the annexation and zoning for the Water's Edge No. 2 Annexation. The Water's Edge No. 2 Annexation is located at 2927 D Road and consists of 1 parcel on 0.97 acres. The zoning being requested is RMF-8.

The public hearing was opened at 10:34 p.m.

Bob Blanchard, Community Development Director, presented the item on behalf of Senta L. Costello, Associate Planner. He explained that the Persigo Agreement requires annexation and zoning for the property to be developed under the Future Land Use Map. He described the location, the existing uses, the future land use designation and the designation under the Pear Park Plan. The zoning criteria that apply have been met. The Staff finds that the request is compatible with the surrounding neighborhood as well as that there are adequate facilities. Staff recommends that it is consistent and the Planning Commission recommended approval. The annexation will attach to the property to the east which is already zoned the same.

Tracy Moore, Development Construction Services, representing the applicant, had nothing to add but could answer questions.

There were no public comments.

The public hearing was closed at 10:39 p.m.

a. Accepting Petition

Resolution No. 144-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Water's Edge No. 2 Annexation, Located at 2927 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3816 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge No. 2 Annexation, Approximately 0.97 Acres, Located at 2927 D Road

c. Zoning Ordinance

Ordinance No. 3817 – An Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

Councilmember Palmer moved to adopt Resolution No. 144-05 and Ordinance Nos. 3816 and 3817 on second reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road [File #RZ-2005-163]

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

The public hearing was opened at 10:40 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the location and noted the site is surrounded by the Paradise Valley Mobile Home Park with the Pomona School across the street. The current zoning is inconsistent with the Growth Plan so the property must be rezoned to develop it. The applicants are asking for RMF-12 which is consistent with the Growth Plan. A required neighborhood meeting was held and ten neighbors were present. The concerns were traffic and noise. The Planning Commission found the request is consistent with the Growth Plan and recommended approval.

Councilmember Coons asked Ms. Bowers to address the concerns of traffic and noise. Ms. Bowers stated that recent improvements have been done to 25 Road to accommodate growth in the area, new sewer lines and water lines have been installed so all utilities are there.

Councilmember Palmer asked if RMF-8 is also consistent with the Growth Plan. Ms. Bowers stated yes, the zoning could be RMF-8 or RMF-12 and still be consistent.

Ms. Bowers stated that the applicant is not present but some citizens are present.

Dave Landis, manager of Paradise Hills Mobile Home Park, stated that the Park zoning is 7 units per acre, and it was built at 6.7 units per acre. Improvements to the road have made things better. The proposed project will add two accesses just up from the school,

and that concerns him. He feels that 8 units per acre would be a better number. He sits on the Pomona Accountability Committee and the school officials are concerned about traffic going in and out directly across from the bus area. Paradise Hills Mobile Home Park has about 55 children that walk to school. They are concerned for the safety of the kids.

Councilmember Thomason asked if there is only one entrance into the facility. Mr. Landis said yes and it has been working better with improvements but will be affected by this development.

There were no other public comments.

The public hearing closed at 10:48 p.m.

Councilmember Beckstein asked how additional traffic will be handled. Ms. Bowers stated that originally interconnectivity was asked for into the mobile home park, but was cut from the plan.

Council President Hill asked what the proposed zoning would accommodate. Ms. Bower stated single family homes, attached townhomes, apartments, and condos.

Council President Hill believes that the zoning in higher densities allows closeness to amenities, access to school and parks.

Councilmember Spehar agrees with Council President Hill, particularly in areas where the facilities exist, higher densities need to be considered. He feels this location is appropriate.

Councilmember Thomason is okay with the zoning change but is concerned with what will go in with that space. He supports zone change, but would have to take a longer look.

President of the Council Pro Tem Palmer's initial reaction when seeing the property was there would be a lot of people in that spot, directly across from the school, and he would be more comfortable with RMF-8.

Councilmember Doody is familiar with area, and is more comfortable with RMF-8, and knowing density of mobile home park, is more comfortable with RMF-8.

Councilmember Coons stated that the location of school is both a plus and minus. She is in favor of a higher density because higher density needs to be looked at for opportunity, but RMF-8 fits the community better.

Councilmember Beckstein stated that she is leaning toward RMF-8 because of the traffic concerns and only one street access. She believes it would be safer with lower density.

President of the Council Hill asked City Attorney Shaver if, because Planning Commission recommended RMF-12, a supermajority is needed. City Attorney Shaver said no, Council would not be overturning a denial, there are two zoning designation possibilities.

Ordinance No. 3818 – An Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road, Pomona Commons, to RMF-12

Councilmember Palmer moved to adopt Ordinance No. 3818 amending the zoning to RMF-8 on second reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote with Spehar and Hill voting NO.

Initiation of Condemnation Proceedings for the Acquisition of a Portion of the Property at 2741 D Road for the Riverside Parkway Project

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2741 D Road.

The City Attorney requested the matter be continued to the next regularly meeting.

Councilmember Palmer moved to continue the matter until the next regularly scheduled meeting. Councilmember Spehar seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Review of workshop agenda. City Manager Arnold advised the Council that the next meeting is August 29th with IDI. On that day Council will meet in a public process for 7th Street Improvements. He suggested that Council have a meeting outside of the public process the same date. He advised Council that he will get back to them on the specifics.

On September 19th, City Manager Arnold would like to schedule Council to discuss economic development strategies, followed by a watershed tour.

Councilmember Palmer and City Manager Arnold have been invited to an RTC meeting regarding a preferred master plan and request for inclusion in 201 sewer boundary. This will be on the bin list and scheduled in the next 45 days.

Councilmember Doody asked City Manager Arnold about Botanical Gardens. City Manager advised that it was put off until October 3rd.

ADJOURNMENT

The meeting adjourned at 11:08 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

**Vacating a Portion of the Public Sidewalk ROW, Located at 201 & 205 Colorado
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Vacating a Portion of the Public Sidewalk Right of Way Located at 201 and 205 Colorado Avenue						
Meeting Date	September 7, 2005						
Date Prepared	September 1, 2005				File #		
Author	John Shaver			City Attorney			
Presenter Name	John Shaver			City Attorney			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Budget: No impact.

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005.

Attachments: Proposed Ordinance

Background Information: The Grand Junction Downtown Development Authority is the owner of Lots 1 and 2, Block 123 of the City of Grand Junction also know as 201 and 205 Colorado Avenue.

The DDA, in order to facilitate the sale of the property to a private party, has requested that the City vacate a portion of the sidewalk into which the building located on the property encroaches. The title company required a survey. The survey showed that the building encroaches on the adjacent sidewalks. The extent of encroachment varies with the maximum encroachment being .43 feet. The sidewalks are within the public rights-of-way for Colorado Avenue and South 2nd Street as dedicated on the original plat of the City of Grand Junction.

Vacating the public rights-if-way will accommodate renovation of the building facade.

CITY OF GRAND JUNCTION

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF THE PUBLIC SIDEWALK
RIGHT-OF- WAY LOCATED AT 201 AND 205 COLORADO AVENUE

Recitals.

The Grand Junction Downtown Development Authority, hereinafter referred to as the DDA, is the owner of the following described real property, to wit: Lots 1 and 2, Block 123 of the City of Grand Junction, also known as 201 and 205 Colorado Avenue in the City of Grand Junction.

The DDA, in order to facilitate the sale of the property to a private party, has requested that the City vacate a portion of the sidewalk into which the building located on the property encroaches. The sidewalks are within the public rights-of-way for Colorado Avenue and South 2nd Street as dedicated on the original plat of the City of Grand Junction.

In order to insure title to the property, the title company required a survey. The survey, which is incorporated by reference, showed that the building encroaches on the adjacent sidewalks. The extent of encroachment varies with the maximum encroachment being .43 feet. To resolve any question or claim of ownership, vacation of a portion of the sidewalk right of way is proposed. The vacation will accommodate renovation of the building facade

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

City Council finds that the vacation meets the criteria set forth in Section 2-11 of the Zoning and Development Code and in accordance therewith does vacate the area of encroachment not to exceed .43 feet as shown on the improvement survey plat dated August 9, 2005 (Exhibit A), which survey is on file in the Mesa County land survey records. Said survey is incorporated herein as if fully set forth.

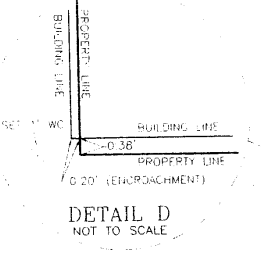
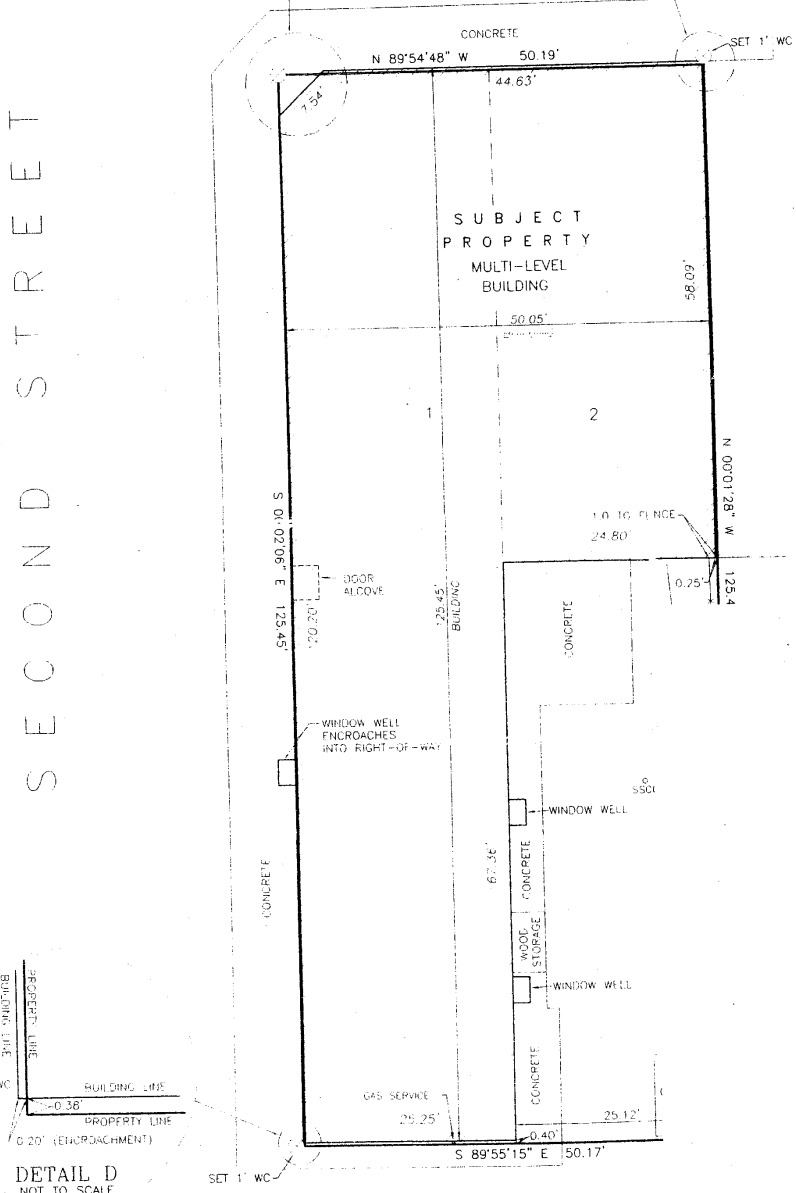
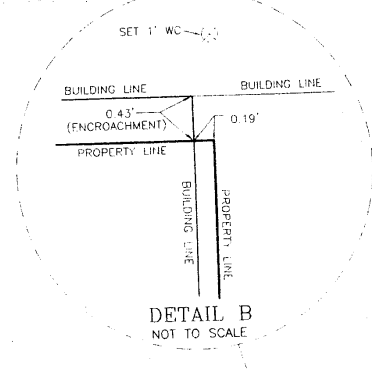
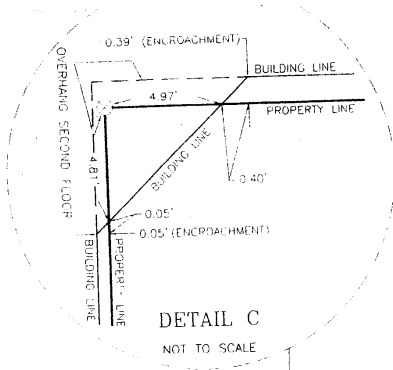
INTRODUCED for FIRST READING and PUBLICATION this 7th day of September 2005.

PASSED on SECOND READING this day of 2005.

ATTEST:

Stephanie Tuin
City Clerk

Bruce Hill
Mayor and President of City Council



SECOND STREET

ALLEY

EXHIBIT A

Attach 3

**Vacating ROW Located Northwest of Monument Road and Mariposa Drive
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Setting a hearing to vacate right-of-way previously dedicated through the City-owned Painted Bowl property, located northwest of Monument Road and Mariposa Drive						
Meeting Date	September 7, 2005						
Date Prepared	August 25, 2005				File # FP-2005-167		
Author	Kathy Portner		Planning Manager				
Presenter Name	Kathy Portner		Planning Manager				
Report results back to Council	x	No		Yes	When		
Citizen Presentation		Yes	x	No	Name		
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to vacate right-of-way previously dedicated through the City-owned Painted Bowl property.

Budget: N/A

Action Requested/Recommendation: Introduction of the proposed right-of-way vacation ordinance and setting a hearing for September 21, 2005.

Attachments:

1. Staff report/Background information
2. Vicinity Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Resolution No. 112-05
5. Ordinance

Background Information:

See attached.

AGENDA TOPIC: Vacation of Public Right-of-Way, Redlands Mesa, Filing 7 (FP-2005-167)

ACTION REQUESTED: Introduction of the proposed right-of-way vacation ordinance and setting a hearing for September 21, 2005.

BACKGROUND INFORMATION			
Location:		Northwest of Monument Road and Mariposa Drive	
Applicants:		Sunflower Investments, LLC	
Existing Land Use:		Unimproved right-of-way	
Proposed Land Use:		Relocate the right-of-way	
Surrounding Land Use:	North	Public	
	South	Public	
	East	Public	
	West	Residential Medium Low/Park	
Existing Zoning:		CSR	
Proposed Zoning:		No change	
Surrounding Zoning:	North	CSR	
	South	CSR	
	East	CSR	
	West	PD (Planned Development)	
Growth Plan Designation:		Public	
Zoning within density range?		<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No

PROJECT DESCRIPTION: Introduction of a proposed ordinance to vacate right-of-way previously dedicated through the City-owned Painted Bowl property.

RECOMMENDATION: Staff and Planning Commission recommend approval.

ANALYSIS

1. Background

Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property (just to the south of this proposed right-of-way) to provide access to the Ridges (Book 1037, Page 381-382). The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

2. Consistency with the Growth Plan

The vacation of the right-of-way and subsequent designation of the alternative location provides a secondary access to the Redlands Mesa development, as well as the Ridges and is consistent with the Growth Plan. It is also consistent with the approved Outline Development Plan for Redlands Mesa.

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

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

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
- b. No parcel shall be landlocked as a result of the vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
- 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).
- 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.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The vacation of the existing dedicated, unimproved right-of-way conforms to the above criteria.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa right-of-way vacation application, FP-2005-167, for the vacation of a public right-of-way, staff makes the following findings of fact and conclusions:

1. The requested 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.

RECOMMENDATION:

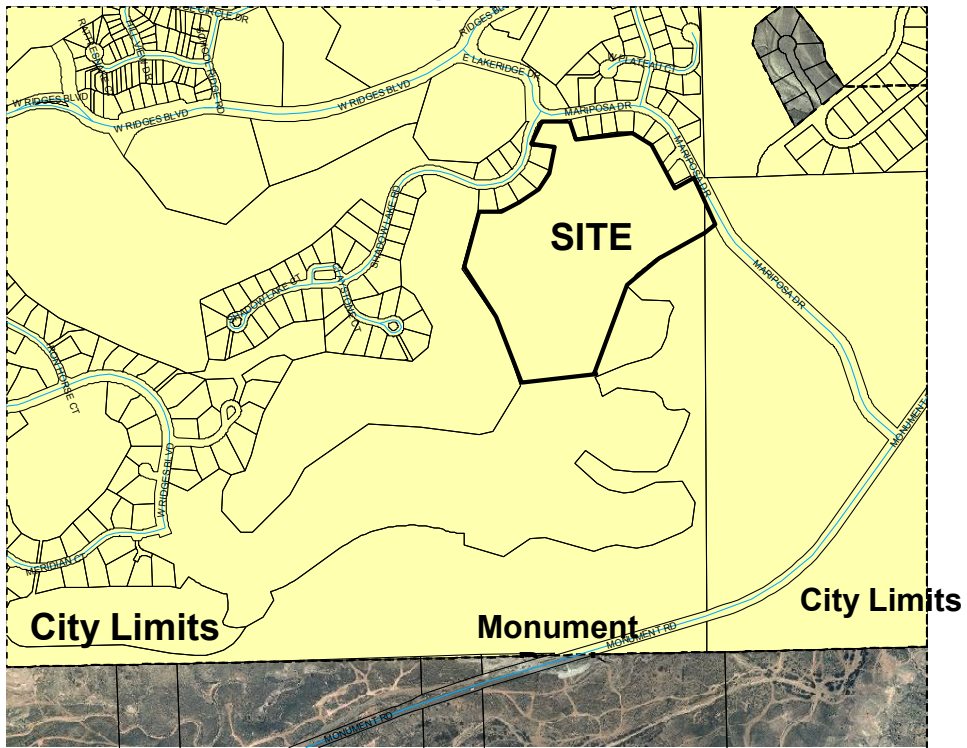
Staff and Planning Commission recommend approval of the requested right-of-way vacation with the findings and conclusions listed above.

Attachments:

Vicinity Map/Aerial Photo
Growth Plan Map/Zoning Map
Resolution No. 112-05
Ordinance

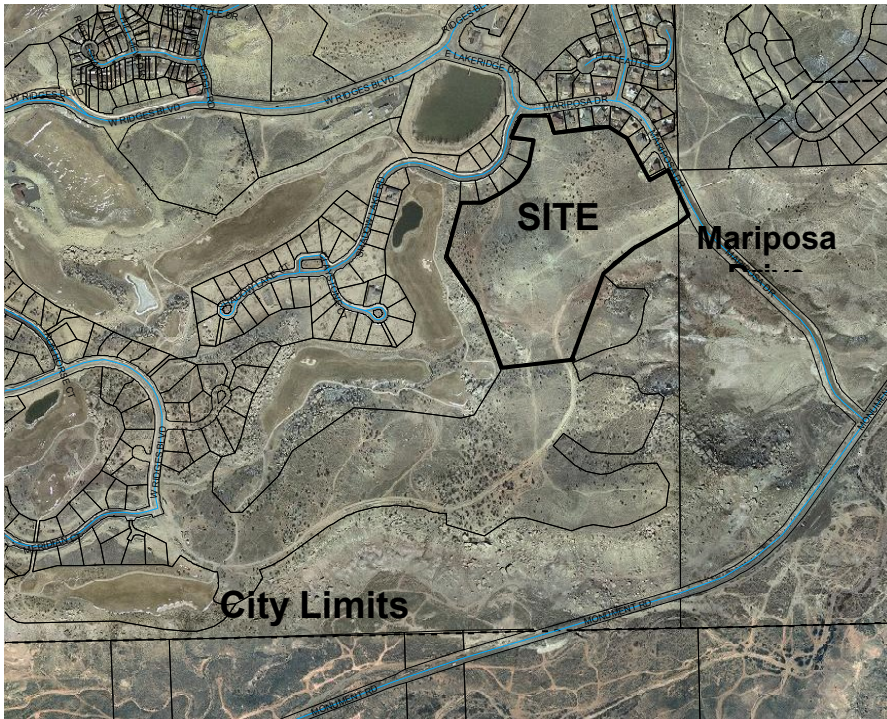
Site Location Map

Figure 1



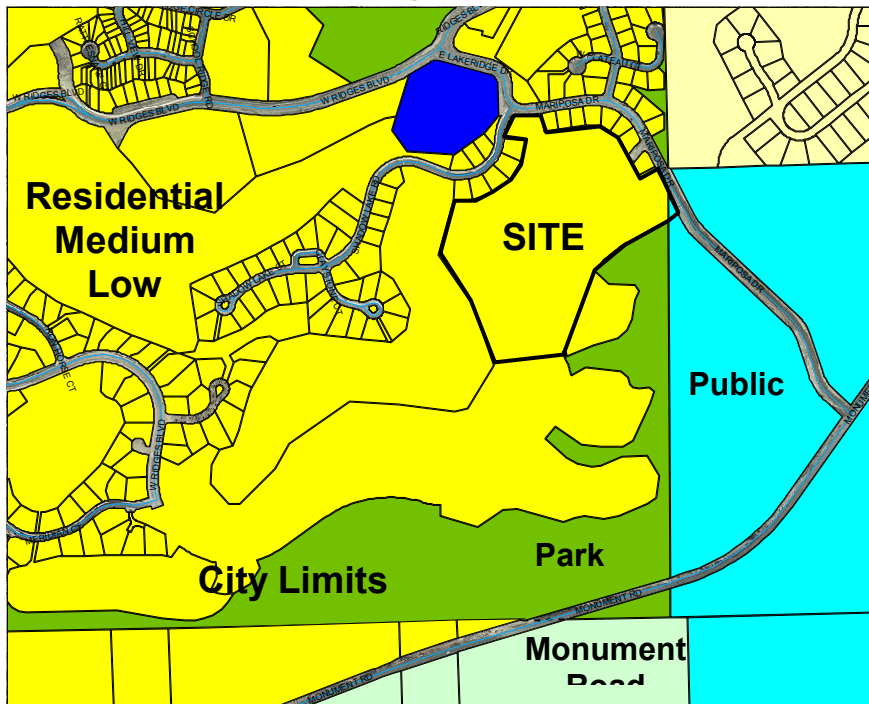
Aerial Photo Map

Figure 2



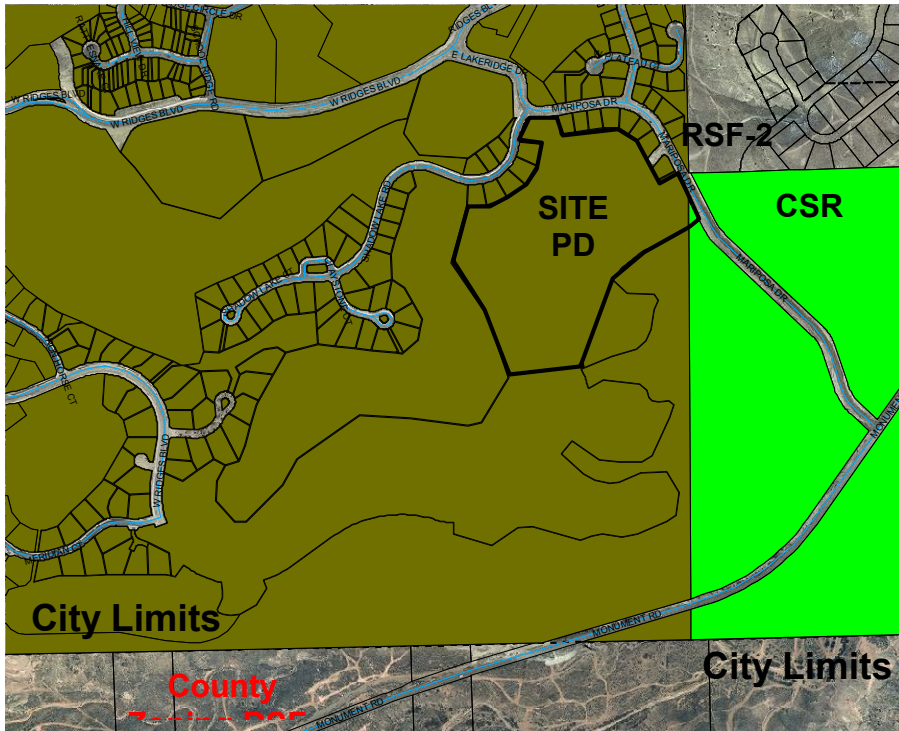
Future Land Use Map

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."

RESOLUTION NO. 112-05

A RESOLUTION APPROVING DESIGNATION OF CITY OWNED LAND AS RIGHT-OF-WAY

Recitals

Sunflower Investment, LLC has applied to the City to develop Redlands Mesa, Phase IV as a Planned Development. The proposed development is for Block 3 of Redlands Mesa Filing No. 5, recorded with the Mesa County Clerk & Recorder in the public records in Plat Book 3553, Pages 918-923. Sunflower Investment has requested City Council to designate City owned land as right-of-way for access to the parcel.

The Planning Commission has recommended that City Council approve the proposed Preliminary Plan and Planned Development Ordinance with the condition that the right-of-way access must be obtained.

City staff has reviewed the proposed use of the City land as right-of-way. Staff recommends that the City Council designate the land included in the legal description set forth in the attached Exhibit A and depicted in the accompanying sketch, incorporated herein as if fully rewritten, as right-of-way for the use and benefit of Sunflower Investment for the purposes of the Redlands Mesa subdivision.

City Council has considered the value of the land and the benefit of designating the land for use as right-of-way and consents to the same.

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

Upon the vacation of the Right-of-Way granted by Resolution and recorded at Book 1037, Pages 381-382, Mesa County Clerk and Recorder, the City shall designate the land described in the attached Exhibit A as right-of-way.

PASSED, ADOPTED AND SIGNED this 15th day of June, 2005.

President of City Council

ATTEST:

City Clerk

EXHIBIT A

A parcel of land situated in the northwest quarter of the southwest quarter of Section 21, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the west quarter corner of said Section 21;
Thence along the west line of said Section 21 South 1°14'38" West, a distance of 151.69 feet to a point on the west edge of a right-of-way described in Book 1136 at Page 301, being the Point of Beginning;
Thence along said right-of-way South 26°04'06" East, a distance of 161.42 feet;
Thence South 76°05'00" West, a distance of 76.74 feet to the west line of said Section 21;
Thence along said west line North 01°14'38" East, a distance of 163.49 feet to the Point of Beginning.

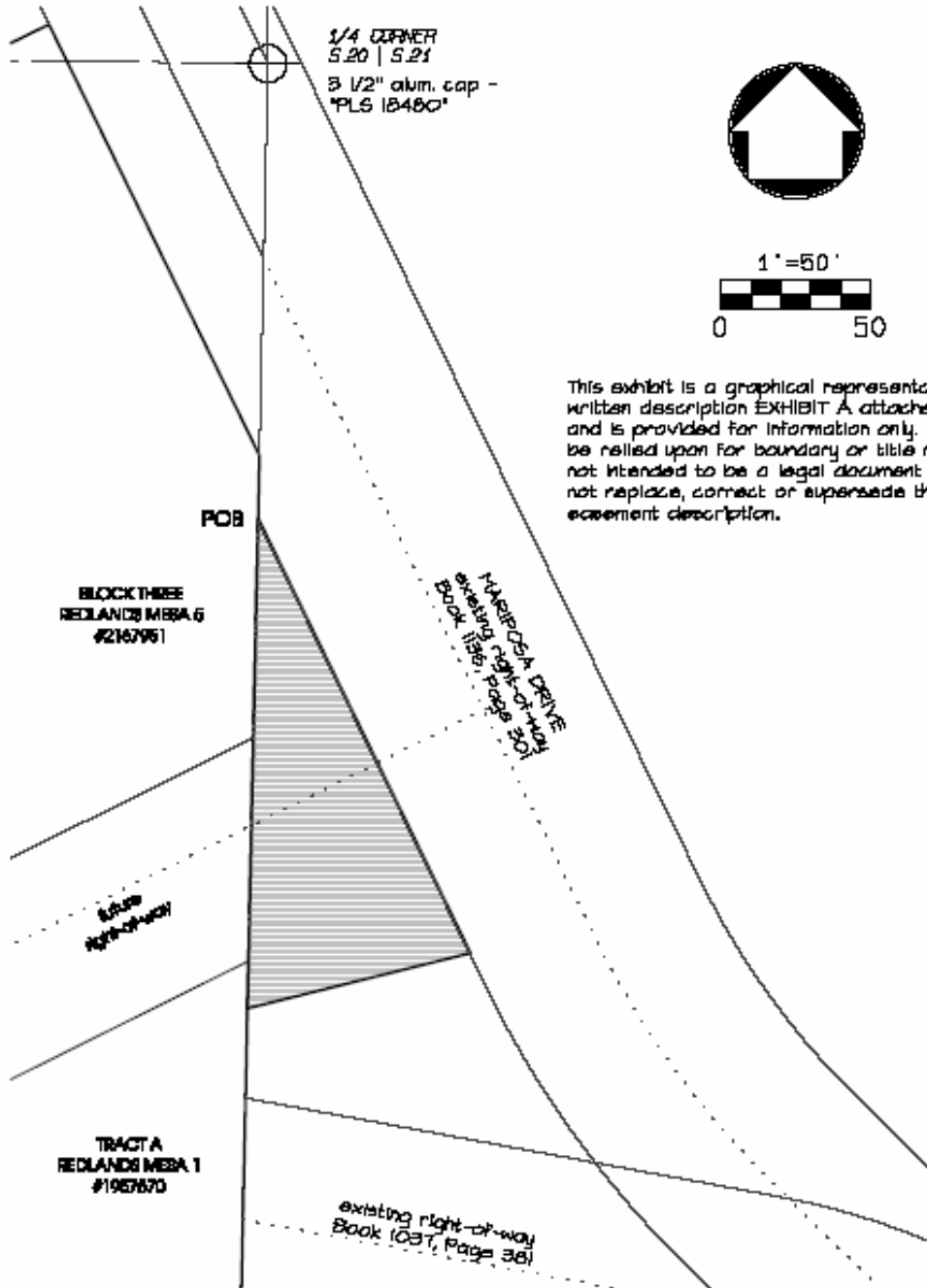
Containing 0.139 acres, more or less.

All bearings herein are relative to a bearing of South 1°14'38" East from the west quarter corner of said Section 21 (a 2" pipe with a 3 ½" cap marked "PLS 18480") to the south sixteenth corner on the west line of said Section 21, (Mesa County Survey Marker #1209).

See EXHIBIT B attached for a representative sketch of this description.

EXHIBIT B

RIGHT-OF-WAY



This exhibit is a graphical representation of the written description EXHIBIT A attached hereto, and is provided for information only. It is not to be relied upon for boundary or title matters. It is not intended to be a legal document and does not replace, correct or supersede the attached easement description.

THOMPSON-LANGFORD CORP. 529 25 1/2 ROAD - B-210 Grand Junction CO 81505	Section 21, Township 1 South, Range 1 West, Ute Meridian	
	S:\Survey\0356 redlands\000 misc\RMell.pro	Date: Jun 7, 2006
	Drawn: ket	Checked: dra
		Job No. 0356-02704

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY DEDICATED ACROSS THE CITY-OWNED PAINTED BOWL PROPERTY

Recitals:

Sunflower Investment, LLC has applied to the City to develop Redlands Mesa, Filing 7 as a Planned Development and has requested City Council designate City owned land as right-of-way for access to the property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property, just to the south of the requested access (Book 1037, Page 381-382). Said dedication was to provide access to the Ridges. Another alignment has been proposed and found to be the better option.

On June 15th the City Council adopted Resolution No. 112-05 authorizing the designation of the requested land as right-of-way upon the vacation of the existing right-of-way.

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

That all of that public roadway dedicated over and across the Painted Bowl property to provide access to the Ridges, as recorded in Book 1037, Page 381-382, is hereby vacated.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of September, 2005.

PASSED on SECOND READING this ____ day of _____, 2005.

