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

WEDNESDAY, JANUARY 4, 2006, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Retired Pastor Eldon Coffey

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING JANUARY 16, 2006 AS “MARTIN LUTHER KING, JR. DAY” IN THE
CITY OF GRAND JUNCTION

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

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

*Action: Approve the Summary of the Summary of the December 19, 2005
Workshop and the Minutes of the December 21, 2005 Regular Meeting*

2. **Meeting Schedule and Posting of Notices** [Attach 2](#)

State Law requires an annual designation of the City’s official location for the
posting of meeting notices. The City’s Code of Ordinances, Sec. 2-26, requires
the meeting schedule and the procedure for calling special meetings be
determined annually by resolution.

Resolution No. 01-06 – A Resolution of the City of Grand Junction Designating the
Location for the Posting of the Notice of Meetings, Establishing the City Council
Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings
for the City Council

®Action: Adopt Resolution No. 01-06

Staff presentation: Stephanie Tuin, City Clerk

3. **Setting a Hearing to Appoint Board of Directors for the Downtown BID**

[Attach 3](#)

Council has indicated that once the Downtown BID was passed by the electorate that it would appoint a permanent Board of Directors for the Downtown BID. According to the Colorado State Statutes, the DDA Board may be appointed to fill this role.

Proposed Ordinance Naming the Grand Junction Downtown Development Authority Board as the Downtown Grand Junction Business Improvement District Board

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: Harold Stalf, DDA Executive Director

4. **Setting a Hearing on a Petition for Exclusion from the Downtown Grand Junction Business Improvement District**

[Attach 4](#)

The Downtown Grand Junction Business Improvement District was formed on August 17, 2005. The ballot question regarding a Special Assessment for said District was approved on November 1, 2005. The City Council then held a hearing on the assessments on December 7, 2005 and there were no objections voiced at the hearing. On December 16, 2005, Mr. Paul Parker filed a petition and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 741 Main Street and the adjacent parking lots.

Proposed Ordinance Excluding from the Downtown Grand Junction Business Improvement District Properties Owned by Paul Parker

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: John Shaver, City Attorney

5. **Sale of Property at 2927 ½ D ½ Road to Mesa County Valley School District**
51

[Attach 5](#)

The City acquired approximately 19 acres of land at 2927 ½ D ½ Road. The City purchased the land cooperatively with School District 51 in April of 2005. The intention of the District is to construct a school on approximately 10.5 acres of the land. The City may construct a park, a fire station or otherwise use its property for purposes yet to be determined. The City has an option to re-purchase 1.5 acres of the property.

Resolution No. 02-06 – A Resolution Ratifying the Conveyance of Land to School District 51

®Action: *Adopt Resolution No. 02-06*

Staff presentation: John Shaver, City Attorney

6. **Purchase of Utility Truck with Aerial Device** [Attach 6](#)

Purchase one 2006 Terex Utilities Hi-Ranger 5FC-55 Aerial Device with an International Model 4300 Chassis for the Parks and Recreation Forestry Department. The existing 1995 Ford F800 Forestry bucket truck was scheduled for replacement in 2005, as identified by the annual review of the fleet replacement committee.

Action: *Authorize the City Purchasing Manager to Purchase One 2006 Terex Utilities Hi-Ranger 5FC-55 Aerial Device with an International Model 4300 Chassis from TEREX Utilities of Colorado, Commerce City, CO in the Amount of \$123,641.00.*

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

7. **Qwest Revocable Permit for an Air Intake Hood Over the East/West Alley between N. 7th Street and N. 8th Street and Main Street and Rood Avenue** [File #RVP-2005-273] [Attach 7](#)

Petitioner is requesting a revocable permit to install a 5'x8' air intake hood 24' 6" above the alley right-of-way between N. 7th Street and N. 8th Street and Main Street and Rood Avenue.

Resolution No. 03-06 – A Resolution Concerning the Issuance of a Revocable Permit to Qwest Communications

®Action: *Adopt Resolution No. 03-06*

Staff presentation: Senta L. Costello, Associate Planner

8. **Setting a Hearing on Zoning the Hammer-Whitt Annexation, Located at 29 ½ Road and Ronda Lee Road** [File #ANX-2005-107] [Attach 8](#)

Introduction of a proposed zoning ordinance to zone the Hammer-Whitt Annexation RSF-4, located at 29 ½ Road and Ronda Lee Road.

Proposed Ordinance Zoning the Hammer-Whitt Annexation to RSF-4, Located at 29 ½ Road and Ronda Lee Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: Senta L. Costello, Associate Planner

9. **Setting a Hearing on Zoning the Ward-Mudge Annexation, Located at 3113 and 3117 E ½ Road** [File #ANX-2005-256] [Attach 9](#)

Introduction of a proposed zoning ordinance to zone the Ward-Mudge Annexation C-1, located at 3113 and 3117 E ½ Road.

Proposed Ordinance Zoning the Ward-Mudge Annexation to C-1, Located at 3113 and 3117 E ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: Senta L. Costello, Associate Planner

10. **Vacation of Public Easements, Mesa Village Marketplace, Located at 2414 F Road** [File #PFP-2005-242] [Attach 10](#)

The petitioners are requesting City Council approval of a vacation of various public easements that were created with the recording of the Plat for the Mesa Village Subdivision.

Resolution No. 04-06 – A Resolution Vacating Various Public Easements on Lot 5A of the Replat of the Mesa Village Subdivision, 2414 F Road

®Action: Adopt Resolution No.04-06

Staff presentation: Pat Cecil, Development Services Supervisor

11. **Setting a Hearing to Vacate the Right-of-Way and Vacate a 10' Utility Easement, Located at the Corner of G Road and 23 Road** [File #VR-2005-243] [Attach 11](#)

A Request to vacate right-of-way and utilities easements in the Midwest Commercial Subdivision on the Southwest corner of G Road and 23 Road. The applicant would like to develop this and another parcel. The City will retain a 15' utility easement.

Proposed Ordinance Vacating the Right-of-Way Dedicated on the Midwest Commercial Subdivision Plat for 22 ¾ Road while Retaining a 15' Utility Easement along the South Edge of the Right-of-Way Line for G Road, and Vacating the Ten Foot (10') Utility Easements Lying on Either Side of the 22 ¾ Road as the Easements were Dedicated on the Midwest Commercial Subdivision Plat as it was Recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's Records, Located at the Southwest Corner of G Road and 23 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: Lisa Cox, Senior Planner

12. **Setting a Hearing on Rezoning Two Lots in the Taurus Subdivision to I-1 and C-2, Located at the Southwest Corner of G Road and 23 Road** [File #VR-2005-243] [Attach 12](#)

Introduction of a proposed rezone ordinance to rezone two lots in the Taurus Subdivision I-1 and C-2 located at the southwest corner of G Road and 23 Road.

Proposed Ordinance Rezoning Two Parcels in the Taurus Subdivision from I-2 to I-1 and C-2, Located at the Southwest Corner of G Road and 23 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

Staff presentation: Lisa Cox, Senior Planner

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

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

13. **Public Hearing - Create Alley Improvement District ST-06** [Attach 13](#)

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

Resolution No. 05-06 – A Resolution Creating and Establishing Alley Improvement District No. ST-06 Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specification for the Paving Thereon and Providing for the Payment Thereof

®Action: *Adopt Resolution No. 05-06*

Staff presentation: Mark Relph, Public Works and Utilities Director

14. **Public Hearing – Amending the PD Zoning for Redlands Mesa, Filing 6** [File # FP-2005-032] [Attach 14](#)

Hold a public hearing and consider final passage of an ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

Ordinance No. 3855 - An Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Filing 6

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3855*

Staff presentation: Kathy Portner, Planning Manager

***15. **Purchase of a 20% Interest in Property Located at 902 – 1110 S. 5th Street for the Riverside Parkway Project** [Attach 15](#)

The City has entered into a contract to purchase a 20% interest in property located at 902-1110 S. 5th Street owned by the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee, for right-of-way for Riverside Parkway.

Resolution No. 06-06 - A Resolution Authorizing the Purchase of Real Property at 902 – 1110 S. 5th Street from the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee

®Action: *Adopt Resolution No. 06-06*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

17. **OTHER BUSINESS**

18. **ADJOURNMENT**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
December 19, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, December 19, 2005 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill.

Summaries and action on the following topics:

1. **APPOINTMENTS TO BOARDS & COMMISSIONS:** City Clerk Stephanie Tuin presented options to the City Council for filing vacancies on the Planning Commission and Zoning Board of Appeals.

Action summary: The City Council agreed to interview the applicants who applied and the three incumbents requesting reappointment. January 11th was the date selected with Councilmembers Beckstein, Coons, Palmer, Spehar, and Council President Hill volunteering for the interview committee. The Council declined to interview the first alternate.

2. **EMS UPDATE:** The Grand Junction Fire Department (GJFD) and Ambulance Medical Response (AMR) have submitted further information. A staff committee consisting of the City Manager, City Attorney, Administrative Services Director and the Assistant City Attorney have reviewed the amended proposals and interviewed representatives of both proposers. City Manager Kelly Arnold updated Council on the process and how the two companies were rated. He said there were some concerns with the financial data submitted from both companies. The Grand Junction Fire Department rated higher of the two. Mr. Arnold said both companies provided supplementary financial information and a review committee convened to review the information. He said the quality and cost of both proposals were impressive. However, looking at the cost, the review committee could not justify the cost of accepting the GJFD proposal due to the initial cash infusion and the annual cost, bringing the cost to about \$1.4 million over the first five years. He said AMR, for the same service and coverage, would have no cost to the City; in fact there may be some opportunities for revenue sharing.

Councilmember Coons inquired about the contract provisions to ensure performance. City Manager Arnold advised that all performance remedy provisions will be included in the contract drafted by the City's legal department.

Council President Pro Tem Palmer inquired about the non-emergent transport being included in the City's proposal. Administrative Services and Finance Director Ron Lappi said those are for the most part included in the new financial information, some of the out area non-emergent transports might be contracted out. Fire Chief Rick Beaty advised that due to the close working relationship with the current contractor, the Fire Department is well aware of the number and type of transports that are made. He said the numbers provided are a conservative estimate.

Councilmember Spehar inquired if the maximum allowable to be charged was used. Mr. Lappi said the fees and charges to the users were the same in both proposals and so they were the maximum allowed. Chief Beaty said the Fire Department would provide quality service, have a high level of responsibility and it would require additional resources to provide that quality service.

Council President Pro Tem Palmer asked if it would affect other Fire Department services. Chief Beaty said the reason for the additional resources is so it would not affect those services.

Councilmember Coons questioned if outsourcing makes more sense.

Councilmember Spehar said that he has concerns of making a decision based on finances given the fact that there is a quality difference. He said that he is also concerned with having two services show up, one that does the first response and the other does the transport. He said this is a unique opportunity to affect a change and do the full integration, noting there is no better time to do it than now.

Council President Pro Tem Palmer said patient care is more important than the cost, noting that AMR is doing a great job. He said that he calculated that the cost would amount to an additional \$13 per person annually to select the City Fire Department as the provider.

Councilmember Coons asked about the City making the investment, then contracting out the non-emergent transport anyway and questioned if emergent transport is a money maker. Mr. Lappi said that it is.

Council President Hill said at present the City is prepared to be the first responder and his main goal is to provide the citizens the best services available. He said he would be more comfortable with making a capital investment if the City was close to covering the cost and said maybe in five years the investment can be justified. He said that he feels the Fire Department is in a better position as first responder.

Councilmember Doody inquired about the collaborative options and suggested locating AMR ambulances at the fire stations. City Manager Arnold said that is possible but might change the cost sharing situations.

Councilmember Spehar asked why Council should choose AMR. Mr. Arnold said that AMR's proposal is solid; they have been in the business for a long time and know their systems. He does not feel the time to change is now; it may be in the future.

Councilmember Coons asked why this is being looked at now. Mr. Arnold said the County resolution gave the City the opportunity to look at changing and the City has therefore gone through the process. Councilmember Coons asked how the current AMR proposal is different from this proposal. Mr. Arnold said the new proposal is in compliance with the County's resolution which sets the standards and now there is a performance measure that has not been in previous contracts. Councilmember Coons asked if the current agreement meets those performance criteria. Mr. Arnold said the service has significantly improved in the last six months. Chief Beaty said AMR is currently working under an interim agreement.

Councilmember Doody asked for explanation about the resolution and how it got the City to this point. City Attorney John Shaver explained the history including the philosophy, mainly to ensure the quality of emergency care county-wide. He said the resolution also designated certain areas of service. Mr. Shaver said the County Attorney has determined that the resolution does not apply to non-emergency services.

Council President Pro Tem Palmer asked about Fruita and Clifton. Mr. Shaver said they do their own emergency response services, whereas Lands End contracts their services out. Mr. Shaver noted that the GJASA (Grand Junction Ambulance Service Area) includes Glade Park and all of the Grand Junction Rural Fire Protection District.

Councilmember Spehar said Council should certainly look at the most cost efficient way but public safety should be the primary consideration. He said the GJFD rated higher so his mind is made up. He said the City is responsible for the GJASA and feels the Fire Department should provide the services.

Council President Pro Tem Palmer said he has been on the emergency service committee and said he is looking long-term for the City. He said having the GJFD as the primary player, it will strengthen mutual aid and provide better relationships and strengthen the City's Fire Department. He said it is not all about the money. He supports the Fire Department proposal.

Councilmember Thomason also supports the City's proposal.

Councilmember Doody inquired if the decision is being made tonight. Mr. Shaver advised direction can be given to begin negotiations and to put some things in place for the Fire Department to take over.

Councilmember Doody said that it makes sense to have one as a first responder and feels they should be the one to transport. He said that he supports the Fire Department proposal.

Councilmember Coons said this is not a cost issue, but is concerned with quality and is afraid the Fire Department might be spread too thin. She feels that it is not a bad idea to have a first responder and then have someone else do the transport. She said that she supports Staff's recommendation to select AMR.

Councilmember Beckstein supports Staff's recommendation of the two tier system, using AMR for transports.

Council President Hill wanted to clarify that every decision made is a cost-based decision regardless if it is the Fire Department, etc. He said right now it looks clumsy with all the vehicles that show up and said the transport is a very important service. A separate transport company will allow the Fire Department to be ready for emergency response. He supports Staff's recommendation, noting there is still a majority for the other proposal.

Councilmember Spehar said that he tried to evaluate the proposals neutrally; and his decision is based on what is good for the community long term.

Action summary: Staff was directed to begin negotiations and make arrangements to put the GJFD proposal in place.

The Council President called a recess at 8:45 p.m.

The meeting reconvened at 8:55 p.m.

3. **TABOR UPDATE AND STRATEGIES:** Administrative Services and Finance Director Ron Lappi reviewed the City's status in regards to the Taxpayer Bill of Rights and identified strategies to be used in the future to deal with such limitations. He highlighted the various provisions and its affect on the City's finances. He said the big affect is the provision that does not allow the City to retain revenues collected over a growth standard. In Grand Junction, the rate of growth and revenues has stayed fairly close and for the most part only small amounts have had to be refunded with the exception of the year 1999. He anticipates the amount of refunds will increase significantly in 2006 to over a million dollars. He said one possibility is to ask the voters to retain revenues in

order to pay down some debt, such as the Riverside Parkway bonds. Most of the refunds go to major corporations out of town and out of state.

Councilmember Coons questioned why the City is tied to the Denver-Boulder Consumer Price Index (CPI). Mr. Lappi said the provisions of TABOR require it, as it is the only published CPI. It is in the State Constitution.

Councilmember Beckstein asked if de-brucing allows the City to accept other grants it can't at present due to TABOR limitations. Mr. Lappi said right, that state grants count against the revenue limitation.

Councilmember Beckstein questioned the affect of the severance tax.

Mr. Lappi said that is small in comparison, but the overall growth has been enough so those funds have not been affected.

Councilmember Spehar said much of the State's problem is voluntary, with its permanent tax rate cuts. He said the City has only done temporary credit mill levies. Mr. Lappi said if there is a dip in the economy, the City is prepared so that it does not "ratchet" the City down.

Councilmember Spehar inquired when the Riverside Parkway bonds will be repaid. Mr. Lappi said by 2024.

Councilmember Spehar said the best way to go forward is to ask voters to pay a portion of those bonds off early just as Council President Hill suggested.

Council President Hill said that corporate America outside of Grand Junction is taking the bulk of the revenue refunds. He suggested asking voters to retain revenues until debt is paid off.

Mr. Lappi said also, sometime between now and 2013, the City may have another bond issue question to build major facilities, for example, a new Police Station.

Councilmember Coons agreed about going to the voters for another high priority project like that.

Council President Pro Tem Palmer said that he agrees with Councilmember Coons; going to the voters in order to build a new police station.

Council President Hill suggested allowing that to move forward naturally and ask the citizens if they want the facilities now by issuing bonds or if they want to wait and pay as they go.

Mr. Lappi noted the City's sales tax is one of the lowest in the state, plus there is no sales tax on groceries.

Council President Hill said the idea needs to be tested and keep that narrow focus to reduce the Riverside Parkway debt; possibly asking the voters November, 2006.

Action summary: Council will test and pursue a possible question to the voters to retain revenues to pay off the Riverside Parkway debt and be prepared to go forward with a campaign. Council directed Staff to put together a strategy and bring it back by February or March.

ADJOURN

The meeting adjourned at 9:35 p.m.

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

December 21, 2005

The City Council of the City of Grand Junction convened into regular session on the 21st day of December 2005, at 7:00 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. Council President Pro Tem Palmer led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING THE MONTH OF JANUARY 2006 AS "VOLUNTEER BLOOD DONOR MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF JANUARY 2006 AS "NATIONAL MENTORING MONTH" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE HISTORIC PRESERVATION BOARD

Bill Cort and Kathy Jordan were present to receive their certificates.

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Denise Henning, Bill Hill and Lynn Sorlye were present to receive their certificates.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

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

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the Minutes of the December 5, 2005 Special Session, the Summary of the December 5, 2005 Workshop and the Minutes of the December 7, 2005 Regular Meeting

2. **Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the March 1, 2006 City Council Meeting** [File #ANX-2005-076]

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the December 21, 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 March 1, 2006 City Council Meeting.

Action: Continue Annexation Public Hearing regarding Approval of the Resolution Accepting a Petition for Annexation and also Final Passage of the Annexation Ordinance until the March 1, 2006 City Council Meeting

3. **Setting a Hearing for Amending the PD Zoning for Redlands Mesa, Filing 6** [File # FP-2005-032]

Introduction of a proposed ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

Proposed Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Filing 6

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 4, 2006

4. **Contract for 2006 LEAF Grant for DUI Enforcement**

In August of this year, the Police Department submitted a request to Council seeking authorization to submit an application to the State of Colorado to obtain grant funds in the amount of \$145,133.00 from the Law Enforcement Assistance Fund (LEAF) for the purpose of purchasing a DUI van and covering the costs of overtime for officers in order to conduct DUI enforcement related activities.

Approval was given by Council. The department has recently been notified that \$35,000.00 of the grant request has been approved to fund the DUI enforcement related activities. Funds to cover the cost of the DUI van were denied.

Action: Authorize the City Manager to Sign a Grant Contract Accepting for the 2006 LEAF Grant in the Amount of \$35,000.00

5. **Grant Contract for Radio Infrastructure Improvements in Mesa County**

This Grant will provide funding for radio equipment improvements and/or additions to radio sites serving the Grand Junction Regional Communication Center. Simultaneously, this expands the state's 800 MHZ digital trunked radio (DTR) system by adding sites in Mesa County.

Additionally, Motorola, the Contractor working with the State Department of Information Technology (DOIT) on the project, is requesting additional funds for two of the radio sites. This request needs to be made to DOLA and if approved by DOLA, will become an addendum to the Grant Contract. The total grant amount will then be \$1,206,985.