ATTEST:

City Clerk

President of City Council

Attach 4
Setting a Hearing for the Ace Hardware Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Setting a hearing for the Ace Hardware Annexation located at 2140 Broadway						
Meeting Date		September 7, 2005						
Date Prepared		August 29, 2005			File #ANX-2005-177			
Author		Senta L. Costello		Associate Planner				
Presenter Name		Senta L. Costello		Associate Planner				
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.3 acre Ace Hardware Annexation consists of 1 parcel and is a 3 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Ace Hardware Annexation petition and introduce the proposed Ace Hardware Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for October 19, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:	2140 Broadway		
Applicants:	Owner: Phillip M. Holstein Jr.; Vicki F. Peterson; Sallyanne C. Johnson Developer: The Fleisher Company – Steve Marshall Representative: Mueller Construction Services – Joe Mueller		
Existing Land Use:	Vacant		
Proposed Land Use:	Retail/Offices		
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Monument Village Shopping Center	
	West	Single Family Residential	
Existing Zoning:	County C-1		
Proposed Zoning:	Requesting – C-1; Staff Recommending – B-1		
Surrounding Zoning:	North	County PUD 3.52 du/ac	
	South	County RSF-4	
	East	County C-1	
	West	County RSF-4	
Growth Plan Designation:	Commercial		
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 2.3 acres of land and is comprised of 1 parcel and is a 3 part serial annexation. The property owners have requested annexation into the City as the result of needing a desire to develop this commercial property that is located in the Redlands area. Under the 1998 Persigo Agreement all commercial developments in the Redlands area 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 Ace Hardware Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
September 7, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
September 27, 2005	Planning Commission considers Zone of Annexation
October 5, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
October 19, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
November 20, 2005	Effective date of Annexation and Zoning

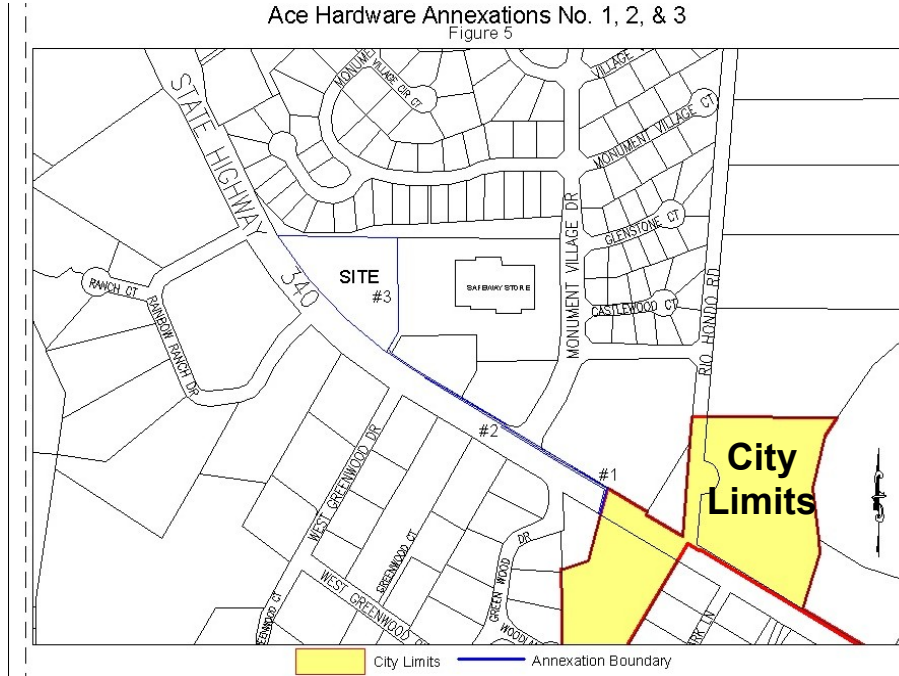
ACE HARDWARE ANNEXATION SUMMARY

File Number:	ANX-2005-177	
Location:	2140 Broadway	
Tax ID Number:	2947-232-21-002	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	2.3 acres	
Developable Acres Remaining:	2.16 acres	
Right-of-way in Annexation:	9120 square feet of Broadway	
Previous County Zoning:	C-1	
Proposed City Zoning:	Requesting C-1; Staff Recommending B-1	
Current Land Use:	Vacant	
Future Land Use:	Retail/Office	
Values:	Assessed:	= \$81,860
	Actual:	= \$282,270
Address Ranges:	2140 Broadway	
Special Districts:	Water:	Ute Water
	Sewer:	City – PIDB
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	N/A
	School:	Mesa Co School District #51
	Pest:	Redlands Mosquito Control

Site Location Map

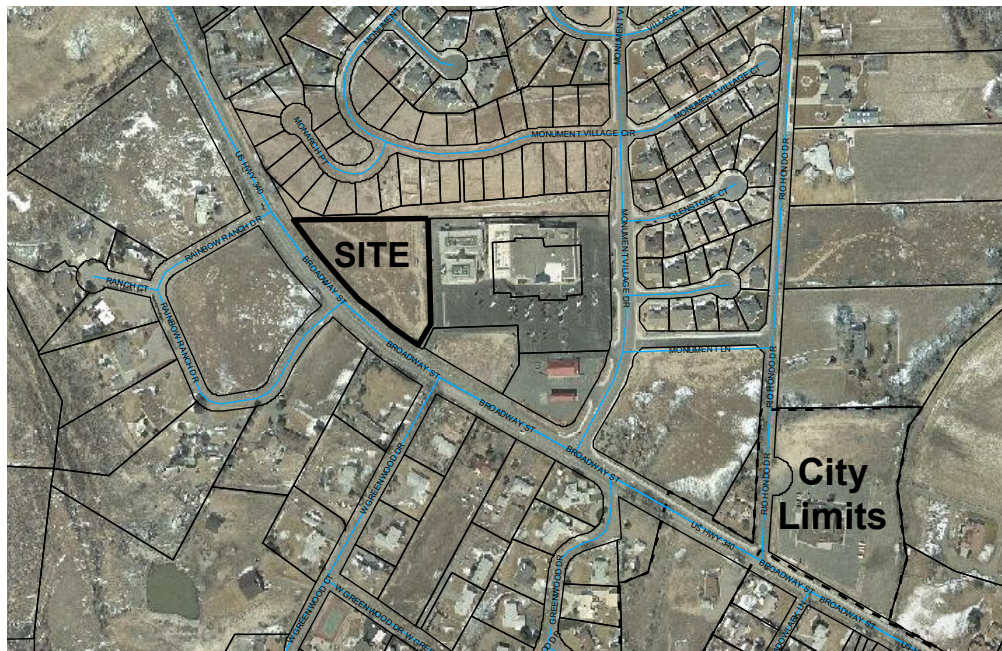
Figure 1

Ace Hardware Annexations No. 1, 2, & 3
Figure 5



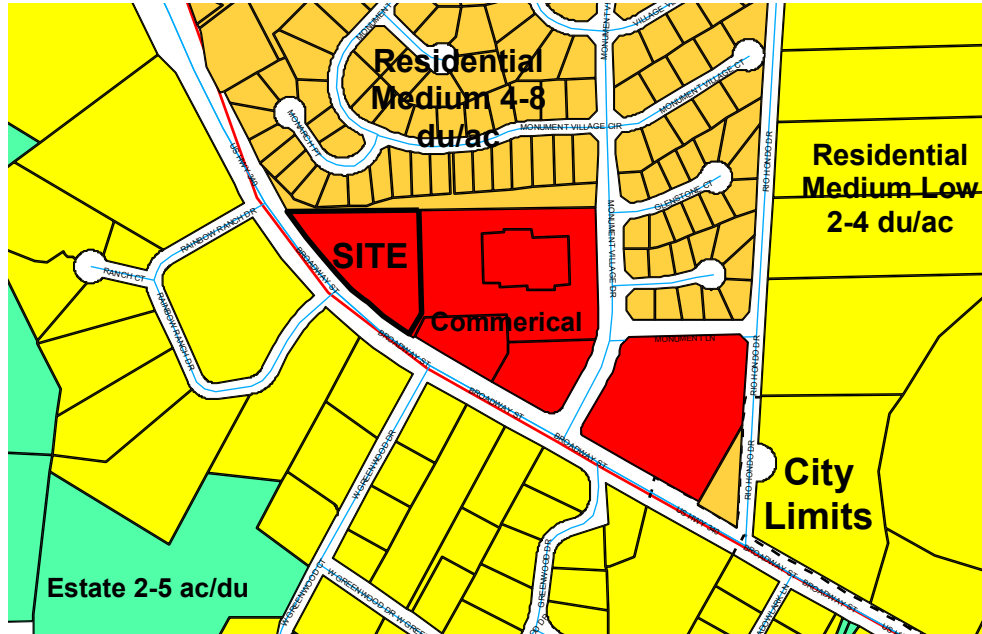
Aerial Photo Map

Figure 2



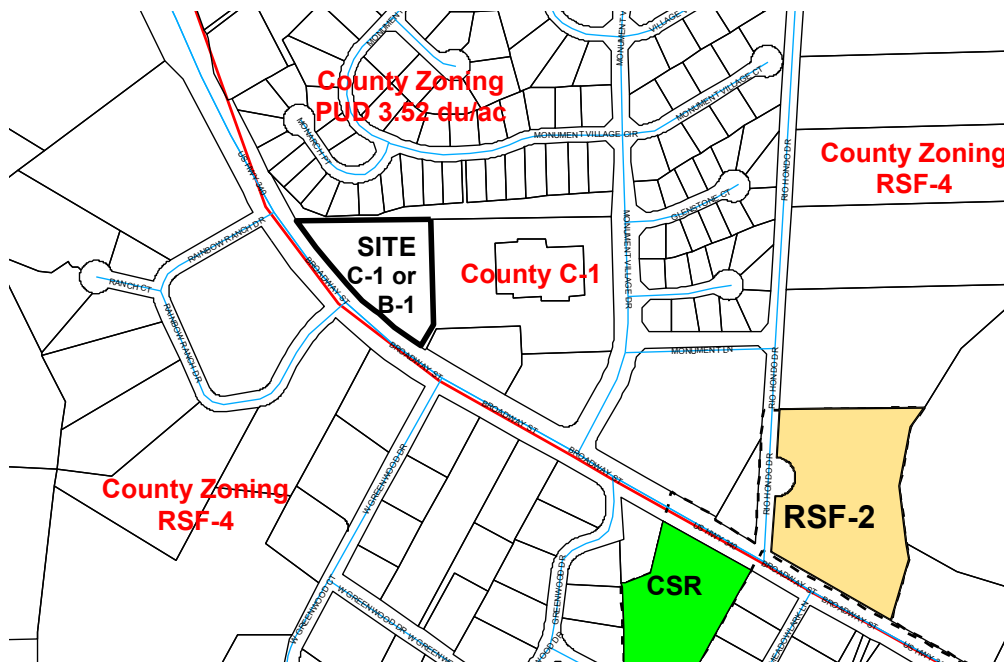
Future Land Use Map

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 7th of September, 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**

ACE HARDWARE ANNEXATIONS #1-3

**LOCATED AT 2140 BROADWAY AND INCLUDING A PORTION OF THE HIGHWAY
340 RIGHT-OF-WAY**

WHEREAS, on the 7th day of September, 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:

Ace Hardware Annexation No. 1

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along said Northerly right of way a distance of 143.04 feet to the Northwest corner of Westgate Freewill Baptist Church Annexation No. 1, Ordinance No. 3553, City of Grand Junction and the Point of Beginning; thence S15°18'42"W along the Westerly lines of said Westgate Freewill Baptist Church Annexation No. 1, and Westgate Freewill Baptist Church Annexation No. 2, Ordinance No. 3554, City of Grand Junction, a distance of 93.43 feet to the Southerly right of way of said Highway 340; thence N59°06'26"W along the Southerly right of way of said Highway 340, a distance of 5.19 feet; thence N15°18'42"E along a line being 5.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation Nos. 1 & 2, a distance of 88.24 feet; thence N59°06'26"W along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 180.70 feet; thence N30°53'34"E a distance of 5.00 feet to the Northerly right of way of said Highway 340; thence S59°06'26"E along the Northerly right of way of said Highway 340 a distance of 184.50 feet.

Said parcel contains 0.03 acres (1,367 square feet), more or less, as described.

Ace Hardware Annexation No. 2

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along said Northerly right of way a distance of 148.23 feet; thence S15°18'42"W along a line being 5.00 West of and parallel with the Westerly line of Westgate Freewill Baptist Church Annexation No. 1, Ordinance No. 3553, City of Grand Junction, a distance of 5.19 feet to the Point of Beginning; thence S15°18'42"W along a line being 5.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation No. 1, and Westgate Freewill Baptist Church Annexation No. 2, Ordinance No. 3554, City of Grand Junction, a distance of 88.24 feet to the Southerly right of way of said Highway 340; thence N59°06'26"W along the Southerly right of way of said Highway 340, a distance of 5.19 feet; thence N15°18'42"E along a line being 10.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation Nos. 1 & 2, a distance of 83.05 feet; thence N59°06'26"W along a line being 10.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 181.91 feet; thence N30°53'34"E a distance of 5.00 feet; thence N59°06'26"W a distance of 221.99 feet; thence N30°53'34"E a distance of 10.23; thence N59°01'55"W along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 308.91 feet; thence N30°58'05"E a distance of 5.00 to the Northerly right of way of said Highway 340; thence S59°01'55"E along the Northerly right of way of said Highway 340 a distance of 313.91 feet; thence S30°53'34"W a distance of 10.24 feet; thence S59°06'26"E a distance of 221.99 feet; thence S30°53'34"W a distance of 5.00 feet; thence S59°06'26"E along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 180.70 feet to the Point of Beginning.

Said parcel contains 0.03 acres (1,367 square feet), more or less, as described.

Ace Hardware Annexation No. 3

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along the Northerly right of way of said Highway 340 a distance of 332.54 feet; thence S30°53'34"W a distance of 5.00 feet to the Point of Beginning; thence continuing S30°53'34"W a distance of 5.00 feet; thence N59°06'26"W a distance of 226.99 feet; thence N30°53'34"E a distance of 10.25 feet; thence N59°01'55"W along a line being 10.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 303.92 feet; thence N30°59'16"E a distance of 4.68 feet; thence along a line being 5.32 feet South of and parallel with the Northerly right of way of said Highway 340 the following two (2) courses: (1) N59°01'55"W a distance of 53.62 feet; (2) thence 115.02 feet along the arc of a 1377.84 foot radius curve concave Northeast, having a central angle of 04°46'59", and a chord bearing N56°38'25"W a distance of 114.99 feet to the most Southerly corner of Lot 1, Monument Village Shopping Center, Plat Book 16, Pages 66 and 67; thence along the Westerly line of said Lot 1, 535.59 feet along the arc of a 1382.42 foot radius curve concave Northeast, having a central angle of 22°11'53", and a chord bearing N43°06'31"W a distance of 532.25 feet to the Northwest corner of said Lot 1; thence N89°43'46"E along the North line of said Lot 1 a distance of 402.16 feet to the Northeast corner of said Lot 1; thence S00°16'14"E along the East line of said Lot 1 a distance of 323.78 feet; thence continuing along the East line of said Lot 1, S30°55'16"W a distance of 62.85 feet; thence S23°25'05"E a distance of 18.41 feet; thence along the Northerly right of way of said Highway 340, the following two (2) courses: (1) thence 100.02 feet along the arc of a 1372.50 foot radius curve concave Northeast, having a central angle of 04°10'32", and a chord bearing S56°56'39"E a distance of 100.00 feet; (2) thence S59°01'55"E a distance of 53.62 feet; thence S30°58'05"W a distance of 5.00 feet; thence S59°01'55"E along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 308.91 feet; thence S30°53'34"E a distance of 10.24 feet; thence S59°06'26"E a distance of 221.99 feet to the Point of Beginning

Said parcel contains 2.24 acres (97,863 square feet), more or less, as described.

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

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

1. That a hearing will be held on the 19th day of October, 2005, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 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 7th day of September, 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>
September 9, 2005
September 16, 2005
September 23, 2005
September 30, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ACE HARDWARE ANNEXATION #1

APPROXIMATELY 0.03 ACRES

LOCATED WITHIN THE HIGHWAY 340 RIGHT-OF-WAY

WHEREAS, on the 7th day of September, 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 19th day of October, 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:

ACE HARDWARE ANNEXATION #1

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along said Northerly right of way a distance of 143.04 feet to the Northwest corner of Westgate Freewill Baptist Church Annexation No. 1, Ordinance No. 3553, City of Grand Junction and the Point of Beginning; thence S15°18'42"W along

the Westerly lines of said Westgate Freewill Baptist Church Annexation No. 1, and Westgate Freewill Baptist Church Annexation No. 2, Ordinance No. 3554, City of Grand Junction, a distance of 93.43 feet to the Southerly right of way of said Highway 340; thence N59°06'26"W along the Southerly right of way of said Highway 340, a distance of 5.19 feet; thence N15°18'42"E along a line being 5.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation Nos. 1 & 2, a distance of 88.24 feet; thence N59°06'26"W along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 180.70 feet; thence N30°53'34"E a distance of 5.00 feet to the Northerly right of way of said Highway 340; thence S59°06'26"E along the Northerly right of way of said Highway 340 a distance of 184.50 feet.

Said parcel contains 0.03 acres (1,367 square feet), more or less, as described.

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

INTRODUCED on first reading on the 7th day of September, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ACE HARDWARE ANNEXATION #2

APPROXIMATELY 0.03 ACRES

LOCATED WITHIN THE HIGHWAY 340 RIGHT-OF-WAY

WHEREAS, on the 7th day of September, 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 19th day of October, 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:

ACE HARDWARE ANNEXATION #2

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along said Northerly right of way a distance of 148.23 feet; thence S15°18'42"W along a line being 5.00 West of and parallel with the Westerly line of Westgate Freewill Baptist Church Annexation No. 1, Ordinance No. 3553, City of Grand

Junction, a distance of 5.19 feet to the Point of Beginning; thence S15°18'42"W along a line being 5.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation No. 1, and Westgate Freewill Baptist Church Annexation No. 2, Ordinance No. 3554, City of Grand Junction, a distance of 88.24 feet to the Southerly right of way of said Highway 340; thence N59°06'26"W along the Southerly right of way of said Highway 340, a distance of 5.19 feet; thence N15°18'42"E along a line being 10.00 feet West of and parallel with the Westerly lines of said Westgate Freewill Baptist Church Annexation Nos. 1 & 2, a distance of 83.05 feet; thence N59°06'26"W along a line being 10.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 181.91 feet; thence N30°53'34"E a distance of 5.00 feet; thence N59°06'26"W a distance of 221.99 feet; thence N30°53'34"E a distance of 10.23; thence N59°01'55"W along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 308.91 feet; thence N30°58'05"E a distance of 5.00 to the Northerly right of way of said Highway 340; thence S59°01'55"E along the Northerly right of way of said Highway 340 a distance of 313.91 feet; thence S30°53'34"W a distance of 10.24 feet; thence S59°06'26"E a distance of 221.99 feet; thence S30°53'34"W a distance of 5.00 feet; thence S59°06'26"E along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 180.70 feet to the Point of Beginning.

Said parcel contains 0.03 acres (1,367 square feet), more or less, as described.

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

INTRODUCED on first reading on the 7th day of September, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ACE HARDWARE ANNEXATION #3

APPROXIMATELY 2.24 ACRES

**LOCATED AT 2140 BROADWAY AND INCLUDING A PORTION OF THE HIGHWAY
340 RIGHT-OF-WAY**

WHEREAS, on the 7th day of September, 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 19th day of October, 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:

ACE HARDWARE ANNEXATION #3

A certain parcel of land located in the North 1/2 (N 1/2) of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Block 1, Monument Village Commercial Center as recorded in Plat Book 17, Page 396, Mesa County, Colorado records and assuming the Northerly right of way of Colorado State Highway 340 to bear N59°06'26"W with all bearings contained herein relative thereto; thence from said point of commencement N59°06'26"W along the Northerly right of way of said Highway 340 a distance of 332.54 feet; thence S30°53'34"W a distance of 5.00 feet to the Point of Beginning; thence

continuing S30°53'34"W a distance of 5.00 feet; thence N59°06'26"W a distance of 226.99 feet; thence N30°53'34"E a distance of 10.25 feet; thence N59°01'55"W along a line being 10.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 303.92 feet; thence N30°59'16"E a distance of 4.68 feet; thence along a line being 5.32 feet South of and parallel with the Northerly right of way of said Highway 340 the following two (2) courses: (1) N59°01'55"W a distance of 53.62 feet; (2) thence 115.02 feet along the arc of a 1377.84 foot radius curve concave Northeast, having a central angle of 04°46'59", and a chord bearing N56°38'25"W a distance of 114.99 feet to the most Southerly corner of Lot 1, Monument Village Shopping Center, Plat Book 16, Pages 66 and 67; thence along the Westerly line of said Lot 1, 535.59 feet along the arc of a 1382.42 foot radius curve concave Northeast, having a central angle of 22°11'53", and a chord bearing N43°06'31"W a distance of 532.25 feet to the Northwest corner of said Lot 1; thence N89°43'46"E along the North line of said Lot 1 a distance of 402.16 feet to the Northeast corner of said Lot 1; thence S00°16'14"E along the East line of said Lot 1 a distance of 323.78 feet; thence continuing along the East line of said Lot 1, S30°55'16"W a distance of 62.85 feet; thence S23°25'05"E a distance of 18.41 feet; thence along the Northerly right of way of said Highway 340, the following two (2) courses: (1) thence 100.02 feet along the arc of a 1372.50 foot radius curve concave Northeast, having a central angle of 04°10'32", and a chord bearing S56°56'39"E a distance of 100.00 feet; (2) thence S59°01'55"E a distance of 53.62 feet; thence S30°58'05"W a distance of 5.00 feet; thence S59°01'55"E along a line being 5.00 feet South of and parallel with the Northerly right of way of said Highway 340 a distance of 308.91 feet; thence S30°53'34"E a distance of 10.24 feet; thence S59°06'26"E a distance of 221.99 feet to the Point of Beginning

Said parcel contains 2.24 acres (97,863 square feet), more or less, as described.

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

INTRODUCED on first reading on the 7th day of September, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 5
Setting a Hearing for the Abeyta-Weaver Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Abeyta-Weaver Annexation located at 3037 D ½ Road and 432 30 ¼ Road						
Meeting Date	September 7, 2005						
Date Prepared	August 29, 2005				File #GPA-2005-188		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of proposed ordinances. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels and is a 2 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Abeyta-Weaver Annexation petition and introduce the proposed Abeyta-Weaver Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for October 19, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3037 D ½ Road and 432 30 ¼ Road			
Applicants:		Owner / Applicant: Mesa Co School Dist #51 – Dave Detweiler			
Existing Land Use:		2 – single family residences / Agricultural			
Proposed Land Use:		2 – single family residences and a new school			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential / Agricultural			
	East	Single Family Residential / Agricultural			
	West	Single Family Residential / Agricultural			
Existing Zoning:		PUD			
Proposed Zoning:		RMF-5 and CSR			
Surrounding Zoning:	North	County RSF-R			
	South	County PUD – 5.21 du/ac			
	East	County PUD – undeveloped			
	West	County PUD – 3.61 du/ac / PUD – undeveloped; City – RMF-8			
Growth Plan Designation:		Residential Medium 4-8; and GPA request for Public			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 12.82 acres of land, is comprised of 2 parcels, and is a 2 part serial annexation. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Abeyta - Weaver 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>	
September 7, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
To be scheduled after GPA	Planning Commission considers Zone of Annexation
To be scheduled after GPA	Introduction Of A Proposed Ordinance on Zoning by City Council
October 19 2005	Acceptance of Petition and Public Hearing on Annexation by City Council
November 20, 2005	Effective date of Annexation

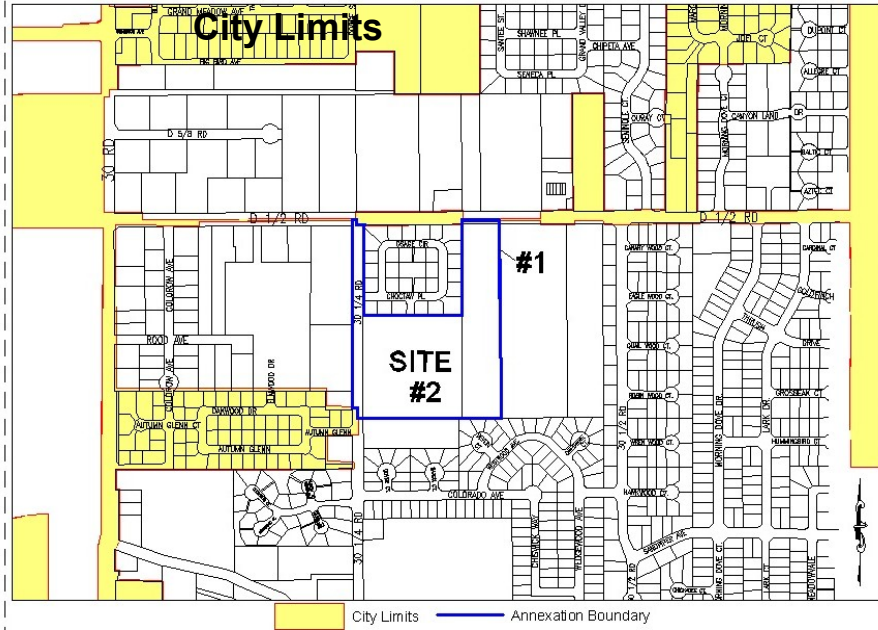
ABEYTA - WEAVER ANNEXATION SUMMARY

File Number:	GPA-2005-188	
Location:	3037 D ½ Road and 432 30 ¼ Road	
Tax ID Number:	2943-163-00-211; 2943-163-00-061	
Parcels:	2	
Estimated Population:	5	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	2	
Acres land annexed:	12.82 acres	
Developable Acres Remaining:	10.0 acres +/-	
Right-of-way in Annexation:	52,250 s.f. of 30 ¼ Road and D ½ Road	
Previous County Zoning:	PUD	
Proposed City Zoning:	RMF-5 and CSR	
Current Land Use:	Single Family Residential / Agricultural	
Future Land Use:	Single Family Residential / New School	
Values:	Assessed:	= \$31,500
	Actual:	= \$395,850
Address Ranges:	3037 D ½ Rd; 432 – 446 30 ¼ Rd (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 School District #51
	Pest:	Upper Grand Valley Pest

Site Location Map

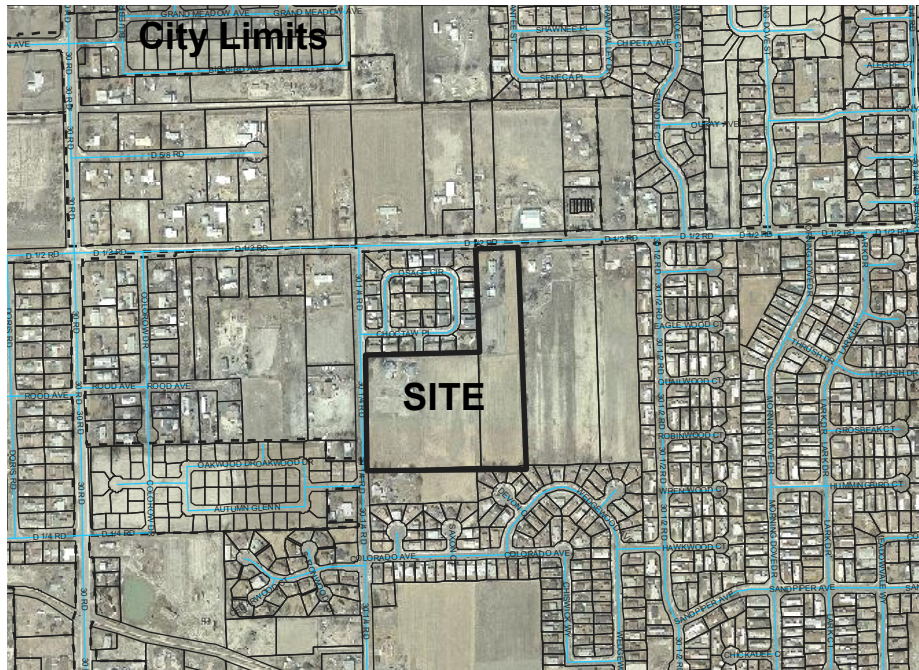
Figure 1

Abeyta/Weaver Annexations No. 1 & 2
Figure 5



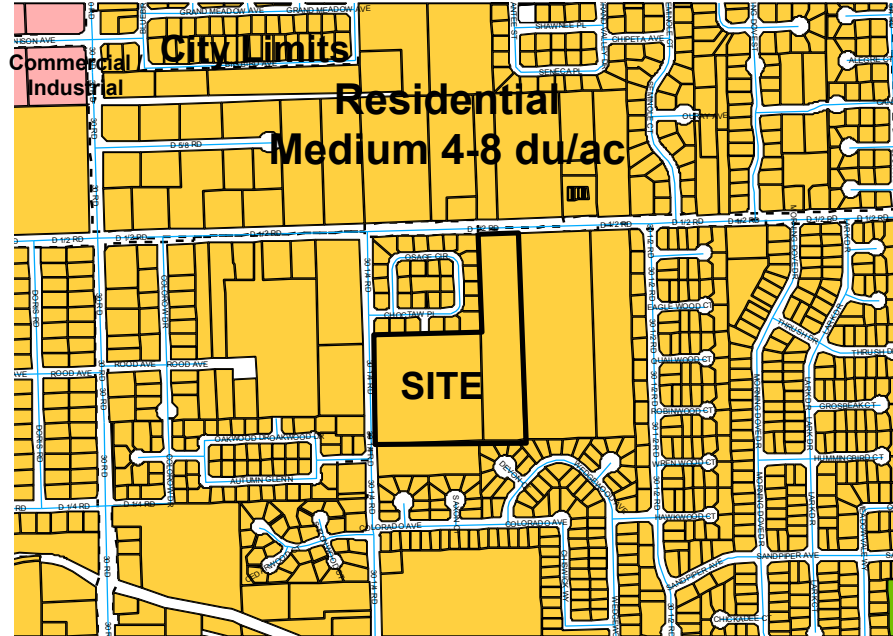
Aerial Photo Map

Figure 2



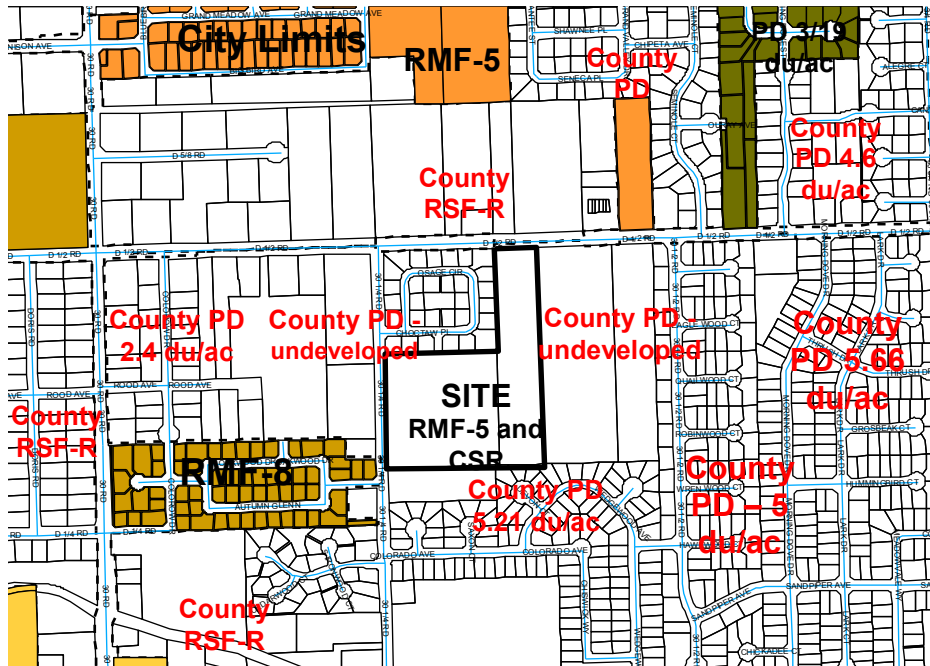
Future Land Use Map

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 7th of September, 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**

ABEYTA-WEAVER ANNEXATIONS #1 AND #2

LOCATED AT 3037 D 1/2 ROAD AND 432 30 1/4 ROAD

WHEREAS, on the 7th day of September, 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:

ABETYA/WEAVER ANNEXATION NO. 1

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 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 described as follows:

Commencing at the Northwest corner of the NE 1/4 SW 1/4 of said Section 16 and assuming the North line of the NE 1/4 SW 1/4 of said Section 16 to bear N89°54'18"E with all bearings contained herein relative thereto; thence N89°54'18"E along the North line of said NE 1/4 SW 1/4 of said Section 16 a distance of 563.75 feet; thence S00°05'42"E a distance of 1.00 foot to the Point of Beginning; thence N89°54'18"E along a line being 1.00 foot South of and parallel with the North line of the NE 1/4 SW 1/4 of said Section 16 a distance of 206.25 feet; thence S00°02'15"W a distance of 412.00 feet; thence N89°57'45"W a distance of 5.00 feet; thence N00°02'15"E a distance of 407.00 feet; thence S89°54'18"W along a line being 6.00 feet South of and parallel with the North line of the NE 1/4 SW 1/4 of said Section 16 a distance of 201.24 feet; thence N00°05'42"W a distance of 5.00 feet to the Point of Beginning.

Said parcel contains 0.07 acres (3,066 square feet), more or less, as described.

ABETYA/WEAVER ANNEXATION NO. 2

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 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 described as follows:

Beginning at the Northwest corner of the NE 1/4 SW 1/4 of said Section 16 and assuming the North line of the NE 1/4 SW 1/4 of said Section 16 to bear N89°54'18"E with all bearings contained herein relative thereto; thence S00°02'15"W along the East line of the NW 1/4 SW 1/4 of said Section 16 a distance of 33.00 feet; thence N89°54'18"E a distance of 52.97 feet; thence 31.37 feet along the arc of a 20.00 foot radius curve, concave Southeast, having a central angle of 89°52'12", a chord bearing S44°58'12"W a distance of 28.25 feet to a point of the Easterly right of way of 30 1/4 Road per Book 767, Page 175 public records of Mesa County, Colorado; thence S00°02'45"W along the Easterly right of way of said 30 1/4 Road a distance of 462.05 feet to the Southwest corner of Lot 1, Block One, Cherokee Village West, recorded in Plat Book 13, Pages 193 and 194, Mesa County, Colorado records; thence N89°54'19"E along the Southerly line of said Cherokee Village West a distance of 530.75 feet to the Southeast corner of Lot 15, Block Two, of said Cherokee Village West; thence N00°02'20"E along the Easterly line of said Cherokee Village West a distance of 509.00 feet; thence N89°54'18"E along a line being 6.00 feet South of and parallel with the NE 1/4 SW 1/4 of said Section 16 a distance of 201.24 feet; thence S00°02'15"W a distance of 407.00 feet; thence S89°57'45"E a distance of 5.00 feet; thence S00°02'15"W a distance of 643.00 feet to a point on the Northerly line of Lot 15, Block No. 2, Wedgewood Park Subdivision Filing No. 3, as recorded in Plat Book 13, Page 36, Mesa County, Colorado records; thence S89°54'19"W along the Northerly line of Said Wedgewood Park Subdivision projected Westerly a distance of 770.00 feet to the East line of the NW 1/4 SW 1/4 of said Section 16; thence N00°02'15"E along the East line of the NW 1/4 SW 1/4 of said Section 16 a distance of 54.89 feet; thence S89°56'21"W a distance of 20.00 feet to the Westerly right of way of said 30 1/4 Road; thence N00°02'15"E along the Westerly right of way of said 30 1/4 Road a distance of 1001.11 feet to the North line of NW 1/4 SW 1/4 of said Section 16; thence N89°56'21"E along the North line of the NW 1/4 SW 1/4 of said Section 16 a distance of 20.00 feet to the Point of Beginning.

Said parcel contains 12.75 acres (555,532 square feet), more or less, as described.

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

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

1. That a hearing will be held on the 19th day of October, 2005, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 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 7th day of September, 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>
September 9, 2005
September 16, 2005
September 23, 2005
September 30, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ABEYTA-WEAVER ANNEXATION #1

APPROXIMATELY 0.07 ACRES

LOCATED AT 3037 D ½ ROAD

WHEREAS, on the 7th day of September, 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 19th day of October, 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:

ABEYTA-WEAVER ANNEXATION #1

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 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 described as follows:

Commencing at the Northwest corner of the NE 1/4 SW 1/4 of said Section 16 and assuming the North line of the NE 1/4 SW 1/4 of said Section 16 to bear N89°54'18"E with all bearings contained herein relative thereto; thence N89°54'18"E along the North line of said NE 1/4 SW 1/4 of said Section 16 a distance of 563.75 feet; thence S00°05'42"E a distance of 1.00 foot to the Point of Beginning; thence N89°54'18"E along a line being 1.00 foot South of and parallel with the North line of the NE 1/4 SW

1/4 of said Section 16 a distance of 206.25 feet; thence S00°02'15"W a distance of 412.00 feet; thence N89°57'45"W a distance of 5.00 feet; thence N00°02'15"E a distance of 407.00 feet; thence S89°54'18"W along a line being 6.00 feet South of and parallel with the North line of the NE 1/4 SW 1/4 of said Section 16 a distance of 201.24 feet; thence N00°05'42"W a distance of 5.00 feet to the Point of Beginning.

Said parcel contains 0.07 acres (3,066 square feet), more or less, as described.

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

INTRODUCED on first reading on the 7th day of September, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ABEYTA-WEAVER ANNEXATION #2

APPROXIMATELY 12.75 ACRES

LOCATED AT 3037 D ½ ROAD AND 432 30 ¼ ROAD

WHEREAS, on the 7th day of September, 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 19th day of October, 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:

ABEYTA-WEAVER ANNEXATION #2

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 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 described as follows:

Beginning at the Northwest corner of the NE 1/4 SW 1/4 of said Section 16 and assuming the North line of the NE 1/4 SW 1/4 of said Section 16 to bear N89°54'18"E with all bearings contained herein relative thereto; thence S00°02'15"W along the East line of the NW 1/4 SW 1/4 of said Section 16 a distance of 33.00 feet; thence N89°54'18"E a distance of 52.97 feet; thence 31.37 feet along the arc of a 20.00 foot radius curve, concave Southeast, having a central angle of 89°52'12", a chord bearing

S44°58'12"W a distance of 28.25 feet to a point of the Easterly right of way of 30 1/4 Road per Book 767, Page 175 public records of Mesa County, Colorado; thence S00°02'45"W along the Easterly right of way of said 30 1/4 Road a distance of 462.05 feet to the Southwest corner of Lot 1, Block One, Cherokee Village West, recorded in Plat Book 13, Pages 193 and 194, Mesa County, Colorado records; thence N89°54'19"E along the Southerly line of said Cherokee Village West a distance of 530.75 feet to the Southeast corner of Lot 15, Block Two, of said Cherokee Village West; thence N00°02'20"E along the Easterly line of said Cherokee Village West a distance of 509.00 feet; thence N89°54'18"E along a line being 6.00 feet South of and parallel with the NE 1/4 SW 1/4 of said Section 16 a distance of 201.24 feet; thence S00°02'15"W a distance of 407.00 feet; thence S89°57'45"E a distance of 5.00 feet; thence S00°02'15"W a distance of 643.00 feet to a point on the Northerly line of Lot 15, Block No. 2, Wedgewood Park Subdivision Filing No. 3, as recorded in Plat Book 13, Page 36, Mesa County, Colorado records; thence S89°54'19"W along the Northerly line of Said Wedgewood Park Subdivision projected Westerly a distance of 770.00 feet to the East line of the NW 1/4 SW 1/4 of said Section 16; thence N00°02'15"E along the East line of the NW 1/4 SW 1/4 of said Section 16 a distance of 54.89 feet; thence S89°56'21"W a distance of 20.00 feet to the Westerly right of way of said 30 1/4 Road; thence N00°02'15"E along the Westerly right of way of said 30 1/4 Road a distance of 1001.11 feet to the North line of NW 1/4 SW 1/4 of said Section 16; thence N89°56'21"E along the North line of the NW 1/4 SW 1/4 of said Section 16 a distance of 20.00 feet to the Point of Beginning.

Said parcel contains 12.75 acres (555,532 square feet), more or less, as described.

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

INTRODUCED on first reading on the 7th day of September, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 6
Accepting Improvements for Alley Improvement Districts 2005
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Accepting the Improvements Connected with Alley Improvement Districts No. ST-05, and ST-05 Phase B, giving Notice of a Hearing, and the Introduction of the Assessment Ordinance					
Meeting Date		September 7, 2005					
Date Prepared		August 31, 2005			File #		
Author		Michael Grizenko		Real Estate Technician			
Presenter Name		Mark Relph		Public Works and Utilities Director			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

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

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue
- The South 1/2 of the North/South Alley, 6th St to 7th St, between Grand Avenue and Ouray Avenue

A public hearing is scheduled for October 19th, 2005.

Budget:

2005 Alley Budget	\$360,000
Actual Cost to construct 2005 Alleys	<u>\$347,392</u>
Balance	\$ 12,608

Action Requested/Recommendation: Adopt proposed Resolution and First Reading for Alley Improvement Districts ST-05 and ST-05 Phase B, Scheduling Public Hearing of Ordinance for October 19, 2005.

Attachments: 1) Summary Sheets, 2) Maps, 3) Resolution and Notice of Hearing, 4) Assessing Ordinance

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

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

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. ► Council passes a Resolution approving and accepting the improvements, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts the first reading of the proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
8. The adopted Ordinance is published for three consecutive days.
9. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

The second reading and public hearing is scheduled for the October 19th, 2005 Council meeting. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by November 21st, 2005. Assessments not paid in full will be turned over to the Mesa

County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 1ST STREET TO 2ND STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Ronald & Mary Eisenman	50	31.50	\$1,575.00
• Ted Munkres	50	31.50	\$1,575.00
• Christeen Fredericks	31.25	8.00	\$250.00
• Marlene Tucker	31.25	8.00	\$250.00
• Richard Jones	50	15.00	\$750.00
• Richard Jones	37.5	15.00	\$562.50
Evangelina Balerio Estate c/o Esther Lujan	50	8.00	\$400.00
• Michael Drissel & Steven Hagedorn	50	31.50	\$1,575.00
• Stephen & Kellie Gearhart	46	31.50	\$1,449.00
Mark Gamble	54	31.50	\$1,701.00
Terry Coutee	50	31.50	\$1,575.00
Theresa Arnold	<u>100</u>	15.00	<u>\$1,500.00</u>
TOTAL ASSESSABLE FOOTAGE	600		\$13,162.50

Estimated Cost to Construct	\$ 31,350.00
Absolute Cost to Owners	<u>\$ 13,162.50</u>
Estimated Cost to City	\$ 18,187.50

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

- Indicates owners who signed in favor of improvements 8/12 or 67% and 58% of assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 9th STREET TO 10th STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Debra Jacobson	50	15.00	\$750.00
• Cynthia & Nels Werner	50	8.00	\$400.00
• Judith Vanderleest	50	8.00	\$400.00
• Lisa Loerzel	50	8.00	\$400.00
• Douglas & Gaynell Colaric	50	8.00	\$400.00
• Ralph W. Berryman	50	8.00	\$400.00
• 951 White LLC	50	15.00	\$750.00
• Steven O'Donnell, et al	50	15.00	\$750.00
• Robert Tracy	50	8.00	\$400.00
• Robert Tracy	50	15.00	\$750.00
• Robert Tracy	50	8.00	\$400.00
Michael & Irma Adcock	50	8.00	\$400.00
• Betsy Black	50	15.00	\$750.00
• Dennis Svaldi	50	8.00	\$400.00
• Robert O. Martinez	50	8.00	\$400.00
• Nicole & Stephen Clarke	<u>50</u>	8.00	<u>\$400.00</u>
TOTAL ASSESSABLE FOOTAGE	800		\$8,150.00

Estimated Cost to Construct	\$ 41,800.00
Absolute Cost to Owners	<u>\$ 8,150.00</u>
Estimated Cost to City	\$ 33,650.00

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

- Indicates owners in favor of improvements = 15/16 or 94% and 94% of the assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 9th STREET TO 10th STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Timothy Palmquist	50	8.00	\$400.00
• Melba Youker	50	8.00	\$400.00
H Allan Amos	50	8.00	\$400.00
• Dane Meisenheimer	50	8.00	\$400.00
• Marvin & Eleanore Walworth	50	8.00	\$400.00
Terry & Sandra McGovern	50	8.00	\$400.00
Ami Purser, and George & Linda Turner	50	8.00	\$400.00
• Tonya & Darren Cook	50	8.00	\$400.00
• Wayne & Katherine Petefish	50	15.00	\$750.00
• Denise & Mark McKenney	50	8.00	\$400.00
• Cheryl DeGaia	50	8.00	\$400.00
• David & Cynthia Dennison-Jones	50	8.00	\$400.00
• Frank & Teresa Coons	50	8.00	\$400.00
Vinje Lawson	50	8.00	\$400.00
• Charles & Colleen Meyer	50	8.00	\$400.00
• Karl & Jan Antwine	<u>50</u>	<u>15.00</u>	<u>\$750.00</u>
TOTAL ASSESSABLE FOOTAGE	800		\$7,100.00

Estimated Cost to Construct	\$ 41,800.00
Absolute Cost to Owners	<u>\$ 7,100.00</u>
Estimated Cost to City	\$ 34,700.00

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

- Indicates owners signing in favor of improvements = 12/16 or 75% and 75% of the assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 11TH STREET TO 12TH STREET TELLER AVE TO BELFORD AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Ted D Munkres	50	8.00	\$400.00
• Mary Jo Good	50	8.00	\$400.00
• Hensley Homes LLC**	50	15.00	\$750.00
Fast Lion LLP	100	15.00	\$1,500.00
• William & Janet Pomrenke	128.6	15.00	\$1,929.00
West Pearson LLC	393.2	15.00	\$5,898.00
• Michael & Deanna Hines	60	15.00	\$900.00
• Stephen Good	<u>75</u>	8.00	<u>\$600.00</u>
TOTAL ASSESSABLE FOOTAGE	906.8		\$12,377.00

Estimated Cost to Construct	\$ 46,550.00
Absolute Cost to Owners	<u>\$ 12,377.00</u>
Estimated Cost to City	\$ 34,173.00

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

- Indicates owners signing in favor of improvements 6/8 or 75% and 44% of the assessable footage.

** Indicates POA for alley improvements exists for this property (Book 3677 Pg 981, Mesa County records) and is invoked by this petition.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 18th STREET TO 19th STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Michael & Susan Bowser	50	8.00	\$400.00
• Molly Shores	50	8.00	\$400.00
• Karen Menzies	50	8.00	\$400.00
• Matthew & Crystal Vagts	50	8.00	\$400.00
• Ulrike Metzner	50	8.00	\$400.00
Lois Renfrow	50	8.00	\$400.00
• Larry & Sharon Vaughn	62.5	8.00	\$500.00
• KG & MM McConnell	50	8.00	\$400.00
• Lawrence & Ruthmary Allison	62.5	8.00	\$500.00
• Thomas Church	50	8.00	\$400.00
• Clara Nelson	<u>75</u>	8.00	<u>\$600.00</u>
TOTAL ASSESSABLE FOOTAGE	600		\$4,800.00

Estimated Cost to Construct	\$ 30,400.00
Absolute Cost to Owners	<u>\$ 4,800.00</u>
Estimated Cost to City	\$ 25,600.00

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

- Indicates owners signing in favor of improvements are 10/11 or 91 % and 92% of the assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 18th STREET TO 19th STREET CHIPETA AVE TO GUNNISON AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Lynn Swanson & James McNew**	60.41	8.00	\$483.28
Ronald & Shari Slade**	40	8.00	\$320.00
Donald & Beverly Aust**	40	8.00	\$320.00
Irvin & Joyce Effinger**	40	8.00	\$320.00
• HEH Investments LLC**	40	8.00	\$320.00
• Andrew & Mary Raggio**	40	8.00	\$320.00
• Steven & Sonja Cook**	60.40	8.00	\$483.20
• Carl & Betty Wahlberg	70	15.00	\$1,050.00
• Doris Greenwood	92.5	15.00	\$1,387.50
• James Rankin & Family Limited Partnership	92.5	15.00	\$1,387.50
• Kenneth Wilson	<u>70</u>	15.00	<u>\$1,050.00</u>
TOTAL ASSESSABLE FOOTAGE	645.81		\$7,441.48

Estimated Cost to Construct	\$ 32,300.00
Absolute Cost to Owners	<u>\$ 7,441.48</u>
Estimated Cost to City	\$ 24,858.52

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

- Indicates owners signing in favor of improvements = 7/11 or 64% and 72% of the assessable footage.

** Indicates POA for alley improvements exists for these properties (Book 2112 Pg 196, Mesa County records) and is invoked by the petition process. The City Clerk is authorized to sign for those properties which have not already done so (5 total).

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 23rd STREET TO 24th STREET OURAY AVENUE TO GUNNISON AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• David D. Parker, Jr.	63	8.00	\$504.00
• Michael Whittington	63	8.00	\$504.00
• Donald Saddoris	63	8.00	\$504.00
• Terry Catlin	63	8.00	\$504.00
• Alfredo Magallon & Veronica Diego Moreno	63	8.00	\$504.00
Chad & Danielle Daniel	63	8.00	\$504.00
• Gilbert Mata	63	8.00	\$504.00
• Robert & Judy Silbernagel	63	8.00	\$504.00
• Leslie & Marilyn Freeouf, Trustees	63	8.00	\$504.00
• Kenneth & Cary Perino	63	8.00	\$504.00
Stancyn Enterprises, LLLP	63	8.00	\$504.00
Joe Higginbotham	63	8.00	\$504.00
Mathew Enriquez	63	8.00	\$504.00
• Lori Ann Morgan	63	8.00	\$504.00
• Marvin & Eleanore Walworth	63	8.00	\$504.00
Joaquin Guerra & Rosa Hernandez	63	8.00	\$504.00
Donald Ciriacks	62.25	8.00	\$498.00
Susan Britton	62.25	8.00	\$498.00
TOTAL ASSESSABLE FOOTAGE	1,132.50		\$9,060.00

Estimated Cost to Construct	\$ 56,050.00
Absolute Cost to Owners	<u>\$ 9,060.00</u>
Estimated Cost to City	\$ 46,990.00

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

- Indicates owners signing in favor of improvements are 11/18 or 61% and 61% of the assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 6TH STREET TO 7TH STREET GRAND AVENUE TO OURAY AVENUE

OWNERS	FOOTAGE	COST/FOOT	ASSESSMENT
• John & Irene Crouch	75	\$8.00	\$600.00
• Kevin Kennedy & Elizabeth Clark	<u>125</u>	\$31.50	<u>\$3,937.50</u>
TOTAL ASSESSABLE FOOTAGE	200		\$4,537.50

Estimated Cost to Construct	\$ 13,300.00
Absolute Cost to Owners	<u>\$ 4,537.50</u>
Estimated Cost to City	\$ 8,762.50

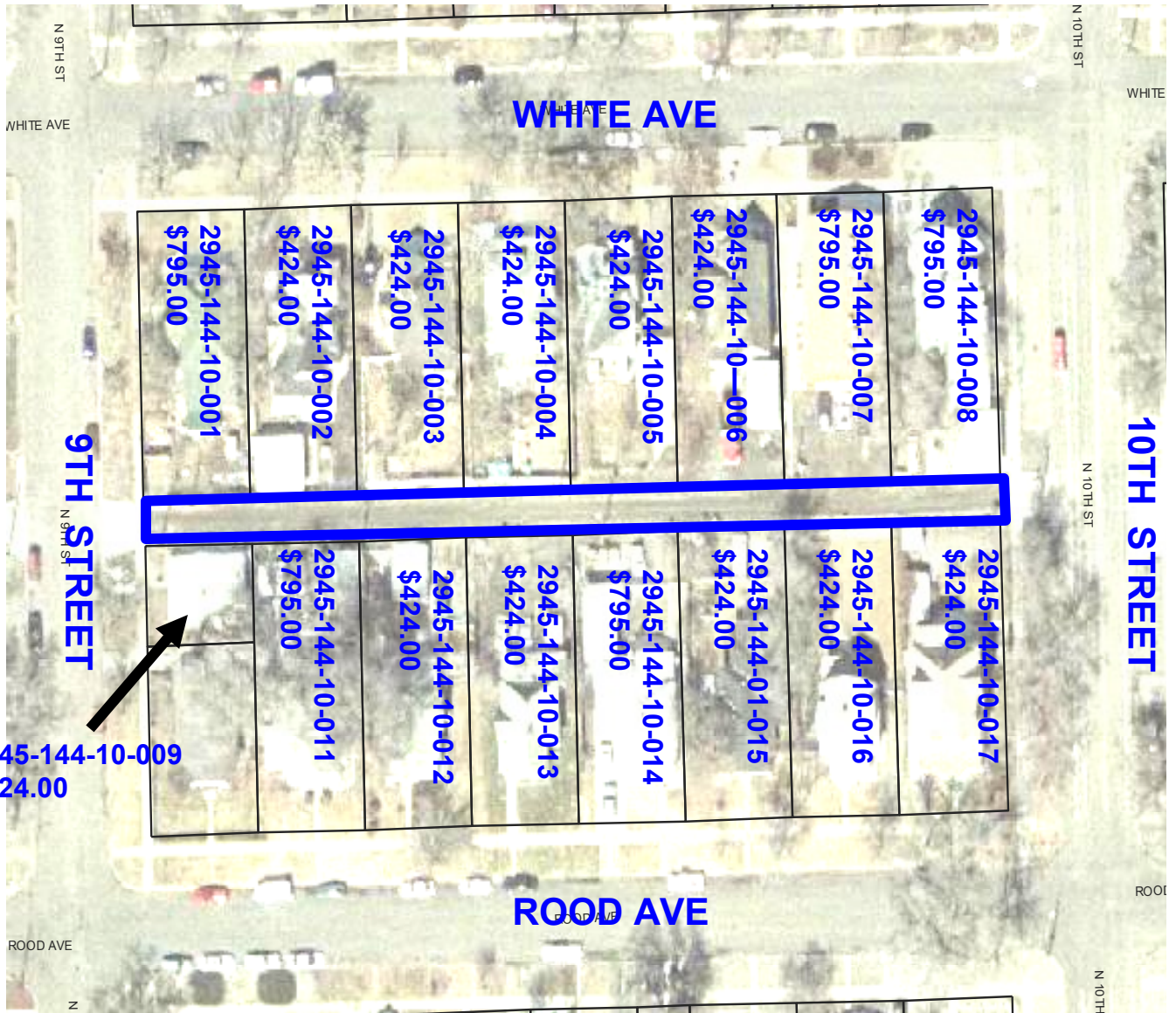
Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates property owners signing in favor of improvements 2/2 or 100% and 100% of the assessable footage.

ALLEY IMPROVEMENT DISTRICT 1ST STREET TO 2ND STREET OURAY AVE TO CHIPETA AVE



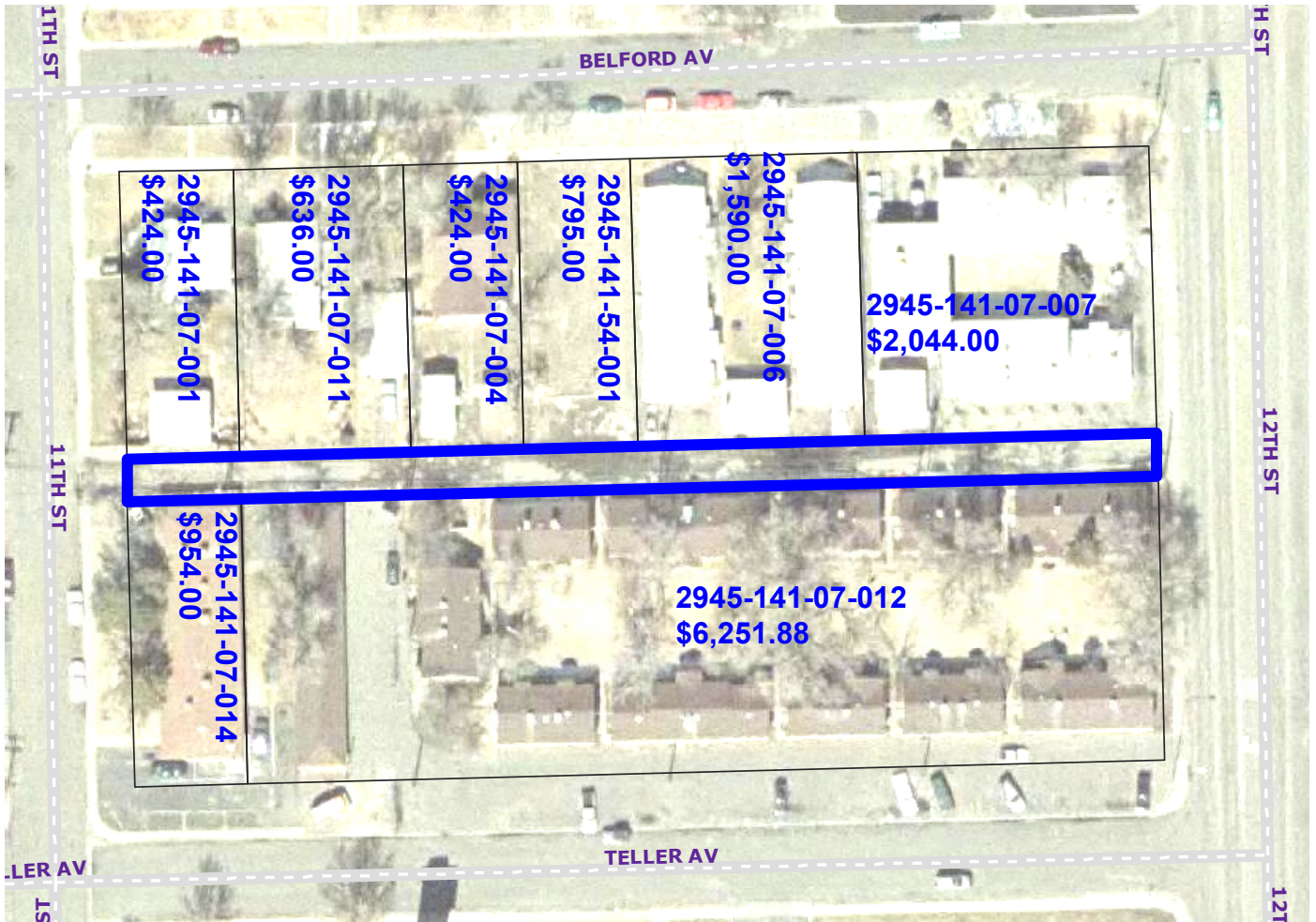
ALLEY IMPROVEMENT DISTRICT 9TH STREET TO 10TH STREET ROOD AVENUE TO WHITE AVENUE



**ALLEY IMPROVEMENT DISTRICT
9TH STREET TO 10TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



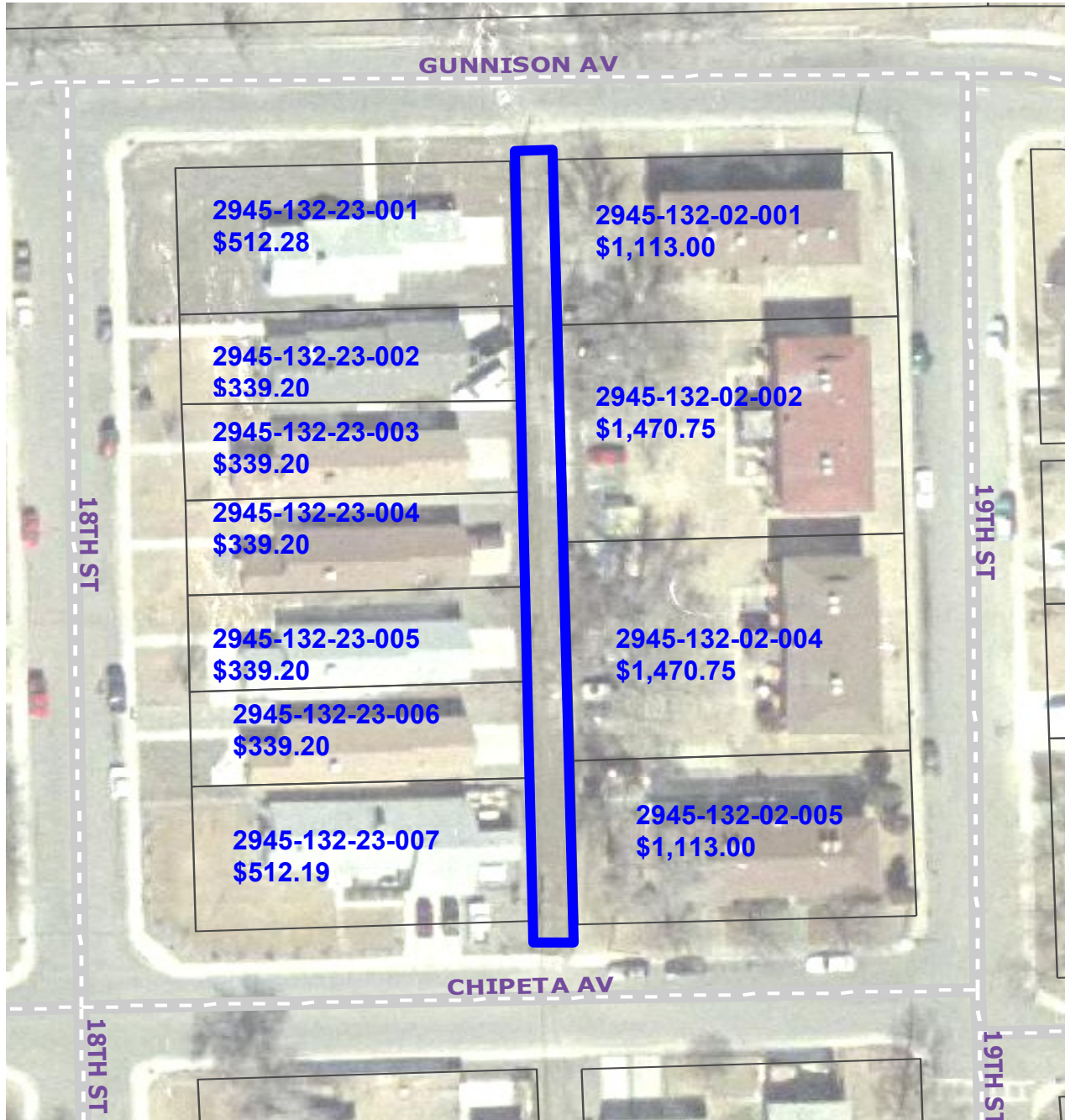
ALLEY IMPROVEMENT DISTRICT 11TH ST TO 12TH ST, TELLER AVE TO BELFORD AVE



**ALLEY IMPROVEMENT DISTRICT
18TH STREET TO 19TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



**ALLEY IMPROVEMENT DISTRICT
18TH STREET TO 19TH STREET
CHIPETA AVENUE TO GUNNISON AVENUE**



**ALLEY IMPROVEMENT DISTRICT
23RD STREET TO 24TH STREET
OURAY AVENUE TO GUNNISON AVENUE**



PROPOSED ALLEY IMPROVEMENT DISTRICT 6TH STREET TO 7TH STREET GRAND AVE TO OURAY AVE

(Parcel lines not accurate in relation to photo)



Remainder of alley was constructed as part of Alley Improvement District No. ST-90.

RESOLUTION NO. ____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH ALLEY IMPROVEMENT DISTRICTS
NO. ST-05 AND NO. ST-05, PHASE B**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement Districts No. ST-05 and ST-05, Phase B; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement Districts No. ST-05 and ST-05, Phase B, and apportioning the same upon each lot or tract of land to be assessed for the same;

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

1. That the improvements connected therewith in said District be, and the same are hereby approved and accepted; that said statement be, and the same is hereby approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement Districts No. ST-05 and ST-05, Phase B;
2. That the same be apportioned on each lot or tract of land to be assessed for the same;
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

PASSED and ADOPTED this ___ day of _____, 2005.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for October 19th, 2005, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the Districts of lands known as Alley Improvement Districts No. ST-05 and ST-05, Phase B, and all persons interested therein as follows:

Lots 1-24, inclusive, Block 56, City of Grand Junction; and also,
Lots 1-30, inclusive, and the North 42 feet 10 1/2 inches of Lots 31 and 32, Block 91, City of Grand Junction; and also,
Lots 1-32, inclusive, Block 64, City of Grand Junction; and also,
Lots 1-34, inclusive, Block 22, City of Grand Junction; and also,
All of Shoberg Simple Subdivision; and also
Lots 1-24, inclusive, Block 5, Slocomb's Addition to Grand Junction; and also,
Lots 14-26, inclusive, Block 12, Slocomb's Addition to Grand Junction; and also,
Lots 1-7, inclusive, Greenwood Subdivision; and also,
Lots 1 through 18, inclusive, Block 4, Mesa Gardens Subdivision; and also
Lots 19 through 22, inclusive, Block 72, City of Grand Junction.
All in the City of Grand Junction, and Mesa County, Colorado.

That the improvements in and for said Districts ST-05, which are authorized by and in accordance with the terms and provisions of Resolution No. 101-04, passed and adopted on the 20th day of October, 2004, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Improvement District No. ST-05, with the terms and provisions of Resolution No. 126-04, passed and adopted on the 1st day of December, 2004, creating and establishing said District, and also the terms and provisions of Resolution No. 136-04, passed and adopted on the 15th day of December, 2004, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley Improvement District to be known as Improvement District No. ST-05, Phase B, with the terms and provisions of Resolution No. 20-05, passed and adopted on the 19th day of January, 2005, creating and establishing said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

The City has inspected and accepted the condition of the improvements installed. The amount to be assessed from those properties benefiting from the improvements is \$70,626.19. Said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction

at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements, and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at a public hearing on Wednesday, October 19th, 2005, at 7:00 p.m. in the City/County Auditorium, 520 Rood Avenue, Grand Junction, Colorado, before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$70,626.19 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

ALLEY 1ST STREET TO 2ND STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-36-003	Lots 3 & 4, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-004	Lots 5 & 6, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-005	Lot 7 & the W 6.25 ft of Lot 8, Block 56, City of Grand Junction	\$265.00
2945-142-36-006	E 3/4 of Lot 8 & W 1/2 Lot 9, Block 56, City of Grand Junction	\$265.00
2945-142-36-007	E 1/2 of Lot 9, all of Lot 10, and the W 1/2 of Lot 11, Block 56, City of Grand Junction	\$795.00
2945-142-36-008	E 1/2 of Lot 11 & all of Lot 12, Block 56, City of Grand Junction	\$596.25
2945-142-36-011	Lots 17 & 18, Block 56, City of Grand Junction	\$ 424.00
2945-142-36-012	Lots 19 & 20, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-013	Lot 21 & the E 21 ft of Lot 22, Block 56, City of Grand Junction	\$1,535.94
2945-142-36-014	W 4 ft of Lot 22 & all of Lots 23 & 24, Block 56, City of Grand Junction	\$1,803.06
2945-142-36-015	Lots 1 & 2, Block 56, City of Grand Junction	\$1,669.50

	Junction	
2945-142-36-016	Lots 13 through 16 inclusive, Block 56, City of Grand Junction	\$1,590.00

ALLEY 9TH STREET TO 10TH STREET, ROOD AVENUE TO WHITE AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-10-001	Lots 1 & 2, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-002	Lots 3 & 4, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-003	Lots 5 & 6, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-004	Lots 7 & 8, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-005	Lots 9 & 10, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-006	Lots 11 & 12, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-007	Lots 13 & 14, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-008	Lots 15 & 16, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-009	N 42' 10 1/2" of Lots 31 & 32, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-011	Lots 29 & 30, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-012	Lots 27 & 28, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-013	Lots 25 & 26, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-014	Lots 23 & 24, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-015	Lots 21 & 22, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-016	Lots 19 & 20, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-017	Lots 17 & 18, Block 91, City of Grand Junction	\$ 424.00

ALLEY 9TH STREET TO 10TH STREET, OURAY AVENUE TO CHIPETA AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-33-001	Lots 1 & 2, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-002	Lots 3 & 4, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-003	Lots 5 & 6, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-004	Lots 7 & 8, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-005	Lots 9 & 10, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-006	Lots 11 & 12, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-007	Lots 13 & 14, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-008	Lots 15 & 16, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-009	Lots 31 & 32, Block 64, City of Grand Junction	\$ 795.00
2945-141-33-010	Lots 29 & 30, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-011	Lots 27 & 28, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-012	Lots 25 & 26, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-013	Lots 23 & 24, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-014	Lots 21 & 22, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-015	Lots 19 & 20, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-016	Lots 17 & 18, Block 64, City of Grand Junction	\$ 795.00

ALLEY 11TH STREET TO 12TH STREET, TELLER AVENUE TO BELFORD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-07-001	Lots 1 & 2, Block 22, City of Grand Junction	\$ 424.00

2945-141-07-004	Lots 6 & 7, Block 22, City of Grand Junction	\$ 424.00
2945-141-54-001	All of Shoberg Simple Subdivision	\$ 795.00
2945-141-07-006	Lots 10 through 13 inclusive, Block 22, City of Grand Junction	\$1,590.00
2945-141-07-007	Lots 14 through 17 inclusive, Block 22, City of Grand Junction	\$2,044.74
2945-141-07-012	Lots 18 through 32 inclusive, except the W 10 ft of Lot 32, Block 22, City of Grand Junction	\$6,251.88
2945-141-07-014	The W 10 ft of Lot 32 and all of Lots 33 & 34, Block 22, City of Grand Junction	\$ 954.00
2945-141-07-011	Lots 3 through 5 inclusive, Block 22, City of Grand Junction	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-15-001	Lots 23 & 24, Block 5, Slocomb's Addition	\$ 424.00
2945-131-15-002	Lots 1 & 2, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-003	Lots 3 & 4, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-004	Lots 21 & 22, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-006	Lots 19 & 20, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-008	Lots 17 & 18, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-009	Lots 8 & 9 and the N 1/2 of Lot 10, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-010	Lots 15 & 16, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-011	S 1/2 of Lot 10 and all of Lots 11 & 12, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-012	Lots 13 & 14, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-013	Lots 5 through 7, inclusive, Block 5, Slocomb's Addition	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, CHIPETA AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-02-001	N 20 ft of Lot 24 and all of Lots 25 & 26, Block 12, Slocomb's Addition	\$1,113.00
2945-132-02-002	N 12.5 ft of Lot 20, Lots 21 through 23, inclusive and the S 5 ft of Lot 24, Block 12, Slocomb's Addition	\$1,470.75

2945-132-02-004	N 5 ft of Lot 16, Lots 17 through 19, inclusive, and the S 12.5 ft of Lot 20, Block 12, Slocomb's Addition	\$1,470.75
2945-132-02-005	Lots 14 & 15 and the S 20 ft of Lot 16, Block 12, Slocomb's Addition	\$1,113.00
2945-132-23-001	Lot 1, Greenwood Subdivision	\$ 512.28
2945-132-23-002	Lot 2, Greenwood Subdivision	\$ 339.20
2945-132-23-003	Lot 3, Greenwood Subdivision	\$ 339.20
2945-132-23-004	Lot 4, Greenwood Subdivision	\$ 339.20
2945-132-23-005	Lot 5, Greenwood Subdivision	\$ 339.20
2945-132-23-006	Lot 6, Greenwood Subdivision	\$ 339.20
2945-132-23-007	Lot 7, Greenwood Subdivision	\$ 512.19

ALLEY 23RD STREET TO 24TH STREET, OURAY AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-15-001	Lot 9, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-002	Lot 18, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-003	Lot 17, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-004	Lot 8, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-005	Lot 7, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-006	Lot 16, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-007	Lot 6, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-008	Lot 15, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-009	Lot 5, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-010	Lot 14, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-011	Lot 4, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-012	Lot 13, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-013	Lot 3, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-014	Lot 12, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-015	Lot 2, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-016	Lot 11, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-017	Lot 1, Block 4, Mesa Gardens Subdivision	\$ 527.88
2945-131-15-018	Lot 10, Block 4, Mesa Gardens Subdivision	\$ 527.88

S 1/2 N/S ALLEY 6TH STREET TO 7TH STREET, GRAND AVENUE TO OURAY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-37-004	Lots 19, 20, and 21, Block 72, City of Grand Junction	\$ 636.00
2945-142-42-006	Lot 22, Block 72, City of Grand Junction	\$4,173.75

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICTS NO. ST-05 AND ST-05 PHASE B IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement Districts No. ST-05 and ST-05 Phase B and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on September 9th, 2005, and the last publication thereof appearing on September 11th, 2005); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said Districts assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement Districts No. ST-05 and ST-05 Phase B duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement Districts No. ST-05 and ST-05 Phase B be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$70,626.19; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

ALLEY 1ST STREET TO 2ND STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-36-003	Lots 3 & 4, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-004	Lots 5 & 6, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-005	Lot 7 & the W 6.25 ft of Lot 8, Block 56, City of Grand Junction	\$265.00
2945-142-36-006	E 3/4 of Lot 8 & W 1/2 Lot 9, Block 56, City of Grand Junction	\$265.00
2945-142-36-007	E 1/2 of Lot 9, all of Lot 10, and the W 1/2 of Lot 11, Block 56, City of Grand Junction	\$795.00
2945-142-36-008	E 1/2 of Lot 11 & all of Lot 12, Block 56, City of Grand Junction	\$596.25
2945-142-36-011	Lots 17 & 18, Block 56, City of Grand Junction	\$ 424.00
2945-142-36-012	Lots 19 & 20, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-013	Lot 21 & the E 21 ft of Lot 22, Block 56, City of Grand Junction	\$1,535.94
2945-142-36-014	W 4 ft of Lot 22 & all of Lots 23 & 24, Block 56, City of Grand Junction	\$1,803.06
2945-142-36-015	Lots 1 & 2, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-016	Lots 13 through 16 inclusive, Block 56, City of Grand Junction	\$1,590.00

ALLEY 9TH STREET TO 10TH STREET, ROOD AVENUE TO WHITE AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-10-001	Lots 1 & 2, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-002	Lots 3 & 4, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-003	Lots 5 & 6, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-004	Lots 7 & 8, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-005	Lots 9 & 10, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-006	Lots 11 & 12, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-007	Lots 13 & 14, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-008	Lots 15 & 16, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-009	N 42' 10 1/2" of Lots 31 & 32, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-011	Lots 29 & 30, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-012	Lots 27 & 28, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-013	Lots 25 & 26, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-014	Lots 23 & 24, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-015	Lots 21 & 22, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-016	Lots 19 & 20, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-017	Lots 17 & 18, Block 91, City of Grand Junction	\$ 424.00

ALLEY 9TH STREET TO 10TH STREET, OURAY AVENUE TO CHIPETA AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-33-001	Lots 1 & 2, Block 64, City of Grand Junction	\$ 424.00

2945-141-33-002	Lots 3 & 4, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-003	Lots 5 & 6, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-004	Lots 7 & 8, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-005	Lots 9 & 10, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-006	Lots 11 & 12, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-007	Lots 13 & 14, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-008	Lots 15 & 16, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-009	Lots 31 & 32, Block 64, City of Grand Junction	\$ 795.00
2945-141-33-010	Lots 29 & 30, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-011	Lots 27 & 28, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-012	Lots 25 & 26, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-013	Lots 23 & 24, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-014	Lots 21 & 22, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-015	Lots 19 & 20, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-016	Lots 17 & 18, Block 64, City of Grand Junction	\$ 795.00

ALLEY 11TH STREET TO 12TH STREET, TELLER AVENUE TO BELFORD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-07-001	Lots 1 & 2, Block 22, City of Grand Junction	\$ 424.00
2945-141-07-004	Lots 6 & 7, Block 22, City of Grand Junction	\$ 424.00
2945-141-54-001	All of Shoberg Simple Subdivision	\$ 795.00
2945-141-07-006	Lots 10 through 13 inclusive, Block 22, City of Grand Junction	\$1,590.00
2945-141-07-007	Lots 14 through 17 inclusive, Block 22, City of Grand Junction	\$2,044.74

2945-141-07-012	Lots 18 through 32 inclusive, except the W 10 ft of Lot 32, Block 22, City of Grand Junction	\$6,251.88
2945-141-07-014	The W 10 ft of Lot 32 and all of Lots 33 & 34, Block 22, City of Grand Junction	\$ 954.00
2945-141-07-011	Lots 3 through 5 inclusive, Block 22, City of Grand Junction	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-15-001	Lots 23 & 24, Block 5, Slocomb's Addition	\$ 424.00
2945-131-15-002	Lots 1 & 2, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-003	Lots 3 & 4, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-004	Lots 21 & 22, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-006	Lots 19 & 20, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-008	Lots 17 & 18, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-009	Lots 8 & 9 and the N 1/2 of Lot 10, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-010	Lots 15 & 16, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-011	S 1/2 of Lot 10 and all of Lots 11 & 12, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-012	Lots 13 & 14, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-013	Lots 5 through 7, inclusive, Block 5, Slocomb's Addition	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, CHIPETA AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-02-001	N 20 ft of Lot 24 and all of Lots 25 & 26, Block 12, Slocomb's Addition	\$1,113.00
2945-132-02-002	N 12.5 ft of Lot 20, Lots 21 through 23, inclusive and the S 5 ft of Lot 24, Block 12, Slocomb's Addition	\$1,470.75
2945-132-02-004	N 5 ft of Lot 16, Lots 17 through 19, inclusive, and the S 12.5 ft of Lot 20, Block 12, Slocomb's Addition	\$1,470.75
2945-132-02-005	Lots 14 & 15 and the S 20 ft of Lot 16, Block 12, Slocomb's Addition	\$1,113.00
2945-132-23-001	Lot 1, Greenwood Subdivision	\$ 512.28
2945-132-23-002	Lot 2, Greenwood Subdivision	\$ 339.20
2945-132-23-003	Lot 3, Greenwood Subdivision	\$ 339.20
2945-132-23-004	Lot 4, Greenwood Subdivision	\$ 339.20

2945-132-23-005	Lot 5, Greenwood Subdivision	\$ 339.20
2945-132-23-006	Lot 6, Greenwood Subdivision	\$ 339.20
2945-132-23-007	Lot 7, Greenwood Subdivision	\$ 512.19

ALLEY 23RD STREET TO 24TH STREET, OURAY AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-15-001	Lot 9, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-002	Lot 18, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-003	Lot 17, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-004	Lot 8, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-005	Lot 7, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-006	Lot 16, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-007	Lot 6, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-008	Lot 15, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-009	Lot 5, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-010	Lot 14, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-011	Lot 4, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-012	Lot 13, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-013	Lot 3, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-014	Lot 12, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-015	Lot 2, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-016	Lot 11, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-017	Lot 1, Block 4, Mesa Gardens Subdivision	\$ 527.88
2945-131-15-018	Lot 10, Block 4, Mesa Gardens Subdivision	\$ 527.88

S 1/2 N/S ALLEY 6TH STREET TO 7TH STREET, GRAND AVENUE TO OURAY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-37-004	Lots 19, 20, and 21, Block 72, City of Grand Junction	\$ 636.00
2945-142-42-006	Lot 22, Block 72, City of Grand Junction	\$4,173.75

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said Districts, and to and upon each lot or tract of land within said Districts, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of

final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement Districts No. ST-05 and ST-05 Phase B shall be retained by the Finance Director and shall be

used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement Districts No. ST-05 and ST-05 Phase B, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

Introduced on First Reading this _____ day of _____, 2005.