Resolution No. 187-05 – A Resolution Authorizing an Agreement Between the City of Grand Junction and the State of Colorado Department of Local Affairs for the Colorado Wireless Interoperability Network (CWIN) Project in Mesa County

Action: Adopt Resolution No. 187-05

6. **Revocation of Powers of Attorney for Alley Improvements that have been Subsequently Completed**

Properties which apply for development occasionally are required to grant the City Clerk a Power of Attorney (POA) for Alley Improvements. Subsequent to said properties being included in a completed Alley Improvement District these POA's can be revoked to release the property from future obligation.

Resolution No. 188-05 – A Resolution Revoking Powers of Attorney for Completed Alley Improvements in Alley Improvement Districts

Action: Adopt Resolution No. 188-05

7. **Federal Hazard Elimination Funding for the 23 and G Road Intersection**

After much evaluation staff believes the intersection at 23 Road and G Road will have the highest probability of funding due to the documented accident history. All of the other locations would reduce accidents, but improvements at this intersection have the best chance to actually save a life. A roundabout is being considered due to its ability to reduce both speeds and right angle accidents. The grant application must be submitted to CDOT by January 31, 2006.

Resolution No. 189-05 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Intersection Improvements at 23 Road and G Road

Action: Adopt Resolution No. 189-05

8. **Outsource Printing and Copying Contract**

Historically the City has provided printing and binding services to all City departments through its internal print shop. The print shop has been operated as an enterprise through an internal service fund. However, the decision was made during 2005 to close of the print shop at the end of the year and contract out the services. This request is for approval to award the outsource printing and copying contract.

Action: Authorize the Purchasing Department to Enter into a Contract with Pyramid Printing, Grand Junction, Colorado to Provide Printing and Binding Services as required, not to Exceed \$100,000 for FY 2006

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Amending the Planned Development Zoning Ordinance for Shadow Run at the Ridges [File #PP-2005-203]

The applicant's proposal is to develop an attached single family and townhome project on a parcel within the Ridges Planned Development that was previously approved as a multifamily site for a maximum density of 7.5 dwelling units per acres. The plan consists of ten duplex buildings and three four-plex buildings, for a total of 32 dwelling units on 4.99 acres, resulting in a density of 6.4 units per acre. The application includes a request for approval of private streets within the development.

The public hearing was opened at 7:14 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She advised this development was reviewed by City Council back in June and was denied. Since then the developers have reviewed and addressed all of the comments from that hearing. The development

calls for 32 dwelling units, which averages 6.4 units per acre. She said that it will add to the variety of housing available in this area and the site design minimizes disturbance to the site. The request is to amend the existing Planned Development to provide more detail and the underlying zone is RMF-8. She said an additional access was purchased from the City and the revised plan proposed will be 20 detached single-family units and 12 townhome units. Ms. Ashbeck said the bulk standards have been met except for one deviation; the front yard setback of units 10, 27, and 28 has been reduced. All garages meet setback requirements, the private street is proposed to be 24 feet wide, and they have exceeded the requirement for off-street parking. She said the interior units will be two-story with a five-foot wide perimeter trail. All deviations from the previous request with the exception of the setbacks have been altered to comply with the RMF-8 zone bulk standards. Ms. Ashbeck stated the conclusion is that the request does meet the criteria of the Zoning and Development Code.

Councilmember Thomason asked if the development will be allowed to use Horizon Court for a street name. Ms. Ashbeck stated that is reviewed during final plat and they will not be allowed to use that name.

Paul Schoukas, 1575 Boulder Street, Suite F, Denver, Colorado representing the developer, stated he was at the last presentation and the developer has made the changes that were brought up at that hearing and the development will be a great addition to the Ridges. He noted that the development will be a maintenance-free community, the grounds and roads will be maintained by the HOA. He compared the old site plan with the new plan and said the roadway was widened to 24 feet, which eliminated one duplex. He said the attached walk was relocated to a detached walk along the perimeter and a right-of-way was purchased from the Parks Department for an additional access point off of Mariposa Drive. Mr. Schoukas said there will be nearly 150 parking spots including within the garages.

There were no public comments.

The public hearing closed at 7:35 p.m.

Council President Pro Tem Palmer asked about stormwater drainage issues, if those are satisfied. Ms. Ashbeck stated that the drainage will be reviewed at final plat and the developer will have to comply with any requirements.

Councilmember Thomason complimented the improvements and supported the request.

Councilmember Coons agreed and commended them for listening to the comments made at the last hearing.

Council President Pro Tem Palmer said he had concerns at the last hearing but the improvements have made him more comfortable with the exception of one setback of only being 9 feet. Overall, he felt the project was much better.

Councilmember Spehar agreed and recognized the difficulty in developing infill properties. He appreciated the modifications, especially the street width. He supports the project.

Councilmember Beckstein supported the project at the first hearing but agreed the improvements made it better.

Councilmember Doody also had concerns at the first hearing but appreciated the modifications.

Council President Hill agreed and appreciated the upgrade.

Ordinance No. 3848 – An Ordinance Amending Ordinance No. 2596 Zoning the Ridges Planned Development and as Previously Amended to Include More Specific Information for a Portion of the Original Ridges Development Located at East Lakeridge Drive and Ridges Boulevard to be known as Shadow Run at the Ridges

Councilmember Thomason moved to adopt Ordinance No. 3848 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing - Vacating the East/West Alley South of Fourth Avenue on the West Side of S. 7th Street [File # VR-2005-181]

Consideration of a request to vacate the east/west alley south of Fourth Avenue on the west side of South 7th Street. The owner of the adjacent properties to the north and south of the alley has requested that the alley be vacated to make the smaller adjacent lots easier to develop.

The public hearing was opened at 7:42 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He noted that there are no utilities in the area to be vacated and the purpose is to allow development on the adjacent parcels. In reviewing such requests, approval criteria include there being a benefit to the City for a recommendation of approval to be presented from Staff. He said the benefit is that it eliminates maintenance of the alley.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Ordinance No. 3849 – An Ordinance Vacating Rights-of-Way for an Alleyway Located West of South 7th Street and South of Fourth Avenue

Councilmember Beckstein moved to adopt Ordinance No. 3849 on Second Reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Hoffman Annexation and Zoning Located at 3041 D Road [File # ANX-2005-239]

Acceptance of a petition to annex and consider the annexation and zoning for the Hoffman Annexation. The Hoffman Annexation is located at 3041 D Road and consists of 1 parcel on 9.55 acres. The zoning being requested is RMF-5.

The public hearing was opened at 7:46 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the site, the location, the uses and surrounding uses. He explained the items that are reviewed and the criteria that need to be met in order to garner Staff's recommendation of approval. He said one such criteria is the capacity of street networks, another is compatibility and also that adequate public facilities are available or will be available. The Planning Commission has forwarded a recommendation of approval.

Richard Schoenradt, Bray and Company, representing the applicant, had nothing to add.

Gabe DeGabriele, 315 Grand View Drive, Executive Director of Habitat for Humanity, advised that Habitat is purchasing a portion of the property for affordable housing which is needed in this community. He said the RMF-5 is compatible and fits the needs of Habitat for Humanity.

There were no additional comments.

Richard Schoenradt said the seller was excited about selling the property to Habitat for Humanity.

The public hearing was closed at 7:51 p.m.

a. Accepting Petition

Resolution No. 190-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Hoffman Annexation, Located at 3041 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3850 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hoffman Annexation, Approximately 9.55 Acres, Located at 3041 D Road

c. Zoning Ordinance

Ordinance No. 3851 – An Ordinance Zoning the Hoffman Annexation to RMF-5, Located at 3041 D Road

Council President Pro Tem Palmer moved to adopt Resolution No. 190-05 and Ordinance Nos. 3850 and 3851 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing - Ordinances Prohibiting Underage Purchase, Possession or Consumption of Alcohol, Marijuana and Paraphernalia

In 2004, the Grand Junction Police Department handled 389 cases of minor in possession of alcohol, resulting in 697 arrests. Officers from the Department made 92 arrests of minors in possession of one ounce or less of marijuana. Many municipalities across Colorado, including several on the Western Slope, have ordinances prohibiting minors from purchasing, possessing or consuming alcohol and/or marijuana. The proposed ordinances would prohibit those activities at a matter of local law in Grand Junction.

The public hearing was opened at 7:54 p.m.

John Shaver, City Attorney reviewed these items which are two ordinances that will prohibit underage possession of alcohol, marijuana and paraphernalia. If adopted, the Partners organization will be very involved in the new legislation. Dennis Kiefer, the Teen Court Administrator, is also present and will be impacted by the passage of these ordinances. Through these two programs there will be a better opportunity for deterren and appropriate punishment for young people.

Councilmember Coons asked Mr. Shaver to summarize how these will differ from the existing law. Mr. Shaver stated the change is related to the jurisdiction of the court. The belief is that there will be an opportunity to have a better impact on the youth violating these laws since the Municipal Court case load is much less than County and District courts.

Council President Pro Tem Palmer inquired if the change in the court will eliminate the ability to impose fines and suspend driver's licenses. Mr. Shaver said that if the decision

is made that those types of punishments are more appropriate, then the case can be written into District Court so those punishments can be imposed.

Council President Hill asked if the cost will be neutral to the City. Mr. Shaver said he believes it to be so as the resources are already being expended for these violations.

Councilmember Doody asked if useful public service will be an option over fines. Mr. Shaver said yes.

Joe Higgins, 140 West Kennedy, Executive Director of Partners, distributed some information and stated that he was impressed with the Youth Council's presentation at the workshop when this was first reviewed. He reviewed the number of violations and the number of hours Partners has supervised from juvenile cases. He said Partners has a Minor in Possession class with 132 youth that have participated this year and they also provide substance abuse prevention education and Victim Empathy classes. The DA's office has a symposium on addiction where juveniles attend with their parents every other month which is held at Partners. Mr. Higgins said due to collaborative efforts of all the organizations, problems with juveniles with alcohol poisoning at Country Jam has gone to nil.

Dennis Kiefer, Teen Court Administrator, supports the passage of the proposed ordinances and looks forward to these offenses coming through Teen Court. He said primarily cases that come through Teen Court are disorderly conduct and shoplifting. He said that a Teen Court class is now taught at the High Schools. Mr. Kiefer said Teen Court is not about guilty or innocence but about peer pressure and acting as a deterrent. He believes Teen Court can have a profound effect on the youth.

Council President Hill noted that the City Youth Council studied this issue and made a presentation to the City Council.

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

Council President Hill recounted his visit to Teen Court and how impressed he was by the process.

Ordinance No. 3852 – An Ordinance Prohibiting Purchase, Possession or Consumption of Alcohol by Minors and Prohibiting the Provision of Alcohol to Minors

Ordinance No. 3853 – An Ordinance Prohibiting Purchase, Possession or Consumption of Marijuana by Minors and Prohibiting Possession of Drug Paraphernalia

Councilmember Spehar moved to adopt Ordinance Nos. 3852 and 3853 on Second Reading and ordered them published. Councilmember Coons seconded the motion.

Discussion on the motion. Council President Pro Tem Palmer voiced that he had concerns about the impact and the burden of shifting this to Municipal Court. The City Youth Council made a great presentation and arguments, but he is still concerned about the impact on the case load. Another concern is under-enforcement and he hopes the shift will have more effect on the problem.

Councilmember Coons said she sees this as additional opportunities for enforcement and will strengthen the community's ability to solve the problem.

Motion carried by roll call vote.

Utility Rates, Transportation Capacity Payment Fee, and School Land Dedication Fee Increases

Water and Wastewater rates are described in the long-range financial plans for these two enterprise funds and reviewed annually by the City Council and, in the case of the wastewater rates, the Board of County Commissioners. In June 2004, City Council approved changes for the calculation of the transportation capacity payment along with policy changes. Cash-in-lieu of utility line construction is increasing 2.6%. All government entities are approving the same School Land Dedication rate for 2006 and have agreed to a five-year schedule. The schedule will be adopted by Council via ordinance.

Mark Relph, Public Works and Utilities Director, reviewed these items, noting this is part of the budget process for any changes to fees. The water fees will be increased by 2% and the wastewater fees will be increased by 2.5%. He said the Transportation Capacity Payment will be increased by 2.6% and the cash-in-lieu of installing underground utilities fee will also be increased by 2.6%. Lastly, the School Land Dedication Fee will be increased to \$460 per single family lot.

Tim Mills, District 51 School District Superintendent, said the School District is appreciative that the School Land Dedication Fees were reviewed and the School Board supports the increase.

Council President Hill asked that a representative from the review committee review the process. City Manager Kelly Arnold stated that he along with Councilmember Beckstein and Coons were on that committee. He said they evaluated the formula and land value. The formula was valid but the land values needed adjustment and said the committee recommends a five year schedule for increases, making it gradually up to \$920 in 2010.

Councilmember Thomason inquired how Grand Junction's fees are relative to the rest of the State. City Manager Arnold said Grand Junction is low compared to the rest of

the State. Councilmember Beckstein agreed noting that even with the five years of increases, Grand Junction will still be low.

Council President Pro Tem Palmer was concerned that in 2010 the City will still be behind and at some point the discussion needs to be made on how to bring the fees up to a more current rate.

Councilmember Coons noted that the concern was to first get the fee to be uniform valley-wide and not hit new home purchasers with such a big jump.

Council President Hill said he attended one of the committee meetings and was impressed by the cooperation and discussion.

Councilmember Spehar expressed that the City should not let so much time pass between reviews of this fee.

Resolution No. 191-05 – A Resolution Adopting Utility Rates for Water and Wastewater Services Effective January 1, 2006

Resolution No. 192-05 – A Resolution Amending the Development Fee Schedule Modifying the Transportation Capacity Payment Schedule and the Fee for Cash-in-Lieu of Installing Underground Utilities

Resolution No. 193-05 – A Resolution Setting the 2006 School Land Dedication Fee

Council President Pro Tem Palmer moved to adopt Resolution Nos. 191-05, 192-05, and 193-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:38 p.m.

The meeting reconvened at 8:47 p.m.

Purchase of Property at 708, 709 Struthers, and 1236 South 7th Street for the Riverside Parkway Project

The City has entered into a contract to purchase right-of-way of 708 and 709 Struthers and 1236 South 7th Street from Wesley A. Bollan and Cheryl A. Bollan. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said the purchase includes three parcels, one has a residence, one has a business, and the third parcel is used by the business. The Riverside Parkway project only needs a portion of the property. He said some of the properties are not for the Riverside Parkway, but the City owns all the surrounding properties.

Councilmember Spehar clarified that the additional property is for general purposes, not any specific group or use.

Resolution No. 194-05 – A Resolution Authorizing the Purchase of Right-of-Way at 708 and 709 Struthers Avenue and 1236 South 7th Street from Wesley A. and Cheryl A. Bollan

Councilmember Spehar moved to adopt Resolution No. 194-05, noting for the records that it is for general government purposes. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Purchase of Property at 1225 S. 7th Street (Elam Property) for the Riverside Parkway Project

The City has entered into a contract to purchase right-of-way at 1225 S. 7th Street from Harold Elam and High Plains Properties, LLC. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the properties and their current uses including an office building, two modular office units, three above ground petroleum storage tanks, four pump fuel dispenser islands, and other improvements. The purchase cost includes relocation, demolition and environmental cleanup costs. Mr. Relph said there is a .68 acre City-owned lot that will be deeded to the property owner as part of the purchase price.

Councilmember Doody asked about the environmental cleanup. City Attorney Shaver advised that the initial environmental assessment only shows minor contamination and that there is one leaky tank.

Resolution No. 195-05 – A Resolution Authorizing the Purchase of Right-of-Way at 1225 S. 7th Street from Harold Elam and High Plains Properties, LLC

Councilmember Coons moved to adopt Resolution No. 195-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Purchase of a Lease for Property at 325 River Road (City Shops) for the Riverside Parkway Project

The City has entered into a contract to purchase the remaining portion of a lease from the State of Colorado Department of Military and Veterans Affairs for a piece of property at 325 River Road. The City's obligation to purchase this lease of property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that it is a lease purchase of a property that the State has held and improved for the use of the National Guard. He said the purchase of the lease includes acquisition of the improvements which can be used for City purposes. The agreed upon price is \$1 million which \$800,000 is for the actual purchase and \$200,000 is for the improvements adjacent to the new facility near the Veterans Cemetery on D Road. Mr. Relph said since they are not moving until next year, an additional discount was applied making the net \$988,000. A portion of the purchase price will be paid for out of the City facilities fund as the building will be used for Police evidence storage.

City Manager Arnold inquired if the title is clear at this time. Mr. Relph said that the paperwork is in the hands of the Attorney General. City Attorney Shaver advised that the contract specifies that they must have a clear title so it is not an issue at a later time.

Council President Hill asked if the City will be taking possession right away. Mr. Relph said that the National Guard will not be moving until late next year and the City will need to make modifications in order for the facility to be used for City purposes, so it will be 2007 before the City occupies the building.

Resolution No. 196-05 – A Resolution Authorizing the Purchase of Real Property at 325 River Road from Colorado Department of Military and Veterans Affairs

Councilmember Doody moved to adopt Resolution No. 196-05. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing - 2006 Budget Appropriation Ordinance

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, the Downtown Development Authority, and the Downtown BID) is \$158,472,377. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

The public hearing was opened at 9:10 p.m.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He explained the reason for the annual appropriation and explained various elements within the budget including the \$2 million held in reserve as required by TABOR. He said new this year is the appropriation for the Downtown Business Improvement District (BID) which is required this year as the City Council is the BID board. Mr. Lappi noted this is the largest appropriation the City has done and said the payment in 2006 will be the last payment on the Certificates of Participation (COPs) for the Matchett Park.

There were no public comments.

The public hearing was closed at 9:16 p.m.

Ordinance No. 3854 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, the Downtown BID, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2006, and Ending December 31, 2006

Councilmember Spehar moved to adopt Ordinance No. 3854 on Second Reading and ordered it published. Council President Pro Tem Palmer seconded the motion.

Discussion on the motion. Council President Hill noted that although the discussion tonight was brief, many hours have been spent by Staff and the City Council reviewing the budget over the last few months.

Motion carried by roll call vote.

Adoption of the 2006-2007 Biennial Budget

In accordance with the provisions of Section 59 of the Charter of the City of Grand Junction, the City Manager has submitted to the City Council a budget estimate of the revenues and expenditures of conducting the affairs of the City of Grand Junction for the fiscal years ending December 31, 2006 and 2007.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He explained that the City develops a biennial budget and the City Council has reviewed that two year plan. He said the two years combined is nearly \$300 million.

Resolution No. 197-05 – A Resolution Adopting the Budget for the Purpose of Defraying the Expenses and Liabilities for the Fiscal Years Ending December 31, 2006 and 2007

Council President Pro Tem Palmer moved to adopt Resolution No. 197-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Meeting Schedule and Posting of Notices

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Meeting Schedule and Posting of Notices					
Meeting Date	January 4, 2006					
Date Prepared	December 19, 2011					
Author	Stephanie Tuin		City Clerk			
Presenter Name	Stephanie Tuin		City Clerk			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Budget: None

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution

Background Information: In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5th Street.

As of 1994, the revised City Code of Ordinances includes a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

In 2006, no holidays land on regular Council meeting days. However, there are some conflicts with workshop schedules. Although you need not set those dates at this time,

you might be aware that the following workshop will land on scheduled holidays:
September 4th is Labor Day.

CITY OF GRAND JUNCTION

RESOLUTION NO. -06

A RESOLUTION OF THE CITY OF GRAND JUNCTION
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,
ESTABLISHING THE CITY COUNCIL MEETING SCHEDULE, AND
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS
FOR THE CITY COUNCIL

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5th Street, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:00 p.m.
3. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the

meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this ____ day of _____, 2006.

President of the Council

ATTEST:

City Clerk

Attach 3

Setting a Hearing to Appoint Board of Directors for the Downtown BID

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Downtown BID Board of Directors					
Meeting Date		January 4, 2006					
Date Prepared		December 23, 2005			File #		
Author:		John Shaver			City Attorney		
Ordinance		Harold Staf			DDA Executive Director		
Staff Report							
Presenter Name		Harold Staf			DDA Executive 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: Council has indicated that once the Downtown BID was passed by the electorate that it would appoint a permanent Board of Directors for the Downtown BID. According to Colorado State Statute, the DDA Board may be appointed to fill this role.