Passed and Adopted on the _____ day of _____, 2005

Attest:

City Clerk

President of the Council

Attach 7

**Intent to Create 26 Rd & F 1/2 Rd Sanitary Sewer Improvement District No. SS-47-05
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Intent of the City Council to Create 26 Road & F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05 and Giving Notice of a Hearing						
Meeting Date	September 7, 2005						
Date Prepared	August 26, 2005				File #		
Author	Michael Grizenko			Real Estate Technician			
Presenter Name	Mark Relph			Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
Workshop	X		Formal Agenda		X	Consent	Individual Consideration

Summary: A majority of the owners of real estate located in the area of 26 Road and F 1/2 Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties.

The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Budget: Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$117,096. Sufficient funds have been transferred from Fund 902, the sewer system "general fund", to pay for these costs. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 11 benefiting properties, as follows:

Estimated Project Costs	\$117,096	\$10,645 / lot
-30% Septic System Elimination Contribution by City	<u>(\$34,529)</u>	<u>(\$ 3,139) / lot</u>
Total Estimated Assessments	\$82,567	\$7,506 / lot

This proposed improvement district is slated for construction as part of the 2005 budget of \$1,800,000 in **906-F48200**. A breakdown of the budget is as follows:

PROJECT NAME	BUDGET ESTIMATE
26 Rd & F 1/2 Rd SID	\$ 117,096.00
Red Mesa Hgts/Canary Ln	\$ 20,000.00
Galley Lane SID (Design)	\$ 13,000.00
Mesa Grande SID	\$ 555,650.00
Reed Mesa SID	<u>\$1,089,350.00</u>
Estimated TOTAL:	\$1,795,096.00
Budget Total	<u>\$1,800,000.00</u>
Remaining Funds:	\$ 4,904.00

Action Requested/Recommendation: Adopt a resolution declaring the intention of the City Council to create 26 Road & F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05 and giving notice of a hearing for October 19, 2005.

Attachments: 1) Ownership summary, 2) Vicinity map, 3) Resolution, which includes the notice of hearing.

Background Information: In 2001 the City Council and Mesa County Commissioners adopted two policies to promote the elimination of septic systems in the Persigo sewer service area. A total of \$1,800,000 is budgeted in 2005 to fund improvement districts that will extend sanitary sewer service to various neighborhoods. Additionally, a Septic System Elimination Program (SSEP) has been created that provides financial assistance for property owners who wish to participate in improvement districts. This program authorizes the City and Mesa County to pay 30% of improvement district costs.

Improvement districts historically begin with public interest. The City or Mesa County receives questions from property owners in an area regarding possibility of sewer service and connection to the Persigo Waste Water Treatment Plant.

The City and County hold an initial public meeting for the affected parties introducing the SSEP and provide estimated high and low range costs for the district. At this meeting an informal petition is circulated. If a simple majority of property owners affected favor a district, the project is designed by the City and advertised for bids. Otherwise, the district is tabled until some later date.

After the City receives bids, a second public meeting is held with residents to discuss the estimated assessment based on bid price from the lowest qualified bidder. At this meeting a formal, legally binding, petition is circulated with costs based on the low bid received.

If a majority of the property owners vote to form the district, the City Council takes action to create the district and awards the construction contract. After construction is completed the City Council initiates assessment proceedings. Each property in the district is assessed based on actual costs of construction, less the 30% SSEP contribution, if it applies.

This proposed improvement district consists of 11 single-family properties which are connected to septic systems. Sixty-four percent of the property owners have signed a petition requesting that this improvement district be created. People's Ordinance No. 33 authorizes the City Council to create improvement districts when requested by a majority of the owners of real estate to be assessed.

On October 19th, 2005, the City Council will conduct a public hearing and consider a resolution to create this proposed improvement district.

OWNERSHIP SUMMARY

PROPOSED 26 ROAD & F 1/2 ROAD SANITARY SEWER IMPROVEMENT DISTRICT No. SS-47-05

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQD.
2945-034-00-076	• Arleen L. Hache & Jeff M. Davis	643 26 Road	
2945-034-00-077	Larry Lee Crosser	637 1/2 26 Road	
2945-034-00-078	Wendi & Robbie Alan Novak	641 26 Road	
2945-034-00-097	Morgan Freitas	637 26 Road	Yes
2945-034-00-165	• Raymond C. & Margaret G. Pilcher	645 26 Road	
2945-023-00-007	Peter C. & Julia C.S. Vernon, Trustees	2615 F 1/2 Road	
2945-023-00-008	• Roger A. & Dorri J. Thompson	2605 F 1/2 Road	Yes
2945-023-00-011	• Richard I. & Bonny F. Rininger	636 26 Road	Yes
2945-023-00-044	• Berndt C. & Frances C. Holmes	640 26 Road	Yes
2945-023-20-001	• Max A. & Barbara K. Smith**	2611 F 1/2 Road	
2945-023-20-002	• Christopher E. & Patricia A. Jones	vacant	

● Indicates property owners signing petition = 7 of 11 or 64%

** Power of Attorney for Sewer Improvements

RESOLUTION NO. _____

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY, 26 ROAD AND F 1/2 ROAD SANITARY SEWER DISTRICT NO. SS-47-05, AUTHORIZING THE CITY UTILITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that a Sanitary Sewer Improvement District be created for the design, construction and installation of sanitary sewer facilities and appurtenances related thereto for the special benefit of the real property hereinafter described; and

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction and installation of sanitary sewer facilities as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the properties included within said district; and

WHEREAS, the City Council deems it necessary and appropriate to take the necessary preliminary proceedings for the creation of a special sanitary sewer improvement district, to be known as Sanitary Sewer Improvement District No. SS-47-05, to include the services and facilities as hereinafter described for the special benefit of the real property as hereinafter described.

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

1. That the real property (also known as the "District Lands") to be assessed with the total actual costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

All that part of the NW 1/4 SW 1/4 Section 2, T1S, R1W, of the Ute Meridian, lying south of the north line of said NW 1/4 SW 1/4 and north of the Grand Valley Canal, EXCEPT the east 109.8 feet thereof, AND EXCEPT the west 217.8 feet of the north 200 feet thereof; AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian lying north of the Grand Valley Canal and south of the following described line:

Beginning 100 ft S of the NE corner of the NE 1/4 SE 1/4 of Section 3, T1S, R1W, Ute Meridian; thence W 242.44 feet; thence S 05°35' 48"E 59.62 feet; thence N

89°54' 45"W 43.76 feet; thence S 01°42' 01"E 6.59 feet; thence S89°13'19"W 82.47 feet; thence N03°30'03"W 6.99 feet; thence W 378.82 feet to the Grand Valley Canal.

All in the City of Grand Junction, County of Mesa, State of Colorado.

2. That the proposed services, labor, materials and improvements (also known as the "District Improvements") necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation and placement of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, compensation or fees required for easements, permits or other permanent or temporary interests in real property which may be required to accommodate the installation, operation, maintenance, repair and replacement of the District Improvements, together with any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon the District Lands shall be based upon the total actual costs of the District Improvements. The City Utility Engineer has estimated the total probable costs of the District Improvements to be \$117,096.00. Based on the aforesaid estimate of the City Utility Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$10,645.00; provided, however, that pursuant to a Joint Resolution by the City Council and the Board of Commissioners of Mesa County, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Notwithstanding the foregoing estimates, the total costs of the District Improvements, whether greater or less than said estimates, shall be assessed against and upon the District Lands. The assessments to be levied against and upon the District Lands do not include other costs and fees which the owners of the District Lands will be required to pay prior to making connection to the District Improvements, including, but not limited to, costs to extend the service lines from the stub-outs to the building(s) to be served, Plant Investment Fees, and any other fees which may be required prior to making physical connections to the District Improvements.

4. That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8

percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-47-05 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

5. That the City Utilities Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with and a map of the district depicting the District Lands to be assessed from which the amount of the estimated assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

6. That Notice of Intention to Create said Sanitary Sewer Improvement District No. SS-47-05, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

NOTICE

OF INTENTION TO CREATE SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-47-05, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the owners of the property to be assessed, to the owners of real estate in the district hereinafter described and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, has declared its intention to create Sanitary Sewer Improvement District No. SS-47-05, in said City, for the purposes of installing sanitary sewer facilities and related appurtenances to serve the property hereinafter described which lands are to be assessed with the total costs of the improvements, to wit:

All that part of the NW 1/4 SW 1/4 Section 2, T1S, R1W, of the Ute Meridian, lying south of the north line of said NW 1/4 SW 1/4 and north of the Grand Valley Canal, EXCEPT the east 109.8 feet thereof, AND EXCEPT the west 217.8 feet of the north 200 feet thereof; AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian lying north of the Grand Valley Canal and south of the following described line:

Beginning 100 ft S of the NE corner of the NE 1/4 SE 1/4 of Section 3, T1S, R1W, Ute Meridian; thence W 242.44 feet; thence S 05°35' 48"E 59.62 feet; thence N 89°54' 45"W 43.76 feet; thence S 01°42' 01"E 6.59 feet; thence S89°13'19"W 82.47 feet; thence N03°30'03"W 6.99 feet; thence W 378.82 feet to the Grand Valley Canal.

All in the City of Grand Junction, County of Mesa, State of Colorado.

Location of Improvements: Located in the area of 26 Road and F 1/2 Road.

Type of Improvements: The improvements requested include the installation or construction of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, together with engineering, inspection, administration and any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, hereinafter referred to as the "District Improvements", all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements, which have been estimated by the City Utility Engineer to be \$117,096.00; provided, however, that pursuant to a Joint Resolution by

the City Council and the Mesa County Board of Commissioners, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Assessments shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. Failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-47-05 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

On October 19, 2005, at the hour of 7:00 o'clock P.M. in the City Council Chambers located at 250 N. 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the estimated share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this ____ day of _____, 2005.

**BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO**

By: _____
City Clerk

PASSED and **ADOPTED** this ____ day of _____, 2005.

President of the Council

Attest:

City Clerk

Attach 8

**Construction Contract for Reed Mesa Sewer District
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Construction Contract for Reed Mesa Sewer District (County) to M.A. Construction, Inc., Contingent on Creation of District by Mesa County Commissioners on September 19, 2005.					
Meeting Date	September 7, 2005					
Date Prepared	August 31, 2005				File #	
Author	Dave Donohue		Project Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: A majority of the owners (77 supporting, 32 opposing, 2 split) of real estate located west of South Broadway, east of Meadowlark Lane, south of Hwy. 340, and north of Desert Hills Estates have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties.

Budget: Costs to be incurred within the limits of the proposed District boundaries are estimated to be \$1,353,719. Sufficient funds have been transferred from Fund 902, the sewer system "general fund", to pay for these costs, including \$1.8M for 2005 and \$219,171 for 2006. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 144 benefiting properties (146.2 EQU's), as follows:

Estimated Project Costs*	\$1,308,521	\$8,950/EQU
-30% Septic System Elimination Contribution by City	(\$392,556)	(\$2,6852)/EQU
Total Estimated Assessments	\$925,965	\$6,334/EQU

*Estimated Project Costs include design, construction, inspection, easements, and administration. Does not include \$45,188 of storm sewer replacement which is to be reimbursed by Mesa County.

The following bids were received for this project:

M.A. Concrete Construction, Inc. (Grand Junction)	\$ 1,172,373.75
Sorter Construction, Inc. (Grand Junction)	\$ 1,373,350.20
Engineer's Estimate	\$1,170,179.00

Background Information: In 2001 the City Council and Mesa County Commissioners adopted a joint policy to promote the elimination of septic systems in the Persigo sewer service area. The two agencies have agreed to budget \$1,800,000 for 2005 and \$1,866,917 for 2006 to fund improvement districts that will extend sanitary sewer service to various neighborhoods. Additionally, a Septic System Elimination Program has been created that provides financial assistance for property owners who wish to participate in improvement districts. This program authorizes Mesa County to pay 30% of the improvement district costs.

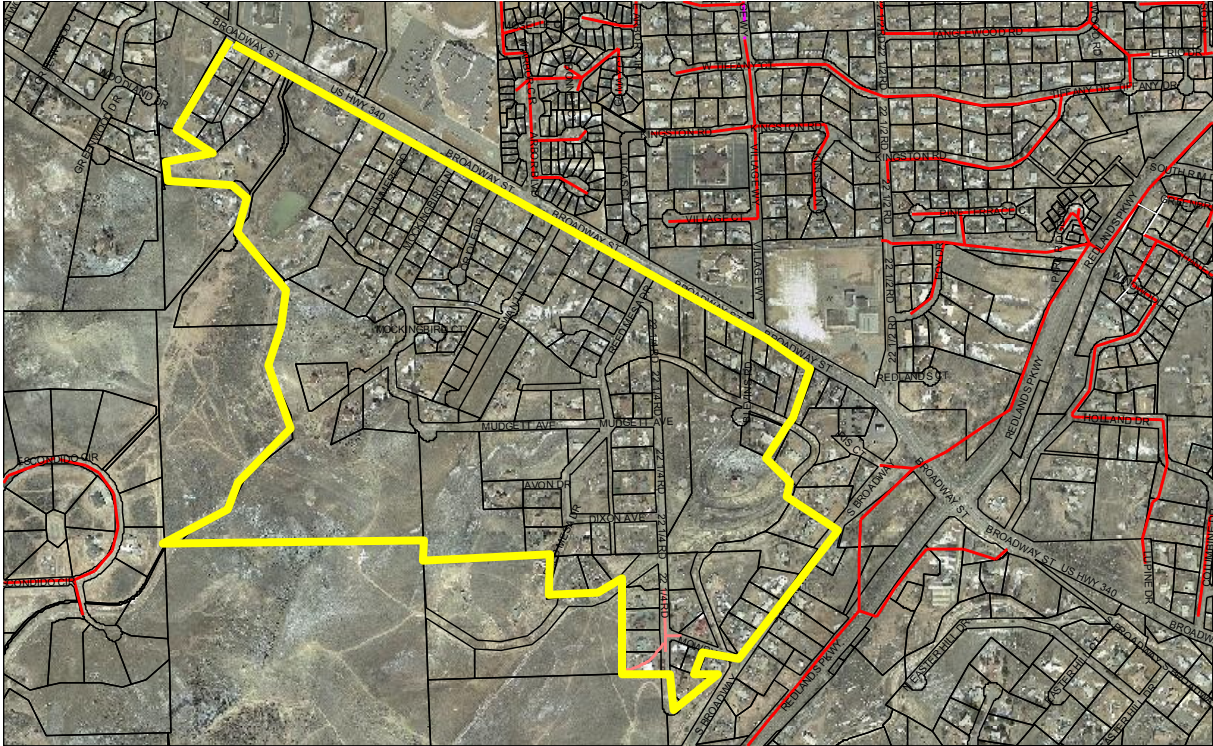
The proposed improvement district consists of 144 properties which are connected to septic systems. 111 property owners have cast ballots regarding creation of the Reed Mesa SID. 77, or 52.7% of the owners, have cast ballots in support of creating the district. 32, or 21.9% of the owners, have cast ballots opposing the creation of the district. Two owners cast split ballots, in which two sets of joint owners cast opposing ballots. The Mesa County Board of County Commissioners (BOCC) will meet to consider creation of the district on September 19, 2005. Assuming the BOCC forms the district at this time, work will begin on or about September 26, 2005 and continue to on or about the scheduled completion date of April 20, 2006.

Creation of this proposed improvement district will require 16 permanent easements for sewer mains and services and 14 temporary construction easements across properties included in this district.

Action Requested/Recommendation: Authorize the City Manager to enter into a construction contract with M.A. Concrete Construction, Inc., in the amount of \$1,172,373.75, contingent on the formation of the local improvement district by the BOCC on September 19, 2005.

Attachments: Vicinity map.

BOUNDARY OF THE PROPOSED REED MESA SANITARY SEWER IMPROVEMENT DISTRICT



Attach 9

Construction Contract for 2005 Curb, Gutter, and Sidewalk Replacement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Construction Contract for 2005 Curb, Gutter and Sidewalk Replacement						
Meeting Date		September 7, 2005						
Date Prepared		August 30, 2005			File # - N/A			
Author		Justin J. Vensel			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			X	Consent	Individual Consideration

Summary: The project consists of replacing sections of hazardous or deteriorated curb, gutter and sidewalk in various locations throughout the City.

Budget: Project No.: 2011-F00900

Project costs:

Construction contract (low bid)	\$59,538.54
Design	\$6,200.00
Construction Inspection and Administration (est.)	<u>\$7,300.00</u>
Total Project Costs	\$73,038.54

Project funding:

City budgeted funds (Account F00900)	\$80,160.00
Total Costs	<u>\$73,058.34</u>
Balance	\$7101.66

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2005 Curb Gutter and Sidewalk Replacement Project** to **BPS Concrete Inc** in the amount of **\$59,538.54**

Attachments: none

Background Information:

Throughout the year a list of locations with concrete problems that have been reported by citizens or noted by City personnel was compiled. Common problems and complaints received and evaluated under this project were cracked or crumbling sidewalk that posed stumbling hazards, or drainage issues in the curb and gutter. City personnel applied standard methods for measuring the severity and prioritizing of each location. A final location list was then quantified.

Area 1 (12th Street west to city limits/ south of North Ave)	Area 2 (12th Street west to city limits/ north of North Ave)	Area 3 (12th Street east to city limits/ north of North Ave)	Area 4 (12th Street east to city limits/ south of North Ave)
641 Hill Avenue	1807 N th 4 th	2310 Cypress Court	1419 Rood Avenue
302 Hill Avenue	2679 Delmar Drive	2550 Springside Ct	1317 Colorado Ave.
322 Chipeta Avenue	2695 Mazatlan	2898 F ¼ Road	
960 Ouray Avenue	NE corner W Mesa and Jupiter	559 Cindy Ann Road	
1059 Hill Avenue		597 ½ 28 ½ Road	
1107 Hill Avenue		599 28 ½ Road	

This years project consists of 205 square yards of 4", 6" and 8" thick sidewalk; 100 square yards of driveways and ramps; 200 square yards of monolithic curb gutter and sidewalk; 217 lineal feet of curb and gutter; and 175 square yards of asphalt replacement. This work is scheduled to begin on September 26, 2005 and be completed on October 31, 2005.

The following bids were opened on August 23, 2005:

Bidder	From	Bid Amount
BPS Concrete, Inc	Grand Junction	\$59,538.54
Vista Paving Corporation	Grand Junction	\$66,216.10
Engineer's Estimate		\$50,915.52

Attach 10

Construction Contract for New Curb, Gutter, and Sidewalk

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for New Curb, Gutter and Sidewalk – Grand Avenue from 24 th Street to 28 Road and Riverside Sidewalk Improvement					
Meeting Date	September 7, 2005					
Date Prepared	August 17, 2005	File # - N/A				
Author	Justin J. Vensel		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: This project includes installation of new monolithic curb, gutter and sidewalk along the south side of Grand Avenue from 24th Street to 28 Road. In the Riverside neighborhood, new sidewalk will be installed along the east side of Chuluota Avenue, from Colorado Avenue to Hale Avenue. There will also be new sidewalk installed along the east side of Park Avenue, from Fairview Avenue to Riverside Drive.

Budget: Project No.: 2011-F51700

Project costs:

Construction contract (low bid)	\$120,904.60
Design	\$10,572.00
Construction Inspection and Administration (est.)	<u>\$14,500.00</u>
Total Project Costs	\$145,976.60

Project funding:

<u>Funding Source</u>	<u>Funds Available</u>	<u>Allocation for this Contract</u>	<u>Remaining Balance</u>
Fund 2011-F51700 Grand Ave Sidewalk (CDBG) Grant	\$ 60,000.00	\$ 60,000.00	\$ 0.00
Fund 2011-F59800 Riverside Sidewalk (CDBG) Grant	\$ 50,000.00	\$ 50,000.00	\$ 0.00

Fund 2011-F00401			
Contract Street			
Maintenance	<u>\$ 176,051.00</u>	<u>\$ 35,976.60</u>	<u>\$ 140,074.00</u>
Totals:	\$ 286,051.00	\$145,976.60	\$ 140,074.00

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **New Curb Gutter and Sidewalk – Grand Avenue from 24th Street to 28 Road and Riverside Sidewalk Improvement to Reyes Construction** in the amount of **\$120,904.60**

Attachments: none

Background Information:

On May 19, 2004 Council approved Community Development Block Grant (CDBG) funding for a street improvement project along Grand Avenue from 24th Street to 28 Road and sidewalk improvements in the Riverside Neighborhood.

It was determined through observation there were drainage issues and limited pedestrian access along the south side of Grand Ave from 24th Street to 28 Road. This has prompted the street improvement project which includes installation of curb gutter and sidewalk along this corridor.

A sidewalk survey was sent out in the spring of 2004 to determine if the property owners along Chuluota Ave and Park Ave would be interested in having sidewalks installed.

We received a majority response from the residents along Chuluota Ave from Hale ave to Colorado Ave. We also receive a majority from the residents along Park Ave from Hale to Fairview Ave. The total footage of new sidewalk in this area is 1380 lineal feet.

This project is scheduled to begin on September 19, 2005 and be completed by November 7, 2005.

The following bids were opened on August 16, 2005:

Bidder	From	Bid Amount
Reyes Construction	Grand Junction	\$ 120,904.60
G & G Paving	Grand Junction	\$ 164,375.00
Engineer's Estimate		\$ 123,601.30

Attach 11
Sister City Request – San Pedro Perulupan
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Sister City Request					
Meeting Date	September 7, 2005					
Date Prepared	September 1, 2005				File #	
Author	David Varley		Assistant City Manager			
Presenter Name	David Varley		Assistant City Manager			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: This is a request for the City of Grand Junction to enter into a “Sister City” relationship with the village of El Espino, San Pedro Perulupan, El Salvador, Central America.

Budget: The proponents indicate there will be no financial commitment for the City of Grand Junction to spend funds on this.

Action Requested/Recommendation: If Council agrees with this request then it would be appropriate to make a motion approving a “Sister City” relationship between the City of Grand Junction, Colorado and the village of El Espino, San Pedro Perulupan, El Salvador, Central America. The motion may also include the fact that this relationship is through an organization known as the Foundation for Cultural Exchange.

Attachments: Two letters requesting that the City support and endorse this relationship.

Background Information: The request for support of this relationship was made several months ago by Anna Marie Stout, the President of the Foundation for Cultural Exchange. During subsequent discussions staff asked this group for additional



information regarding the Sister City program. We requested information such as an application form from the sponsoring foundation or organization, a description of the organization, its history of sponsoring Sister City relationships, the procedure for establishing a Sister City relationship and the specific responsibilities included in such a relationship or endorsement. We also requested a description of the activities or projects this organization would pursue under the City's endorsement. The two page letter is the response we received from our requests for the above information.

14 April 2005

City Council of Grand Junction
250 N 5th Street
Grand Junction, CO 81501

Dear Council Members,

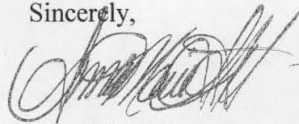
As you may recall, two of our members came before you on January 3 of this year to continue the process of creating a Sister City Relationship between Grand Junction and El Espino, a village in the municipality of San Pedro Perulupán in El Salvador.

This letter serves as a follow up to that meeting and as a request to be placed on the Council's agenda at your earliest convenience. We are anticipating using no more than 20 minutes of the Council's time.

Enclosed is our proposal to finalize this relationship, which should clear up any missing details for the Council.

Please feel free to direct any questions or concerns to me. Thank you for your consideration.

Sincerely,



Anna Marie Stout

President, Foundation for Cultural Exchange
970-433-2897
air_anna19@yahoo.com

Ec: Proposal Document

April 6, 2005

Re: Sister City relationship between Grand Junction, Colorado and El Espino, a municipality of the city of San Pedro Perulapán in the department of Cuscutlán, El Salvador.

In June 2004, a group of Mesa State students proposed to the City Council of Grand Junction that they consider a Sister City relationship with a small community in El Salvador. Since then, we have incorporated a non-profit organization, the Foundation for Cultural Exchange (FCE), to act as a liaison between the communities.

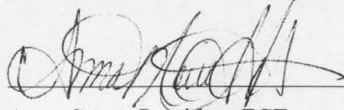
The initiative for the Sister City Program is attributed to Dwight Eisenhower. His statement is quoted as follows: "The Sister City Program is an important resource to the negotiations of governments in letting people themselves give expression to their common desire for friendship, goodwill and cooperation for a better world for all." The initial objectives of these programs focused on the development of durable networks of communications between cities of the world for the principal purpose of reducing the likelihood of misunderstandings and conflict among nations. In this sense, the program acts to enhance foreign relations at the local level. These agreements are formalized when two communities from different nations join together to develop a "friendly and meaningful" relationship. The central element is the exchange of people, ideas, culture, education and technology. Perhaps more importantly, Sister City relationships are associated with an increased amount of personal exchanges between citizens of each community.

A Sister City relationship will benefit both El Espino and Grand Junction. The cultural insights and language opportunities to be gained will be beneficial to schools, businesses, and other entities within both communities. There is the possibility for Grand Junction schools to become involved with the schools in El Salvador, whether that take the form of pen pals, educational/travel opportunities for high school students, or correspondence between educators. The Chamber of Commerce and Business Incubators could begin to establish economic development strategies to aid El Espino and neighboring communities. The Immaculate Heart of Mary Parish of Grand Junction has already established a Sister Parish relationship with a church in El Espino. The establishment of a Sister City relationship opens numerous doors for the citizens of Grand Junction to become aware of international economic conditions and how they affect poor countries. We hope this awareness will form responsible citizens and partnerships, which will foment economic and social development and fair trade.

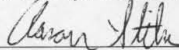
The FCE expects nothing more than an agreement that the City of Grand Junction supports a relationship with El Espino. The expectations of El Espino are that the Salvadoran community and its members take a more active role in designing and supporting development projects.

As its name indicates, the FCE was established to facilitate interaction between members of global communities. Our goals are to perpetuate exchange between El Espino and Grand Junction, to inform members of our community about the history and culture of El Salvador, and to assist with specific development projects in El Espino and neighboring communities. The Citizens' Round Table of El Espino designs and prioritizes the projects that are most important and beneficial to the community, which the FCE then discusses and votes on within the Board of Directors, made up of members from the first delegation to El Espino and selected community members. This Board makes all decisions regarding the Foundation and the Sister City relationship through a democratic voting process. Our first major project within the community was helping the village reconstruct their main road. Our next project is to help create a community computer lab. Other future ideas for projects include, but are not limited to, potable water systems, wastewater treatment systems, solid waste management, furthered road improvement, and citizen awareness programs. As a foundation, we have participated in the Alternative Christmas Fair. Jamie Richardson has recently returned from his second trip to the community and Anna Stout has just returned from her third.

We would love the support of the Council and the community and are excited for the future of this relationship. We believe that the backing of the Grand Junction City Council for our project will open doors to exchanges and growth both in Grand Junction and El Espino, San Pedro Perulupán and build life-long bonds of friendship and solidarity. We are energized to transform El Espino and Grand Junction into informed, compassionate, internationally aware cities.



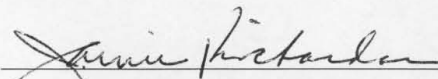
Anna Stout, President FCE



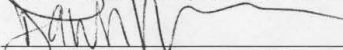
Aaron Stites, Secretary/Treasurer FCE



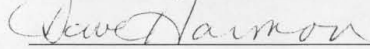
Dr. Tom Acker, Board Member



Jamie Richardson, Board Member



Dawn Wieker, Board Member



Dave Harmon, Board Member

Attach 12
Public Hearing – Zoning the Twenty Three Park Plaza Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Twenty Three Park Plaza Annexation, located at the NW corner of 23 Road and I-70					
Meeting Date	September 7, 2005					
Date Prepared	August 25, 2005				File #GPA-2005-045	
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 the ordinance to zone the 35.52 acre Twenty Three Park Plaza Annexation I-O (Industrial/Office Park).

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Vicinity Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's Request
5. Correspondence
6. Planning Commission Minutes
7. Applicant's letter withdrawing the request for I-O and I-1 zoning
8. Ordinance

AGENDA TOPIC: GPA-2005-045 Zoning the Twenty Three Park Plaza Annexation, located at the NW corner of 23 Road and I-70

ACTION REQUESTED: Hold a public hearing to consider final passage of the zoning ordinance.

BACKGROUND INFORMATION			
Location:		NW corner of 23 Road and I-70	
Applicants:		Owner: Karen Marquette Representative: Doug Gilliland	
Existing Land Use:		Platted, undeveloped industrial park	
Proposed Land Use:		Industrial park	
Surrounding Land Use:	North	Estate (2-5 acres/unit)	
	South	Commercial/Industrial	
	East	Commercial and Estate	
	West	Estate	
Existing Zoning:		PI (Planned Industrial)--County zoning	
Proposed Zoning:		I-1 (Light Industrial)—requested I-O (Industrial/Office Park)--recommended	
Surrounding Zoning:	North	County AFT	
	South	I-1	
	East	County PC (Planned Commercial)	
	West	County RSF-E (Residential Estate)	
Growth Plan Designation:		Commercial/Industrial	
Zoning within density range?	x	Yes	No

PROJECT DESCRIPTION: Hold a public hearing and consider final passage of the ordinance to zone the 35.52 acre Twenty Three Park Plaza Annexation I-O (Industrial/Office Park). The City Council had remanded this consideration to Planning Commission to consider the applicant's request for a combination of I-O and I-1 zoning. The applicant has withdrawn that request and is in agreement with the Planning Commission original recommendation of I-O zoning for the entire annexation.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The property was recently annexed into the City of Grand Junction pursuant to the Persigo Agreement. The owner had requested a Growth Plan Amendment to change the Future Land Use designation from Commercial/Industrial to Residential Medium Low (2-4 units per acre). The applicant has withdrawn the Growth Plan Amendment request.

The 35.5 acre site is located at the NW corner of 23 Road and I-70. In 1982, the property was zoned Planned Industrial by Mesa County and platted into 30 commercial/industrial lots. Infrastructure improvements for the subdivision were started, but never completed, and sewer was not extended to the property. In 2000 the property owner requested that the Twenty Road Park Plaza be included in the Persigo 201 Sewer Service boundary, which was approved by the City Council and Mesa County Commissioners at a joint meeting November 13, 2000. For future development, the developer will be required to construct all infrastructure to current standards, and extend sewer.

The Persigo Agreement requires that zoning of annexed property be consistent with the prior County zoning or consistent with the Growth Plan. The prior County zoning on this property was PI (Planned Industrial). The most similar City zone districts would be I-1 or I-O. There are three zone districts that implement the Future Land Use designation of Commercial/Industrial, C-2 (Heavy Commercial), I-1 (Light Industrial) and I-O (Industrial/Office Park). In this case, C-2 is not an option since the Zoning and Development Code prohibits rezoning to C-2 where it is adjacent to residentially zoned property. Therefore, the only two options for zoning this property are I-1 and I-O. The applicant has requested I-1 (Light Industrial) zoning for the property. However, the Planning Commission has recommended zoning the property I-O (Industrial/Office Park). The following review is for the recommended I-O zoning.

2. Consistency with the Growth Plan:

The Growth Plan designates this property as Commercial/Industrial. The recommended I-O zone district is consistent with the Growth Plan designation and the prior County zoning.

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

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

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

The recommended I-O zoning is consistent with the prior County zoning of Planned Industrial.

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

The character of the area has changed, but in accordance with the adopted Growth Plan.

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

The I-O zoning will require adequate screening and buffering adjacent to the residential properties, and requires a Conditional Use Permit for many of the industrial type uses.

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;*

The recommended I-O zoning conforms to the goals and policies of the Growth Plan and the development of the property will be in accordance with the Zoning and Development Code.

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

Needed infrastructure would have to be extended to serve the parcel.

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

The I-O zoning is consistent with the Growth Plan and prior County zoning.

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

The I-O zoning is consistent with the Growth Plan and prior County zoning.

FINDINGS OF FACT/CONCLUSIONS

After reviewing GPA-2005-045, zoning the Twenty Three Park Plaza Annexation, staff makes the following findings of fact and conclusions:

3. The recommended I-O zoning is consistent with the purpose and intent of the Plan.
4. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

At their June 28, 2005 hearing, the Planning Commission recommended denial of the request for I-1 zoning and recommended approval of the I-O zoning, finding the I-O zoning to be more compatible with the surrounding residential uses.

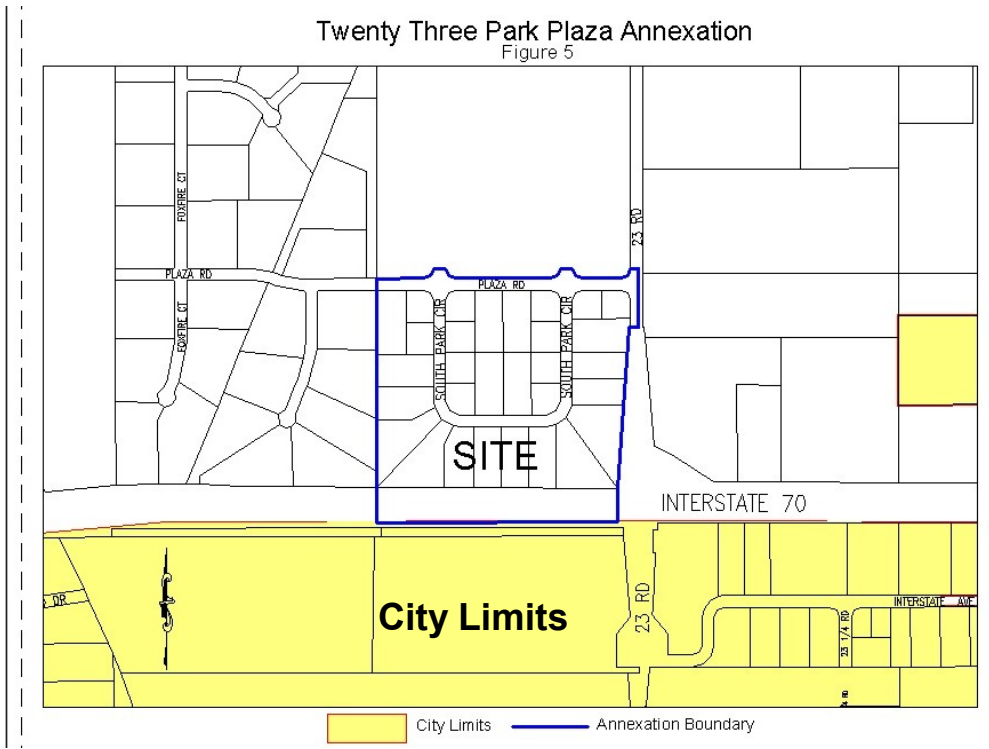
If the City Council considers the I-1 zoning, it would take an affirmative vote of 5 Council members (super-majority) to overturn the Planning Commission recommendation of denial. If the Council considers the I-O zoning, approval requires a simple majority.

Attachments:

1. Staff report/Background information
2. Vicinity Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's Request
5. Correspondence
6. Planning Commission Minutes
7. Ordinance

Site Location Map

Figure 1



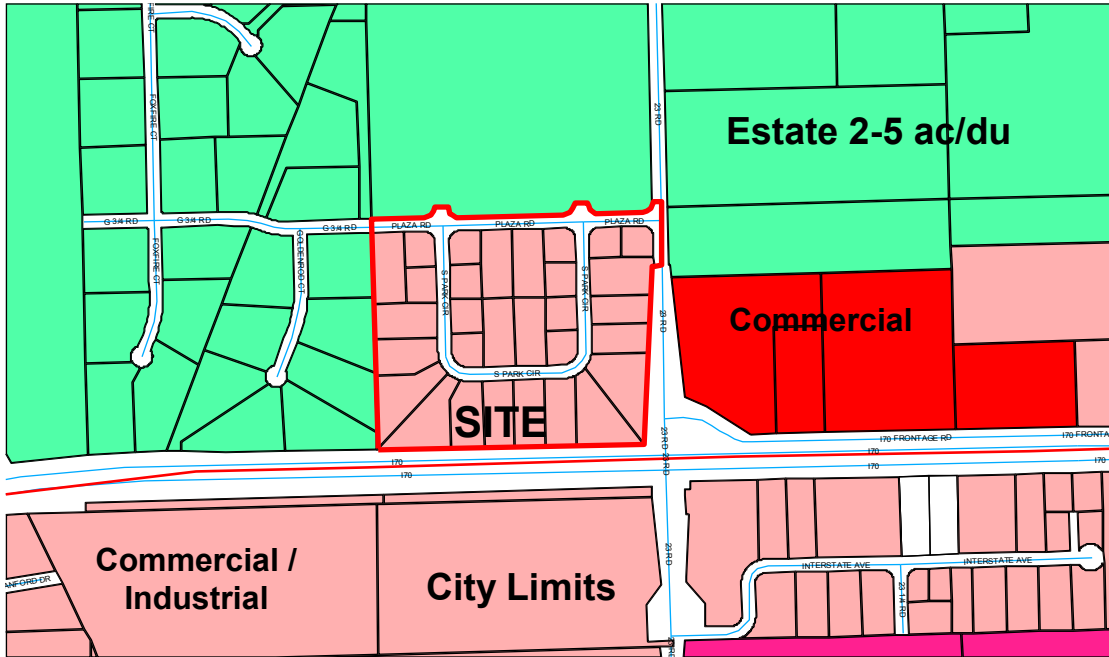
Aerial Photo Map

Figure 2



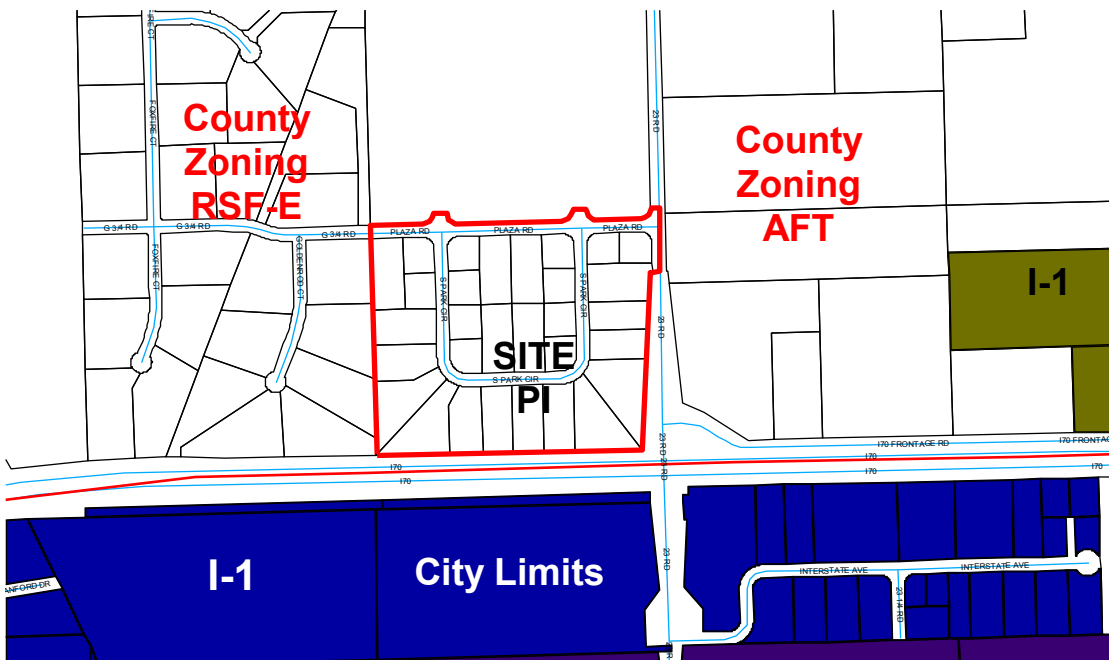
Future Land Use Map

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."



TAURUS OF TEXAS HOLDINGS, LP

9285 Huntington Square, Ste. 100, N. Richland Hills, Texas 76180 ♦ (817) 788-1000 ♦ FAX:
(817) 788-1670

June 7, 2005

Katherine Porter AICP
City of Grand Junction,
Planning Manager
250 North 5th Street
Grand Junction, Colorado 81501

Re: Zoning of 23 Park Plaza land into I1 industrial

Dear Kathy

Thanks again for your assistance on this request. Based upon our conversation today, I am presenting the following input and comments regarding the application to zone the 30 acres of land at 23 Street and I-70 to I1 Industrial. My understanding is that as part of the zoning request we need to address the relevant criteria in Chapter 2.6 a) 1-7 of the Zoning and Development Code. The following material is our response to the Approval Criteria in this section of the Code:

1. Not Applicable to this request since the property is not zoned.
2. The property was annexed into the city not long ago. It is not zoned currently; however it is presented as Industrial/Heavy Commercial on the Growth Plan. While it was in the county it was zoned for Planned Industrial in 1982. It has been in that category since then and through the annexation. The Planned Industrial category allows for a range of industrial and commercial uses. The predominate use under this zoning category as approved in May of 1982 by the county is for manufacturing and distribution facilities, repair shops, outdoor storage, equipment fabrication, and minor uses of office space. Infrastructure improvements for these uses were made but never fully completed. A roadway system along with sanitary sewer and water lines were installed. The curbs were built but the final grade on the streets was not completed.
3. The proposed zoning of I1 is compatible with these former uses, and would meet current standards. The improvements associated with the development will not create adverse impacts on streets, parking, and storm water or drainage systems. A sanitary sewer system will be extended to existing municipal facilities as part of the development plan.

4. The proposed industrial zoning is compatible with the cities future land use plan for this area as indicated in the Growth Plan. That land use plan shows three different types of industrial/commercial are permitted. The proposed use of I1 is consistent with past zoning while in the county, and the current future land use plan. Additionally, there is a strong demand in the market place today for this type of zoning. As such the proposed zoning conforms with and furthers the goals and policies of the Growth Plan, and other adopted plans envisioned in this Code.
5. As part of the proposed development process, it is our intent to install an off-site sanitary sewer line, and connect it to the existing on-site line. This line will connect to existing city facilities to the south and west of the property. It appears based upon discussions with city staff that the sewer line will need to be a 10" line. It will have the capacity to serve all of the improvements on this site as well as land to the north if and when it is brought into the sewer district. The site has sufficient water and storm sewer to serve the needs of the development based upon the city requirements.
6. Our market research indicates that there is insufficient land with this type of zoning to meet the current demand by industrial users. The strong rise of industrial users in the zoning category will only make the shortage greater. This program will help to satisfy the industrial market, and also add to the tax base for the city. (See the attached market opinion by Mr. Sam Suplizio who is a commercial broker at Bray Commercial Realtors).
7. The community will benefit from this I1 zoning since it will bring to fruition the plan that has been in place since the early 1980s. Construction will be completed on the existing improvements. This means that the area will begin to grow in the manner that the county envisioned as well as the city in its' future land use plan.

Katherine, I believe this completes the response to the approval criteria in the Code. Please let me know if you need additional information to complete this request. I look forward to the Planning & Zoning Hearing on the 28th of this month and to working with you in the future on this project.

Respectfully,

Douglas Gilliland
Taurus of Texas Holdings, LP

>>> "Jack Wernet" <stovebolt1@bresnan.net> 7/5/2005 8:46:24 PM >>>

Dear Mr. Hill

I am an interested party regarding the 23 Park Plaza zoning that is on the agenda for the 7/6/05 meeting (Item #5 File # GPA-2005-045). Although I am not within the city limits, my property and house sit directly to the west of said property. Although it is my preference that the property be zoned residential (as the property owner once requested but recently withdrew), I am aware that you only have two choices at this time. Those choices as I understand it are to either take the Planning Commissions recommendations and zone it I-0 or go against that recommendation and zone it I-1 as the property owner is now petitioning for.

I would ask you to study carefully the surrounding area. The petitioner will claim that there is I-1 property that virtually surrounds this property.

Actually, the opposite is true if you consult the Grand Junction City maps and associated information. The closest I-1 property is actually across I-70, directly to the south. On the north side of I-70 there is no I-1 property for a mile to the west, ½ mile to the east, and none to the north. In fact the 40 acres adjoining this property to the north (coincidentally owned by the same property owner) is zoned residential!

Also of great concern is a road (Plaza road) that is the access to the property from 23 road. Unfortunately it also continues directly into our subdivision (Book Cliff Ranches). It connects to Foxfire (via G ¾ road) which connects to H road. Regardless of the zoning, this road, if allowed to continue to connect to Foxfire, will increase traffic tremendously in the subdivision because it will be used as a short cut to get to the property from H road. My request/preference if it can be done would be to terminate Plaza Road where it turns into G ¾. That way there will be no additional traffic into the subdivision coming from H road trying to get access to the property via H road.

I would greatly appreciate it if you would study this item carefully and discuss it with your fellow City Council members. This decision will have a huge impact on the entire subdivision for years to come. If there is no other choice I strongly urge you to vote for the I-0 as the planning Commission has recommended.

Thank you for your time and consideration.

Sincerely,

Jack Wernet
Resident and Vice President Book Cliff Ranches Homeowners Association
756 Goldenrod Court
Grand Junction, CO 81505
255-0831

GRAND JUNCTION PLANNING COMMISSION
JUNE 28, 2005 MINUTES
7:00 p.m. to 9:25 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 Dr. Paul Dibble (Chairman), Patrick Carlow, Lynn Pavelka-Zarkesh, William Putnam, Bill Pitts, Tom Lowrey, and John Redifer. Roland Cole was absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), Senta Costello (Associate Planner) and Ronnie Edwards (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 26 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 from the May 24, 2005 City/County Joint Planning Commission public hearing.

MOTION: (Commissioner Pitts) "I move we accept the minutes from May 24, 2005 as printed."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Chairman Dibble and Commissioner Redifer abstaining.

III. CONSENT AGENDA

Available for consideration were items

- A. ANX-2005-102 (Zone of Annexation--Career Center Annexation)
- B. GPA-2005-125 (Growth Plan Amendment--Pear Park School Annexation)

- C. ANX-2005-108 (Zone of Annexation--Koch/Fischer Annexation)
- D. ANX-2005-112 (Zone of Annexation--Schultz Annexation)
- E. PP-2005-008 (Preliminary Plan--Camelot Gardens II)
- F. VR-2005-052 (Vacation of Right-of-Way, Forrest Run Row Vacation)
- G. GPA-2005-045 (Zone of Annexation--23 Park Plaza Annexation)
- H. PP-2005-219 (Preliminary Plan--The Glens at Canyon View)

Chairman Dibble briefly explained 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. Staff requested that item VR-2005-052 be pulled from the Consent Agenda and continued to the July 12, 2005 public hearing. At citizen request, item GPA-2005-045 was also pulled from the Consent Agenda and placed on the Full Hearing Agenda. No objections were received from the audience or planning commissioners on any of the remaining items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move that we move item 6 on the Consent Agenda [VR-2005-052], to be continued to the 12th of July."

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

MOTION: (Commissioner Pitts) "Mr. Chairman, I move we approve the Consent Agenda, with item 6 [VR-2005-052] continued to July 12th, and item 7 [GPA-2005-045] to be removed for full hearing."

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

IV. FULL HEARING

GPA-2005-045 ZONE OF ANNEXATION-23 PARK PLAZA ANNEXATION

A request for approval to zone 30 acres from a County PI (Planned Industrial) to a City I-1 (Light Industrial) zone district or appropriate zone district consistent with the Growth Plan.

Petitioner: Karen Marquette

Location: 789 23 Road

PETITIONER'S PRESENTATION

The petitioner was not present in the audience at this point and did not arrive until the public comments portion of the public hearing. As such, the petitioner's presentation is contained in the Public Comments portion of the minutes.

STAFF'S PRESENTATION

Kathy Portner gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. She said that the property had retained a Planned Industrial zone in the County since the 1980s. The petitioner's representatives had originally requested a Growth Plan Amendment to change the property's land use designation from Commercial/Industrial to Residential. During the review process, and after discussions with staff, that request had been withdrawn. Ms. Portner noted the site's location and surrounding zoning and uses. Surrounding zonings included County AFT (Agricultural) to the north, I-1 (Light Industrial) to the south, County PC (Planned Commercial) to the east, and County RSF-E (Residential Estate) to the west. Under the terms of the Persigo Agreement, the City was bound to apply a zone to recently annexed property that was either the closest County equivalent or one that was consistent with Growth Plan guidelines. The currently proposed I-1 zone represented the closest County zone equivalent and was also supported by the Growth Plan. Ms. Porter said that other zoning options available, in addition to the I-1 zone, included C-2 (Heavy Commercial) and I-O (Industrial Office); however, the City's Zoning and Development Code prohibited rezoning to C-2 directly adjacent to residential uses, so practically speaking, the only other option available was the I-O zone.

Given that the requested I-1 zone met both Code criteria and Growth Plan recommendations, staff recommended approval.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Jack Wernet (756 Goldenrod Court, Grand Junction), vice-president of the Bookcliff Ranches Subdivision Homeowners Association and homeowner in that subdivision, noted that on February 28, 2005 he'd received notification that the property was being annexed and that a Growth Plan Amendment requesting Residential Low (4 units/acre) zoning had been submitted for consideration. On June 1, there had been a meeting to consider the property's annexation; however, there had been no mention of changing the applied zone district from residential to industrial at that time. Approval of the annexation seemed to acknowledge that the property would be zoned Residential Low. Only after approval of the annexation had there been a letter submitted by the petitioner's representatives to withdraw the Growth Plan Amendment request. While a Planned Industrial zone may have been appropriate in 1982, it was no longer the case. Looking at the Future Land Use Map, he noted that there were no industrial uses located north of Interstate 70; rather, the area north of the interstate consisted primarily of agricultural and residential uses.

Mr. Wernet contended that Code criteria had not been met since the proposed zone was not compatible with the surrounding neighborhood and that approval of the zone district would result in significant impacts to the area in terms of industrial truck traffic, screening, and public safety. Elaborating briefly on the issue of traffic impacts, Mr. Werner said that if the existing Plaza Road

were made available to the site, it would encourage traffic to travel down the currently under-improved Foxfire Court through their subdivision. Since there would be no community benefit derived from the application of an Industrial zone to the property, he contended that that Code criterion had also not been met.

Mr. Wernet wondered what drastic changes had occurred between February 28 and June 6 to merit the proposed change in zoning. Placing industrial uses directly adjacent to residential uses didn't make sense.

Sean Norris (778 23 Road, Grand Junction) agreed that the initial notification proposed a residential zone and use. Only after further contact at a later date did he discover that the original Growth Plan Amendment (GPA) had been pulled. Upon hearing that the GPA had been pulled, there had been no further notification to area residents to even suggest that an annexation was still under consideration. So he felt that insufficient and inaccurate notification had been given to the public. He reiterated that the entire surrounding area north of the interstate was residential, with the area predominately zoned RSF-E. Already he'd seen truck traffic travel down H Road and turn onto Foxfire Court to get to Plaza Road. While there were barricades placed along Plaza Road to discourage through traffic, it appeared to him that traffic had not been dissuaded. Industrial traffic would pose significant impacts to their neighborhood. Also, he felt that industrial uses, with their associated outdoor storage and security lighting, would also impact adjacent residential uses. He noted that the nearest night lighting was currently situated along the interstate. He also feared for the safety of his children and other pedestrians and cited a recent accident involving a UPS driver and a woman at the 23/H Roads intersection. Mr. Norris urged planning commissioners to consider the lesser impacts of an I-O zone and apply that zone to the property if no other residential zoning choices were available. He felt that the application of an I-O zone would reduce the amount of truck traffic and eliminate the need for outdoor storage and security lighting.

Alex Mirrow (2514 Oleusten Court, Grand Junction), representing the petitioner, offered the petitioner's presentation at this time. He said that the property had been originally designated as an energy plaza in the early 1980s during the oil shale boom. The subject parcel had been platted as such, and he understood that the northern 40 acres had also been slated for similar platting. Several streets, pan gutters, and fire hydrants had already been installed, and two accesses to the site available. Sewer was available but wasn't as yet connected to the site. While acknowledging the adjacent residential use, he noted the Commercial zoning located to the east of 23 Road. Directly across the street from that was United Rentals. Businesses, he said, were always looking for the easiest accesses. For the subject parcel, that would be via 24 Road, with traffic traveling down the frontage road to the property.

At the time the Bookcliff Ranches Subdivision was platted, the petitioner's parcel had already been platted for industrial uses for more than 20 years. So anyone purchasing a lot in that subdivision should have been aware that at some point the subject parcel would be developed according to its industrial zoning. The biggest problem in developing the property had been in

providing sewer access; however, several options were presently available, with one being to extend sewer along the southern border of Bookcliff Ranches Subdivision. That particular option would benefit the subdivision since it was his understanding that septic systems in the subdivision were already beginning to fail. Mr. Mirrow felt that there was a real need for industrially zoned property in the area, especially given the rise in property values and the need for more oil and gas development. The currently requested zoning would permit oil and gas developers to situate their businesses there; however, he'd spoken with representatives of the medical community who had also expressed interest in the site. He was certainly open to addressing neighborhood concerns but reiterated that residential property owners had purchased their properties knowing that they were situated next to industrial property.

Mr. Mirrow introduced Sam Suplizio (no address given), who also represented the petitioner. Mr. Suplizio spoke on the ever-increasing values of property in the area and agreed that the community needed more industrially zoned properties; there was less demand for I-O zoned properties. Industrial uses, he felt, could be adequately screened to lessen impacts to the adjacent residential subdivision. The businesses that would locate on the subject parcel would benefit the community by providing good paying jobs, jobs that typically paid \$65K-\$100K annually. Mr. Suplizio felt that the Growth Plan seemed to have neglected providing for sufficient industrial properties.

Sean Norris again came forward to offer additional testimony, contending that the petitioner's presentation should have been given prior to the public comments portion of the public hearing. He said that he currently worked in the oil and gas industry. He said that several of his big name clients had tried to lease and rent some of the undeveloped land south of I-70 but none of the area's real estate agents seemed interested in talking with them. Oil and gas developers needed places where they could put their offices; their industrial yards were actually located at the job sites. There were approximately 100 undeveloped acres south of I-70, all zoned I-1. He was "hard pressed" to see how industrial zoning was warranted for the current site or for the northern 40 acre parcel. He thought it likely that the petitioner would try expanding industrial zoning to include the northern 40 acres previously mentioned by Mr. Mirrow. With regard to Mr. Suplizio's claim that jobs would be in the pay ranges mentioned, he could personally attest that he and others in the industry did not make even the lower end of that pay range. Mr. Mirrow mentioned there being two accesses into the site. While he hadn't elaborated, one of those accesses ran directly through the Bookcliff Ranches Subdivision. He felt it unconscionable to run that much industrial traffic through a residential subdivision. With regard to extending sewer to the site, Mr. Norris said that the option to extend it from the west had thusfar been stymied because a large landowner at 22 Road would not allow the extension to cross his property. If it were brought in from the east, it would have to be brought in using a lift station from 23 1/4 Road. The third option would be to bore under I-70 and extend sewer in from the south. All available options for extending sewer to the site seemed to him to be cost prohibitive.

Mr. Norris added that he had received a number of calls from realtors and developers interested in acquiring his land for residential development. That told him that there was a significant need

for residentially zoned land in the area. That need did not exist for industrially zoned land as evidenced by the large quantity of undeveloped industrial property which lay to the south of I-70.

PETITIONER'S REBUTTAL

Mr. Mirrow agreed that he didn't want to see traffic routed through Bookcliff Ranches Subdivision. If agreeable to the City, he would be happy to close off that access point. The barriers referenced previously consisted of strings of barbed wire that the owner of the property installed to discourage through traffic because it was tearing up the road base. He expected that 24 Road would serve as the primary access into the site; however, another easy access point could be south via 23 Road over the freeway to the business loop. Mr. Mirrow acknowledged that there was no way at this point to know what businesses would locate on the site or what the wages of employees would be. It did seem that there was a lot of money associated with the oil and gas business. He maintained that local realtors would support Mr. Suplizio's position regarding the need for more industrially zoned property in the area. The actual owner of the subject property had owned it for more than 12 years and had been unable to sell it before land in the Grand Valley began to skyrocket. She should be allowed to develop it to its highest and best use and make a profit on her investment.

QUESTIONS

Chairman Dibble asked staff if there was any correspondence pertaining to the change in request from residential to industrial that planning commissioners had not yet seen, to which Ms. Portner replied negatively. When asked to elaborate briefly on why the request had changed, Ms. Portner said that the original request had been for a GPA to change the site's land use designation from industrial to residential. Following staff's comments to the petitioner, that request had been withdrawn. The site's annexation into the City had been approved solely by City Council. The application of a zone following the property's annexation was within the purview of the Planning Commission; however, a final decision would be rendered by City Council. The GPA request had been withdrawn, she said, prior to the application for a zone of annexation.

Commissioner Putnam asked for additional clarification on the timeline from the point that the GPA was requested to when it had been withdrawn. Ms. Portner said that the original application had been submitted on February 28 and withdrawn approximately three weeks prior to tonight's public hearing.

Commissioner Redifer asked if the site had already been prepared for a residential subdivision. Ms. Porter said that in the early 1980s it had been previously prepared for a commercial/industrial subdivision. Some of the infrastructure had been installed at that time. Following approval of a zone district, the petitioner would then provide staff with construction drawings that would have to demonstrate compliance with the Code's criteria for that particular zone district. That included providing evidence that the previously installed infrastructure was still functional.

Chairman Dibble asked if Plaza Road would be utilized as an access to the site. Ms. Portner said that it was currently platted as a right-of-way. Staff would be reviewing options for connections. With regard to screening and buffering, she said that if zoned I-1, the petitioner would be required to construct a 6-foot-tall masonry wall in addition to providing a 25-foot landscape strip. If zoned I-O, the masonry wall would still be required, but the petitioner would only be obligated to provide an 8-foot landscape strip, to occur as each individual lot developed.

Commissioner Lowrey asked when the Growth Plan had been adopted, to which Ms. Portner answered 1996. She reiterated that the parcel had been zoned Planned Industrial since the early 1980s, a zone that had been acknowledged by the Growth Plan. When asked when had the Bookcliff Ranches Subdivision been constructed, Ms. Portner replied that it had built out approximately three years ago. The Growth Plan recognized the area as being appropriate for Residential Estate zoning (2-5 acres/unit), and the Bookcliff Ranches property had been rezoned to RSF-E prior to its development. With regard to the northern 40 acre parcel, Ms. Portner said that while that parcel had also been zoned Planned Industrial in the County, the Growth Plan did not support that land use and instead recommended Residential Estate.

Commissioner Carlow asked for the major differences between the I-1 and I-O zone districts. Ms. Portner said that the type of uses which could locate there were very similar; however, in the I-O zone, many of those uses would require a Conditional Use Permit.

When Commissioner Putnam asked if planning commissioners only had the options of either approving a zone closest to its County equivalent or one in accordance with the Growth Plan, Ms. Portner responded affirmatively. Ms. Kreiling added that it was the Persigo Agreement that brought the property into the City via the annexation process. The Bookcliff Ranches Subdivision was not located within the 201 boundary and consequently had not had to be annexed prior to its development.

Commissioner Pitts wondered if sewer service to the site would be provided by the Appleton Sewer District. Ms. Kreiling thought that sewer service would be provided by the Appleton Sewer District but asked that the question be deferred to engineering staff.

Mr. Dorris said that the most viable alternative for bringing sewer to the site was to bore under I-70 since sewer existed at Logos Court across the interstate. If the property at Logos Court developed first, the developer would be required to provide an easement to accommodate sewerline extension across I-70. If they didn't develop first, it would be the sole responsibility of the petitioner to obtain sewer by whatever means possible and at the sole expense of the petitioner. He reminded planning commissioners that the only question before them was the application of a zone. If after that approval no sewer connection could be obtained, the petitioner would have no viable project. Review of potential options would be undertaken during the site plan review stage. Water lines were in place but it was unclear if water delivery was pressurized. And while other infrastructure was seemingly in place, it appeared to have greatly deteriorated. Thus, there were a number of engineering challenges present.

Chairman Dibble asked if the entire Plaza Road right-of-way was within city limits, to which Mr. Dorris replied affirmatively. The parcel's plat would have dedicated the road as right-of-way. He remarked that it was not often that the City considered an industrial use so close to a residential area. In terms of interconnectivity, it made sense to connect Plaza Road to the adjacent subdivision; however, he conjectured that the road would not likely be built to handle truck traffic, and signs could be installed at various points to slow ingress/egress. Another way to discourage truck traffic would be to construct a mini roundabout with a center landscape feature at the intersection point between the two parcels on Plaza Road. Truck traffic typically found roundabouts difficult to navigate.

Commissioner Lowrey thought that using signage to prevent and/or to direct larger truck traffic might also prove effective.

DISCUSSION

Commissioner Pitts said that he was very familiar with the area. With regard to rezone criterion 3 regarding compatibility with the surrounding area, he determined that an I-1 zone would not be compatible. While roads may have been constructed on the site in 1982, they had since deteriorated significantly to the point that weeds were growing through the pavement. At the time the energy plaza was planned, Grand Junction was facing an oil shale boom. Those circumstances had since changed and the area had since developed with more residential uses. There were large lots throughout the area. If it came down to a decision of whether to apply an I-1 or I-O zone, he would be in favor of the I-O zone.

Ms. Pavelka-Zarkesh noted that there would be greater buffering requirements inherent to the I-1 zone.

MOTION: (Commissioner Pitts) "Mr. Chairman, on item GPA-2005-045, the request to rezone 23 Park Plaza to I-O, I move that we forward a recommendation of approval to the City Council."

Commissioner Carlow seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Putnam, Pavelka-Zarkesh, and Lowrey opposing.

Commissioner Lowrey asked for additional clarification on the differences between the I-O and I-1 zone districts, both in terms of uses, buffering, and any other major distinctions. Ms. Portner responded in greater detail. Discussions included a further elaboration on the Conditional Use Permit review process and the use of setbacks to meet buffering and landscape requirements. Commissioner Lowrey asked if he could make a motion to reconsider the previous motion, which legal counsel said would be perfectly acceptable.

MOTION: (Commissioner Lowrey) "I make a motion to reconsider, then [to reconsider the I-O zone]."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Chairman Dibble and Commissioner Pavelka-Zarkesh opposing.

A brief recess was called at 8:28. The public hearing reconvened at 8:34 p.m.

Following the recess, discussions ensued over the previous motions and whether legal criteria had been met. Ms. Portner asked legal counsel if, since there was no express motion on the I-1, whether a super majority vote by City Council would be required to approve the requested I-1 zoning. Ms. Kreiling said that a motion addressing the I-1 zone should be made as well as the actual motion to consider the I-O zone.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item GPA-2005-045, a request to zone the 23 Park Plaza Annexation I-1, I move we forward a recommendation of approval."

Commissioner Pitts seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Redifer, Lowrey and Carlow opposing.

MOTION: (Commissioner Pitts) "Mr. Chairman, on item GPA-2005-045, I move we recommend approval for [zone of] annexation of I-O be forwarded to City Council."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 4-3 with all but Chairman Dibble and Commissioners Putnam and Pavelka-Zarkesh opposing.

To: Planning and Zoning Commission
In Care Of Kathy Portner

8/22/05

Please withdraw our request for the mixed zoning combination both I-1 and I-0 on the 23 Road Park Plaza. We wish to proceed with the original I-0 that was recommended by the Planning and Zoning Commission and approved during the first reading of City Counsel. Please let us know when we might expect the second reading.

Thank you,

Alex Mirrow

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Twenty Three Park Plaza Annexation to I-O
(Industrial/Office Park),
Located at the NW corner of 23 Road and I-70

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 Twenty Three Park Plaza Annexation to the I-O zone district.

After public notice and public hearing, the Grand Junction City Council finds that the I-O zone district meets the recommended land use category as shown on the Future Land Use map and the Growth Plan's goals and policies, and meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property is zoned I-O, Industrial/Office Park.

TWENTY THREE PARK PLAZA ANNEXATION

A parcel of land located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) Section 31, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of the SE 1/4 NE 1/4 of said Section 31, whence the Northwest corner of the SE 1/4 NE 1/4 of said Section 31 bears N00°08'00"E for a basis of bearings with all bearings contained herein relative thereto; thence from said Point of Commencement, N00°08'00"E along the West line of the SE 1/4 NE 1/4 of said Section 31 a distance of 81.55 feet to the Point of Beginning; thence continuing N00°08'00"E along the West line of the SE 1/4 NE 1/4 of said Section 31 a distance of 1217.50 feet to the Northwest corner of A Replat of Twenty Three Park Plaza Filing No. One, Plat Book 13, Pages 250 through 252, public records of Mesa County, Colorado ; thence S89°53'39"E along the North right of way of Plaza Road as recorded in said Replat of Twenty Three Park Plaza Filing No. One the following ten courses: (1) S89°53'39"E a distance of 239.58 feet, (2) thence 78.52 feet along the arc of a 50.00 foot radius curve, concave Northwest, through a central angle of 89°58'51", whose long

chord bears N45°06'56"E with a long chord length of 70.70 feet; (3) thence S89°55'34"E a distance of 60.00 feet; (4) thence 78.56 feet along the arc of a 50.00 foot radius curve, concave Northeast, through a central angle of 90°01'09", whose long chord bears S44°53'04"E with a long chord length of 70.72 feet; (5) thence S89°53'39"E a distance of 479.12 feet; (6) thence 78.52 feet along the arc of a 50.00 foot radius curve, concave Northwest, through a central angle of 89°58'51", whose long chord bears N45°06'56"E with a long chord length of 70.70 feet; (7) thence S89°55'34"E a distance of 60.00 feet; (8) thence 78.56 feet along the arc of a 50.00 foot radius curve, concave Northeast, through a central angle of 90°01'09", whose long chord bears S44°53'04"E with a long chord length of 70.72 feet; (9) thence S89°53'39"E a distance of 198.99 feet; (10) thence 81.32 feet along the arc of a 50.00 foot radius curve, concave Northwest, through a central angle of 93°09'35", whose long chord bears N45°05'45"E with a long chord length of 70.70 feet; thence 89°56'00"E a distance of 33.00 feet to the East line of the NE 1/4 NE 1/4 of said Section 31; thence S00°04'00"W along the East line of the NE 1/4 NE 1/4 of said Section 31 a distance of 26.96 feet to the Northeast corner of the SE 1/4 NE 1/4 of said Section 31; thence S00°03'12"W along the East line of the SE 1/4 NE 1/4 a distance of 266.21 feet; thence S89°58'41"W a distance of 41.93 feet to the East line of said Replat of Twenty Three Park Plaza Filing No. One; thence S04°09'11"W along the East line of said Replat of Twenty Three Park Plaza Filing No. One, a distance of 816.50 feet to the North line of Grand Junction West Annexation Ordinance No. 2555, City of Grand Junction ; thence N89°37'19"W along the North line of said Grand Junction West Annexation a distance of 1219.83 feet to the Point of Beginning.