Budget: There is no budgetary impact to this appointment

Action Requested/Recommendation: Approval on first reading of an ordinance appointing the DDA Board of Directors to serve concurrent terms as the Downtown BID Board of Directors.

Attachments: Ordinance for Council's consideration on first reading.

Background Information: Upon passage of the Downtown BID at the November 1st election, the Council may appoint a permanent Board of Directors for the Downtown Business Improvement District. City Council has filled this role on an interim basis pending the outcome of the election this past November. According to CRS 31-25-1209, Council may designate the DDA Board of Directors to serve in this capacity (see attached ordinance).

ORDINANCE NO.

**AN ORDINANCE NAMING THE GRAND JUNCTION DOWNTOWN DEVELOPMENT
AUTHORITY BOARD AS THE DOWNTOWN GRAND JUNCTION BUSINESS
IMPROVEMENT DISTRICT BOARD**

Recitals:

On August 17, 2005 the City Council of the City of Grand Junction adopted Ordinance 3815 organizing the Downtown Grand Junction Business Improvement District ("District.")

On November 1, 2005 a majority of the electors of the District approved assessment of the properties within the District. The assessment will defer the costs and expenses of the District allow for the fulfillment of its purposes.

Pursuant to Ordinance 3815 the District was to be governed by the City Council until completion of the November 1, 2005 election. Following the election the City Council is to designate by ordinance the DDA Board of Directors as the board of directors of the District as provided in 31-25-1209 (c) C.R.S.

The terms of office of the board of directors shall be four years, running concurrently with the terms for the DDA board of directors.

The designation of the DDA Board as the District Board will provide a continuity of effort in the promotion and revitalization of the business activities in the District by improving the economic vitality and overall commercial appeal of the Downtown area.

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

1. That the Board of Directors of the Grand Junction Downtown Development Authority (DDA) is hereby designated and shall serve as the Board of Directors of the Downtown Grand Junction Business Improvement District.
2. Each Board shall serve in accordance with the applicable law, rules, bylaws and regulations pertaining to the statutory purposes of each.
3. The Downtown Grand Junction Business Improvement District shall be governed by the nine-member board of the DDA as provided in the Business Improvement District Act and the District's operating plan.

4. The terms of office of the District board of directors shall be four years, running concurrently with the terms for the DDA board of directors.

Introduced on first reading this _____ day of _____, 2006.

Passed and adopted on second reading, after a duly noticed public hearing, this _____ day of _____ 2006.

Council

President of the

ATTEST:

City Clerk

Attach 4

Setting a Haring on a Petition for Exclusion from the Downtown Grand Junction BID

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Petition for Exclusion from the Downtown Grand Junction Business Improvement District						
Meeting Date	January 4, 2006						
Date Prepared	December 23, 2005				File #		
Author	Stephanie Tuin			City Clerk			
Presenter Name	John Shaver			City Attorney			
Report results back to Council		No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The Downtown Grand Junction Business Improvement District was formed on August 17, 2005. The ballot question regarding a Special Assessment for said District was approved on November 1, 2005. The City Council then held a hearing on the assessments on December 7, 2005 and there were no objections voiced at the hearing. On December 16, 2005, Mr. Paul Parker filed a petition and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 741 Main Street and the adjacent parking lots.

Budget: Any costs associated with the exclusion request are to be paid for by the petitioner and Mr. Parker has filed a deposit for those expenses.

Action Requested/Recommendation: Consider the ordinance on first reading and set a public hearing for January 18, 2006.

Attachments:

1. Letter requesting exclusion from the District
2. Site location map of the property
3. Proposed Ordinance

Background Information: 31-25-1220 C.R.S. provides for a process to request exclusion from a business improvement district and requires a deposit to cover the cost of the process. On December 16, 2005, Mr. Paul Parker, owner of the building at 741 Main Street and the adjacent parking lots, filed a written request for exclusion along with the required deposit. 741 Main Street houses Mama's

Treasures, an antique and collectibles shop, and an upstairs apartment. The adjacent parcels are parking lots used by the Caberet. The assessment for these three properties is \$730.20 (\$120.77 and \$97.12 for the parking lots and \$512.31 for the business, including the assessor's 2% collection fee).



December 15, 2005

To: Grand Junction City Council
Attn: City Clerk

I'm writing to inform you that I am formally protesting the tax increase for special assessment for real property located within the downtown Grand Junction business improvement district. I was unable to attend the public hearings where property owners could protest the proposed assessments due to an illness. However, when you had the open discussion regarding the proposals of 7th Street and Main Street held at 2 Rivers Convention Center this Fall I did attempt to discuss my concerns with Mr. Hill (City Councilman). But Mr. Hill was not available to register my concerns.

The afore mentioned properties that I am protesting the new tax increase are;

1. Tax Schedule # 2945-144-20-003, Vacant Land
2. Tax Schedule # 2945-144-20-004, Vacant Land

These vacant parcels in the 700 block of Main Street are currently being utilized as private parking by Cabaret people.

3. Tax Schedule # 2945-144-20-005, 741 Main Street

This 100 year old building is presently an Antique and Collectable store that has been in operation for 11 years at this current location.

These afore mentioned properties in no way are benefited by any downtown merchants program, such as the farmers market, any parade, or any planned *Downtown function* organized by the Downtown Grand Junction Business Improvement District. In fact downtown events and activities such as parades have actually detracted from my tenants business because participants of these activities utilize her customer parking infringing upon her ability to do commerce. Again, said properties are not considered in the *Downtown* area, anything east of 7th and Main is not *Downtown*. It is not now, nor was it 75 years ago. In fact for those of you who are unfamiliar with Grand Junction history this retail property, 741 Main Street, was originally known as the East Side.

Again with this letter, I am formally registering my complaint regarding this proposed tax increase. I believe that this tax increase is unfair for those of us who are outside of the common geography understood as *Downtown*, as well creating an unnecessary burden for those businesses, like the one mentioned above, that are currently making a go in this adverse business climate and thus actively contributing their fair share to the tax coffers of Grand Junction.

Enclosed is a check for the cost of the legal notice advertisement for the amount of \$438.00.

I'm asking to be excluded from these assessments of this district.

Sincerely,

A handwritten signature in black ink that reads "Paul Parker".

Paul Parker

SITE LOCATION

Parking
Lots

Mama's
Treasures



ORDINANCE NO.

**AN ORDINANCE EXCLUDING FROM THE DOWNTOWN GRAND JUNCTION
BUSINESS IMPROVEMENT DISTRICT PROPERTIES OWNED BY PAUL PARKER**

Recitals:

On July 20, 2005, the City Council of the City of Grand Junction was presented with petitions from the Downtown Grand Junction Business Improvement District organizing committee requesting formation of a business improvement district.

On August 17, 2005, after a duly noticed public hearing, the Downtown Grand Junction Business Improvement District was formed.

On November 1, 2005, the qualified electors of said District authorized the imposition of a Special Assessment to each property owner in the District.

On December 7, 2005, after a duly noticed public hearing, the City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District directed staff to prepare an assessment roll and file it as required with the Mesa County Treasurer for collection of assessment in 2006. At that public hearing, no objections were presented with the exception of one letter from Carol Newton objecting to the assessment.

On December 16, 2005, Paul Parker, a property owner in the District, presented a request in writing to the City Clerk asking for exclusion. The request included the required deposit to cover the costs of the process to consider the request.

Upon receipt of the exclusion request, the City Clerk scheduled consideration of the request before the City Council and a public hearing was set for Wednesday, January 18, 2006 at the hour of seven o'clock p.m. at the City Hall Auditorium, 250 N. 5th Street to consider the merits of the request.

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

Upon consideration of the request to be excluded from the Downtown Grand Junction Business Improvement District from the property owner Paul Parker, owning the following properties:

Parcel No. 2945-144-20-003, Vacant Land
Parcel No. 2945-144-20-004 Vacant Land
Parcel No. 2945-144-20-005, 741 Main Street

the request is hereby granted.

Introduced on first reading this _____ day of _____, 2006.

Passed and adopted on second reading, after a duly noticed public hearing, this _____ day of _____, 2006.

President of the Council

ATTEST:

City Clerk

Attach 5

Sale of Property at 2927 ½ D ½ Road to Mesa County Valley School District 51

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Ratification of Sale of Property at 2927 ½ D ½ Road to Mesa County Valley School District 51					
Meeting Date		January 4, 2006					
Date Prepared		December 28, 2005			File #		
Author		John Shaver		City Attorney			
Presenter Name		Kelly Arnold John Shaver		City Manager 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: The City acquired approximately 19 acres of land at 2927 ½ D ½ Road. The City purchased the land cooperatively with School District 51 in April of 2005. The intention of the District is to construct a school on approximately 10.5 acres of the land. The City may construct a park, a fire station or otherwise use its property for purposes yet to be determined. The City has an option to re-purchase 1.5 acres of the property.

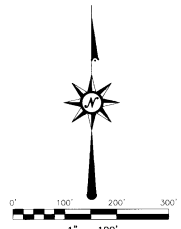
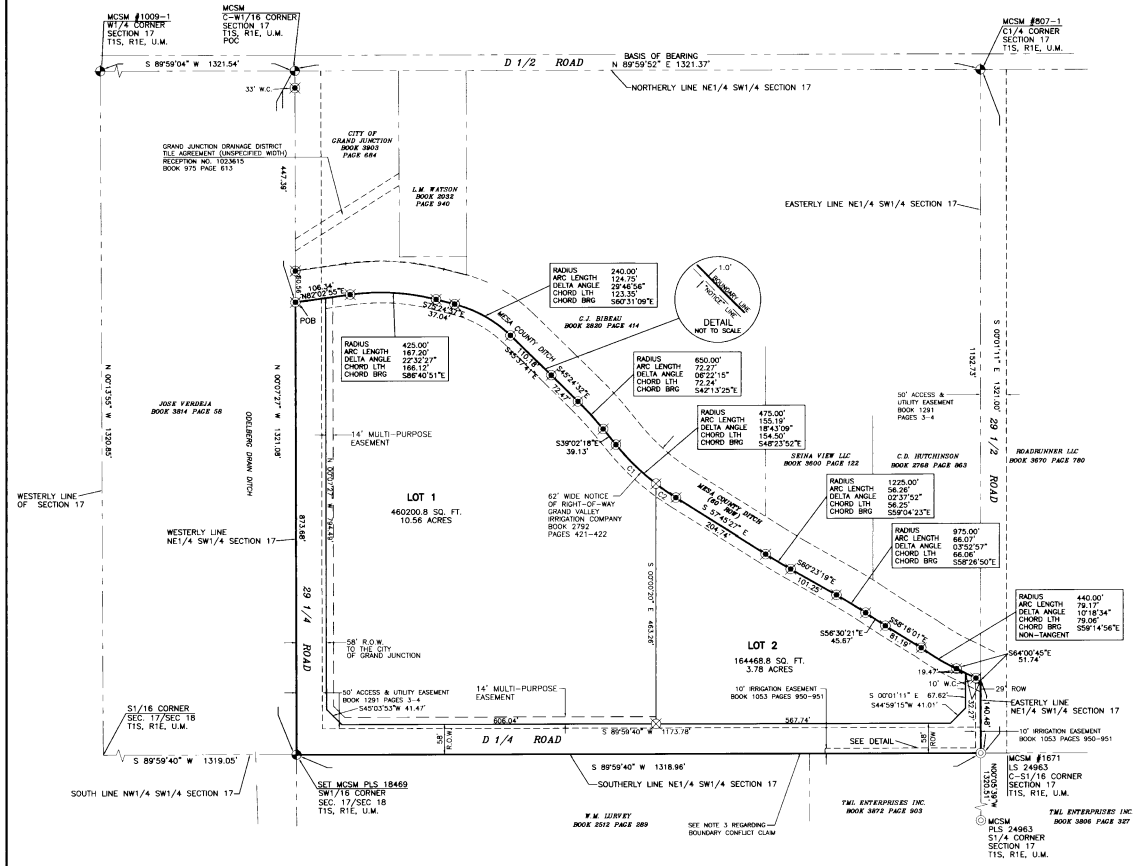
The Council having been fully advised in the premises does hereby ratify the action of the City Manager and affirms the actions taken to convey real property to District 51 located at 2927 ½ D ½ Road. The value of the property and 14 shares of water is \$614,075.00

Budget: Sufficient funds exist in the City Council contingency and Parks Department budgets for the acquisition.

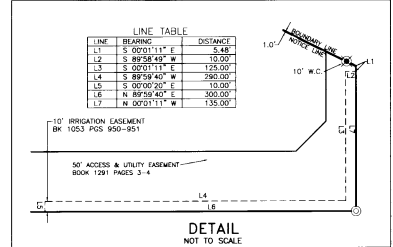
Action Requested/Recommendation: Adopt the proposed resolution ratifying the actions of the City Manager concerning the sale or a portion of the property at 2927 ½ D ½ Road.

Attachments: 1. Map of subject property 2. Proposed resolution

GIRARDI SUBDIVISION



- LEGEND**
- BLM MONUMENT
 - MESA COUNTY SURVEY MARKER
 - FOUND REBAR (NO CAP)
 - ⊙ FOUND 3/4 REBAR & CAP PLS-24306
 - ⊙ FOUND 3/4" REBAR & CAP PLS-24963
 - ⊙ FOUND 5/8" REBAR & CAP PLS-9331
 - ⊙ FOUND 5/8" REBAR & CAP PLS-4307
 - ⊙ FOUND 5/8 REBAR & CAP PLS-18480
 - ⊙ FOUND 5/8 REBAR & CAP PLS-18469
 - ⊙ SET 5/8 REBAR & CAP PLS-18469
 - BLM BUREAU OF LAND MANAGEMENT
 - BRG C BEARING CENTER
 - LTH LENGTH
 - MCSM MESA COUNTY SURVEY MARKER
 - PLS PROFESSIONAL LAND SURVEYOR
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - R RANGE
 - ROW RIGHT-OF-WAY
 - T TOWNSHIP
 - U.M. UTE MERIDIAN
 - W.C. WITNESS CORNER



DESC.	ACRES	PERCENT
LOT 1	10.56	61.1%
LOT 2	3.78	21.9%
DEDICATED R.O.W.	2.93	17.0%
TOTAL	17.27	100.0%

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	425.00'	198.22'	101.98'	S 49°13'54\"	130.313°
C2	475.00'	46.97'	46.95'	S 54°55'29\"	05°39'56\"

- GENERAL NOTES:**
- Title information from Mesa County real property records and from Abstract & Title Co. of Mesa County Inc., File No. 00915113 C, effective date March 24, 2005.
 - Basis of bearings derived from "Mason TCS" with a bearing of N89°59'52\" 1321.37 feet between Mesa County Survey Markers for the Center West 1/16 Corner and the Center 1/4 Corner of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, Colorado.
 - The abutting landowner asserts a claim for a certain portion of the subject tract along, over and across the common line between the abutting property and those of the subject tract. This assertion may affect the dedication of D1/4 Road. The size of the potential conflict is illustrated on improvement Survey Plat, duly deposited with the Mesa County Surveyor. This Plat does not purport to resolve the claim.

SURVEYOR'S CERTIFICATE

I, Richard A. Mason, do hereby certify that the accompanying plot of Girardi Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, has been prepared under my direct supervision and accurately represents a field survey of the same.



Richard A. Mason
Registered Professional Land Surveyor
P.L.S. No. 18469

	The Name: C:\PROJECTS\5048\5048PLAT.DWG			
	GIRARDI SUBDIVISION			
IN THE NE1/4 SW1/4 OF SECTION 17 T1S, R1E, OF THE UTE MERIDIAN IN THE CITY OF GRAND JUNCTION MESA COUNTY, COLORADO				
Prepared	Checked	Printed	Sheet	
Drawn	Date: 10/13/05	No. 5048	of 2	

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect, in no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

GIRARDI SUBDIVISION

DEDICATION AND OWNERSHIP STATEMENT

The City of Grand Junction, is the owner of a parcel of land being that certain tract of land in the NE1/4SW1/4 of Section 17, Township One South, Range One East of the Ute Meridian, Grand Junction, Colorado, recorded in Book 3903 at Page 684 of the Mesa County real property records, and a portion of which is more particularly described as follows:

All that part of the NE1/4 SW1/4 of said Section 17 lying south of the south right-of-way line of the Mesa County Ditch, described as follows:

Commencing at a Mesa County Survey Marker for the Center West 1/16 Corner of said Section 17, from whence a Mesa County Survey Marker for the Center 1/4 Corner of said Section 17 bears N89°59'52"E, according to the Mesa County Local Coordinate System, for a distance of 1321.37 feet; thence S00°07'27"E, on the westerly line of the NE1/4SW1/4 of said Section 17, for a distance of 447.39 feet to a point on the southerly line of a sixty-foot wide Mesa County Ditch right-of-way line and the point of beginning; thence continuing on said southerly line for the following seventeen courses and distances:

1. N82°02'50"E for a distance of 106.34 feet to a point of curvature;
2. 167.20 feet on the arc of a 435.00-foot radius curve to the right, the central angle of which is 22°32'27" and the chord of which bears S86°40'51"E for a distance of 166.12 feet;
3. S75°54'37"E for a distance of 37.04 feet to a point of curvature;
4. 124.75 feet on the arc of a 240.00-foot radius curve to the right, the central angle of which is 29°48'58" and the chord of which bears S60°31'09"E for a distance of 123.35 feet;
5. S45°37'41"E for a distance of 110.18 feet;
6. S45°24'32"E for a distance of 72.47 feet to a point of curvature;
7. 72.27 feet on the arc of a 650.00-foot radius curve to the right, the central angle of which is 06°22'15" and the chord of which bears S42°13'25"E for a distance of 72.24 feet;
8. S38°02'18"E for a distance of 36.13 feet to a point of curvature;
9. 155.19 feet on the arc of a 475.00-foot radius curve to the left, the central angle of which is 18°43'09" and the chord of which bears S48°23'52"E for a distance of 154.50 feet;
10. S27°45'27"E for a distance of 204.74 feet to a point of curvature;
11. 56.26 feet on the arc of a 1225.00-foot radius curve to the left, the central angle of which is 02°37'52" and the chord of which bears S59°04'23"E for a distance of 56.25 feet;
12. S50°21'18"E for a distance of 101.25 feet to a point of curvature;
13. 66.07 feet on the arc of a 975.00-foot radius curve to the right, the central angle of which is 03°52'57" and the chord of which bears S58°26'50"E for a distance of 66.06 feet;
14. S58°02'12"E for a distance of 45.67 feet;
15. S58°18'01"E for a distance of 81.19 feet to a point of curvature;
16. 79.17 feet on the arc of a 440.00-foot radius non-tangent curve to the left, the central angle of which is 10°18'34" and the chord of which bears S59°14'56"E for a distance of 79.06 feet;
17. S64°00'45"E for a distance of 51.74 feet to a point on the easterly line of the NE1/4SW1/4 of said Section 17;

thence leaving said southerly line S00°07'11"E for a distance of 140.48 feet to a Mesa County Survey Marker for the Center South 1/16 Corner of said Section 17; thence S89°59'40"W, on the southerly line of the NE1/4SW1/4 of said Section 17, for a distance of 1318.96 feet to a Mesa County Survey Marker for the SW1/16 Corner of said Section 17; thence N00°07'27"W, on the westerly line of the NE1/4SW1/4 of said Section 17, for a distance of 873.58 feet to the beginning.

[17.27 Acres]

Said Owner has by these presents laid out, platted and subdivided the above described real property into Lots, Blocks and Tracts and designated the same as GIRARDI SUBDIVISION, in the City of Grand Junction, County of Mesa, State of Colorado, and does hereby reserve the following dedications and grants:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

All Multipurpose Easements are dedicated to the City of Grand Junction for the use of City-approved utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grate structures.

All Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners must utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easements.

IN WITNESS WHEREOF, said owner has caused its name to be hereunto subscribed this

19th day of October, A.D. 2005

Kelly Arnold
By Kelly Arnold, City Manager
for City of Grand Junction

STATE OF COLORADO)
COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me this 19th day of October, A.D. 2005

By Kelly Arnold, City Manager
for City of Grand Junction

My commission expires: 10/01/2007

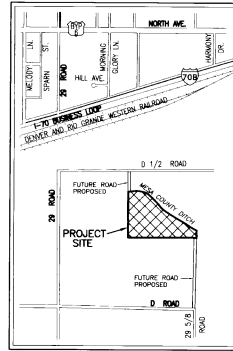
WITNESS MY HAND AND OFFICIAL SEAL



Michael Hendricks
Notary Public

By Commission Expires 10/01/2007

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.



VICINITY MAP

FOR CITY OF GRAND JUNCTION USE

Additional instruments documenting property interests and rights of others relative to the lands platted herein are recorded as follows:

AREA SUMMARY		
DESC.	ACRES	PERCENT
LOT 1	10.56	61.1%
LOT 2	3.78	21.9%
DEDICATED R.O.W.	2.93	17.0%
TOTAL	17.27	100.00%

GENERAL NOTES:

1. Title information from Mesa County real property records and from Abstract & Title Co. of Mesa County Inc., File No. 00915113 C, effective date March 24, 2005.
2. Basis of bearings derived from "Mesozo LCS" with a bearing of N89°59'52"E 1321.37 feet between Mesa County Survey Markers for the Center West 1/16 Corner and the Center 1/4 Corner of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, Colorado.
3. The abutting landowner asserts a claim for a certain portion of the subject tract along, over and across the common line between the abutting property and those of the subject tract. This assertion may effect the dedication of D1/4 Road. The size of the potential conflict is illustrated on Improvement Survey Plat, duly deposited with the Mesa County Surveyor. This Plat does not purport to resolve the claim.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

I hereby certify that this instrument was filed in my office at 10:45 o'clock A.M., this 19th day of October, A.D. 2005 and is duly recorded as Reception Number 228100 in Book 4017, Page 188-189 through inclusive. Drawer No. RR-56

Janice Ward
Clerk and Recorder

Lucina McCreary
Deputy

2005
Fees

TITLE CERTIFICATION

We Abstract & Title Co. of Mesa County Inc., a title insurance company, as duly licensed in the State of Colorado, hereby certify that we have examined the title to the herein described property, that we find the title to the property is vested to City of Grand Junction, that the current taxes have been paid, that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record, that all easements, reservations and rights-of-way of record are shown hereon.

Date: Oct 18, 2005

Donald K Davis
for Abstract and Title Co. of Mesa County, Inc.

CITY OF GRAND JUNCTION CERTIFICATE OF APPROVAL

Approved this 18th day of October, A.D. 2005

Bob Hill
Mayor

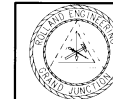
John P. ...
City Manager

SURVEYOR'S CERTIFICATE

I, Richard A. Mason, do hereby certify that the accompanying plat of Girardi Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, has been prepared under my direct supervision and accurately represents a field survey of the same.



Richard A. Mason
Registered Professional Land Surveyor
P.L.S. No. 18469



ROLLAND ENGINEERING
402 Poplar Street
Grand Jct, CO 81503
(970) 243-8300

File Name: C:\PROJECTS\5048\5048.rpt.DWG			
GIRARDI SUBDIVISION			
IN THE NE1/4 SW1/4 OF SECTION 17 T1S, R1E OF THE UTE MERIDIAN, IN THE CITY OF GRAND JUNCTION, MESA COUNTY COLORADO			
Designed	Checked	Plot	Sheet
Drawn	Date: 10/13/05	By: 5048	of 2

Resolution No. _____

A RESOLUTION RATIFYING THE CONVEYANCE OF LAND TO
SCHOOL DISTRICT 51

Recitals.

The City acquired approximately 19 acres of land at 2927 ½ D ½ Road. The City purchased the land cooperatively with School District 51 in April of 2005. The intention of the District is to construct a school on approximately 10.5 acres of the land. The City may construct a park, a fire station or otherwise use its property for purposes yet to be determined.

The City Manager and the Superintendent have agreed on a division of the land which has been monumented by a duly recorded subdivision plat. The City has retained a parcel of approximately 4 acres and has an option to acquire approximately 1.5 acres. The District less rights of ways, easements and a disputed area owns the balance of the property.

The Council having been fully advised in the premises does hereby ratify the action of the City Manager and affirms the actions taken to convey real property to District 51 located at 2927 ½ D ½ Road. The value of the property and 14 shares of water is \$614, 075.00

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

That the City Council finds and determines that the conveyance of Lot 1 of Girardi subdivision containing 10.58 acres and Tract 2, a parcel of land containing 1.526 acres located at 2927 ½ D ½ Road, to Mesa County Valley School District 51 is in the public interest and ratifies the actions conveying the same.

PASSED and ADOPTED this _____ day of _____ 2006.

Bruce Hill, Mayor

Attest:

Stephanie Tuin
City Clerk

Attach 6

Purchase of Utility Truck with Aerial Device

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Utility Truck with Aerial Device					
Meeting Date	January 4, 2006					
Date Prepared	December 27, 2004					
Author	Shirley Nilsen		Senior Buyer			
Presenter Name	Ronald Watkins		Purchasing Manager			
	Mark Relph		Public Works & Utilities Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Purchase one 2006 Terex Utilities Hi-Ranger 5FC-55 Aerial Device with an International Model 4300 Chassis for the Parks and Recreation Forestry Department.

Budget: The 2005 Fleet replacement budget estimated cost for this unit was \$100,800. There are sufficient additional funds in the 2005 Fleet replacement fund to proceed with replacement as planned. The new unit will be delivered in 2006, therefore funds will be carried forward to 2006 FY. The total purchase price for the replacement truck is \$145,641.00 less \$22,000 trade for a net cost of \$123,641.00.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one 2006 Terex Utilities Hi-Ranger 5FC-55 Aerial Device with an International Model 4300 Chassis from TEREX Utilities of Colorado, Commerce City, CO in the amount of \$123,641.00.

Background Information: The existing 1995 Ford F800 Forestry bucket truck was scheduled for replacement in 2005, as identified by the annual review of the fleet replacement committee.

The State of Colorado award has provisions for local government purchases from their contract. The Colorado Department of Transportation competitively bid and awarded both the Aerial unit and the International Chassis unit for 2005/2006. The award number for each unit is No. 06505HAA01M and 840889501 respectfully. The City

Forestry Superintendent, Fleet Manager and Purchasing Manager agree with this recommendation.

Attach 7

Qwest Revocable Permit for an Air Intake Hood Over the E/W Alley between N. 7th St. and N. 8th St. and Main St. and Rood Ave.

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Qwest Revocable Permit for an air intake hood over the east/west alley between N. 7 th St and N. 8 th St and Main St and Rood Ave					
Meeting Date	January 4, 2006					
Date Prepared	December 29, 2005			File #RVP-2005-273		
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"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Petitioner is requesting a revocable permit to install a 5'x8' air intake hood 24' 6" above the alley right-of-way between N. 7th St and N. 8th St and Main St and Rood Ave.

Budget: N/A

Action Requested/Recommendation: Approval and acceptance of the Resolutions issuing the Revocable Permits

Background Information: Please see attached Staff report

Attachments:

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

4. Resolution

BACKGROUND INFORMATION					
Location:		Alley right-of-way between N 7 th St and N 8 th St and Main St and Rood Ave.			
Applicant:		Owner: Qwest Communications – Mitch Crespin; Representative: Gerald H Phipps, Inc – Bruce Gilchrist			
Existing Land Use:		Alley			
Proposed Land Use:		Alley			
Surrounding Land Use:	North	Office / Parking			
	South	Residential – Ratekin Towers			
	East	Office			
	West	Office			
Existing Zoning:		N/A			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-O			
	South	B-2			
	East	R-O			
	West	B-2			
Growth Plan Designation:		Surrounded by Commercial			
Zoning within density range?		N/A	Yes	N/A	No

Project Analysis:

1. Background

The applicant is requesting to install a 5’x8’ air intake hood 24’6” above the east/west alley between N 7th St and N 8th St and Main St and Rood Ave. The hood is needed to prevent the intake of rain or snow into the ventilation system.

2. Section 2.17.C of the Zoning and Development Code

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.
- b. There is a community need for the private development use proposed for the City property.
- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.
- d. The proposed use shall be compatible with the adjacent land uses.
- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.
- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.
- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Qwest Air Intake Hood Revocable Permit application, RVP-2005-273 for the issuance of a revocable permit for a 5'x8' air intake hood, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

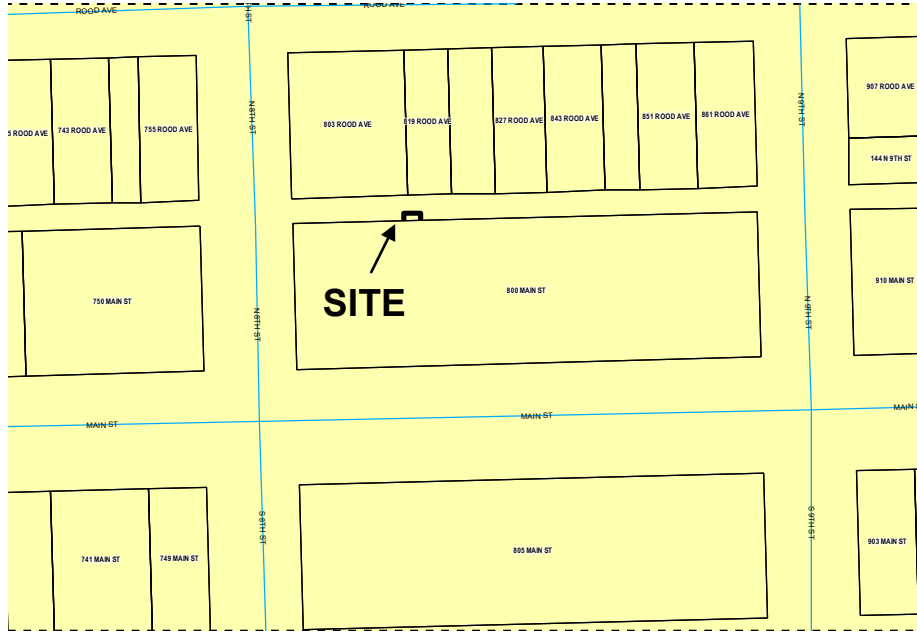
Staff recommends that the City Council approve the requested revocable permit for 5'x8' air intake hood, RVP-2005-273.

Attachments:

Site Location Map / Aerial Map
Future Land Use Map / Existing Zoning Map
Resolution
Revocable Permit

Site Location Map

Figure 1



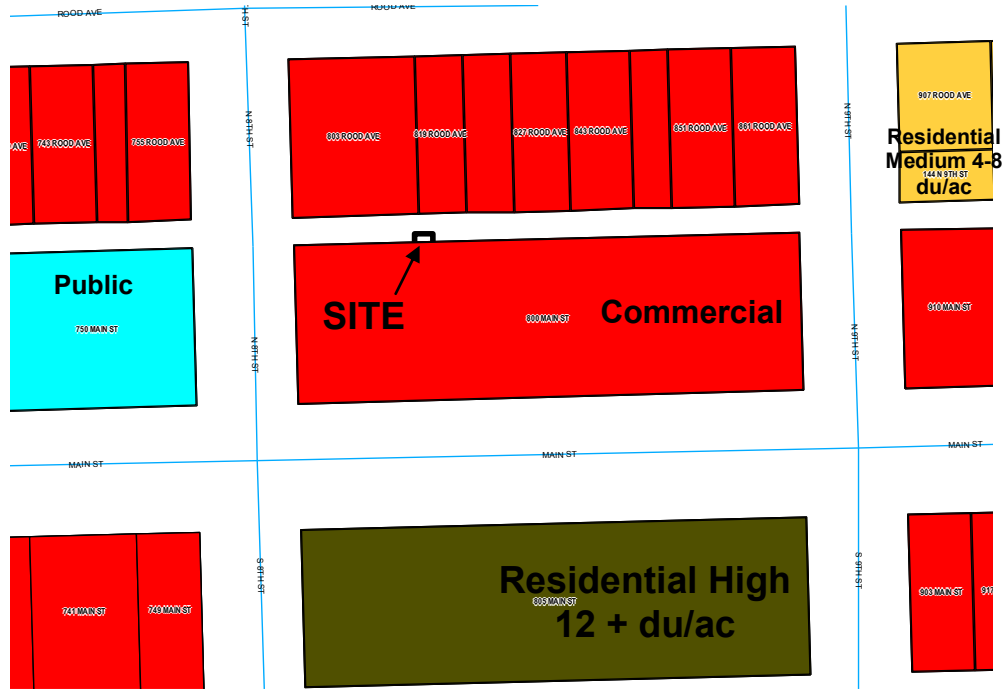
Aerial Photo Map

Figure 2



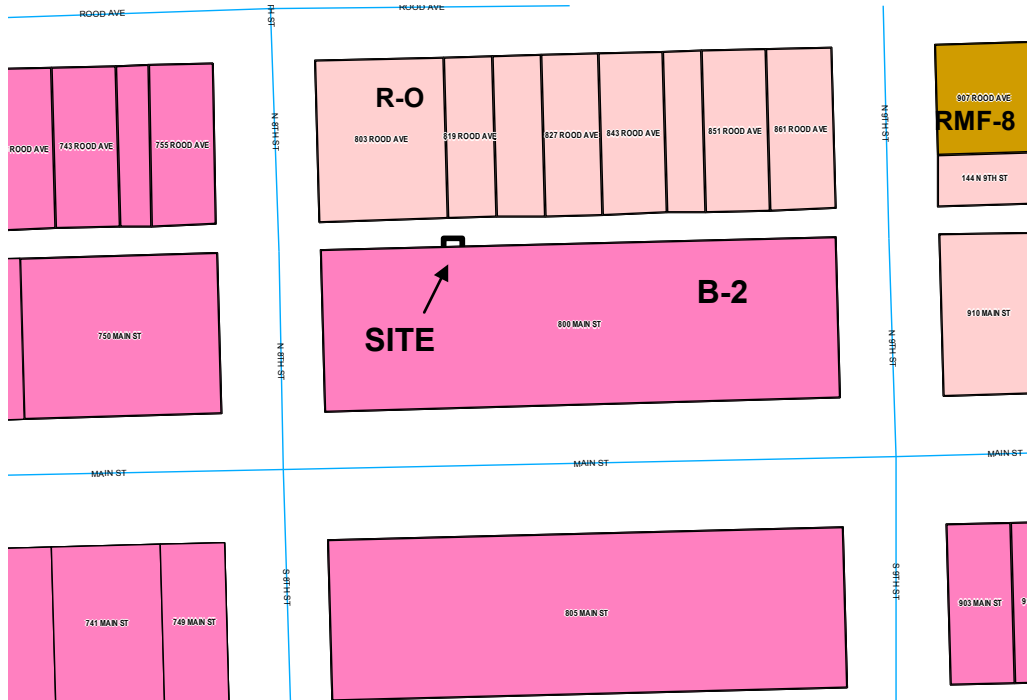
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
QWEST COMMUNICATIONS**

Recitals.

A. Qwest Communications by Mitch Crespín hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOTS 17 THRU 32 INC BLK 107 CITY OF GRAND JUNCTION SEC 14 1S 1W
and identified by Mesa County Tax Schedule Number 2945-144-16-019.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a 5'x8' air intake hood 24'6" above the following described public right-of-way:

A parcel of land lying in the Southeast Quarter(SE1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of Lot 32, Block 107, Plat of the Town of Grand Junction, as same is recorded in Plat Book 4, Page 17 in the office of the Mesa County Clerk and Recorder, said point also being on the south right of way for an alley within said Block 107, and considering the south right of way of said alley to bear N90°00'00"E, with all bearings herein being relative thereto; thence N 90°00'00"E, along the south right of way of said alley, a distance of 93.50 feet to the POINT OF BEGINNING, said point also being on the North line of Lot 29, said Block 107; thence N00°00'00"E, a distance of 6.00 feet; thence N90°00'00"E, along a line 6.00 feet north of and parallel with the south right of way of said alley, a distance of 10.00 feet; thence S00°00'00"W, a distance of 6.00 feet to a point on the south right of way of said alley, said point also being on the north line of Lot 28, said Block 107; thence S90°00'00"W, along the south right of way of said alley, a distance of 10.00 feet, more or less, to the point of beginning.

CONTAINING 60.00 square feet, more or less, as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2005-273 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2006.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

A. Qwest Communications by Mitch Crespín hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOTS 17 THRU 32 INC BLK 107 CITY OF GRAND JUNCTION SEC 14 1S 1W
and identified by Mesa County Tax Schedule Number 2945-144-16-019.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a 5'x8' air intake hood 24'6" above the following described public right-of-way:

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Commencing at the Northwest corner of Lot 32, Block 107, Plat of the Town of Grand Junction, as same is recorded in Plat Book 4, Page 17 in the office of the Mesa County Clerk and Recorder, said point also being on the south right of way for an alley within said Block 107, and considering the south right of way of said alley to bear N90°00'00"E, with all bearings herein being relative thereto; thence N 90°00'00"E, along the south right of way of said alley, a distance of 93.50 feet to the POINT OF BEGINNING, said point also being on the North line of Lot 29, said Block 107; thence N00°00'00"E, a distance of 6.00 feet; thence N90°00'00"E , along a line 6.00 feet north of and parallel with the south right of way of said alley, a distance of 10.00 feet; thence S00°00'00"W, a distance of 6.00 feet to a point on the south right of way of said alley, said point also being on the north line of Lot 28, said Block 107; thence S90°00'00"W, along the south right of way of said alley, a distance of 10.00 feet, more or less, to the point of beginning.

CONTAINING 60.00 square feet, more or less, as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2005-273 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.
5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2006.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Qwest Communications by Mitch Crespin

AGREEMENT

Qwest Communications by Mitch Crespin, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2006.

Qwest Communcations

By: _____
Mitch Crespin

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2006, by Mitch Crespin, Qwest Communications.

My Commission expires: _____
Witness my hand and official seal.