Said parcel contains 35.52 acres more or less as described.

Introduced on first reading this 6th day of July, 2005.

PASSED and ADOPTED on second reading this ___ day of _____, 2005.

Mayor

ATTEST:

City Clerk

Attach 13
Public Hearing – Loggains Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Annexation and zoning of the Loggains Annexation located at 2234 Railroad Avenue					
Meeting Date	September 7, 2005					
Date Prepared	August 29, 2005				File #ANX-2005162	
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"/>	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Workshop		<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Individual Consideration

Summary: Acceptance of a petition to annex and consider the annexation and zoning for the Loggains Annexation. The Loggains Annexation is located at 2234 Railroad Avenue and consists of 1 parcel on 5.69 acres. The zoning being requested is I-1.

Budget: N/A

Action Requested/Recommendation: 1) approve resolution accepting a petition for annexation, 2) public hearing to consider final passage of annexation and zoning ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2234 Railroad Avenue	
Applicants:		Owner: Janet Loggains; Developer: The Bunks Group LLC; Representative: Pat Edwards	
Existing Land Use:		Vacant	
Proposed Land Use:		Industrial	
Surrounding Land Use:	North	Mesa Moving – Records Management	
	South	United Companies	
	East	Vacant / Amerigas / Colorado Refining Co.	
	West	Conoco Plant	
Existing Zoning:		County – Planned Industrial	
Proposed Zoning:		City – I-1	
Surrounding Zoning:	North	City I-2	
	South	County PI	
	East	County PI	
	West	County PI	
Growth Plan Designation:		Commercial / Industrial	
Zoning within intensity range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.69 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all 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 Loggains Annexation is eligible to be annexed because of compliance with the following:

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

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

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan density of Commercial / Industrial. The existing County zoning is PI (Planned Industrial). 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 proposed zone district is compatible with the neighborhood as all uses in the area are industrial in nature.

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.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. I-O (Industrial – Office)
- b. C-2 (General Commercial)
- c. I-2 (General Industrial)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
August 3, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
August 9, 2005	Planning Commission considers Zone of Annexation
August 17, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
September 7, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 9, 2005	Effective date of Annexation and Zoning

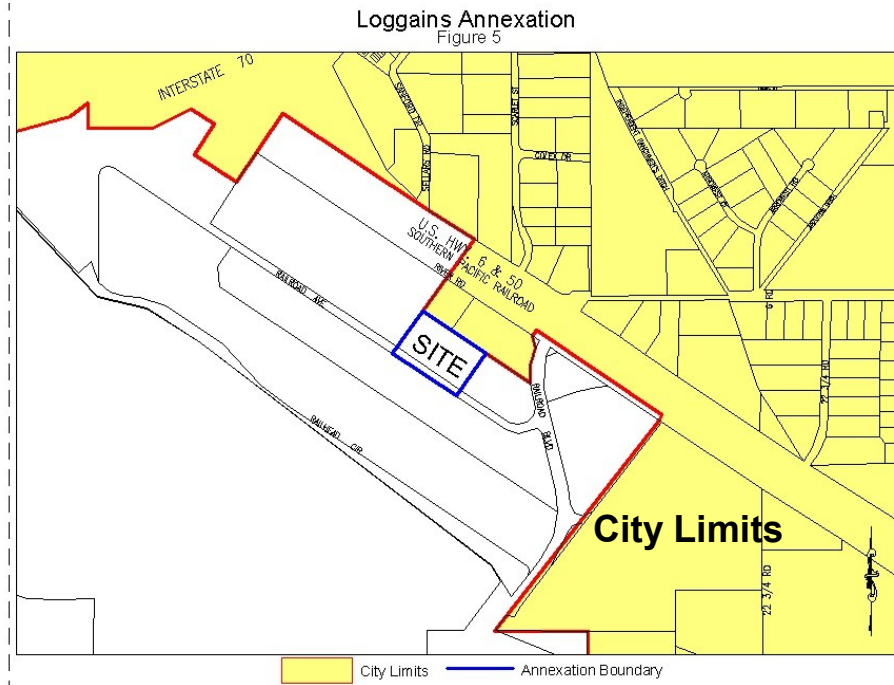
LOGGAINS ANNEXATION SUMMARY

File Number:		ANX-2005-162
Location:		2234 Railroad Avenue
Tax ID Number:		2945-062-05-007
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		5.69 acres
Developable Acres Remaining:		4.86 acres
Right-of-way in Annexation:		36,291 sq ft of Railroad Avenue
Previous County Zoning:		Planned Industrial – PI
Proposed City Zoning:		I-1
Current Land Use:		Vacant
Future Land Use:		Industrial
Values:	Assessed:	= \$52,520
	Actual:	= \$181,120
Address Ranges:		2234 Railroad Avenue
Special Districts:	Water:	Ute Water
	Sewer:	RWSD
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Junction Drainage Dist / Grand Valley Irrigation
	School:	Mesa Co. School District
	Pest:	N/A

Site Location Map

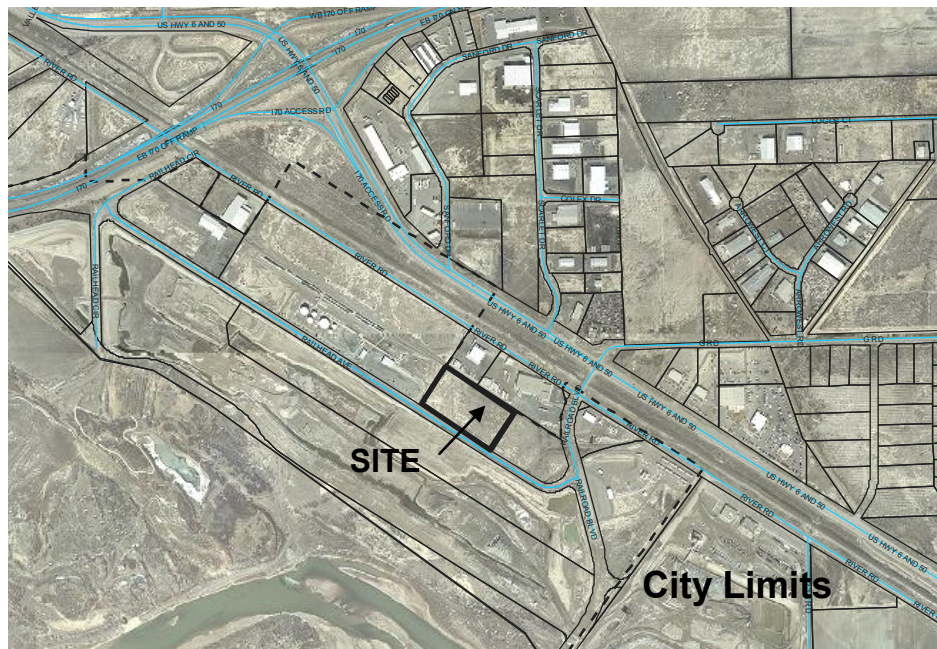
Figure 1

Loggains Annexation
Figure 5



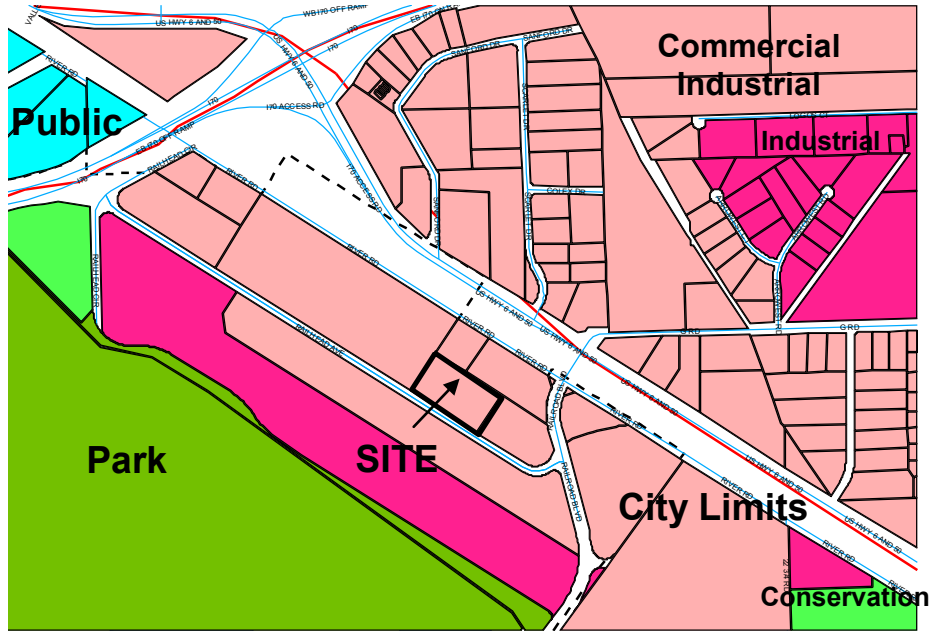
Aerial Photo Map

Figure 2



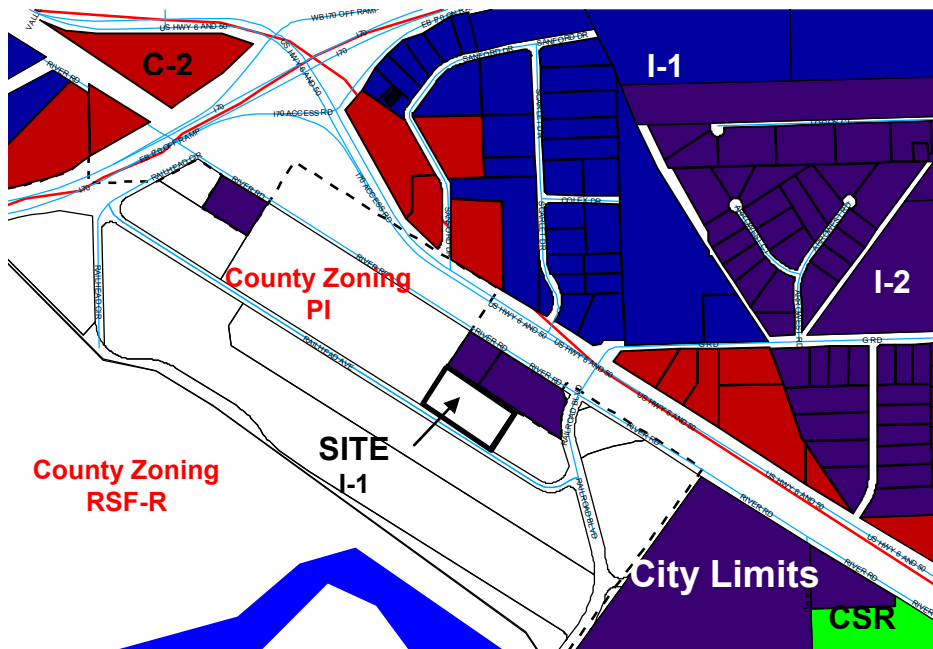
Future Land Use Map

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."

RESOLUTION NO. ____

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

LOGGAINS ANNEXATION

LOCATED AT 2234 RAILROAD AVENUE

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 3rd day of August, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

LOGGAINS ANNEXATION

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 2°45'06" and a chord that bears N57°43'01"W a distance 22.97 feet along the Northerly line of said Block 2; thence N56°20'29"W continuing along the Northerly line of said Block 2 a distance of 414.98 feet to the Northeast corner of that certain parcel of land described in Book 2372, Page 978 public records of Mesa County, Colorado and being the Point of Beginning; thence S33°39'31"W along the East line of said parcel of land a distance of 410.00 feet to a point on the Southerly right of way of Railroad Avenue as is shown on said plat of Railhead Industrial Park As Amended; thence N56°20'29"W along the Southerly right of way of said Railroad Avenue a distance of 604.85 feet; thence N33°39'31"E along the West line of said parcel of land described in Book 2372, Page 978 a distance of 410.00 feet to a point on the Northerly line of said Block 2; thence S56°20'29"E along the Northerly line of said Block 2 a distance of 604.85 feet more or less to the Point of Beginning.

Said parcel contains 5.69 acres (247,989 sq. ft.) more or less as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of September, 2005; and

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

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

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

ADOPTED this 7th day of September, 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**

LOGGAINS ANNEXATION

APPROXIMATELY 5.69 ACRES

LOCATED AT 2234 RAILROAD AVENUE

WHEREAS, on the 3rd day of August, 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 7th day of September, 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:

LOGGAINS ANNEXATION

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 2°45'06" and a chord that bears N57°43'01"W a distance 22.97 feet along the Northerly line of said Block 2; thence N56°20'29"W continuing along the Northerly line of said Block 2 a distance of 414.98 feet to the

Northeast corner of that certain parcel of land described in Book 2372, Page 978 public records of Mesa County, Colorado and being the Point of Beginning; thence S33°39'31"W along the East line of said parcel of land a distance of 410.00 feet to a point on the Southerly right of way of Railroad Avenue as is shown on said plat of Railhead Industrial Park As Amended; thence N56°20'29"W along the Southerly right of way of said Railroad Avenue a distance of 604.85 feet; thence N33°39'31"E along the West line of said parcel of land described in Book 2372, Page 978 a distance of 410.00 feet to a point on the Northerly line of said Block 2; thence S56°20'29"E along the Northerly line of said Block 2 a distance of 604.85 feet more or less to the Point of Beginning.

Said parcel contains 5.69 acres (247,989 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 3rd day of August, 2005 and ordered published.

ADOPTED on second reading this 7th day of September, 2005.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LOGGAINS ANNEXATION TO
I-1**

LOCATED AT 2234 RAILROAD AVENUE

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 Loggains Annexation to the I-1 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district be established.

The Planning Commission and City Council find that the 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 I-1.

LOGGAINS ANNEXATION

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 2°45'06" and a chord that bears N57°43'01"W a

distance 22.97 feet along the Northerly line of said Block 2; thence N56°20'29"W continuing along the Northerly line of said Block 2 a distance of 414.98 feet to the Northeast corner of that certain parcel of land described in Book 2372, Page 978 public records of Mesa County, Colorado and being the Point of Beginning; thence S33°39'31"W along the East line of said parcel of land a distance of 410.00 feet to a point on the Southerly right of way of Railroad Avenue as is shown on said plat of Railhead Industrial Park As Amended; thence N56°20'29"W along the Southerly right of way of said Railroad Avenue a distance of 604.85 feet; thence N33°39'31"E along the West line of said parcel of land described in Book 2372, Page 978 a distance of 410.00 feet to a point on the Northerly line of said Block 2; thence S56°20'29"E along the Northerly line of said Block 2 a distance of 604.85 feet more or less to the Point of Beginning.

Said parcel contains 5.69 acres (247,989 sq. ft.) more or less as described

Introduced on first reading this 17th day of August, 2005 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 14
Public Hearing – Rezoning the Grand Central Plaza
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Grand Central Plaza Rezone at 302 West Grand Avenue					
Meeting Date		September 7, 2005					
Date Prepared		August 24, 2005			File #RZ-2005-121		
Author		Ronnie Edwards		Associate Planner			
Presenter Name		Ronnie Edwards		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name	
	Workshop	X		Formal Agenda		Consent	X Individual Consideration

Summary: Request to rezone 302 West Grand Avenue, comprised of .358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office). Planning Commission recommended approval of the rezone at its August 9, 2005 meeting.

Budget: N/A

Action Requested/Recommendation: That City Council conduct a public hearing and adopt the zoning ordinance on second reading.

Attachments:

- Vicinity/Aerial Map
- Growth Plan/Zoning Map
- Zoning Ordinance

BACKGROUND INFORMATION				
Location:		302 West Grand Avenue		
Applicants:		Merritt and Susan Sixbey		
Existing Land Use:		Abandoned Fuel Station		
Proposed Land Use:		Parking Lot		
Surrounding Land Use:	North	Residential Single Family		
	South	Mesa County Justice Center		
	East	Grand Central Plaza Retail Center		
	West	Residential Single Family		
Existing Zoning:		RMF-8		
Proposed Zoning:		RO		
Surrounding Zoning:	North	RMF-8		
	South	B-2		
	East	C-1		
	West	RMF-8		
Growth Plan Designation:		Residential Medium (4 – 8 du/ac)		
Zoning within density range?		N/A	Yes	No

1. BACKGROUND:

The Subject property contains what was formerly a fuel station that was built in 1961 and abandoned around 2000. The property was zoned C-2 in 1970 to match the use of the property. The zoning changed in 2000 as part of the area-wide rezoning to bring zoning into conformance with the Growth Plan, which was adopted in 1996. The RO zone district implements the Residential Medium (4-8 du/ac) land use classification of the Growth Plan in transitional corridors between single family residential and more intensive uses.

The RO zone district standards were established to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. The adjacent properties to the south and east are zoned B-2 and C-1 and developed with the Mesa County Justice Center and Grand Central Plaza. The rezone to RO will create a transitional buffer for the residentially developed El Poso Neighborhood to the north and west.

The applicant is requesting the rezone for a proposed employee parking area for Grand Central Plaza businesses. The proposed use will require full-site upgrades regarding screening, buffering and landscaping upon development.

2. Consistency with the Growth Plan:

Policy 1.3 states that City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies. The RO zone district implements the residential medium density land use classification of the Growth Plan.

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

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

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

The RO zone district was a new district developed in 2000 to specifically provide for transitional uses between single family neighborhoods, which is how El Poso is developed, and more intensive uses, which exist to the east and south. The RO zone district was not available when the zoning changed from C-2.

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

While the new growth and redevelopment in the area has all been consistent with the Growth Plan, the character of the neighborhood has changed with the construction of the Mesa County Justice Center in 1999 and the redevelopment of the Grand Central Plaza in 2003. Current growth trends have also created increased traffic along Grand Avenue adjacent to the subject site.

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

The proposed rezone will allow future developments that will be compatible with existing and surrounding land uses, and will not create adverse impacts. The requested zoning of RO would create a buffer as a transitional zone to alleviate impacts from adjacent commercial uses and traffic. Specific site planning and architectural standards will mitigate non-residential impacts as will site development requirements of the Zoning and Development Code.

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

The proposed zoning district of RO implements the Residential Medium land use classification of the Growth Plan. The RO zone is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive uses. Consistency with other plans and regulations will be required at the time of development.

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

Adequate facilities and services are available.

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

The land available in the neighborhood and surrounding area could accommodate the RO zone district, as it is a new designation adopted in 2000. There is a concentrated amount of RO zoned land in the downtown area, being the buffer zone between business and residential zones and uses.

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

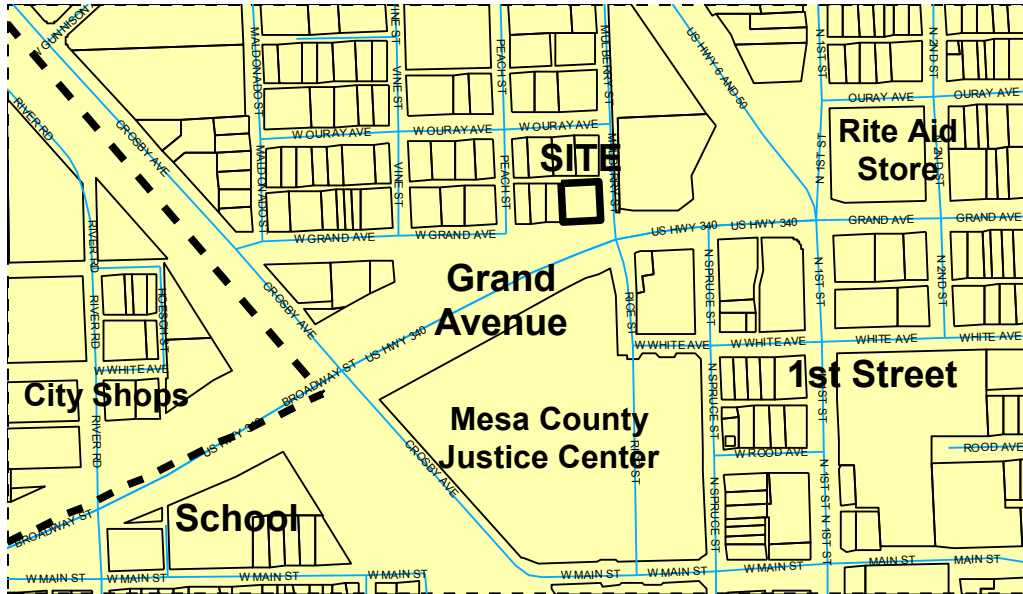
Benefits may accrue to the neighborhood, as this application is considered as a transitional opportunity where limited intensity non-residential uses will buffer the existing residences from the roadways and business uses to the south and east. Proposed future use will also result in the elimination of an unsightly abandoned use.

FINDINGS OF FACT/CONCLUSIONS:

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

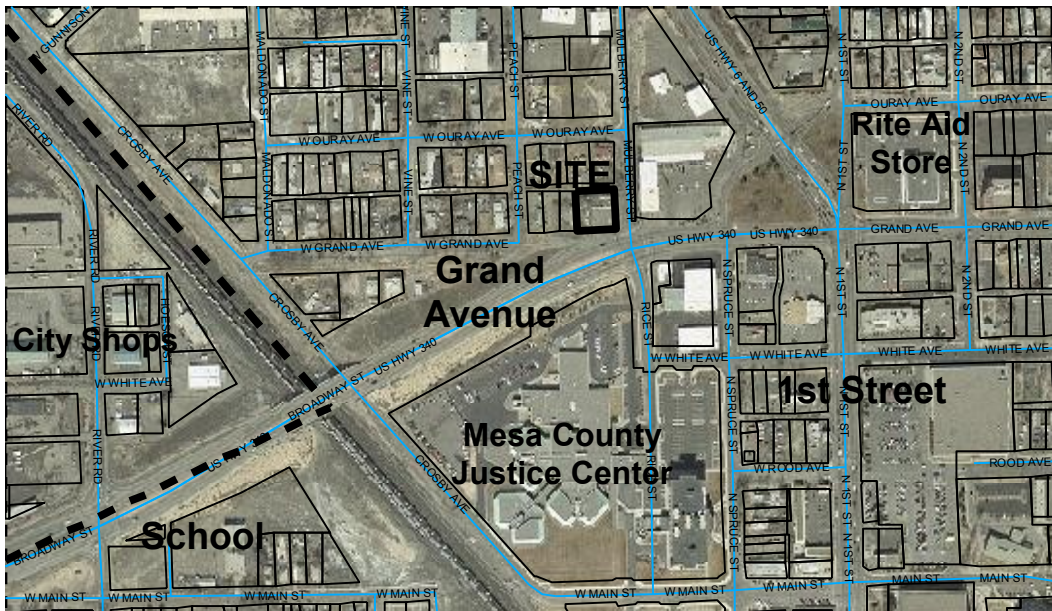
Site Location Map

Figure 1



Aerial Photo Map

Figure 2



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING A PARCEL OF LAND FROM
RESIDENTIAL MULTI-FAMILY WITH A DENSITY NOT TO EXCEED
EIGHT UNITS PER ACRE (RMF-8) TO RESIDENTIAL OFFICE (RO)**

LOCATED AT 302 WEST GRAND AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from RMF-8 district to the RO zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Residential Medium (4 – 8 du/ac). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied for the following reasons:

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

Lots 18, 19, 20, 21 and 22, Block 4, Carpenter's Subdivision No. 2, Mesa County, Colorado.

Introduced on first reading on the 17th day of August, 2005.

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

Attest:

City Clerk

President of the Council

Attach 15

Public Hearing – Vacating ROW Located at 1531, 1559, and 1561 High Street

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
Subject	Right-of-Way Vacation –1531, 1559 and 1561 High Street					
Meeting Date	September 7, 2005					
Date Prepared	August 24, 2005			File #VR-2005-079		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The applicant proposes to vacate High Street adjacent to Highway 50, while reserving a 20’ sanitary sewer easement for the construction of a new gravity sanitary sewer line. The Planning Commission recommended approval of the right-of-way vacation on August 9, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Budget: N/A

Action Requested/Recommendation: It is recommended that the City Council conduct the second reading of the ordinance to vacate the right-of-way and take formal action on the ordinance. The Planning Commission recommends that the City Council approve the ordinance vacating the requested right-of-way, while reserving a 20’ sanitary sewer easement.

Attachments:

1. Site/Aerial Photo Map
2. Future Land Use/Zoning Map

- 3. Ordinance
- 4. Exhibit Map

Background Information: See attached

BACKGROUND INFORMATION					
Location:		1531, 1559 and 1561 High Street			
Applicants:		Randy D. and Dean H. Van Gundy along with the City of Grand Junction			
Existing Land Use:		Existing Residential Access			
Proposed Land Use:		Same			
Surrounding Land Use:	North	Colorado River			
	South	Single Family Residence			
	East	Mobile Home Park			
	West	Gunnison River			
Existing Zoning:		C-1			
Proposed Zoning:		C-1			
Surrounding Zoning:	North	C-2			
	South	C-1			
	East	PD			
	West	Mesa County RSF-R and RMF-8			
Growth Plan Designation:		Commercial			
Zoning within density range?		N/A	Yes		No

PROJECT DESCRIPTION: The proposal is to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

ANALYSIS:

1. Background:

The subject right-of-way was dedicated with the Moon & Day Subdivision in 1908 and is presently being used as residential access only and is not a through street

for local traffic. There are no proposed changes to the use of the right-of-way area or the property as the four lots adjacent to the right-of-way are being reviewed concurrently for a simple subdivision to replat into one large lot. The property owners are also working with the City of Grand Junction to grant a 20' wide sanitary sewer easement for the construction of a gravity sanitary sewer line through the property.

Title to the vacated right-of-way will vest in the property owners of the abutting property located at 1531, 1559 and 1561 High Street, which are the applicants. The property owners will have to purchase the existing Colorado Department of Transportation right-of-way that is located adjacent to High Street and runs diagonally to the southwest corner of subject property. The recordation of the vacation ordinance has to be concurrent with the proposed subdivision plat and this cannot occur until the property owners have purchased the Colorado Department of Transportation right-of-way property.

Fiscal Information:

The Real Estate Department has determined the following information regarding the right-of-way. The total right-of-way area being vacated is 12,564.1 square feet and is valued at \$75,000. The easement area being acquired for the sanitary sewer line is 11,089.5 square feet and is valued at \$33,500. Additional factors to consider is that the new alignment benefits the property owners as far as the developable land is increased with the easement being located along the west property line. The property owners also benefited in regards to the value and cost of time and services by Staff to survey, prepare and process the new subdivision plat.

2. Consistency with the Growth Plan:

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

By allowing this subject area to be vacated, the existing driveway access can remain, continued to be utilized as such and become part of the property owners residential parcel. This request will not affect the adjacent properties uses.

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 right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City. It will allow an existing use to remain as a residential driveway access.

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

No parcel will be landlocked by the requested vacation as all adjacent properties are being replatted as one large lot and will continue to have direct driveway access off of Highway 50.

- 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 any parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any 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 will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced.

- 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.

This proposal provides a benefit to the City as the vacated right-of-way area will be the responsibility of the property owner of the subject parcel to maintain. The City will also benefit by working with the property owners for the necessary easement required to construct the new sanitary sewer line.

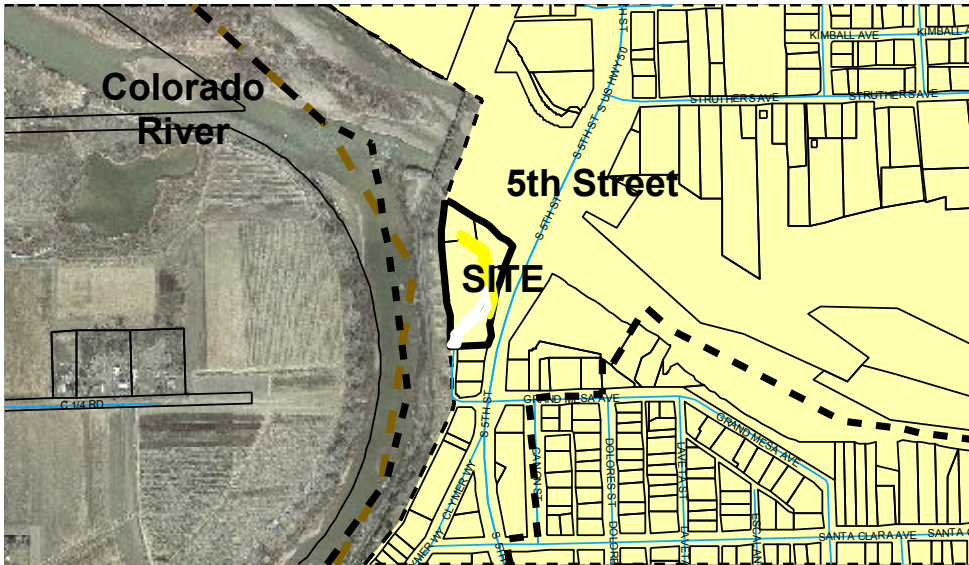
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Right-of-Way Vacation application, VR-2005-079, for the vacation of High Street adjacent to Highway 50, City Council makes the following findings of fact and conclusions:

- The requested right-of-way vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
- The vacation ordinance will be recorded concurrently with the proposed subdivision plat, which cannot occur until existing CDOT right-of-way encumbering the property has been purchased.

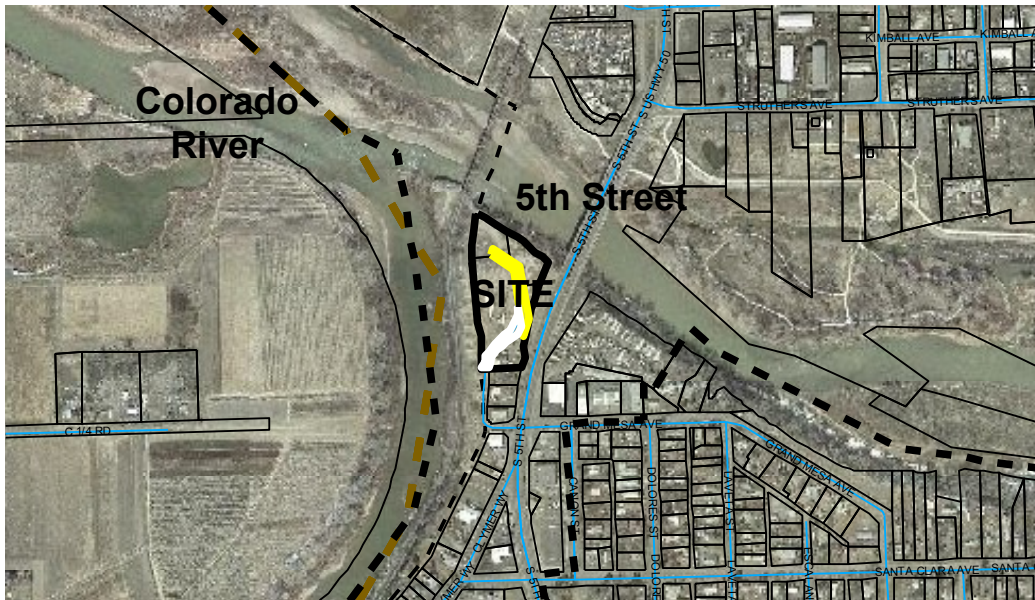
Site Location Map

Figure 1



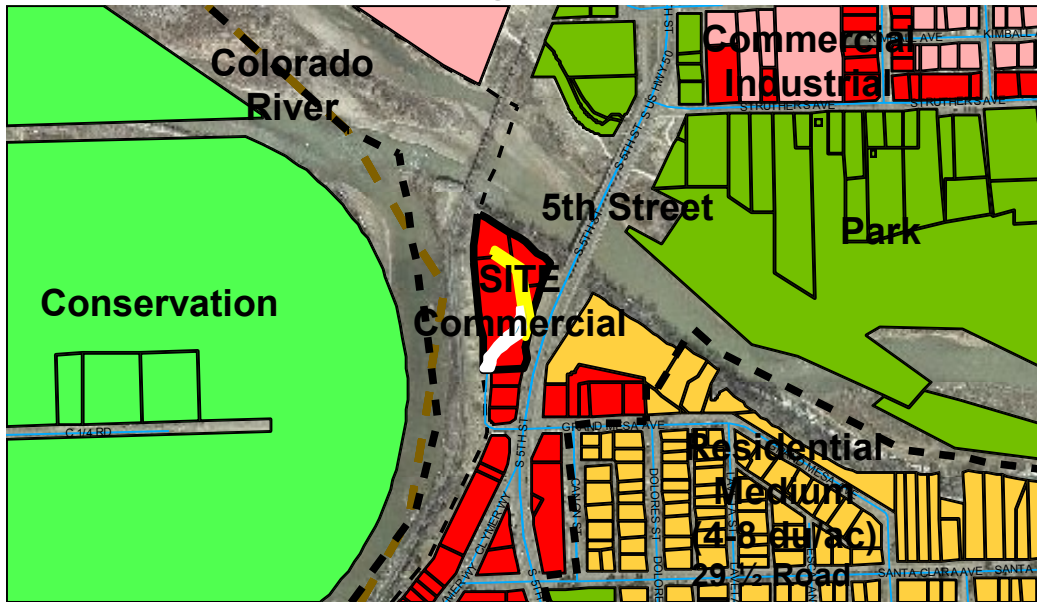
Aerial Photo Map

Figure 2



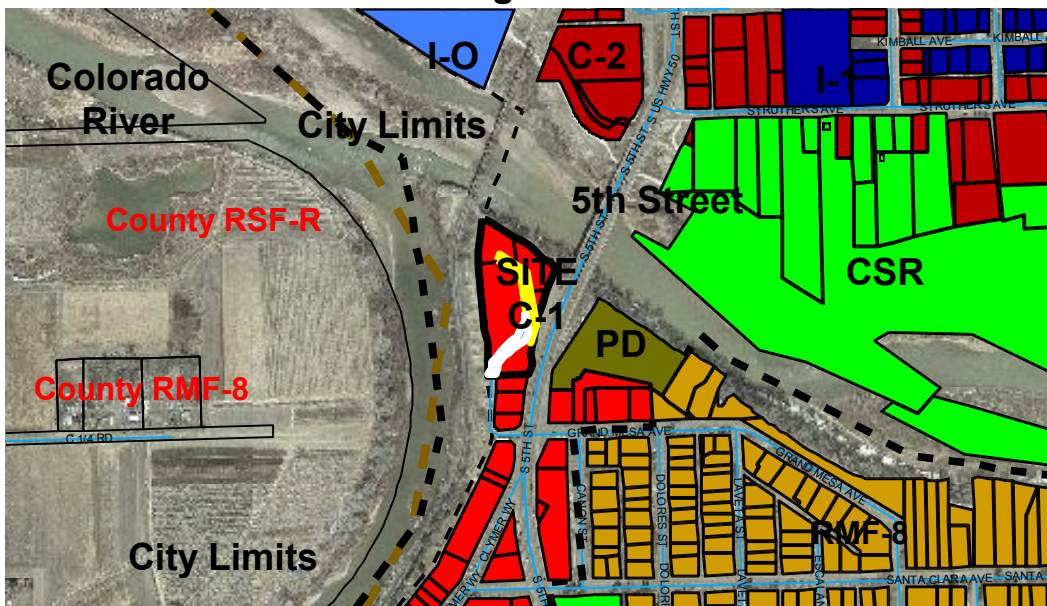
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**An Ordinance Vacating a Right-of-Way Located at
1531, 1559 and 1561 High Street**

Recitals:

A request to vacate the right-of-way located at 1531, 1559 and 1561 High Street adjacent to Highway 50 has been submitted by the City of Grand Junction. The City will reserve a 20' wide sanitary sewer easement on, along, over, under, through and across the subject property for the construction of a gravity sanitary sewer line. Approval of the right-of-way vacation is conditioned upon the vacation ordinance to be recorded concurrently with a proposed subdivision replat of subject property, which cannot occur until existing Colorado Department of Transportation right-of-way encumbering the property has been purchased.