Notary Public

Attach 8

Setting a Hearing on Zoning the Hammer-Whitt Annexation, Located at 29 1/2 Road and Ronda Lee Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Hammer-Whitt Annexation, located at 29 1/2 Road and Ronda Lee Road.					
Meeting Date	January 4, 2006					
Date Prepared	December 29, 2005			File #ANX-2005-107		
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Hammer-Whitt Annexation RSF-4, located at 29 1/2 Road and Ronda Lee Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for January 18, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION					
Location:		29 ½ Road and Ronda Lee Road			
Applicants:		Owner: Terrence L. Hammer Representative: Thompson-Langford Corp – Doug Thies			
Existing Land Use:		Residential / Abandoned Farmland			
Proposed Land Use:		Residential subdivision			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RSF-4			
Proposed Zoning:		City RSF-4			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-R and RSF-1			
	West	City RSF-4 and County RSF-R			
Growth Plan Designation:		Residential Medium Low 2-4 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

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

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

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

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

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

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

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

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

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

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

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

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

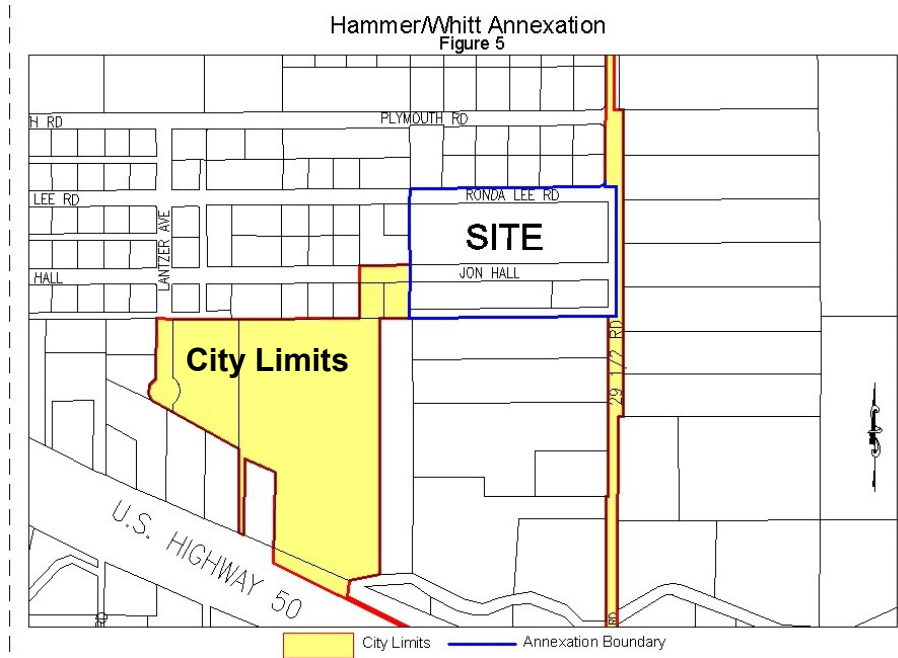
STAFF RECOMMENDATION

Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

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

Site Location Map

Figure 1



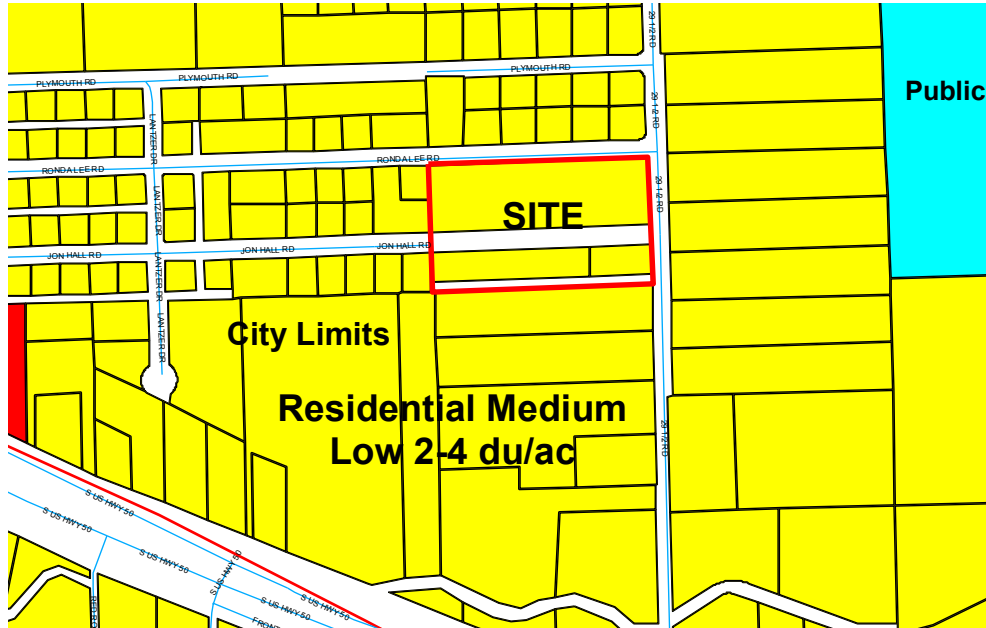
Aerial Photo Map

Figure 2



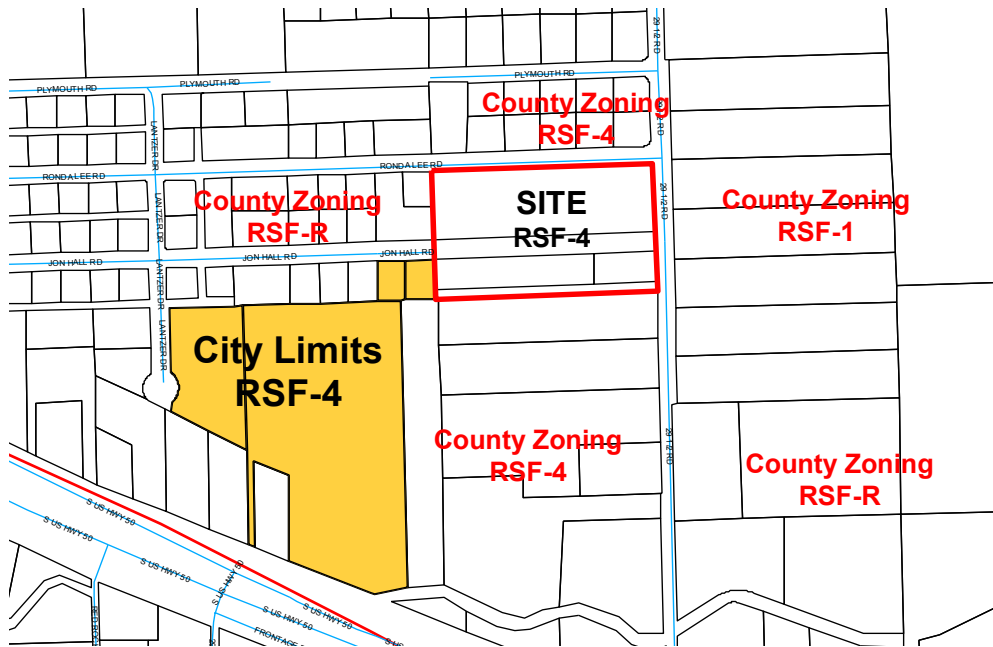
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HAMMER-WHITT ANNEXATION TO
RSF-4**

LOCATED AT 29 ½ ROAD AND RONDA LEE ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Hammer-Whitt Annexation to the RSF-4 zone district for the following reasons:

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

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

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

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

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

HAMMER-WHITT ANNEXATION

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of the NE 1/4 NW 1/4 of said Section 32 and assuming the South line of the NE 1/4 NW 1/4 of said Section 32 to bear S89°51'15"W

with all bearings contained herein relative thereto; thence from said Point of Beginning S89°51'15"W along the South line of the NE 1/4 NW 1/4 of said Section 32 a distance of 658.00 feet to the East line of Lot 1, Sunset Park recorded in Plat Book 9, Page 93, Mesa County, Colorado records; thence N00°05'03"W along the East line of said Sunset Park a distance of 410.00 feet to the Southeast corner of Lot 20 of said Sunset Park also being a point on the North right of way of Ronda Lee Road; thence N89°51'15"E along the North right of way of said Ronda Lee Road a distance of 613.31 feet; thence 31.38 feet along a 20.00 foot radius curve concave Northwest, having a central angle of 89°53'58" and a chord that bears N44°54'16"E a distance of 28.26 feet to the West right of way of 29 1/2 Road; thence S00°02'43"E a distance of 19.96 feet; thence N89°51'15"E a distance of 25.00 to the East line of the NE 1/4 NW 1/4 of said Section 32; thence S00°02'43"E along the East line of the NE 1/4 NW 1/4 of said Section 32 a distance of 410.00 feet to the Point of Beginning.

Said parcel contains 6.20 acres (269,891 sq. ft.) more or less as described.

Introduced on first reading this 4th day of January, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 9

Setting a Hearing on Zoning the Ward-Mudge Annexation, Located at 3113 and 3117 E ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Ward-Mudge Annexation, located at 3113 and 3117 E ½ Road.					
Meeting Date	January 4, 2006					
Date Prepared	December 29, 2005			File #ANX-2005-256		
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Ward-Mudge Annexation C-1, located at 3113 and 3117 E ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for the 18th of January, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3113 and 3117 E ½ Road			
Applicants:		Owner: Louis & Brenda Ward, Donald & Betty Mudge; Developer: Liberty Storage USA LLC – Henry Doss; Representative: Vortex Engineering, Inc. – Robert W. Jones II			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Commercial			
Surrounding Land Use:	North	Park / Central High School			
	South	Bar			
	East	Vacant commercial			
	West	Single family residential and vacant commercial			
Existing Zoning:		County RSF-4			
Proposed Zoning:		City C-1			
Surrounding Zoning:	North	County RSF-4			
	South	County B-2			
	East	City C-1			
	West	County RSF-4			
Growth Plan Designation:		Commercial			
Zoning within intensity range?		X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the C-1 district is consistent with the Growth Plan intensity of Commercial. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

Response: The current application is only for the annexation and zoning of the property. Any issues that arise with development of the property will be addressed through the review of the proposal for the property.

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. R-O
- b. B-1
- c. C-1
- d. C-2

STAFF RECOMMENDATION

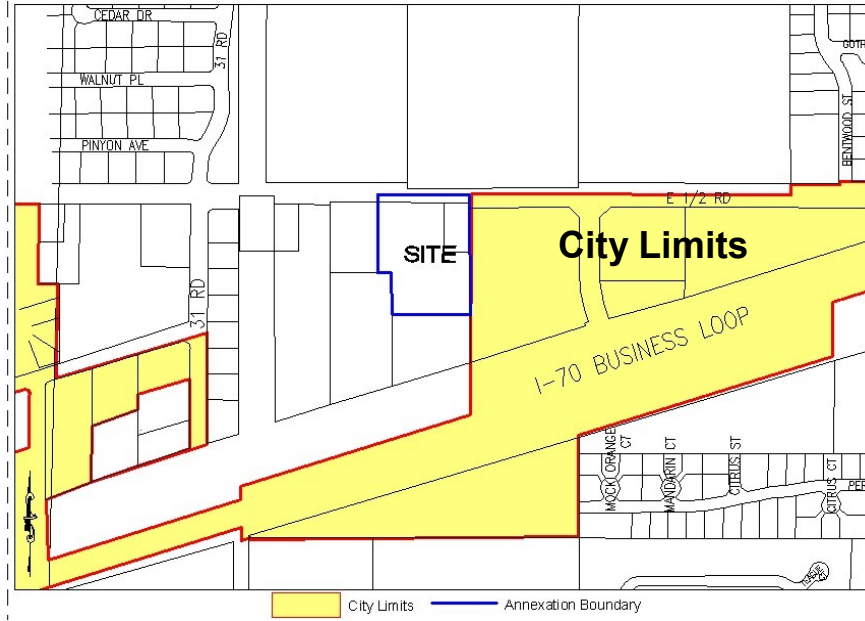
Staff recommends approval of the C-1 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

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

Site Location Map

Figure 1

Ward/Mudge Annexation
Figure 5



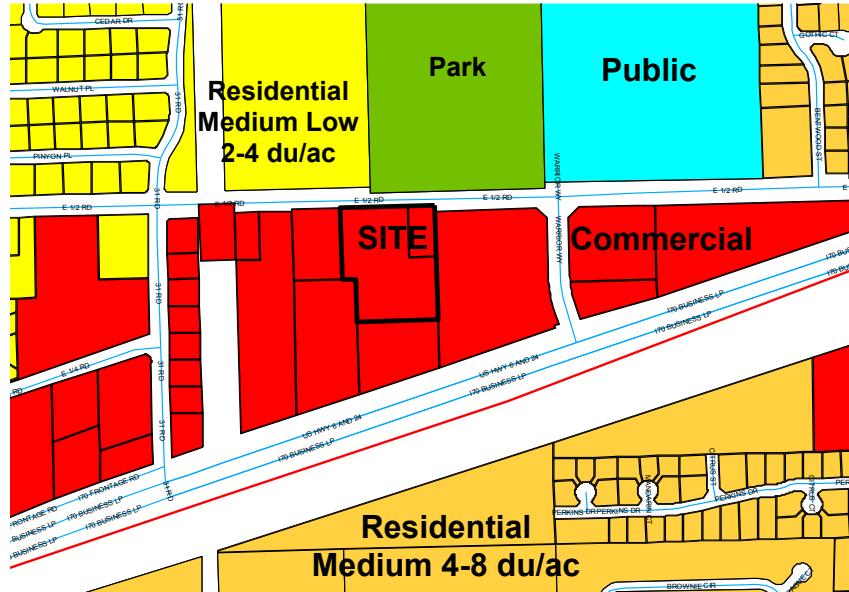
Aerial Photo Map

Figure 2



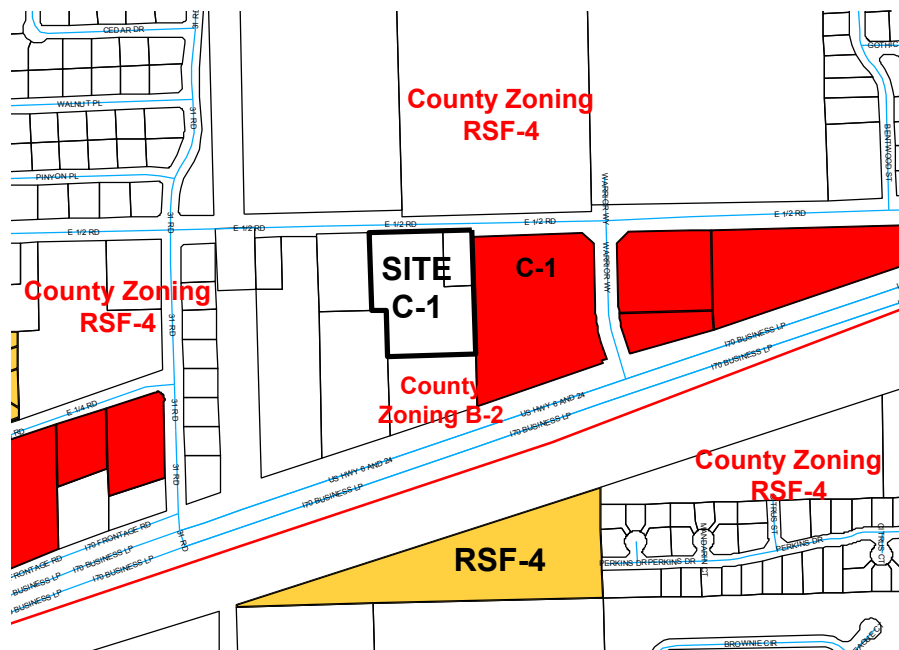
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE WARD-MUDGE ANNEXATION TO
C-1**

LOCATED AT 3113 AND 3117 E ½ ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Ward-Mudge Annexation to the C-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 C-1 zone district be established.

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

WARD-MUDGE ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, and being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 SW 1/4 of said Section 10, and assuming the North line of the NW 1/4 SW 1/4 of said Section 10 to bear N89°59'33"E

with all bearings contained herein relative thereto; thence N89°59'33"E along the North line of the NW 1/4 SW 1/4 of said Section 10 a distance of 524.37 feet to the Point of Beginning; thence N89°59'33"E continuing along the North line of the NW 1/4 SW 1/4 of said Section 10, a distance of 366.26 feet to the Northwest corner of the Bretsel Annexation, Ordinance No. 3642, City of Grand Junction; thence S00°00'56"E along the West line of said Bretsel Annexation a distance of 467.08 feet; thence S89°59'28"W a distance of 303.65 feet; thence N00°01'47"W a distance of 169.85 feet; thence S89°59'28"W a distance of 62.49 feet; thence N00°01'47"W a distance of 297.24 feet to the Point of Beginning.

Said parcel contains 3.68 acres (160,432 square feet), more or less, as described.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 10

Vacation of Public Easements, Mesa Village Marketplace, Located at 2414 F Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of Public Easements, Mesa Village Marketplace, Located 2414 F Road					
Meeting Date	January 4, 2006					
Date Prepared	December 27, 2005				File #PFP-2005-242	
Author	Pat Cecil			Development Services Supervisor		
Presenter Name	Pat Cecil			Development services Supervisor		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: The petitioners are requesting City Council approval of a Vacation of various public easements that were dedicated with the recording of the Plat for the Mesa Village Subdivision.

Budget: No impacts to the budget will result from vacating the easements. There are no public facilities within the easement areas.

Action Requested/Recommendation: The petitioner requests, and the Planning Commission recommends that the City Council vacate the dedicated Public Easements.

Attachments: Staff report
Location Maps
Growth Plan and Zoning Map
Resolution with Exhibit "A"

Background Information: See attached.

BACKGROUND INFORMATION			
Location:		2414 F Road	
Applicants:		Jeff Ungerer, WTN COEX 1, LLC – Owner James Walker, GULFCOAST CG – Developer Austin Civil Group - Representative	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Retail uses	
Surrounding Land Use:	North	Undeveloped (Future theatre site)	
	South	Retail	
	East	Retail	
	West	Undeveloped	
Existing Zoning:		C-1	
Proposed Zoning:		Same	
Surrounding Zoning:	North	C-1	
	South	C-1	
	East	C-1	
	West	C-1	
Growth Plan Designation:		Commercial	
Zoning within density range? N/A		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

PROJECT DESCRIPTION: The petitioners are requesting approval to Vacate several Public easements on the site. There are no utilities within the easements to be vacated.

An application to split the project site into 2-lots has also been submitted, which is being reviewed administratively. The new plat will dedicate any new easements necessary for the public.

RECOMMENDATION: The Planning Commission at its December 13, 2005 hearing recommended to the City Council of approval of the Vacation of Easements.

ANALYSIS:

1. Background: The project site was originally subdivided in 1981 and subsequently replatted in 1996. As part of the replat, several easements that were shown on the 1981 plat were left off of the 1996 replat, but were never officially vacated. Easement vacation(s) are a part of the current request.
2. Consistency with the Growth Plan: The proposed vacation of public easements is consistent with the Commercial Growth Plan Land Use Designation.
3. Section 2.11.c of the Zoning and Development Code:

Requests vacate any public easement must conform to all of the following:

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

Petitioners response: Vacation of old easements within this lot does not impact any plan or policy.

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

Petitioners response: No parcels will be landlocked from vacation of the requested easements.

- 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.**

Petitioners response: Vacations of the easements on this property does not impact any access to parcels or reduce values of adjacent parcels.

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).

Petitioners response: This vacation of easements will not impact any health, safety, or public welfare. The quality of public facilities (i.e.-utilities) will not be impacted by this project. Vacation of the easements actually resolved problems that should have been addressed in 1995 when the lot was re-platted.

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.

Petitioners response: Vacation of these easements will not inhibit service to any parcel.

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

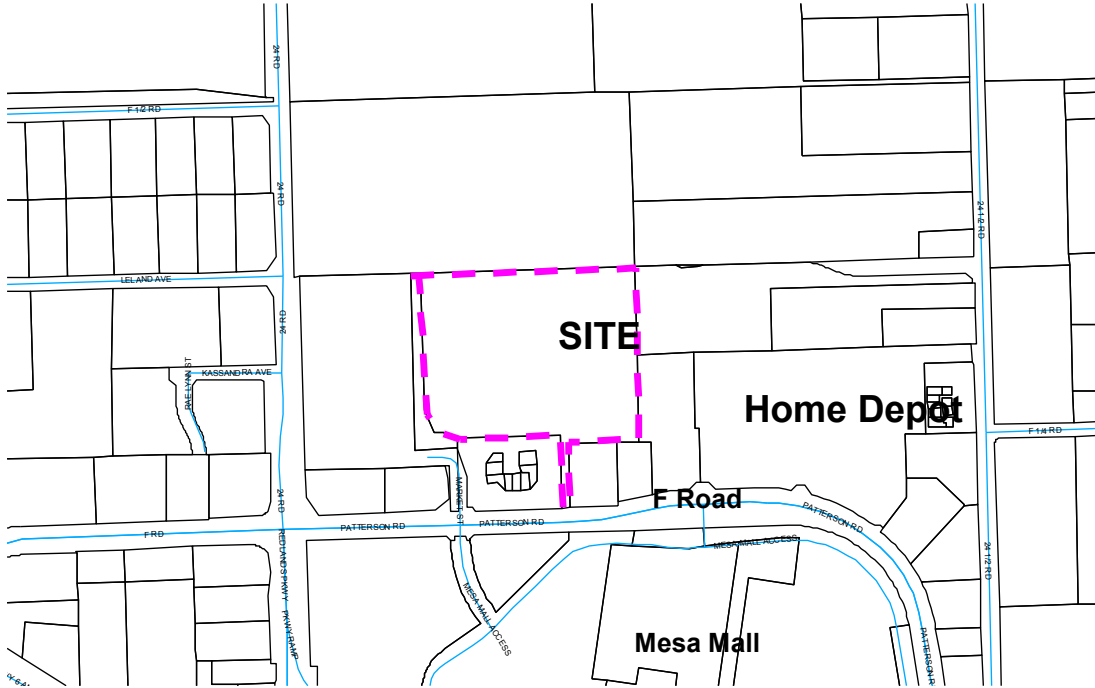
Petitioners response: Vacation of these easements with this project addresses issues that should be addressed when the lot was re-platted in 1995. the street circulation plan does not plan to utilize these easements for any planned street connection.

FINDINGS OF FACT/CONCLUSIONS: The Planning Commission recommends that the City Council adopt the following findings of Fact and Conclusions:

- The requested easement vacation is consistent with the Growth Plan and the 24 Road Corridor Plan.
- That the approval criteria required by Section 2.11.C. of the Zoning and Development Code have been met.

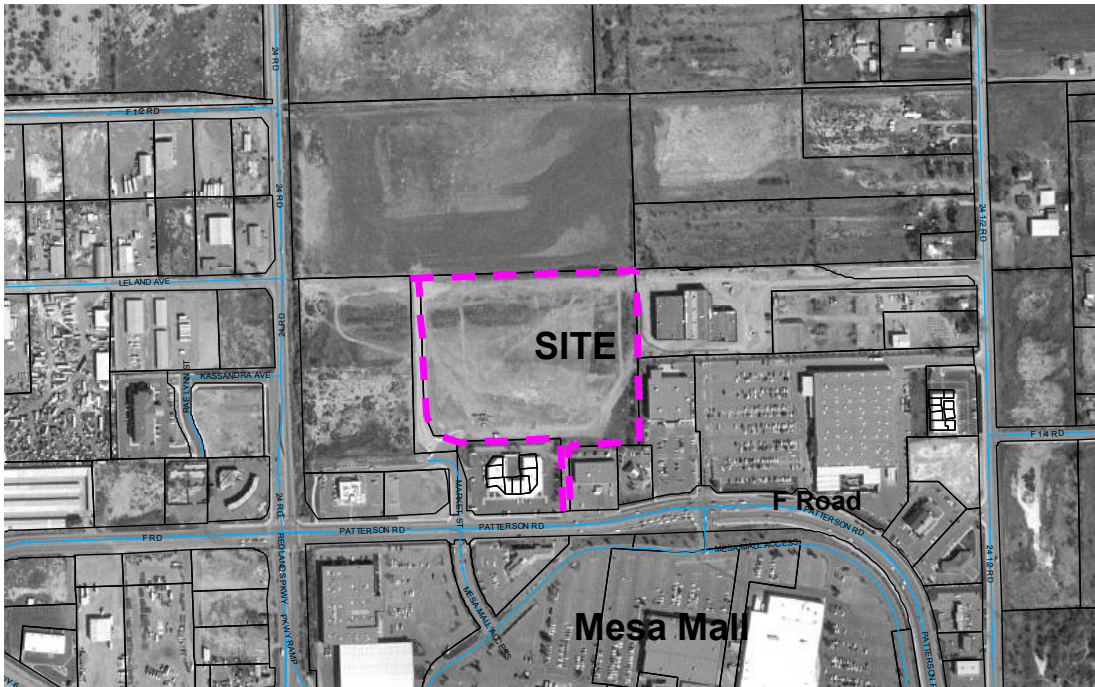
Site Location Map

Figure 1



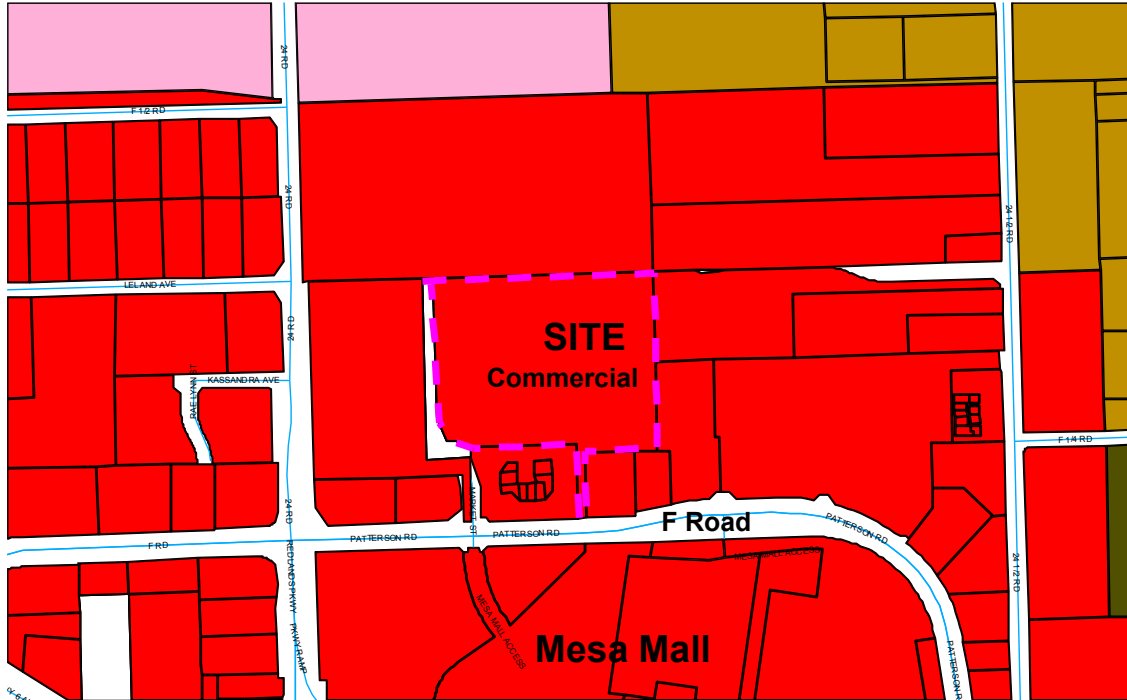
Aerial Photo Map

Figure 2



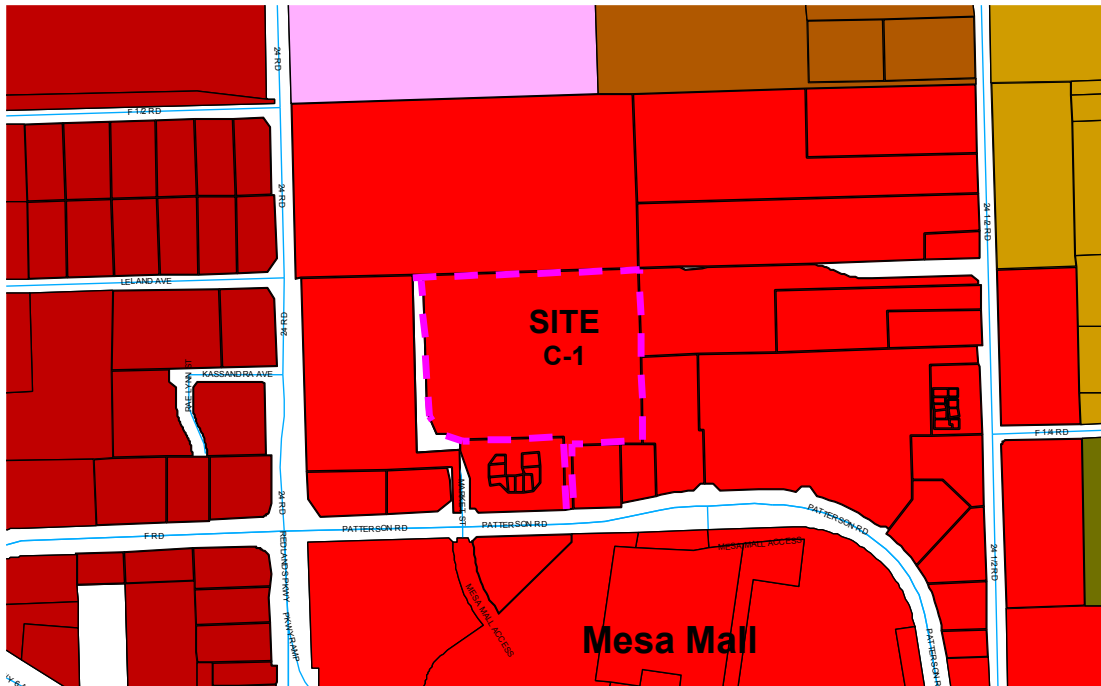
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION

RESOLUTION NO.

A Resolution Vacating Various Public Easements on Lot 5A of the Replat of the Mesa Village Subdivision, 2414 F Road

Recitals.

As a part of the development of the proposed Mesa Village Market Place subdivision, several easement dedicated to the public on previous plats are to be vacated with new easements being created with the Mesa Village Subdivision plat. Said easements have no existing utilities in them.

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

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

1. The following described easement is vacated, subject to three conditions: (a) the Applicant shall pay all recording/documentary fees and costs for this Resolution; (b) this resolution and easement vacation is not effective until the final plat for the Mesa Village Marketplace subdivision is recorded. The Resolution vacating the public easements shall be recorded concurrent with the plat.

2. The easement description is as shown on the attached Exhibit "A," to wit: The easements created by or appearing on the recorded plat of Mesa Village, within Lot 1, as same is recorded in Plat Book 12, Page 430, Reception No. 1269320, Official Records of the Clerk and Recorder of Mesa County, Colorado, except for and not including the easements lying with the boundary of Lot 5A of the Replat of Mesa Village Subdivision, as same is recorded in Plat Book 15, Pages 37 through 39, inclusive, Reception No. 1746811 of the Official Records of the Clerk and Recorder of Mesa County, Colorado.

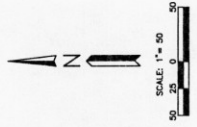
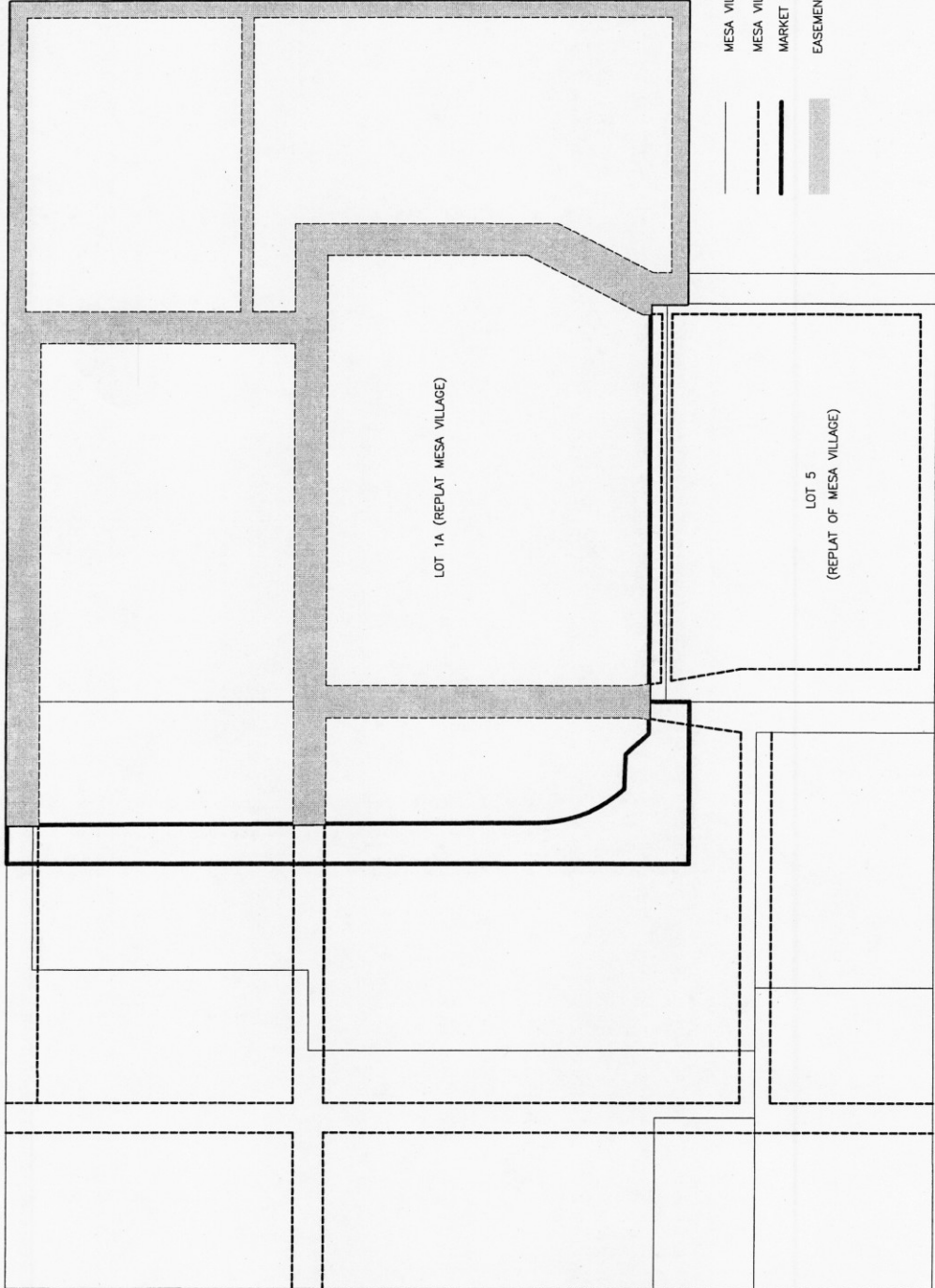
PASSED and ADOPTED this day of , 2006.

ATTEST:

City Clerk

President of City Council

MESA VILLAGE EASEMENT VACATION EXHIBIT "A"



- MESA VILLAGE LOT LINES
- - - MESA VILLAGE EASEMENT LINES
- MARKET ST. ROW
- █ EASEMENTS TO BE VACATED

VACATION EXHIBIT	
SW 1/4 SECTION 4, T1N, R10E, MESA COUNTY, COLORADO	
HSH Resort Services, LLC 2291 B 3/4 Road, Grand Junction, CO 81503 www.hshresort.com www.hshdevelopment.com	
SUR. BY:	DRAWN BY: BUCSF
JOB NO. 05-157	SHEET 1 OF 1

Attach 11

Setting a Hearing to Vacate the ROW and Vacate a 10" Utility Easement, Located at the Corner of G Road and 23 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Vacating of Right-of-Way and Utility Easements in the Midwest Commercial Subdivision Located at G and 23 Roads						
Meeting Date	January 4, 2006						
Date Prepared	December 29, 2005			File #VR-2005-243			
Author	Lisa E. Cox, AICP		Senior Planner				
Presenter Name	As above		As above				
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 Request to vacate right-of-way and utilities easements in the Midwest Commercial Subdivision on the Southwest corner of G Road and 23 Road. The applicant would like to develop this and another parcel. The City will retain a 15' utility easement.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed vacation ordinance and set a public hearing for January 18, 2006.

Background Information: Introduction of a proposed vacation ordinance to vacate: 1) the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 ¾ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road; and 2) the ten foot (10') utility easements lying on either side of the 22 ¾ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records. The right-of-way and utility easements being located at the southwest corner of G Road and 23 Road. See attached Staff report/Background information for additional information.

Attachments:

1. Staff report/Background information
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Vacation Ordinance

BACKGROUND INFORMATION					
Location:		<i>Southwest corner of G Road and 23 Road</i>			
Applicants:		Jack S. Terhar, Sr., General Partner for Prime Investments, Ltd.			
Existing Land Use:		<i>Vacant</i>			
Proposed Land Use:		<i>Industrial/Commercial</i>			
Surrounding Land Use:	North	<i>Industrial</i>			
	South	Industrial			
	East	Industrial			
	West	Commercial			
Existing Zoning:		I-2			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	I-2			
	South	I-2 and CSR			
	East	I-1			
	West	C-2			
Growth Plan Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background

The applicant would like to develop property located south of G Road and west of 23 Road. There are essentially two “parcels” involved in the applicant’s request: one area that was previously platted as the Midwest Commercial Subdivision, and Lot 1 of the Orchard Grove Subdivision.

The subject property was annexed into the City as part of two separate annexation actions. The northern most parcel (known as the Midwest Commercial Subdivision) was annexed on February 9, 1992, as a part of the Grand Junction West Annexation, and the southern most parcel (known as Lot 1 of the Orchard Grove Subdivision) was annexed on March 19, 1995, as a part of the Northwest Enclave Annexation.

The applicant would like to develop both parcels but was advised by the City that, for a variety of reasons, the City does not recognize the Midwest Commercial Subdivision (“Midwest”) plat. It should be noted that none of the improvements shown on the Midwest plat have been constructed or developed. In addition, the Midwest plat currently shows many lots which do not meet the minimum lot size for the I-2 zone district. Access for individual lots would not be permitted on G and 23 Roads, and access to Hwy. 6/50 will not be permitted by CDOT or the City. For these reasons, the applicant has requested that right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 ¾ Road and the ten foot (10’) utility easements on either side of 22 ¾ Road, as dedicated on the Midwest Commercial Subdivision plat, be vacated with the intent to replat the Midwest property with Lot 1 of the Orchard Grove Subdivision, and to subsequently rezone the two new resulting lots. When the property has been replatted, new multipurpose and utility easements will be dedicated to the public.

Upon review of the applicant’s request to vacate the right-of-way and utility easements, the Planning Commission made a recommendation of approval, subject to the recordation of the future subdivision final plat of the Midwest Commercial property and Lot 1 of the Orchard Grove Subdivision.

2. Consistency with the Growth Plan

The request to vacate the 22 ¾ Road right-of-way and ten foot (10’) utility easements is consistent with the goals and policies of the Growth Plan and Grand Valley Circulation Plan. Additional right-of-way, utility and multipurpose easements will be dedicated to the public with the recordation of the future subdivision final plat of the Midwest Commercial property and Lot 1 of the Orchard Grove Subdivision.