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 conditions listed above.

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 and depicted as Exhibit A and incorporated herein.

Beginning at a found original inscribed rail whence the SW corner of Section 23, T 1 S, R 1 W of the Ute Meridian bears S 34°16'46" W a distance of 2065.32 feet for a basis of bearings; thence N 06°43'05" W a distance of 271.00 feet; thence N 56°28'05" W a distance of 117.00 feet; thence N 17°59'43" E a distance of 31.14 feet; thence S 56°28'05" E a distance of 139.25 feet; thence S 06°43'05" E a distance of 259.19 feet; thence S 14°35'51" W a distance of 84.77 feet to a point on a non-tangent curve to the left having a radius of 1738.70 feet, a central angle of 45°19'00" and a chord that bears N 05°50'26" W a distance of 53.27 feet to the Point of Beginning.

2. The City hereby reserves and retains a 20' wide sanitary sewer easement on, long, over, under, through and across the subject property, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a perpetual easement for the installation, operation, maintenance, repair and replacement of sanitary sewer facilities, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this _____ day of _____, 2005

PASSED and ADOPTED this _____ day of _____, 2005

ATTEST:

President of City Council

City Clerk

Attach 16
Public Hearing – Grand Junction Storm Water Ordinance
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Storm Water Ordinance							
Meeting Date		September 7, 2005							
Date Prepared		September 1, 2005				File #			
Author		Tim Moore			Public Works Manager				
Presenter Name		Tim Moore			Public Works Manager				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7th with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Budget: Adoption of the proposed Ordinance will require the addition of one full time employee to implement and monitor compliance with the ordinance at an estimated annual salary of **\$51,750**.

Action Requested/Recommendation: Consideration of Final Passage and Final Publication in Pamphlet form of Ordinance.

Attachments:
 Draft Storm Water Ordinance

Background Information:

Proposed Storm Water Ordinance

The federal Clean Water Act requires that certain storm water discharges be authorized under a storm water discharge permit to improve the water quality. Grand Junction's discharge permit requires the City to adopt an ordinance in 2005 that will implement

minimum measures to reduce pollutants in storm water. The draft ordinance addresses the following measures:

- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction storm water management

These measures represent some significant changes to how our community currently deals with storm water. Organizations including the Home Builders Association (HBA) and future Home Owners Associations will be impacted by these new standards.

PUBLIC INVOLVEMENT:

To help area organizations understand how the new regulations will affect their businesses, staffs from Grand Junction, Mesa County, Fruita, Palisade, Grand Junction Drainage District and the Drainage Authority organized a Storm Water Focus Group in February 2005. This group included representatives from the 5-2-1 Drainage Authority, Associated Builders and Contractors, North West Home Builders Association, Western Colorado Contractors and the Associated Managers of Growth and Development. The groups met three times to discuss EPA Phase II regulations and helped draft and review the model storm water ordinance. As currently drafted and attached herein, this group would support adoption of the ordinance by Grand Junction.

TRAINING

Since May 2004, Grand Junction and Mesa County staff has provided much public education and training on the Phase II Regulations. A professional erosion control trainer has been contracted to provide training that has focused on impacts to the construction industry and upcoming mandated control requirements. Classes on specific storm water construction requirements began in October 2004 and will continue every six months until the community is well educated about the storm water requirements. The training is being provided at a discounted rate to the community to increase participation. Presentations have also been given at local water festivals and to local service organizations.

IMPLEMENTATION

Staff is recommending a January 1, 2006 effective date for the Storm Water Ordinance.

The Focus Group voiced a strong desire to include a one-year education / compliance period with the implementation of the ordinance to familiarize the construction community with the storm water regulations. Non-compliance issues would be handled with warnings and more education opportunities with actual monetary penalties being used as a last resort during the first year. Staff agrees with this implementation strategy and would plan to provide additional training / education opportunities prior to January 1st and continuing through 2006.

Each of the valley entities including Grand Junction, Mesa County, the Town of Palisade and the City of Fruita have different timelines, per their state permits, to adopt an ordinance. Grand Junction's permit requires that the ordinance be adopted by the end of 2005, while Mesa County and the Town of Palisade must to adopt an ordinance in 2006.

Staff would recommend Council formally consider this ordinance in September 2005 including a public hearing, and make the ordinance effective January 1st 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A COMPREHENSIVE STORM WATER MANAGEMENT PROGRAM FOR THE PURPOSE AND EFFECT OF REDUCING THE DISCHARGE OF POLLUTANTS TO AND FROM THE MUNICIPAL STORM SEWER SYSTEM, TO PROTECT WATER QUALITY, TO SATISFY THE APPROPRIATE WATER QUALITY REQUIREMENTS OF THE COLORADO WATER QUALITY CONTROL ACT AND TO ENFORCE THE PROVISIONS OF THE STORM WATER MANAGEMENT PROGRAM.

Recitals:

The Federal Clean Water Act (“CWA”) requires that certain storm water discharges be authorized under storm water discharge permits. In 1999 the United States Environmental Protection Agency (“USEPA”) implemented the second phase of the Federal Storm Water Regulation (“Phase II Regulation”) that affects municipalities and urbanized areas with populations of greater than 50,000. The Storm Water Phase II Regulation addresses pollution concerns influenced by storm water discharges from urban settings, such as the Grand Valley.

The City of Grand Junction, as a Municipal Separate Storm Sewer System (“MS4”), is required under the Storm Water Phase II Regulation, along with other Grand Valley MS4s, to obtain a storm water discharge permit from the Colorado Department of Public Health and Environment. The terms of the storm water discharge permit require the City of Grand Junction to develop and implement a Storm Water Management Program to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

The City of Grand Junction is required to develop and implement six minimum measures to ensure it’s Storm Water Management Program reduces pollutants in storm water to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing and implementing six required minimum control measures to protect waters from pollution, contamination or degradation.

The six minimum measures are:

1. Public education and outreach: Providing storm water education and outreach to the public.

2. Public participation and involvement: Giving the public an opportunity to actually participate in both the development and implementation of a storm water program.
3. Illicit discharge detection and elimination: Prohibit illicit discharges from the storm sewer system and develop a plan with mechanisms designed to locate and eliminate discharges into storm sewers from sources other than storm water. This plan must include a complete map of all outfalls and identification of locations and sources of any water entering a system as well as developing an ordinance to prohibit the discharge of illicit discharges into the storm sewer system. Enforcement provisions are required to be a part of that ordinance.
4. Construction site storm water runoff control: Requires a regulatory mechanism, such as this ordinance, in place for erosion and sediment control as well as Best Management Practices for preventing or reducing to other pollutants associated with construction activity that disrupt soils of one (1) acre or greater. This measure does not relieve the requirements of a construction-site operator to obtain an independent Colorado Discharge Permit System permit for sites larger than one (1) acre. The permitting authority, however, can specifically reference qualifying local programs in the NPDES general permit requirements so the construction operator doesn't need to follow two different sets of requirements.
5. Post-construction storm water management: Have a program requiring new and redevelopment projects to implement controls on sites, which will reduce pollutant loads in stormwater runoff. A regulatory mechanism, such as this ordinance, is required as well as Best Management Practices for preventing or reducing pollutants from post-construction development projects.
6. Pollution prevention for municipal operations: Regulated municipalities must have an operation and maintenance program to prevent or reduce pollutant runoff from municipal operations.

This Article, as required by the state of Colorado and USEPA, will enforce the three minimum measures of Grand Junction's storm water management program that have the greatest potential to contribute to storm water pollution: Illicit discharge detection and elimination, Construction site storm water runoff control and Post-construction storm water management. The enforcement of this Article will reduce the discharge of pollutants from Grand Junction to the maximum extent practicable in order to protect water quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act.

The City Council has duly considered the need for and import of the proposed storm water ordinance for the City of Grand Junction and

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

A new Article VII, Chapter 16 of the Code of Ordinances is hereby enacted and to be effective January 1, 2006.

The objectives of this Article VII are:

- A. To comply with mandated provisions of the Colorado Water Quality Control Act.
- B. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user;
- C. To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- D. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with this Article;
- E. To promote public awareness of the hazards involved in the improper discharge of pollutants into the Storm Drainage System;
- F. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges from construction activity and development and to facilitate compliance with state and federal standards and permits by owners of construction sites, developments and permanent best management practices (BMPs).
- G. To reduce pollutants in storm water discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
- H. To require permanent storm water runoff controls to be constructed along with development to prevent the deterioration of water quality;
- I. To establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
- J. To establish timely and appropriate enforcement actions for violations of this Article.

NOTE: This ordinance references the Stormwater Management Manual (SWMM), dated 1996 and as amended, that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local regulations

pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.F of the City Zoning and Development Code. The Stormwater Management Manual is being currently being reviewed for revisions.

3. A new Article VII, Chapter 16 of the Code of Ordinances hereby enacted reads as follows:

Sec. 16-141. DEFINITIONS.

Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

Sec. 16-144. ENFORCEMENT.

* Cross reference(s) - Duties of property owner and lessee; unlawful accumulations; inspections, § 16-27; Garbage in watercourses declared a nuisance, § 16-61(3); Unlawful deposits prohibited, § 16-81; Securing of vehicle contents to prevent spillage, § 16-82; Storage or depositing of refuse in public place or body of water prohibited, § 30-36; Discharging water and other liquids except precipitation prohibited, § 32-4; Duty to clean sidewalks, § 32-9; Unsanitary deposits prohibited, § 38-32; Discharge to natural outlets prohibited, § 38-33.

Sec. 16-141. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best Management Practices (BMPs) means the specific management practices used to control pollutants in storm water. BMPs are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source or nonstructural controls are practices that prevent pollution by reducing potential pollutants at their source, such as proper chemical containment at municipal shops or construction sites, before they come into contact with storm water. Treatment or structural controls, such as constructed water quality detention facilities, remove pollutants already present in storm water. Best Management Practices can either be temporary, such as silt fence used during construction activity, or permanent detention facilities, to control pollutants in storm water.

City means the City of Grand Junction.

City Manager means the Grand Junction City Manager or his duly authorized representative.

CDPS means the Colorado Discharge Permit System.

Clean Water Act (CWA) means the Clean Water Act, also known as the Federal Water Pollution Control Act, and including amendments thereto by the Clean Water Act of 1977, 33 U.S.C. section 466 *et seq.* as amended.

Colorado Water Quality Control Act means Title 25, Article 8 of the Colorado Revised Statutes.

Commercial means any business, trade, industry or other activity engaged in for profit.

Construction means to make or form by combining or arranging building parts or building elements, to include but not limited to examples such as road construction, commercial shopping center, residential development or parks development, and including the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

Construction Site means any location where construction or construction related activity occurs.

Contaminated means containing harmful quantities of pollutants that exceed state or federal guidelines.

Construction Storm Water Management Plan (SWMP) means a specific individual construction plan that describes the Best Management Practices (BMPs), as found in the current SWMM, to be implemented at a site to prevent or reduce the discharge of pollutants. The purpose of a SWMP is to identify possible pollutant sources to storm water and to set out BMPs that, when implemented, will reduce or eliminate any possible water quality impacts.

Contractor means any person or firm performing or managing construction work at a Construction Site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors and material suppliers delivering materials to the site.

CDPS Permit means a permit issued by the state of Colorado under Part 5 of the Colorado Water Quality Control Act (Title 25, Article 8 of the Colorado Revised

Statutes) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable to a person, group or area.

Development means any public or private construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure within the jurisdiction of the City, as well as any manmade change or alteration to the landscape, including but not limited to, mining, drilling, dredging, grading, paving, excavating and/or filling.

Discharge means any addition or release of any pollutant, storm water, subsurface, groundwater or any other substance whatsoever to the Storm Drainage System.

Domestic Animal Waste means excrement and other waste from domestic animals, including household pets.

Domestic Sewage means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

Drainageway means any natural or artificial (man-made) channel which provides a course for water flowing either continuously or intermittently to downstream areas.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency (USEPA), the regional office thereof, any federal department, agency or commission that may succeed to the authority of the USEPA and any duly authorized official of the USEPA or such successor agency.

Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or a mixture of two or more fertilizers.

Fire Protection means any water and any substance(s) or material(s) contained therein, used by any person to control or extinguish a fire or to inspect or test fire equipment.

Fungicide means a substance that destroys or inhibits the growth of fungi.

Garbage means putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities and the handling and sale of produce and other food products.

Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.

Harmful Quantity means the amount of any substance that may cause an adverse impact to the Storm Drainage System and/or will contribute to the failure of the City to meet the water quality based requirements of the CDPS / NPDES permit for discharges from the Municipal Separate Storm Sewer System.

Hazardous Substance means any substance listed in Table 302.4 of 40 CFR Part 302 as amended.

Hazardous Waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR, Part 261 as amended.

Herbicides means a chemical substance used to destroy plants, especially weeds.

Illegal Discharge means Illicit Discharge.

Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the Storm Drainage System. Such connection includes any physical connection to a publicly maintained storm drain system composed of non-storm water that has not been permitted by the public entity responsible for the operation and maintenance of the system.

Illicit Discharge means any discharge to a storm drain system that is not composed entirely of storm water, except discharges pursuant to a CDPS/ NPDES permit, discharges resulting from fire fighting activities, and discharges further exempted by this Article.

Industrial Waste means any wastes produced as a by-product of any industrial, manufacturing, agriculture, commerce, trade or business, as distinguished from domestic or residential waste.

Mechanical Fluid means any fluid used in the operation and maintenance of machinery, vehicle(s) and any other equipment. Includes, but is not limited to, mechanical fluid, lubricants, antifreeze, petroleum products, oil and fuel.

Minimum Measure means a mandated part of a storm water management program that reduces the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

Mobile Commercial Cleaning means washing, steam cleaning and any other method of mobile cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

Municipal Separate Storm Sewer System (MS4) means a conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying storm water and is not a combined sewer or used for collecting or conveying sanitary sewage.

MSDS means the Material Safety Data Sheet for hazardous chemicals.

NPDES means the National Pollutant Discharge Elimination System under section 402 of the Clean Water Act.

NPDES Permit means a permit issued pursuant to EPA authority. An NPDES permit allows the discharge of pollutants to navigable waters of the United States or waters of the state, whether the permit is applicable on an individual, group, or area basis.

Notice of Violation (NOV) means a written notice detailing any violations of this Article and any action expected of the violator(s).

Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, vegetable or animal fat, grease, sludge, oil refuse and oil mixed with waste.

Owner means a person having dominant and/or servient interest in property, having sufficient interest to convey property, and/or having possessory interest in property. The term "owner" also includes the owner's agent.

Part of a larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities will be taking place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or its legal representative(s), agent(s), or assign(s), including all federal, state and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel or mitigate any pest.

Petroleum Product means a product that is obtained from distilling and processing crude oil that is capable of being used as a fuel or lubricant in a motor vehicle or

aircraft, including motor oil, gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel.

Pollutant means any substance attributable to water pollution, including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, septic waste, sewage sludge, rubbish, garbage, solid waste, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sediment, rock, dirt, sand, mud, soil, sediment, industrial, municipal and agricultural waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, domestic animal waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances and hazardous waste.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Potable Water means water that has been treated to federal Safe Drinking Water Act standards and/or is safe for human consumption.

Private Drainage System means all privately owned ground, surfaces, structures or systems, excluding the Municipal Separate Storm Sewer System, that contribute to or convey storm water, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface

Property Owners Association is an association formed by a land owner or owners to manage and maintain property in which they own an undivided common interest. The association may be referred to as a homeowners association (HOA) for residential developments or as a business owners association (BOA) for commercial developments.

Qualified Person means a person who possesses the required certification, license and appropriate competence, skills, and ability as demonstrated by sufficient education, training and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity and may, for certain duties, be required to be a Professional Engineer licensed in the state of Colorado or as required under § 12-25-101, C.R.S.

Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the Storm Drainage System.

Receiving waters means creeks, streams, rivers, lakes, estuaries or other bodies of water into which surface water and/or treated or untreated waste are discharged, either naturally or in man-made systems.

Rubbish means nonputrescible solid waste, excluding ashes that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewage means the domestic sewage and/or industrial waste that is discharged into the Persigo Sanitary Sewer System and passes through the Sanitary Sewer System to the Persigo sewage treatment plant for treatment.

Sanitary Sewer means the system of pipes, conduits and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the Persigo sewage treatment plant (and to which storm water, surface water and groundwater are not intentionally admitted).

Sediment means soil, mud, dirt, gravel and rocks that have been disturbed, eroded and/or transported naturally by water, wind or gravity, and/or mechanically by any person, vehicle or equipment.

Septic Tank Waste means any domestic sewage from holding tanks such as vessels, grease interceptors, chemical toilets, campers, trailers, septic tanks and aerated tanks.

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid Waste means any garbage, rubbish, refuse, yard waste and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations and residential, community and institutional activities.

Storm Drainage System means all surfaces, structures and systems that contribute to or convey storm water, including private drainage systems, to the Municipal Separate Storm Sewer System, and any non-municipal drain or pipe, channel or other conveyance, including natural and man-made washes and ditches for conveying water, groundwater, drainage water or unpolluted water from any source, excluding sewage and industrial wastes, to waters of the state and United States.

Storm Water means surface runoff resulting from precipitation and other storm events.

Stormwater Management Manual means the Stormwater Management Manual (SWMM) that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local regulations pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.(F) of the City Zoning and Development Code, dated 1996 and as amended or replaced.

Surface Water means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channeled flow and runoff.

Toxic means a substance that is harmful or poisonous according to the MSDS standards.

Uncontaminated means not containing harmful quantities of pollutants that exceed state or federal guidelines.

Upset means an exceptional incident in which there is an unintentional and temporary noncompliance because of factors beyond reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment, lack of preventive maintenance, or careless or improper operation.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility or the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with any incidental groundwater, surface water and storm water that may be present.

Waters of the state means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States means all waters which are currently used, used in the past or susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds or lagoons designed to meet the requirements of the federal Clean Water Act.

Water Quality Standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard Waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

(A) Prohibitions

(1) No person shall release or cause to be released into the Storm Drainage System any discharge that is not composed entirely of uncontaminated storm water, except as allowed in Section 16-142(B). Common storm water contaminants which cannot be released into the Storm Drainage System include herbicides and lawn chemicals, construction debris and wastes, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, dirt and other toxic substances, including substances defined as “pollutants.”

(2) Notwithstanding the provisions of Section 16-142(B), any discharge shall be prohibited by this Section if the discharge in question has been determined by the City Manager to be a source of pollutants to the Storm Drainage System.

(3) The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste to the Storm Drainage System or allow such a connection to continue. Any existing connection must be removed.

(5) No person shall maliciously damage, destroy or interfere with Best Management Practices (BMPs) implemented pursuant to this Article.

(B) Exemptions

Subject to § 32-4 and § 38-132, the following non-storm water discharges are not a violation of this Article. Note that even if one of the following discharges is not covered under this Article it may still require a federal and/or state-issued permit.

- (1) Intermittent uncontaminated discharge from landscape irrigation, lawn watering, or irrigation return flows.
- (2) Uncontaminated discharge from foundation, footing or crawl space drains and sump pumps. (Commercial air conditioning condensation and water from commercial cooler drains shall be discharged to the sanitary sewer system only.)
- (3) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs.
- (4) Diverted stream flows and natural riparian habitat or wetland flows.
- (5) Uncontaminated discharges from the occasional noncommercial or charity washing of vehicles or occasional not-for-profit car washing events.
- (6) De-chlorinated and uncontaminated swimming pools and hot tubs may be drained to the storm drain system. Swimming pool and hot tub drainages may be drained to the sanitary sewer system without de-chlorination.
- (7) Discharges approved by the City Manager as being necessary to protect property and/or public health and safety, such as flows from firefighting.
- (8) Waterline flushing and other infrequent discharges from potable water sources and waterline repair work as necessary to protect public health and safety.
- (9) Street wash water after mechanical cleanup (sweeping) has taken place
- (10) City activities as determined necessary by the City Manager, such as Spring Cleanup and Fall Leaf Pickup programs. The intent of these activities is to reduce pollution in the storm drain system. For this exemption to apply, the participant(s) must comply with the directions and specified time frame determined by the City Manager.
- (11) A discharge authorized by and in compliance with a CDPS or NPDES permit, other than the CDPS permit for discharges from the Municipal Separate Storm

Sewer System. This type of discharge must receive advance approval by the City before the CDPS permit can be issued.

(C) Requirements Applicable to Certain Dischargers

Process waters generated from any industrial or commercial source, including carpet and rug cleaners and mobile commercial power cleaning operations, shall not discharge to the Storm Drainage System without a valid CDPS discharge permit. In the absence of a CDPS discharge permit, discharges from power cleaning operations shall be reclaimed via wet vacuum sweeping or other type of containment before entering the Storm Drainage System. (Discharge to the sanitary sewer is allowed with prior City authorization.)

(D) Release Reporting and Cleanup

Any person responsible for a known or suspected release of materials which results in, or may result in, illegal discharges to the Storm Drainage System shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a material, said person shall comply with all state, federal and local laws requiring reporting, cleanup, containment and any other appropriate remedial action in response to the release. Notice shall be given to the City Manager and followed by a written report of the remedial action(s) taken.

(E) Authorization to Inspect, Adopt and Impose Best Management Practices

The City has the authority to conduct storm water inspections at commercial and industrial facilities and residential facilities under common ownership (for detention ponds owned by POAs) and to require implementation of Best Management Practices (BMPs) where appropriate. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the Storm Drainage System. The City may adopt and impose requirements identifying specific BMPs in the Stormwater Management Manual for any activity, operation or facility, which may cause a discharge of pollutants to the Storm Drainage System. Where specific BMPs are required, every person undertaking such activity or operation or owning or operating such facility shall implement and maintain BMPs at the person's own expense.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

(A) General Requirements for Construction Sites

(1) All proposed development as described in § 16-143 (A)(2) must provide for on-site erosion and sediment control, control of illegal discharges, and runoff collection and conveyance in accordance with the Stormwater Management Manual and applicable federal and state laws.

(2) The owner of a construction site and/or conducting construction activity, including but not limited to subdivision development, subsequent lot development, individual home and building construction, and developments as defined, that disrupt or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, shall be responsible for obtaining a state discharge permit and compliance with the requirements of this Article, and to utilize specific BMPs adopted by the City and within the Stormwater Management Manual. All BMPs designed to meet the requirements of this ordinance shall comply with the Stormwater Management Manual and the Construction Storm Water Management Plan.

(3) Waste Disposal. Solid waste, industrial waste, yard waste, rubbish, discarded building materials, chemicals, sanitary wastes and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste, rubbish and other pollutants or toxins that may blow, wash or otherwise be released from the site are prohibited.

(4) Ready-mixed concrete or any materials resulting from the washing or cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained in a designated area on construction sites for proper disposal. All washing-out of concrete mixer truck bowls and chutes and release of these materials in to storm drains is prohibited.

(5) Erosion and Sediment Control. BMPs shall be implemented to prevent the release of sediment from construction sites and development. Disturbed area(s) shall be minimized and disturbed soil, including but not limited to construction sites and entrances and exits therefrom, shall be managed to prevent tracking, blowing and fugitive emissions release. Any water used in cleaning operations shall not be disposed into the storm sewer system. Sediment, dirt and mud tracked onto public streets shall be removed immediately by sweeping, scooping and shoveling at the owner's expense. Sediment not removed within the specified time limits as stated in a notification will be removed by the City or designated contractor. Such removal costs will be billed to the property owner and, if not paid, become a lien on the property.

(6) Materials storage: Construction materials stored on public streets or required as part of a public construction project occurring in the Right-of-Way will require BMPs if determined appropriate by the City Manager .

(B) Construction Sites Requiring an Approved Construction Storm Water Management Plan

(1) Where any public or private construction, including subdivision development, will disturb or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, including the disturbance of less than one (1) acre of total land that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb one (1) or more acres, or on smaller projects as designated by the City, a Construction Storm Water Management Plan for the project must be provided to the City and implemented by the construction site owner as follows:

(a) The preparation, content and implementation of the Construction Storm Water Management Plan shall comply with this Article, the Stormwater Management Manual and all applicable laws.

(b) The area included in the Construction Storm Water Management Plan, shall be assumed to include the entire property area, unless the applicable Construction Storm Water Management Plan specifically excludes certain areas from disturbance.

(c) Construction Storm Water Management Plans must be provided for all phases of development, including sanitary sewer and Storm Drainage System construction, waterline, street and sidewalk construction, grading, installation of other utilities, the construction of all buildings and/or individual site development and landscaping for common areas owned and maintained by the POA.

(d) The Construction Storm Water Management Plan must be provided by the owner and submitted to the City Community Development Department for approval during the development review process.

(e) The City will review the Construction Storm Water Management Plans as part of the development review process and approval must be provided before commencement of construction.

(f) Construction activity, including any soil disturbance, stockpiling or transport, or removal of vegetation, shall not commence on the site until the Community Development Department has issued written approval of the Construction Storm Water Management Plan Acceptance.

(g) The property owner bears all legal and financial responsibility for implementation, monitoring of and for the approved Construction Storm Water Management Plan, for all construction activity within the development and for notification of all contractors and utility agencies on the site regarding compliance with the same. The requirement to follow the terms of the Construction Storm Water Management Plan shall be recorded as a note on the property plat. The owner shall provide a copy of the approved Construction Storm Water Management Plan to all utility agencies, subcontractors and other agencies or person(s) prior to working on or within the construction site or subdivision development. If a property is sold the owner is responsible for insuring the Plan is part of the property sale and is included when a Planning Clearance is obtained for a building permit. The Construction Storm Water Management Plan must be attached to the Planning Clearance to obtain a building permit.

(C) Construction Storm Water Management Plans

Preparation, content and implementation of Construction Storm Water Management Plans for all public and private construction activity shall, in addition to requirements in the Stormwater Management Manual and all applicable laws:

(1) Be prepared under the direction of a qualified person, as defined in §16-141 of this Article.

(2) Provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.

(3) Specify and provide detail for all BMPs necessary to meet the requirements of this Article, including any applicable BMPs that have been adopted and imposed by the City.

(D) Implementation of Approved Construction Storm Water Management Plans

(1) BMPs shall be installed and maintained by a Qualified Person(s).

(2) The owner shall be able to provide upon request a copy of the Construction Storm Water Management Plan on site during construction.

(3) The owner shall inspect all BMPs at least once every fourteen days, and after any precipitation or snowmelt event that causes surface erosion. The owner must provide consent to the City for the City to inspect any BMP without advance notice or permission from the owner.

(4) Based upon inspections performed by the owner or by authorized City personnel, modifications to the Construction Storm Water Management Plan shall be necessary if at any time the specified BMPs do not meet the objectives of this Article.

(5) If major modification is required, such as addition or deletion of a sediment basin, the owner shall meet and confer with authorized City personnel to determine the nature and extent of modification(s). Minor modifications necessary to meet the objectives of this Article may be performed without City authorization. All approved modification(s) shall be completed in a timely manner, but in no case more than seven (7) calendar days after the inspection showing that modification is needed. All modification(s) shall be recorded on the owner's copy of the Construction Storm Water Management Plan. In the case of an emergency, the contractor shall implement conservative BMPs and follow up with City personnel the next working day.

(E) Post-Construction Requirement of Permanent BMPs.

(1) Land development that meets the requirements of Section 16-143(B)(1) shall implement storm water runoff controls through the use of permanent BMPs. All permanent BMPs shall be maintained in good working condition for the life of the development.

(2) Developments that have permanent BMPs installed shall maintain those BMPs in good working condition for the life of the development.

(3) Structural BMPs located on property shall be owned, operated, inspected and maintained by the owner(s) of the property and those persons responsible for the property on which the BMP is located. The legal responsibility to maintain the BMPs shall be included in POA incorporation articles and covenant restrictions, and development agreements for commercial sites. As a condition of approval of the BMP(s), the owner and those persons responsible for the property shall also agree to maintain the BMP to its design capacity unless or until the City shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP(s) shall be recorded on the property plat. The development agreement shall include any and all maintenance easements required to access and inspect the BMP(s) and to perform routine maintenance as necessary to ensure proper functioning of the storm water BMP. The building of any structures on such maintenance easements is prohibited. Any agreement arising out of or under this Article shall be recorded in the office of the Grand Junction City Clerk and/or the Mesa County land records.

(4) The City will issue annual notices to POAs to ensure inspections and maintenance of permanent BMPs are performed properly.

(F) Certification of Permanent BMPs

(1) Upon completion of a construction project and before a certificate of occupancy or clearance by the Building Department shall be granted, the City shall be provided a written certification signed by a Qualified Person stating that the completed project is in compliance with the approved Construction Storm Water Management Plan. All applicants are required to submit "as built" plans for any permanent BMP(s) after final construction is completed. A digital copy of the as-built plans is required in current AutoCAD format. A final inspection by the City is required before the release of any performance securities may occur.

(G) Ongoing Inspection and Maintenance of Permanent BMPs

Permanent BMPs included in a Construction Storm Water Management Plan which is subject to an inspection and maintenance agreement must undergo ongoing annual inspections by a Qualified Person or Professional Engineer to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the Construction Storm Water Management Plan and this Article.

Sec. 16-144. ENFORCEMENT.

(A) The City Manager shall have the right to enter the premises at any time to investigate if the discharger is complying with all requirements of this Article when there is reason to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Article. Investigation may include, but is not limited to, the following: the sampling of any suspected discharge, the taking of photographs, interviewing of any person having any knowledge related to the suspected discharge or violation and access to any and all facilities or areas within the premises that may have any effect on the discharge or alleged violation. In the event that the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from the City Attorney and the municipal court in obtaining such entry.

(B) Whenever the City finds that any person has violated any portion of this Article, the City Manager shall serve a Notice of Violation (NOV), a written notice stating the nature of the violation. Within the time specified after the date of such notice the person shall submit to the City Manager evidence of the satisfactory correction of the violation.

(C) Whenever the City Manager finds that any person has violated or is violating this Article or a permit or Administrative Order issued hereunder, the City Manager may

have served upon said person an Administrative Order. Such order may be a Compliance Order, a Show Cause Order, a Cease and Desist Order or an order assessing an administrative fine. Compliance with an Administrative Order shall not relieve the user of liability for any violations occurring before or after the issuance of the Administrative Order or prevent the City Attorney from taking any other enforcement action.

(D) Upset condition

(1) An upset condition determination constitutes an affirmative defense to an action brought for noncompliance when the terms of this article are met. An owner who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the cause(s) of the upset can be identified; and
- b. The facility or operation was at the time being properly operated; and
- c. Notice of the upset was submitted as required in § 16-142 (D); and
- d. Remedial measures were complied with as required.

(2) Burden of proof. In any enforcement proceeding the one seeking to establish the occurrence of an upset has the burden of proof.

(E) Any person wishing to appeal any decision, action, Administrative Order, assessment of administrative fine, or determination made and issued by the City Manager in interpreting, enforcing or implementing the provisions of this Article, or the provision of any Administrative Order issued under this Article, shall file with the City Manager a written request for reconsideration within ten working days of such decision, action, Administrative Order or determination. That written request shall set forth in detail the facts supporting the request. The City Manager shall hold a hearing within ten working days of such request. All requests for reconsideration shall be heard by the City Manager within ten working days from the date of the hearing. The decision, action, Administrative Order or determination shall remain in effect during the reconsideration period.

(F) Any person entitled to appeal an order of the City Manager pertaining to a violation of this Article may do so by filing an appeal with the City Manager within ten working days from the date of the City Manager's determination or order. The appeal shall contain the following items:

1. A heading in the words "Before the Storm water Hearing Board of the City of Grand Junction, Colorado" or "Before the Storm water Hearing Officer of the City of Grand Junction, Colorado";

2. A caption reading "Appeal of _____," giving the names of all participating appellants;
3. A statement of the legal interest of the appellants in the affected facility, together with the name of the authorized representative thereof;
4. A concise statement of the action protested, together with any material facts;
5. Verified signatures of all appellants, together with official mailing addresses and telephone numbers; and
6. Verification by declaration under perjury of at least one appellant as to the truth of the matters stated in the appeal.

Upon receipt of a properly filed appeal, the City Manager shall notify the City Council, and the City Manager shall convene a Storm Water Hearing Board or appoint a hearing officer. The hearing shall commence no sooner than ten days, but no later than sixty days, after the appeal is filed.

(G) The City Manager is authorized to order any user who causes, makes, or allows an unauthorized direct or indirect discharge or a harmful contribution to the Storm Drainage System to show cause why appropriate enforcement action should not be taken. In such case, a notice shall be served on the respondent user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served upon the user personally or by certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or authorized representative of a corporation or partnership.

(H) The City Manager may appoint a hearing officer or may instead convene a Storm Water Hearing Board to conduct the hearing or appeal. The board may consist of a City Council member or designee, the City Manager, a 5-2-1 Drainage Authority Board member or designee and an employee of the Public Works and Utilities Department. The hearing officer or Storm Water Hearing Board shall have the power to:

1. Issue in the name of the City Council notices of hearings requiring the attendance and testimony of witnesses and the production of evidence.
2. Hold a quasi-judiciary hearing, and receive relevant evidence relating to compliance with the requirements set forth in this Article. Hearings shall be conducted informally. Rules of civil procedure and

evidence shall not solely determine the conduct of the hearing or the admissibility of evidence. All testimony shall be given under oath, and a tape recording or other evidence of the verbatim content of the hearing shall be made. The burden of persuasion in either an appeal or show cause hearing shall be upon the appellant or respondent. The standard of proof to be utilized by the officer or board in making its findings or recommendations shall be a preponderance of the evidence.

3. Determine and find whether just cause exists for not taking the proposed enforcement actions, or whether the order or action appealed is unwarranted.
4. Transmit a report of the evidence and hearing, including transcripts, tapes, and copies of other evidence requested by any party, together with findings and recommendations to all parties to the hearing and to the City Council.

(I) Findings and recommendations of the hearing board or officer shall be final and binding upon the City Manager and parties to the hearing, provided, however, that if the City Council disapproves the recommendations of the hearing board or officer within thirty days thereof, the Council may conduct its own hearing, make its own findings, and issue its own orders. An order consistent with findings and recommendations of the hearing board or officer, or the City Council, as the case may be, shall be issued by the City Manager. The order may provide for imposition of appropriate penalty charges, and for administrative fines designed to reimburse the City for the costs of the permit enforcement action. Further orders and directives, as are necessary and appropriate to enforce the provisions of this Article may be issued by the City Manager.