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. *The request to vacate right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 ¾ Road while retaining a fifteen foot (15') utility easement along the south edge of the right-of-way line for G Road and to vacate the ten foot (10') utility easements on either side of 22 ¾ Road, as dedicated on the Midwest Commercial Subdivision plat, conforms to City requirements, plans and policies including the Grand Valley Circulation Plan and would be consistent with the goals and policies of the Growth Plan.*
- b. No parcel shall be landlocked as a result of the vacation. *There is no parcel that will be landlocked as a result of the requested vacation. Access to the subject property will improve through the site design process with future development.*
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation. *Access will be managed in accordance with City plans and policies through the site design process at the time of development. Negative impacts to the subject property are not anticipated as a result of the applicant's request to vacate the right-of-way and easements.*
- 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). *No adverse impacts have been identified. The City will receive additional right-of-way, utility easement and multipurpose easements on the approved new plat when it is recorded.*
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code. *The provision of services shall be not be inhibited. All required services shall be provided to new development and/or adjacent properties.*
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *The City will benefit from the request to vacate through improved traffic circulation with the ability to restrict access to Hwy 6/50, and G and 23 Roads by individual lots.*

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Midwest Commercial Park application, VR-2005-243, the Planning Commission made the following findings of fact and conclusions:

1. The request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
3. The request to: 1) Vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road; and 2) Vacate the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, are conditioned upon the recording of a subdivision plat approved by the City and meeting all legal requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission made a recommendation of approval of the request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, VR-2005-243, conditioned upon the recording of a subdivision plat approved by the City and meeting all legal requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

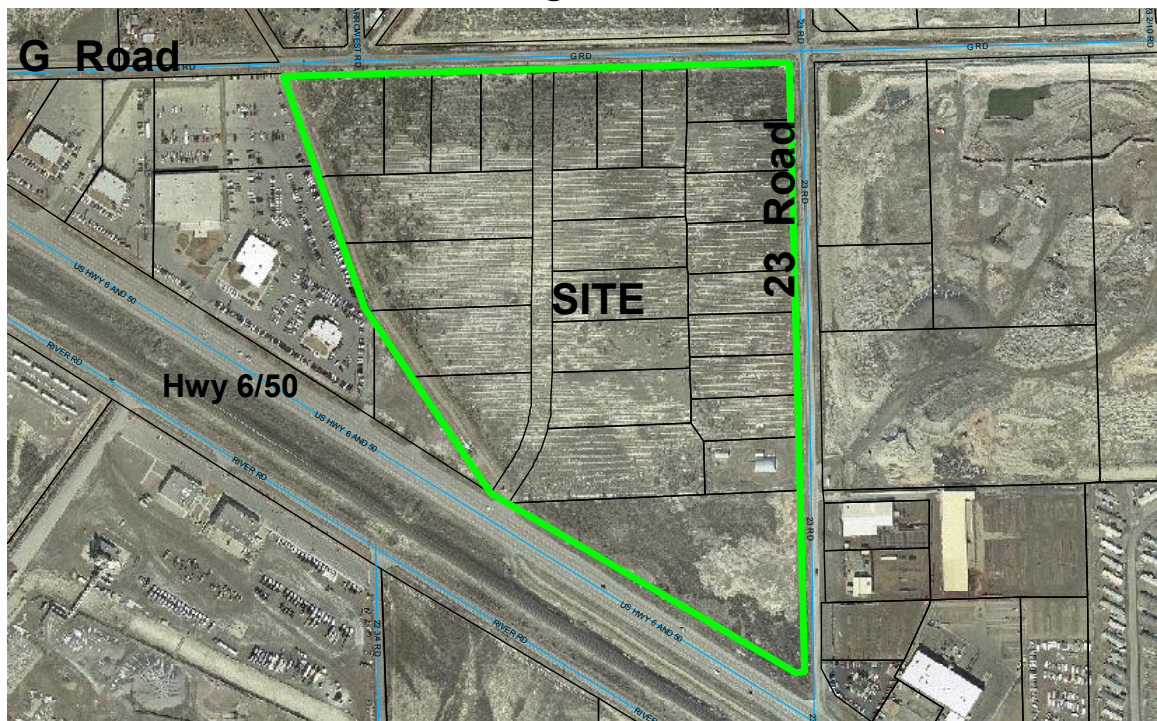
Site Location Map

Figure 1



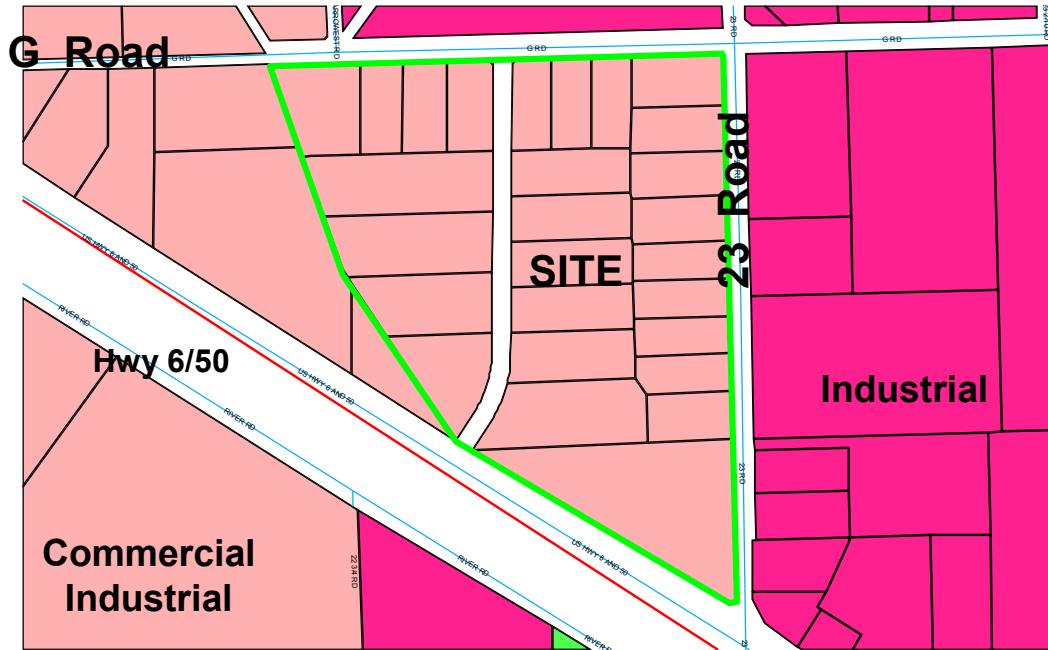
Aerial Photo Map

Figure 2



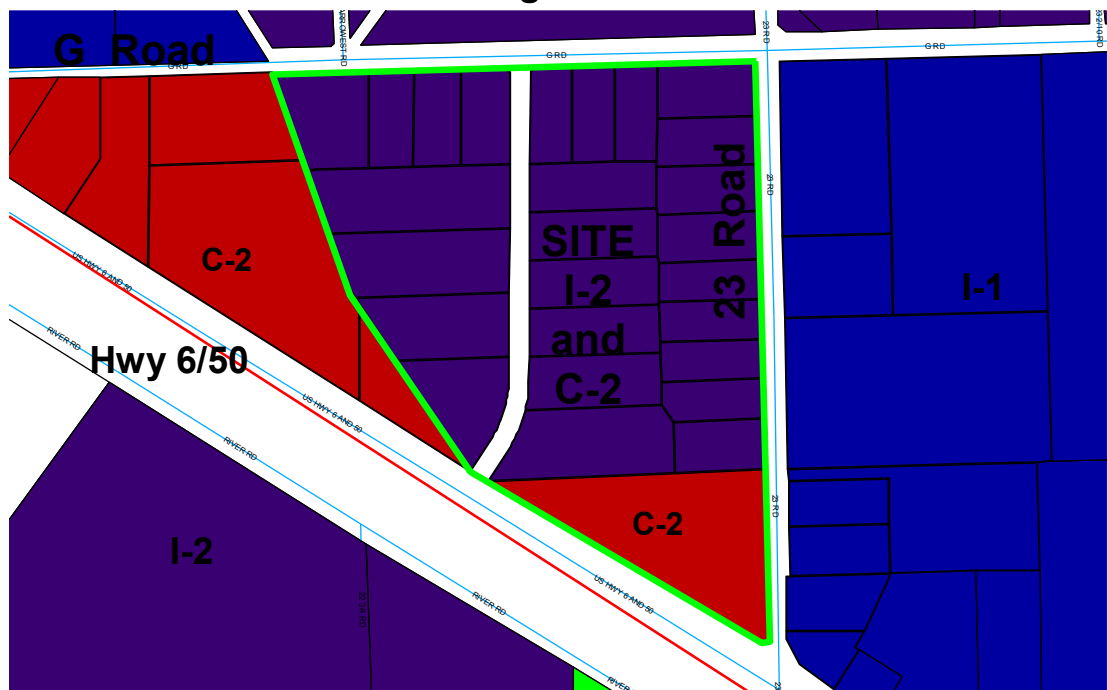
Future Land Use Map

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 the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road, and Vacating the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records

LOCATED at the southwest corner of G Road and 23 Road

RECITALS:

A request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, has been submitted by the following applicant: Prime Investments, Ltd., with Jack A. Terhar, Sr. as General Partner for Prime Investments, Ltd.

The City Council finds that the request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 $\frac{3}{4}$ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 $\frac{3}{4}$ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11.C 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 recording of the final plat of the Taurus Subdivision.

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

The following described are hereby vacated subject to these listed conditions:

1. Applicants shall pay all recording/documentation fees for the Vacation Ordinance, and/or any other required easement or dedication documents.
2. The vacation ordinance shall be recorded and effective concurrent with the recordation of a subdivision plat approved by the City and meeting all legal requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

Right-of-way and utility easements to be vacated:

The right-of-way and utility easements are shown on the attached "Road Vacation Exhibit" and are included as part of this vacation description and are described as followed:

That portion of 22 $\frac{3}{4}$ Road lying in the Northeast $\frac{1}{4}$ Northeast $\frac{1}{4}$ of Section 6, Township 1 South, Range 1 West, Ute Meridian, as shown on the Midwest Commercial Subdivision recorded May 12th, 1982 in Plat Book 13, Page 48 of the Public Records of Mesa County, Colorado and being more particularly described as follows:

All of that 60.00-foot wide platted right of way for 22 $\frac{3}{4}$ Road as depicted on said Midwest Commercial Subdivision, lying North of U.S. Highway 6&50 right of way and South right of way of G Road, along with the 10 foot Utility Easement on the East and West of said 22 $\frac{3}{4}$ Road.

Reserving and retaining that certain 15 foot Utility Easement lying adjacent to the North line of said plat of Midwest Commercial Subdivision over that portion of 22 $\frac{3}{4}$ Road being vacated hereon. Containing 78344.6 square feet or 1.80 acres as described.

Introduced for first reading on this _____ day of January, 2006.

PASSED and ADOPTED this _____ day of _____, 2006.

ATTEST:

President of City Council

City Clerk

Attach 12

Setting a Hearing on Rezoning Two Lots in the Taurus Subdivision to I-1 and C-2,
 Located at the SW corner of G Road and 23 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Rezoning two lots in the Taurus Subdivision to I-1 and C-2, located at the southwest corner of G Road and 23 Road						
Meeting Date	January 4, 2006						
Date Prepared	December 29, 2005				File #VR-2005-243		
Author	Lisa E. Cox, AICP			Senior Planner			
Presenter Name	As above			As above			
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 rezone ordinance to rezone two lots in the Taurus Subdivision I-1 and C-2 located at the southwest corner of G Road and 23 Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed rezone ordinance and set a public hearing for January 18, 2006.

Background Information: See attached Staff report/Background information

Attachments:

1. Staff report/Background information
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Rezone Ordinance
7. Taurus Subdivision

BACKGROUND INFORMATION					
Location:		Southwest corner of G Road and 23 Road			
Applicants:		Jack S. Terhar, Sr., General Partner for Prime Investments, Ltd.			
Existing Land Use:		Vacant			
Proposed Land Use:		Industrial/Commercial			
Surrounding Land Use:	North	Industrial			
	South	Industrial			
	East	Industrial			
	West	Commercial			
Existing Zoning:		I-2			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	I-2			
	South	I-2 and CSR			
	East	I-1			
	West	C-2			
Growth Plan Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. Background

The subject property was annexed into the City as part of two separate annexation actions. The southern most parcel (known as Lot 1 of the Orchard Grove Subdivision) was annexed on March 19, 1995, as a part of the Northwest Enclave Annexation and the northern most parcel (known as the Midwest Commercial Subdivision) was annexed on February 9, 1992, as a part of the Grand Junction West Annexation. The northern most parcel (aka: Midwest Commercial) is currently zoned I-2, General Industrial. The southern most parcel (aka: Lot 1, Orchard Grove Subdivision) is currently zoned C-2, General Commercial.

The applicant has proposed a replat of the Midwest property and Lot 1 of the Orchard Grove Subdivision to be known as the Taurus Subdivision. In preparation for the future development of the subject property, the applicant would like to increase the area that is zoned C-2 along Hwy. 6/50 and has therefore requested to rezone the area that is intended to be platted as Lot 2 of the Taurus Subdivision to C-2 (see attached maps and plat). Additionally, the current I-2 zoning of the Midwest property is not consistent with the Commercial/Industrial Growth Plan land use classification. The applicant has requested to rezone the area proposed as Lot 1 of the Taurus Subdivision to I-1, a zone district that implements the Commercial/Industrial land use classification and which would be consistent with the Growth Plan.

(Point of clarification: Lot 1 of the Orchard Grove Subdivision is presently zoned C-2. The zone for this land area will not be changing. However, for simplifying the descriptions for the rezone and for understanding of the total land area to be replatted, Lot 1 of the Orchard Grove Subdivision has been included in the request for the rezone and the legal descriptions for the same.)

Upon review of the applicant's request to rezone the two new lots of the Taurus Subdivision, the Planning Commission made a recommendation of approval, subject to the recordation of the Taurus Subdivision final plat.

2. Consistency with the Growth Plan

As noted earlier in this report, the current I-2 zoning of the Midwest Commercial Subdivision is not consistent with the Commercial/Industrial land use classification. The Planning Commission recommended approval of the request to rezone the property described as Lot 1 of the Taurus Subdivision to I-1 (Light Industrial), which is consistent with the Growth Plan. The C-2 zone district implements the Commercial/Industrial land use classification and is consistent with the Growth Plan. The Planning Commission also recommended approval of the request to rezone the property described as Lot 2 of the Taurus Subdivision to C-2 (General Commercial).

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

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

1. The existing zoning was in error at the time of adoption. *The current I-2 zoning does not implement the Commercial/Industrial land use classification.*
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends,

deterioration, development transition, etc. *The primary change in the neighborhood has been the designation of the Commercial/Industrial land use classification. This land use designation is implemented by the C-2, I-O and I-1 zone districts. Development is expected to be consistent with these zone districts which has been determined by City Council to be appropriate for the area.*

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 proposed rezone to I-1 and C-2 is within the allowable density/intensity range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the I-1 and C-2 zone districts, therefore this criterion is met.*
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines. *The request to rezone to I-1 and C-2 are consistent with the goals and policies of the Growth Plan and other City plans and policies such as the Grand Valley Circulation Plan.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. *Adequate public facilities are currently available and can address the impacts of development consistent with the I-1 and C-2 zone districts.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *There is an apparent need for additional land zoned I-1 and C-2 as demonstrated by City Council's action to designate the subject property as Commercial/Industrial.*
7. The community or neighborhood will benefit from the proposed zone. *The community will benefit from the request to vacate and rezone through improved traffic access management and circulation, in addition to more*

suitable development that is consistent with the I-1 and C-2 zone districts.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Midwest Commercial Park application, VR-2005-243, the Planning Commission made the following findings of fact and conclusions:

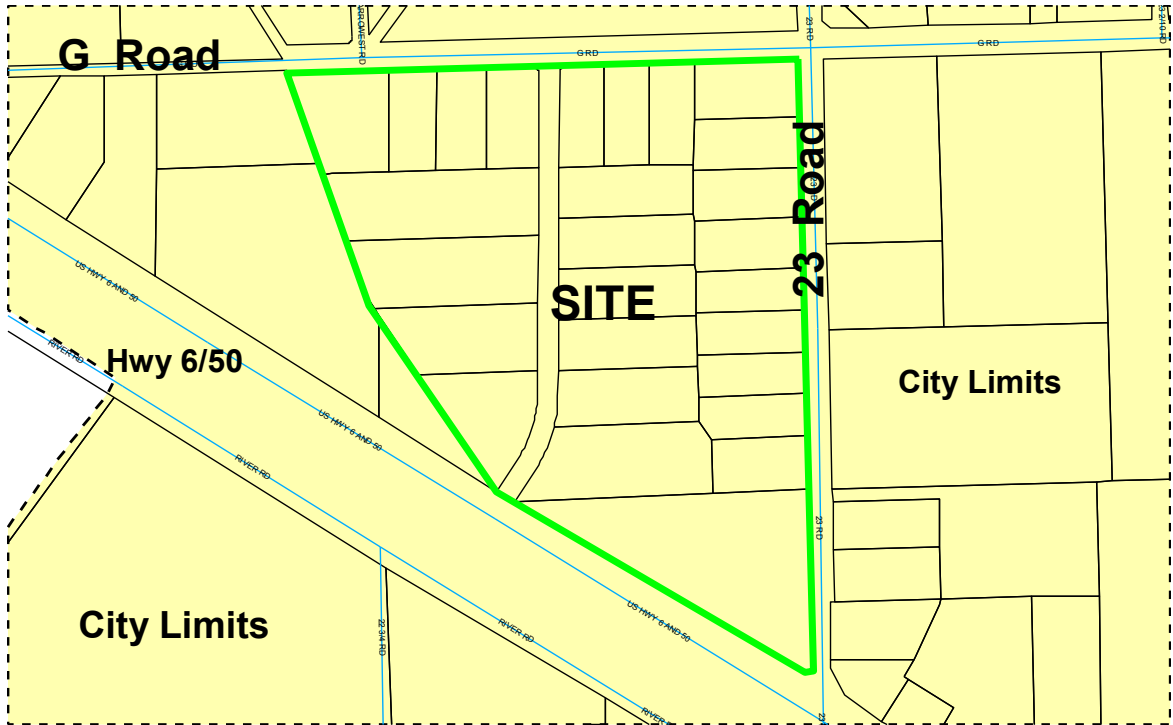
4. The request to rezone Lot 1 of the Taurus Subdivision to I-1 (Light Industrial) and Lot 2 of the Taurus Subdivision to C-2 (General Commercial) is consistent with the goals and policies of the Growth Plan.
5. The review criteria in Section 2.6.A of the Zoning and Development Code have been satisfied.
6. The request to rezone Lot 1 of the Taurus Subdivision to I-1 (Light Industrial) and Lot 2 of the Taurus Subdivision to C-2 (General Commercial) is conditioned upon the recording of a subdivision plat approved by the City and meeting all legal requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission made a recommendation of approval to the City Council of the request to rezone Lot 1 of the Taurus Subdivision to I-1 (Light Industrial) and Lot 2 of the Taurus Subdivision to C-2 (General Commercial), VR-2005-243, with the findings and conclusions listed above, conditioned upon the recording of a subdivision plat approved by the City and meeting all legal requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