(J) Any person who violates a prohibition or fails to meet a requirement of this Article will be subject, without prior notice, to one or more of the enforcement actions identified herein, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge, which presents or may present imminent danger to the environment, or to the health or welfare of persons or to the well being of the Storm Drainage System.

(K) Any person who fails to comply with a Notice of Violation shall be subject to any of the following:

(1) The City Manager may issue a Stop Work Order to the owner and contractors on a construction site, by posting the order at the construction site. Unless express written exception is made, the Stop Work Order shall prohibit all further construction activity at the site and shall bar any further inspection or approval(s) necessary to commence or

continue construction or to assume occupancy of the site. A Notice of Violation shall accompany the Stop Work Order, and shall define the compliance requirements.

(2) The City Manager may order City representatives to terminate an illicit connection to the Municipal Separate Storm Sewer System. Any expense related to abatement by City or its contractor(s) or agent(s) shall be fully reimbursed by the property owner. Failure to pay may result in the property being liened as provided herein.

(3) When a property owner is not available, not able or not willing to correct a violation, the City Manager may order City personnel, contractor(s) or agent(s) to enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow City representatives to enter upon the premises for these purposes. Any expense related to such abatement by City representatives shall be fully reimbursed by the property owner. Failure to pay may result in the property being liened as provided herein.

(4) Within 30 days after abatement by City representatives, the City Manager shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. If the amount due is not paid, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment plus an administrative charge of 25%. The unpaid liens and charges shall be certified to the County Assessor so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the amount of the assessment on the bill for taxes levied against the parcel of land.

(5) Where necessary for the reasonable implementation of this Article, the City Manager may, by written notice, order any owner of a construction site or subdivision development to post surety, in a form approved by the City Attorney not to exceed a value determined by the City Manager to be necessary to achieve consistent compliance with this Article. The City may deny approval of any building permit, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or to assume occupancy, until such surety has been filed with the City.

(L) Any person who violates or continues to violate a prohibition or requirement of this Article shall be subject to criminal prosecution to the fullest extent of the law and shall be subject to criminal penalties.

(M) The violation of any provision of this Article or with any orders, rules, regulations, permits and permit conditions shall be deemed a municipal offense. Any person violating this Article shall, upon an adjudication of guilt or a plea of guilty or no contest, be fined to a maximum of \$1,000 for each violation and up to a year in jail. Each

separate day on which a violation is committed or continues shall constitute a separate offense.

(1) If any person violates any order of the City Manager, a hearing board or officer or the council, or otherwise fails to comply with any provisions of this Article or the orders, rules, regulations and permits issued hereunder, or discharges into the Storm Drain System or into state waters contrary to the provisions of this Article, federal or state requirements, or contrary to any order of the City, the City may commence an action in a court of record for appropriate legal and equitable relief. In such action, the City may recover from the defendant reasonable attorney fees, court costs, deposition and discovery costs, expert witness fees, and other expenses of investigation, enforcement action, administrative hearings, and litigation, if the City prevails in the action or settles at the request of the defendant. Any person who violates any of the provisions of this Article shall become liable to the City for any expense, loss, or damage to the City or to the Storm Drain System occasioned by such violation. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

(2) Any person who knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation or certification in any hearing, or in any permit application, record, report, plan, or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method, or testing samples required under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 per day for each violation and/or imprisonment not to exceed one year or both.

(3) The remedies provided for in this Article, including recovery of costs, administrative fines and treble damages, shall be cumulative and in addition to any other penalties, sanctions, fines and remedies that may be imposed. Each day in which any such violation occurs, whether civil and/or criminal, shall be deemed a separate and distinct offense.

INTRODUCED, READ, PASSED on first reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, this 17th day of August 2005.

PASSED AND ADOPTED on second reading and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado this ____ day of _____ 2005.

CITY OF GRAND JUNCTION, CO

Bruce Hill
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 17

Purchase of Property at 2741 D Road for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Purchase of Property at 2741 D Road for the Riverside Parkway Project						
Meeting Date		September 7, 2005						
Date Prepared		September 1, 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 a portion of the property at 2741 D Road from Parkerson Brothers LLC. 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:*	\$8,360,570
Costs Related to this Property Purchase:	
Purchase Price	\$847,356
Relocation Costs	\$226,144
Closing Costs	\$500
Environmental Inspections	\$0
Asbestos Removal	\$0
Demolition and Misc environmental cleanup	\$10,000
Total Costs Related to This Request	\$1,084,000
2005 Remaining Right-of-Way Funds	\$555,430
Total Project Budget	\$92,967,759
Estimated Project Costs:	
Right-of-Way & Land Purchases / relocation expenses	\$19,554,715
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$52,200,000
Total Estimated Project Costs	\$92,967,759

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 2741 D Road from Parkerson Brothers LLC.

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.

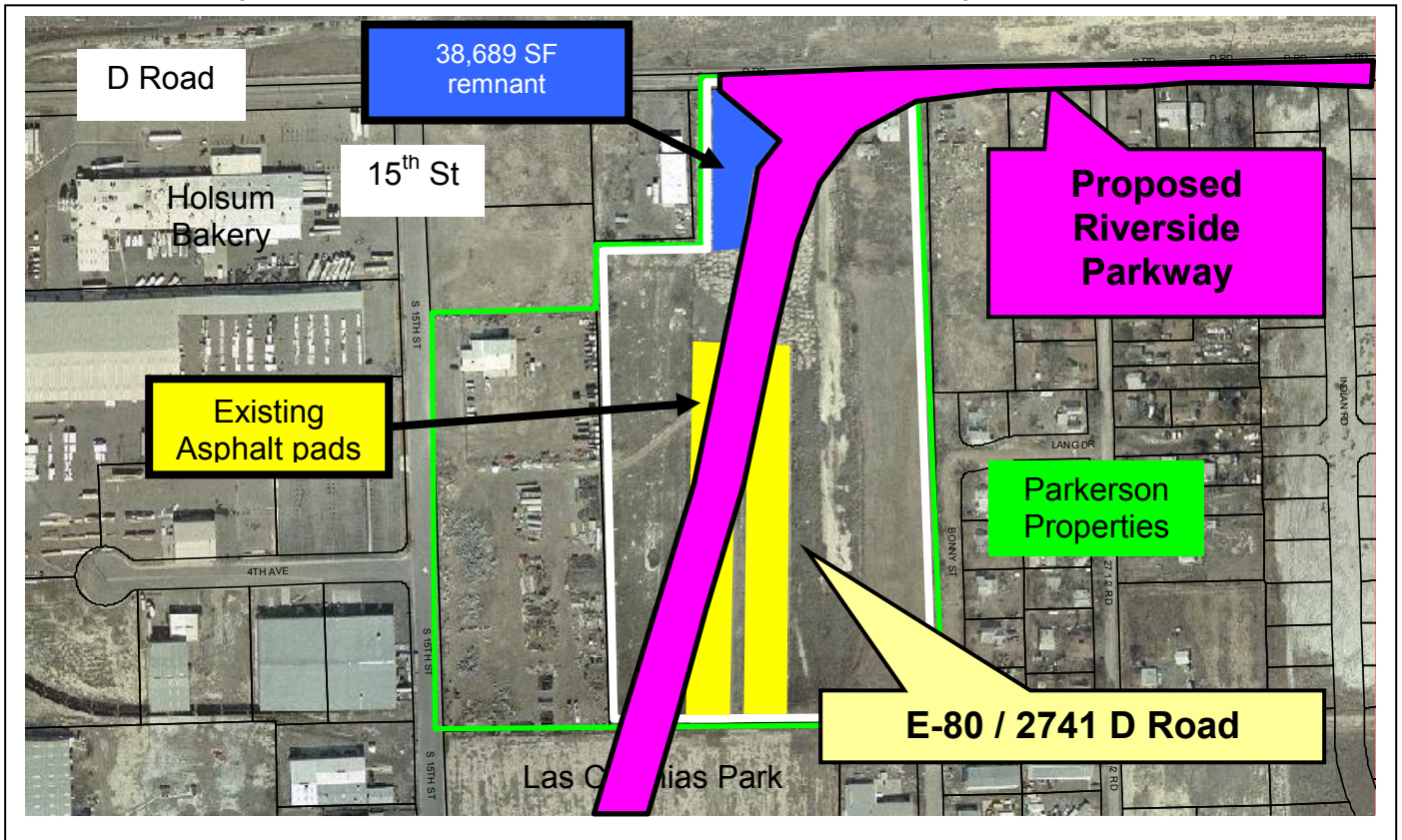
The property is located east of 15th and Winters and north of the proposed Las Colonias Park site. The project requires the following from the 18.52 acre property:

Parcel	Total ROW	Utility Easement	Remnant
E-80	123,147 sf	0 sf	
E-80A PE		9,940 sf	
E-80B PE		20,286 sf	
E-80C PE		987 sf	
Remnant			38,689 sf
Totals	123,147 sf	31,213 sf	38,689 sf
	2.827 ac	0.717 ac	0.888 ac

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

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The City's appraisal determined the value to be \$500,500. The property owner is encouraged, but not required, to also obtain an appraisal. The owner elected not to get an appraisal. An administrative settlement was reached at \$847,346 which includes: 1.) a 38,689 remnant property the owner deemed "uneconomic" for his operations. The remnant property has good access and visibility; therefore it should be attractive to small business and should have good marketability after the Parkway is completed and 2.) Payment for existing asphalt pads that are impacted by the Parkway. A move payment of \$226,144 was negotiated with the property owner which includes the costs to move all of the existing materials presently on the site. The move had originally been estimated by the owner at over \$1,200,000.

Closing is set for to occur on or before September 30, 2005. Staff recommends this purchase as it is necessary for the construction of the proposed Riverside Parkway.



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 2741 D ROAD FROM PARKERSON BROTHERS LLC

Recitals.

A. The City of Grand Junction has entered into a contract with Parkerson Brothers LLC, for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway.

Project Number	Schedule #	Address	Zoned	Current Use	ROW Reqd (Sq ft)	Easement Req (SF)	Remnant (SF)
E-80	2945-242-00-231	2941 D Road	Com/Ind	Com/Ind	123,147	31,213	38,689

B. The purchase contract provides that on or before September 7, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of portions of the properties.

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 portions of the properties at 2741 D Road.

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 \$847,356. 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. The sum of \$847,356 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 18

Underground One Percent (1%) Funds for the Riverside Parkway Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase Order for North-South River Road (east of City Shops) to 4 th Avenue Undergrounding and Authorization to Public Service Company of Colorado to Use City Overhead to Underground One Percent (1%) Funds for Riverside Parkway Project					
Meeting Date	September 7, 2005					
Date Prepared	September 1, 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 construction of the Riverside Parkway will require the relocation of many overhead power lines. This contract will underground approximately 1.3 miles of power line from approximately River Road east of City Shops to 4th Avenue west of Koch Asphalt. The attached letter is an “invoice” from Xcel Energy stating that the undergrounding cost is estimated at \$613,786. The City/Public Service 1% underground fund is proposed to back all of this project and \$386,214 of previously approved Riverside Parkway undergrounding for a total of \$1,000,000.

Budget: The table below summarizes the budget for the undergrounding of this Xcel’s overhead utilities from 25 Rd to 29 Rd on the Riverside Parkway

2005 Total undergrounding budget	\$2,232,000
2005 Undergrounding expenses to date:	
D Road Phase I relocation / undergrounding (approved 1/19/05)	\$746,305
D Road Phase 2 relocation / undergrounding (approved 2/2/05)	\$599,943
River Road Phase 1 undergrounding (approved 5/18/05)	\$272,110
River Road Phase 2 undergrounding (proposed 9/7/05)	\$613,786
2005 Remaining Undergrounding Budget	(\$144)
Total Project Budget	\$92,967,759
Estimated Project Costs:	
Right-of-Way & Land Purchases / relocation expenses	\$19,554,715
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$52,200,000
Total Estimated Project Costs	\$92,967,759

Action Requested/Recommendation: 1.) Authorize City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground from North-South River Road (east of City Shops) to 4th Avenue. 2.) Adopt resolution authorizing the use of \$1,000,000 from the 1% undergrounding fund.

Attachments:

1. Xcel North-South River Road to 4th Avenue Estimate
2. Resolution authorizing Public Service Company of Colorado to use City of GJ 1% funds.

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.

The construction of the Riverside Parkway along River Road and D Road will necessitate the relocation of the existing Xcel power lines along the road. Per the franchise agreement, Xcel is only required to relocate their facilities in kind and would leave the utilities overhead. The \$613,786 credits the City for the amount that Xcel would have invested in overhead relocations.

This work is expected to be completed in late 2005 and early 2006 prior to construction of the Riverside Parkway Phase II.

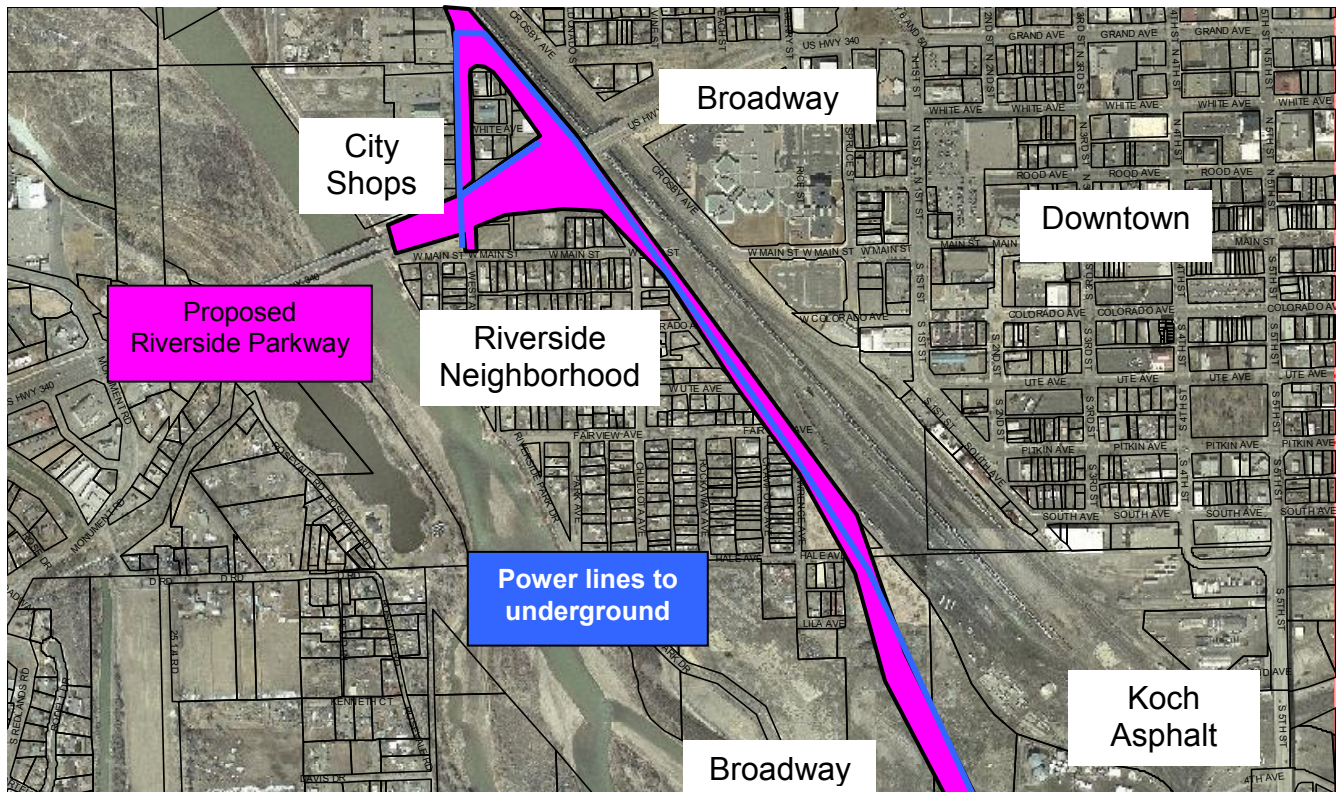
The Xcel 1% Underground Fund is proposed to back all of this project and \$386,214 of previously approved Riverside Parkway undergrounding for a total of \$1,000,000. The net impact to the Riverside Parkway fund is shown on the table below.

Phase	Approval Date	Amount
D Road Phase I	January 19, 2005	\$746,305
D Road Phase II	February 2, 2005	\$599,943
River Road Phase I	May 18, 2005	\$272,110
River Road Phase II	This purchase order	\$613,786
Total Project Budget		\$2,232,144
Proposed reimbursement from 1% undergrounding fund		-\$1,000,000
Net to Riverside Parkway Project		\$1,232,144

The \$1,000,000 reimbursement from the Xcel 1% Underground Fund represents an \$800,000 increase to the Riverside Parkway project over the previously budgeted \$200,000. This additional revenue will allow the city to move the bond amount allocated for 29 Road and I-70 from \$4.3M to \$5.1M.

The additional allocation to Riverside does reduce the flexibility to use the Xcel 1% Fund for other projects. However, the attached 10-year financial plan does match up with the major street projects within the ¼ cent sales tax Capital Fund (i.e. 2011 Fund), thereby maintaining our practice to underground overhead utilities as part of those major street projects. In addition, there still remains a minimum fund balance of about \$340,000 in the low year of 2006. This should still provide some flexibility for any miscellaneous projects the Council may wish to include at some point in the future.

VICINITY MAP



RESOLUTION NO.

**A RESOLUTION AUTHORIZING PUBLIC SERVICE COMPANY OF COLORADO
D/B/A XCEL ENERGY TO USE THE CITY OF GRAND JUNCTION OVERHEAD TO
UNDERGROUND ONE PERCENT (1%) FUNDS FOR THE RIVERSIDE PARKWAY
IMPROVEMENT PROJECT AS ESTABLISHED IN THE ORDINANCE GRANTING A
FRANCHISE SIGNED NOVEMBER 4, 1992**

RECITALS:

The City of Grand Junction is designing a project to widen and improve River Road as part of the Riverside Parkway. Construction of the new road along the east side of the Riverside neighborhood will begin in 2006. At present there are overhead electrical facilities along the proposed corridor.

The City Council has determined that the relocation of those existing power lines from overhead to underground is necessary for the betterment of the Riverside Parkway corridor project and that undergrounding of the electric lines will benefit the adjacent residents and the users of the Parkway.

The existing overhead electric facilities are located within the Grand Junction City limits. Pursuant to the franchise agreement between the City and Public Service, a fund has been created for underground construction and overhead conversion of electric lines. The Riverside project is an eligible project for the expenditure of undergrounding funds.

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

That the use of overhead to underground conversion (also known as one percent (1%)) funds in an amount of up \$1,000,000, in such locations as the City Manager may designate, for the Riverside Parkway Project, is hereby approved.

AND BE IT FURTHER RESOLVED THAT by this resolution the City Council does request XCEL Energy to expend undergrounding funds for this project.

ADOPTED AND APPROVED THIS ____ day of _____, 2005.

Attest:

City Clerk

President of City Council



2538 Blichmann Avenue
Grand Junction, Colorado 81505

August 2, 2005

Jim Shanks
Riverside Parkway Program Manager
City of Grand Junction
2529 High Country Ct.
Grand Junction, CO 81505

RE: Request for overhead to underground conversion of existing electric facilities ;
CREG/JO SR 320181; Dsn. 121005;
Service Address: Riverside Parkway – N-S River Road to 4th Ave. - Grand Junction, Colorado

Dear Mr. Shanks:

Thank you for your time and consideration in regard to your project at the referenced address. As your primary contact person at Public Service, I'm committed to providing the coordination and support needed to satisfy your energy needs and meet your project schedule.

Based on the information you have provided and the service requirements you requested, I have completed the engineering design and cost estimate to provide overhead to underground conversion of existing electric facilities. The total cost to provide the facilities requested and described below is \$613,786.00, payable at the time you return your signed paperwork. This estimate is valid until October 1, 2005 and is subject to price increases thereafter. Should you request a revised estimate prior to the expiration, an additional Engineering charge may be required.

These total costs are as follows:

⇒ Electric Distribution OH to UG Conversion	\$630,226.00
⇒ OH Relocation Credit	(\$ 16,440.00)
TOTAL	<u>\$613,786.00</u>

If this project is constructed during frost conditions, you will be billed for the depth of frost encountered, snow removal and/or any additional costs incurred providing service. These additional charges are "non-refundable" and will be billed as required.

Electric service laterals that are presently served overhead will have to be converted to underground service entrance panels by your electrician. Residential services will be installed by PSCo to the new service entrance. Please note that commercial electric services belong to the "customer" and will have to be extended / replaced by your electrician to allow for termination in our new pedestals or transformers.

Estimate above is contingent on utility easements being obtained for all electrical equipment that will be installed adjacent to City ROW (alleys, streets, etc.) on private property. Please note that the street lighting for the area you requested is not included in the costs above and will be designed and costs submitted to you under a separate estimate.

August 2, 2005
City of Grand Junction

Construction scheduling will be contingent on your acceptance of the design / costs, completion and return of all necessary documents, and any applicable payment. Construction cannot be scheduled until all paperwork / payment is received. Installation may also be contingent on scheduling of the other utilities (QWEST, Bresnan Communications) utilizing the trench / pole(s). It is your responsibility to contact and make application with these other utilities - coordinating their construction dates and requirements as well. You will need to keep us informed of your construction scheduling changes, as they will also effect our scheduling of this project. To minimize any possible delay in meeting your construction schedule, it is imperative that you notify us of your intentions and return your required paperwork and construction payment as soon as possible. The actual date of facilities installation is also dependent upon material / manpower availability and prior construction commitments.

Should you have any questions or concerns relative to the information above, please contact me as soon as possible. I may be reached at (970)244-2698 and my normal business hours are from 7:00 a.m. to 5:30 p.m. Monday through Thursday. If I am unavailable and your need is immediate, you may contact Dan Steinkirchner, Engineering Unit Manager at (970)244-2656.

Sincerely,



Gary Lewis
Designer – Design Layout
(970)244-2698
FAX(970)244-2661
gary.lewis@xcelenergy.com

Enclosures

Cc: Trent Prall; Mike Best
Cc sketch: Carter-Burgess

Attach 19
Design Contract for Downtown Parking Structure
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Design Contract for Downtown Parking Structure							
Meeting Date		September 7, 2005							
Date Prepared		August 31, 2005				File #			
Author		Mike Curtis			Project Engineer				
Presenter Name		Mark Relph			Public Works and Utilities Director				
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation		<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: A request for qualifications process was used to select Blythe Design + co. of Grand Junction as the Design Professional for the Downtown Parking Structure. Four proposals were submitted on June 30, 2005. All four firms were interviewed. Blythe Design + co. was selected over Watry Design, Inc. of Redwood City, California, Short Elliott Hendrickson Inc. of Grand Junction and Newman Cavender & Doane of Denver.

Budget: Project No.: F63300

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Parking Structure Design Contract (Blythe Design)	\$398,850
Construction, Administration, Inspection, Testing	\$4,326,142
Land Acquisition	\$1,942,409
Site Work (Envir. Cleanup, Building Demolition)	<u>\$411,333</u>
Totals:	\$7,078,734

Project Funding:

<u>Funding Sources</u>	<u>Estimated Funding</u>
Alpine Bank	\$1,574,964
DDA/TIF (Land Purchases and Site Work)	\$2,353,742
Cash Contribution from the City's Parking Fund	\$500,000
Amount To Be Financed, Intra-City Loan	\$2,314,619

P.J. McGovern Inc.
Totals:

\$335,409
\$7,078,734

Action Requested/Recommendation: Authorize the City Manager to execute a contract for design of the Downtown Parking Structure with Blythe Design + co. in the amount of \$398,850.

Attachments: A summary of the design fee proposal is attached.

Background Information:

On April 20, 2005 the City Council authorized the City Manager to sign a Memorandum of Agreement between the City of Grand Junction and the Downtown Development Authority to build a parking structure. The parking structure is to be built on the south side of Rood Avenue between Four and Fifth Streets. The parking structure will occupy the middle section (300 feet long) while the “ends” of the block (50 feet) at both Fourth and Fifth Streets will be left vacant for other development purposes.

The Parking Management Group consisting of representatives and board members from the DDA, City personnel, and City Council met twice in June 2005 to discuss the process to design and build the parking structure and selected a committee that would be involved in selection of the Downtown Parking Structure Design Professional and Construction Manager/General Contractor. The committee members are Harold Staf, DDA Director, Scott Howard, DDA Board Member, Dave Varley, Assistant City Manager, Ronald Watkins, Purchasing Manager, and Mike Curtis, City Project Manager.

A request for proposals for professional design services for design of the parking structure was prepared and advertised on June 1, 2005 through the City’s Purchasing Department. Four proposals were received on the due date of June 30, 2005. The proposals were reviewed and ranked by the selection committee. Since all proposers met the qualifications listed in the request, all firms were invited to be interviewed. The four firms that submitted proposals were Blythe Design + co. from Grand Junction, Short Elliot Hendrickson from Grand Junction, Newman Cavender & Doane from Denver, and Watry Design, Inc. from Redwood City, California.

Letters were sent to each firm inviting them to be interviewed. Per the requirements of the RFP, each design firm was asked to provide a complete list of standard fees and payment schedule requirements in a separate sealed envelope. Any additional consultant fees were also to be included. All fees are considered by the City to be negotiable based on the final scope of services and deliverables. The fee proposals were not opened by the City until a prospective awarded firm had been determined, then only the fee proposal of the successful proposer was opened. A list of ten

questions that would be asked during the interview was included in the letter. The ten questions were as follows:

1. How will your experience working in a GC/CM environment benefit the City? Please list past experience.
2. How do you feel your parking structure design experience will enhance your design?
3. How will your control systems insure that the project requirements of cost, schedule, and quality are met?
4. How will you insure that the needs of the City/DDA are met?
5. What are your recommendations regarding the proposed schedule?
6. What ideas do you have for a totally automated parking/pay systems? How could the parking/pay system for the parking structure be integrated with a system to handle on street and lot parking?
7. Why do you feel your firm's personnel and sub consultants are best qualified to design and administer the parking structure?
8. What type of structure do you feel would best meet the needs of the City/DDA?
9. What ideas do you have for the exterior of the structure to meet the storefront look?
10. Who will be your point person during design and construction (they should be present)? Why are they the best person/persons to design and administer the project during construction?

In addition to these ten questions, selection committee members could ask any other additional questions. The design firms were ranked by each committee member using a rating form that included the ten questions and additional questions. The interviews were held on July 15 and July 19. The selection committee ranked Blythe Design + co. as the top design firm. The fee proposal submitted by Blythe Design was opened and appeared satisfactory to the Parking Management Group as the fee percentage of construction cost was within the range expected from past City projects. All the firms were notified in writing of the interview results.

The design fee will be based on designing a cast-in-place concrete parking structure. The proposed parking structure will be a three story structure (ground floor plus two elevated floors with the top floor covered) and will be designed to contain no less than 324 spaces. The structure will be designed for a future fourth story. During the design of the parking structure, Blythe Design will review the possibility of adding landscape features in front of the parking structure as well as improving pedestrian access to the structure.

The proposed design schedule calls for completion of the final design by December 2005 to submit to Community Development for review. After Community Development review comments have been addressed, the Construction Manager/General Contractor

will obtain bids based on the final construction plans. A recommendation for a Construction Manager/General Contractor will be made at the September 21, 2005 City Council meeting. This RFP selection process for the design firm and Construction Manager/General Contractor has been used on past City Projects like City Hall, Two Rivers remodel, and Redlands Fire Station #5. Once the Commercial Federal Buildings are vacant which will occur at the earliest the end of December 2005 or at the latest the end of March 2006, the City will hire an Asbestos Abatement Contractor to remove asbestos from the Commercial Federal buildings and Valley Office Supply. After asbestos abatement, the City will hire a demolition Contractor to demolish the Commercial Federal Buildings and Valley Office Supply. Once Mesa County Building Department approves the construction plans, construction of the parking structure can begin construction of the structure should begin between April and June 2006 and it should be completed by the end of December 2006 at the latest.

618 Rood Avenue
Grand Junction, CO 81501
970-242-1058
970-242-2268 Fax
office@blythedesign.com



August 18, 2005
(Revised August 29, 2005)

Mr. Mike Curtis
City of Grand Junction
250 N. 5TH Street
Grand Junction, Co 81501

Dear Mr. Curtis,

As we have discussed, this letter is being written to provide scope of work and fees for the new Downtown Grand Junction Parking Garage. We are excited about this project and look forward to assisting Grand Junction change the face of downtown with this project.

Our understanding of the project is as follows:

1. Project is anticipated to be a three level 324 space parking structure located at Rood Avenue between 4TH and 5TH Streets in Grand Junction Colorado.
2. Conceptual drawings prepared by The Lawrence Group and Walker Parking Consultants will be the basis for the continuation of the design work.
3. It is anticipated the garage will be designed with a steel deck roof for shade and snow protection and the design should accommodate structure for one future deck of parking.
4. Construction budget for the project is \$4.4 Million.
5. Blythe Design + co will serve as prime design Architect with other consultants serving as consultants to Blythe Design + co under our contract with the City.
6. The Owner will provide all geotechnical services for soil borings and testing for the project. This will include paving and foundation recommendations.
7. Schematic Design phase will confirm the number of spaces to be provided and other programmatic requirements. Concept information already developed will be updated. This will include review of stall size, user group meetings, parking controls, security requirements, ceiling heights, pedestrian needs, exterior elevations, floor plans, and probable construction cost review/ assistance. The schematic report will include narratives for the architecture, parking, structure, mechanical, and electrical disciplines.
 - a. We will determine location of the facility on the site including orientation of parking bays, bay sizes, and setbacks.
 - b. Refine/ verify functional design options including various ramping schemes, parking angles, traffic flow, etc. We will reach consensus of a preferred scheme and owner approval to proceed to Design Development.
 - c. Design of internal circulation within the parking structure, both vehicular and pedestrian.
 - d. Develop building code analysis.
 - e. Develop requirements for stairs and elevators.
 - f. Refine/ Develop exterior façade options/ concepts.
 - g. Update project schedule and provide assistance/ review with probable construction cost estimate. (CM/ GC will provide cost estimates and schedules with the design team's input)
 - h. Provide presentation of Schematic Design recommendations
 - i. Schematic Design will include a narrative and 3D studies. The 3D studies will be developed to assist in developing a final scheme for the parking structure.

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- j. Note: The Geotechnical report, it's recommendations, and the site survey should be completed during this phase so the required planning submittal can be developed.
- 8. Design Development phase will further develop the approved schematic design to evaluate appropriate systems with particular emphasis on function, durability, and overall economies. We will finalize dimensions and the location of the parking facility on the site. We will assist with refining options for the budget and schedule.
 - a. Evaluate structural systems including cast in place post tensioned concrete and precast concrete framing options.
 - b. A structural grid will be developed to provide parking efficiency, patron comfort, and future flexibility.
 - c. Provide preliminary sizes of beams, slabs, columns, shear walls, etc. A preliminary foundation plan will be developed.
 - d. Short form specifications will be developed to assist with more detailed information and costs for budgeting to include stairs, elevators, sealers, sealants, joint systems, etc.
 - e. We will develop preliminary functional graphics and signage plans/ data.
 - f. We will develop preliminary parking operations, access control, and revenue collection options.
 - g. Develop preliminary security requirements.
 - h. Provide presentation of design development documents including assistance with probable construction cost estimate review/ input.
 - i. We assume the drawings at this stage will result in a guaranteed maximum price with the CM/ GC. Contracts with the CM/ GC should be developed with our assistance to assure the Owner obtains the costs at this time prior to proceeding to construction documents.
- 9. Construction Documents will begin when design development has been approved.
 - a. Prepare documents for all disciplines for CM/ GC bidding to subcontractors including drawings and specifications.
 - b. Assist/ review final budget and schedule with Owner and CM/ GC.
 - c. Assist CM/ GC with submittal to building department for building permit.
- 10. Bidding Phase will begin when approval is received for the Construction Documents.
 - a. Provide assistance with answering RFI's, issuing addendum, and review of bids received.
 - b. Attend prebid meeting and bid opening.
 - c. Interpret documents during bidding phase.
- 11. Construction Administration phase will begin when approval has been received for the bids received. We will:
 - a. Attend preconstruction meeting.
 - b. Review shop drawings and material samples required by the contract documents.
 - c. Make appropriate site visits to review work in progress.
 - d. We have included attendance at weekly construction site meetings. (This is additional to normal basic services.)
 - e. Walker Parking Consultants anticipates 4 site visits during construction. Additional site visits will be provided at standard hourly rates.
 - f. We will interpret contract documents, answer RFI's, review pay applications, and provide a punch list for the project at completion.

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 City of Grand Junction
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- g. Provide record drawings in Autocad format at the completion of the project based on record drawings provided by the CM/ GC. (This normally an additional services to basic services.)
12. Reimbursable costs for travel, meals, hotel, rental car, printing, postage, overnight mail, etc. will be invoiced at cost plus 15% for handling.
13. We anticipate starting as soon as contracts are signed.
14. We anticipate 4 trips for The Lawrence Group and 4 trips for Walker Consulting during the design phase. This would be 2 trips during Schematic Design, one trip during Design Development, and one trip during Construction Documents. Other meetings with these consultants could be held via conference call. Additional meetings are available as additional services on an hourly basis. Blythe Design will be available for regular design meetings during the project.
15. We have not included any fees for asbestos or other contaminants in our fees.
16. We are anticipating that foundations will be driven piles.
17. Demolition documents and demolition construction are by Owner.
18. The civil engineer has anticipated a simple subdivision for the City Submittal as well as an Abstracted Survey of the site.
19. We do not anticipate redesign and construction of the existing alley. We assume the alley will remain in existing condition.
20. It is assumed the parking structure will all be above grade.
21. We have assumed a City Submittal will be made by December, 2005, the City will obtain possession of all the properties by January, 2006, and Construction will be begin by April, 2006. It is assumed the parking structure will have a 6 to 8 month construction project.
22. Should tenant spaces be included in the project, we do not have any tenant finish out included for the space. The exterior shell can be part of the design fees, but not finish out.
23. We assume the contract to be signed will be a standard AIA Owner/ Architect Agreement.
24. Should the city decide they want an independent cost estimate, we can provide one as additional services for comparison against the CM/ GC cost estimates. We recommend this, so that the Owner obtains a realistic guaranteed maximum price proposal.
25. Proposed fees for the project are:
- | | | |
|----|--|-------------------|
| a. | Basic Services for Architecture, Structure, Mechanical, and Electrical Engineering | \$ 333,500 |
| b. | Site/ Civil Engineering/ City Planning Submittal | \$ 13,800 |
| c. | Landscape Architect | \$ 7,250 |
| d. | Geotechnical Engineering- By Owner | \$ -0- |
| e. | Construction Testing- By Owner | \$ -0- |
| f. | Attendance at weekly site construction meetings | \$ 8,400 |
| g. | *Optional Second Foundation Design | \$ 25,000 |
| h. | *Optional Cost Estimate
(Schematic Design \$2750; Design Develop \$3850;
Const Documents \$4350) | \$ 10,900 |
| | Total Fee | \$ 398,850 |

(* Note: Optional services listed above must be approved, if needed, by the Owner prior to services being provided. If services are not provided, this will become a credit to the Owner.)

Mr. Mike Curtis, P.E.
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Please let us know if you have questions. We are excited about this project and look forward to assisting you to make this a successful project.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy T. Blythe". The signature is written in a cursive style with a large, sweeping initial "R".

Roy T. Blythe, AIA
Blythe Design + co

cc. File