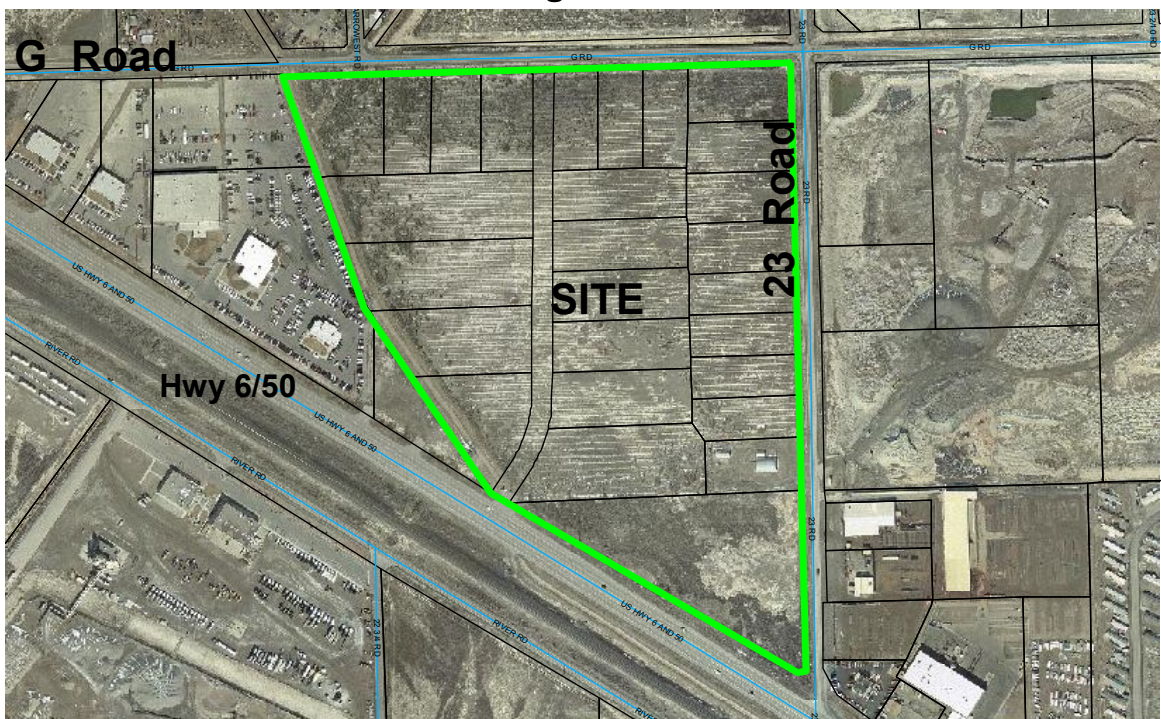
Site Location Map

Figure 1



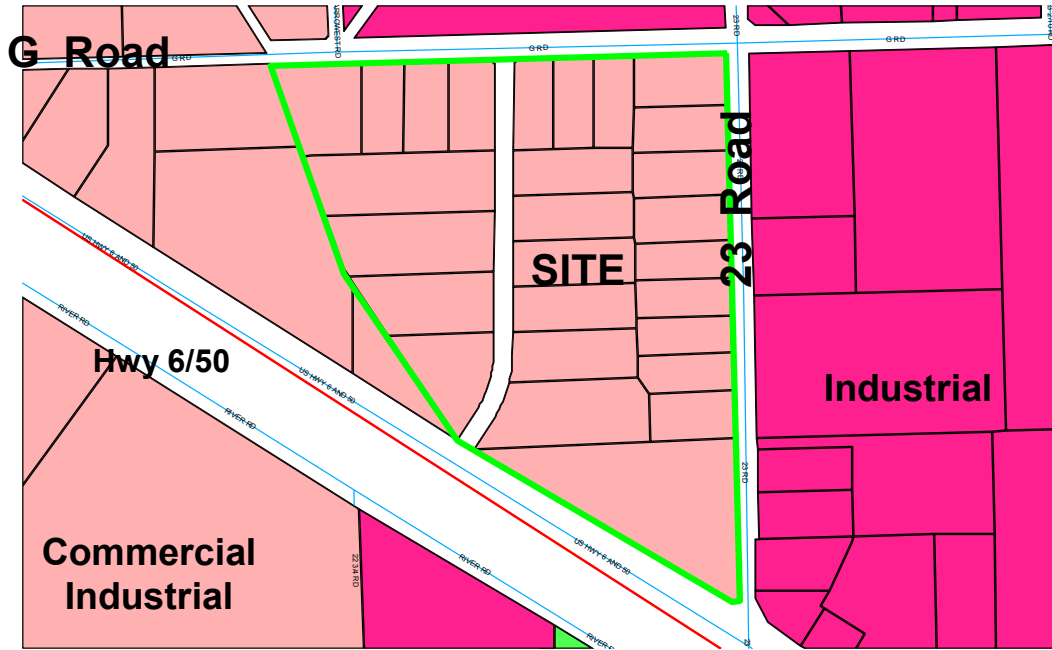
Aerial Photo Map

Figure 2



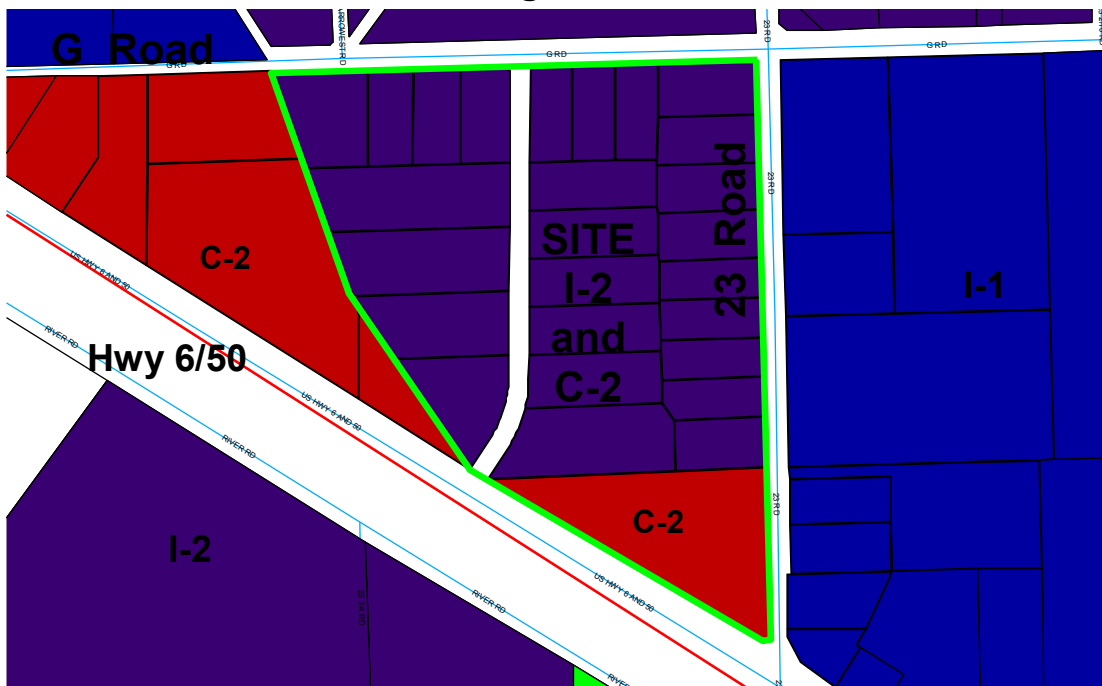
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING TWO PARCELS
IN THE TAURUS SUBDIVISION
FROM I-2 TO I-1 AND C-2**

LOCATED AT THE SOUTHWEST CORNER OF G ROAD AND 23 ROAD

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the two parcels of the Taurus Subdivision from I-2 (General Industrial) and C-2 (General Commercial) to the I-1 (Light Industrial) and C-2 (General Commercial) zone districts for the following reasons:

The zone districts implement the Commercial/Industrial land use classification as shown on the Future Land Use map of the Growth Plan, and are consistent with the Growth Plan's goals and policies, and/or are generally compatible with appropriate land uses located in the surrounding area. The request to rezone meets the criteria found in Section 2.6.A 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 and C-2 zone districts be established, subject to the recordation of the Taurus Subdivision final plat.

The Planning Commission and City Council find that the I-1 and C-2 zoning is in conformance with the stated criteria of Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned I-1 and C-2 subject to the recordation of the Taurus Subdivision final plat:

Lot 1 of the Taurus Subdivision to be rezoned I-1 (Light Industrial):

Commencing at the Northeast corner of Section 6, Township 1 South, Range 1 West of the Ute Meridian, whence the Northwest corner of the Northeast Quarter Northeast Quarter of said Section 6 bears N89°55'34"W a distance of 1319.92 feet with all bearings contained herein relative thereto; thence S53°08'47"W 66.58 feet to a point on the South right of way of G Road and the Point of Beginning; thence N89°55'34"W 1492.13 feet along said right of way to a point on the centerline of the Independent Ranchman's Ditch; thence along said center the next two courses, S19°32'48"E 715.98 feet; thence S33°24'14"E 61.23 feet; thence leaving said centerline S89°42'52"E 1235.30 feet to a point on the West right of way of 23 Road; thence N00°17'08"E 709.98 feet along said right of way; thence along a curve to the left having a radius of 20.00 feet, a chord bearing of N44°49'13"W a distance of 28.34 feet to the Point of beginning. Less however, any lands for future right of way purposes as required by the City of Grand Junction. Containing 23.06 acres as described.

Lot 2 of the Taurus Subdivision to be rezoned C-2 (General Commercial):

Commencing at the Northeast corner of Section 6, Township 1 South, Range 1 West of the Ute Meridian, whence the Northwest corner of the Northeast Quarter Northeast Quarter of said Section 6 bears N89°55'34"W a distance of 1319.92 feet with all bearings contained herein relative thereto; thence S53°08'47"W 66.58 feet to a point on the South right of way of G Road and the Point of Beginning; thence along a curve to the right having a radius of 20.00 feet, a chord bearing of S44°49'13"E a distance of 28.34 feet to a point on West right of way of 23 Road; thence S00°17'08"W 709.98 feet along said right of way to the Point of Beginning; thence leaving said right of way N89°42'52"W 1235.30 feet to a point on the centerline of the Independent Ranchman's Ditch; thence S33°24'58"E 606.04 feet; thence along a non tangent curve to the right with a radius of 160.17 feet with a chord bearing of S29°02'50"E with a chord distance of 24.41 feet to a point on the North right of way of U.S. Highway 6 & 50; thence leaving said centerline S56°28'50"E 98.07 feet along said right of way; thence continuing, S56°32'25"E 910.80 feet along said right of way; thence N66°18'52"E 50.15 feet to a point on the West right of way 23 Road; thence N00°16'16"E 507.53 feet along said right of way; thence leaving said right of way S89°49'06"W 272.10 feet; thence N00°14'45"E 159.91 feet; thence N89°49'01"E 269.21 feet to a point on the West right of way line of 23 Road; thence N00°17'08"E 389.80 feet along said right of way to the Point of Beginning. Less however, any lands for future right of way purposes as required by the City of Grand Junction. Containing 17.72 acres as described.

Allowable uses, density and bulk standards shall be for the I-1 and C-2 zone districts.

Introduced on first reading on _____, 2006 and ordered published.

Adopted on second reading this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 13

Public Hearing – Create Alley Improvement District ST-06

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Public Hearing of a Resolution to Create Alley Improvement District ST-06					
Meeting Date	January 4, 2006					
Date Prepared	December 29, 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	X	Yes		No	Name	Any Interested Citizen
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

Budget:

2005 Alley Budget	\$370,000
Estimated Cost to construct 2005 Alleys	\$340,500
Estimated Balance	\$ 29,500

Action Requested/Recommendation: Conduct public hearing and review and adopt proposed resolution.

Attachments: 1) Resolution 2) Summary Sheets 3) Maps

Background Information: People’s Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. Council may also establish assessment rates by

resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-family uses, \$15.00 per abutting foot for residential multi-family uses, 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. The public hearing is for questions regarding validity of the submitted petitions.
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 a first reading of a proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
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.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 5TH STREET TO 6TH STREET TELLER AVENUE TO BELFORD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• James A & Patricia C Bateman	125	15.00	1,875.00
• Frank Francese	50	8.00	400.00
Tammie Martin & James Dustin Finks	50	15.00	750.00
Allen Ray January	50	8.00	400.00
• Melody L Keane	75	8.00	600.00
Charles S & Roberta R McIntyre	50	15.00	750.00
• James D & Bettye L Estes	50	15.00	750.00
• Van Faith	50	8.00	400.00
• Judith Allerheiligen	50	8.00	400.00
• Michael E. O'Boyle	50	8.00	400.00
• Paul G & Christella K Lans	75	8.00	600.00
• James Price Rankin Family LP	<u>125</u>	15.00	<u>1,875.00</u>
TOTAL ASSESSABLE FOOTAGE	800		9,200.00

Estimated Cost to Construct	\$ 44,400.00
Absolute Cost to Owners	<u>\$ 9,200.00</u>
Estimated Cost to City	\$ 35,200.00

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 signatures in favor of improvements are 9/12 or 75% of the owners and 81% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 10TH STREET TO 11TH STREET MAIN STREET TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Richard E Jones	50	15.00	750.00
• Mark & Regina Conklin	50	15.00	750.00
• Paul A Vogt & Margaret G Taylor	50	8.00	400.00
• David P & Colleen V Balak	50	8.00	400.00
Linda M Hermanns	50	8.00	400.00
• Stanley & Eva Williams	50	8.00	400.00
• Timothy D Strodtman	50	15.00	750.00
• Larry P & Linda C Rattan	50	15.00	750.00
James Golden	100	31.50	3,150.00
James Golden	50	31.50	1,575.00
• Philip D & Tricia D Raimer	50	8.00	400.00
• Garry Curry	50	8.00	400.00
• Donald E & Joan E Meyers	85	8.00	680.00
• Edward M Tiernan & Christine A Worth	<u>65</u>	8.00	<u>520.00</u>
ASSESSABLE FOOTAGE TOTAL	800		11,325.00

Estimated Cost to Construct	\$ 44,400.00
Absolute Cost to Owners	<u>\$ 11,325.00</u>
Estimated Cost to City	\$ 33,075.00

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 11/14 or 79% and 75% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11TH STREET TO 12TH STREET MAIN STREET TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Larry P. & Linda C. Rattan	50	15.00	750.00
Larry P. & Linda C. Rattan	50	8.00	400.00
• Delene L & William J. Johnston	50	8.00	400.00
• Cindy A. Lomax & Jay A. Hutchins	50	8.00	400.00
• Susan F. Murray	50	8.00	400.00
• Margaret E. McCaffrey	50	8.00	400.00
Rhonda D, Thibault-Lloyd	50	8.00	400.00
• Katy & Todd Page	50	8.00	400.00
Carl Slagle	50.28	15.00	754.20
• Mary C. Donlan	50	8.00	400.00
• Jason D. Farrington	50	8.00	400.00
• James J. Sloggett	83.33	15.00	1,249.95
• James J. Sloggett	79.17	15.00	1,187.55
• James J. & Barbara F. Sloggett	68.75	8.00	550.00
Marjorie L. Montgomery	68.75	15.00	1,031.25
Doreen Gangle	50.28	8.00	402.24
ASSESSABLE FOOTAGE TOTAL	900.56		9,525.19

Estimated Cost to Construct	\$ 46,500.00
Absolute Cost to Owners	<u>\$ 9,525.19</u>
Estimated Cost to City	\$ 36,974.81

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 10/16 or 62.5% and 64.5% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 23RD STREET TO 24TH STREET GRAND AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Janet L. Nelson	60	8.00	480.00
• Raymond L. & Peggy C. Meininger	60	8.00	480.00
• Danny H. Rivera	60	8.00	480.00
Mark A. & Patricia S. Smith	60	8.00	480.00
Russell L. & Terah Bingham III	60	8.00	480.00
• Laura Adan	60	8.00	480.00
• Walter H. & Dorothy P. Warren	60	8.00	480.00
• Keith I. Mautz	60	8.00	480.00
• Jack L. & Colleen M. Rice, etal	60	8.00	480.00
• Mary Frances McCandless	60	8.00	480.00
• Lloyd J. & Barbara I. Nordhausen	60	8.00	480.00
• Gale W. & Deborah M. Kappauf	60	8.00	480.00
• Vickye Schrum, etal	60	8.00	480.00
• Octa Ann Haas	60	8.00	480.00
• Stancyn Enterprises, LLLP	60	8.00	480.00
• Marjorie L. Silzell	<u>60</u>	8.00	<u>480.00</u>
ASSESSABLE FOOTAGE TOTAL	960		7,680.00

Estimated Cost to Construct	\$ 50,000.00
Absolute Cost to Owners	<u>\$ 7,680.00</u>
Estimated Cost to City	\$ 42,320.00

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 12/16 or 75% and 75% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 17TH STREET TO 18TH STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Virginia G. Blount	30	8.00	240.00
• Valerie Diane Swanson	54.30	8.00	434.40
• John P & William T Springer	54.30	8.00	434.40
Mary C Krasnow	54.30	8.00	434.40
Richard M & Jana C Thomas II	105	8.00	840.00
• Ronald R & Ralph B Scribner	34.9	8.00	279.20
• Jeffery B Porter	85	8.00	680.00
• Harry G & Kathleen S Gerlock Jr.	98.9	8.00	791.20
• Paul & Mickie Harshman	<u>70.1</u>	8.00	<u>560.80</u>
ASSESSABLE FOOTAGE TOTAL	586.80		4,694.40

Estimated Cost to Construct	\$ 30,000.00
Absolute Cost to Owners	\$ <u>4,694.40</u>
Estimated Cost to City	\$ 25,305.60

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 = 6/9 or 67% and 68% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 22nd STREET TO LINDA LANE ORCHARD AVENUE TO WALNUT AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• John A Ellis	60	8.00	480.00
• Cleo Montoya Espinoza & Sara Montoya	50	8.00	400.00
Russell D. Peek	60	8.00	480.00
Debra A. & Dale E. Mitchell	50	8.00	400.00
Paul A & Dianne E Lancaster	60	8.00	480.00
• Deborah D Scenters	65	8.00	520.00
• John J & Louise S Sutrina	60	8.00	480.00
• Helen E. Moon	65	8.00	520.00
• Sandra J. Wightman	60	8.00	480.00
• James H. & Rose Marie Hitchens	65	8.00	520.00
• Shay Roxanne Maldonado	60	8.00	480.00
• Kimberley K Parker	65	8.00	520.00
• Amy Crabtree	60	8.00	480.00
• David M & Lori L DeJong	70	8.00	560.00
• Jeffry D & Rhonda S Gerbaz	60	8.00	480.00
• Richard A & Dorothy L Hahn	60	8.00	480.00
Louie E & Susan D Herrera	60	8.00	480.00
• Michael E O'Boyle	<u>170</u>	8.00	<u>1,360.00</u>
TOTAL ASSESSABLE FOOTAGE	1200		9,600.00

Estimated Cost to Construct	\$ 62,000.00
Absolute Cost to Owners	\$ <u>9,600.00</u>
Estimated Cost to City	\$ 52,400.00

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 14/18 or 78% and 81% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 21st STREET TO 22nd STREET BOOKCLIFF AVENUE TO WALNUT AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Joseph D & Janet R Steinkirchner	60	8.00	480.00
• Beverly J Fossum	102	8.00	816.00
• Samuel J & Jonnie L Baldwin	60	8.00	480.00
• Wesley E & Nancy G Schubach	60	8.00	480.00
Violet Roeland	62.25	8.00	498.00
Lillian R Cavitt	60	8.00	480.00
Michael A Neville	62.25	8.00	498.00
Cecil James & Carol Sue Ritchie, Jr.	60	8.00	480.00
Edward & Peggy L Ilhareguy	60	8.00	480.00
Shirley M Palmer Trust	62.25	8.00	498.00
• R Mary & Lee A Dugdale	60	8.00	480.00
• Westwood Rental LLC	62.25	8.00	498.00
• Richard R Roquemore	60	8.00	480.00
• Wesley E & Nancy G Schubach	62.25	8.00	498.00
Don L & Elizabeth G Kimberlin	60	8.00	480.00
• Robert D & Gail L Youngquist	62.25	8.00	498.00
• Annie Long	60	8.00	480.00
• John A. & Scott M. Nelson	62.25	8.00	498.00
William R & Bonnie L Hofferber	<u>62.25</u>	8.00	<u>498.00</u>
ASSESSABLE FOOTAGE TOTAL	1200		9,600.00

Estimated Cost to Construct	\$ 62,000.00
Absolute Cost to Owners	\$ <u>9,600.00</u>
Estimated Cost to City	\$ 52,400.00

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 is 11/18 or 61% and 59% of the assessable footage.

**PROPOSED ALLEY IMPROVEMENT DISTRICT
5TH STREET TO 6TH STREET
TELLER AVENUE TO BELFORD AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT
10TH STREET TO 11TH STREET
MAIN STREET TO ROOD AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT
11TH STREET TO 12TH STREET
MAIN STREET TO ROOD AVENUE**



**PROPOSED ALLEY IMPROVEMENT
23RD STREET TO 24TH STREET
GRAND AVENUE TO OURAY AVENUE**



**PROPOSED ALLEY IMPROVEMENT
17TH STREET TO 18TH STREET
HALL AVENUE TO ORCHARD AVENUE**



**PROPOSED ALLEY IMPROVEMENT
22ND STREET TO LINDA LANE
ORCHARD AVENUE TO WALNUT AVENUE**



**PROPOSED ALLEY IMPROVEMENT
21ST STREET TO 22ND STREET
WALNUT AVENUE TO BOOKCLIFF AVENUE**



Resolution No. _____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-06
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property 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 an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements 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 property included within said District; and

WHEREAS, on the 16th day of November, 2005, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-06, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said District was duly published.

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 a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

The South 50 feet of Lots 1 through 5, inclusive, Lots 6 through 27 inclusive, and the North 75 feet of Lots 28 through 32, inclusive, Block 16, City of Grand Junction; and also,
Lots 1 through 32, inclusive, Block 109, City of Grand Junction; and also,
Lots 1 through 32, inclusive, Block 110, City of Grand Junction; and also,
Lots 1 through 16, inclusive, Block 3, Mesa Gardens Subdivision; and also,
Lots 1 through 9, inclusive, Block 1, Elmwood Plaza Refiling and the East 35.1 feet of Lot 9, Block 1, North Sunnyvale Acres; and also,
Lots 1 through 10, inclusive, Block 3, Subdivision Del Rey Replat; and also,
Lots 3 through 9, inclusive, Block 1, Linda Lane Subdivision, Amended; and also,
Beginning at the Southwest Corner of Lot 1, Block 1 Linda Lane Subdivision, Amended, thence North 170 feet; thence east 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15 feet to the point of Beginning; and also,
The west 60 feet of Lot 1 and Lots 2 through 9, inclusive, Block 1, Subdivision Del Rey Replat; and also, Lots 20 through 29, inclusive, Sungold Park Annex.
All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and 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, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("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.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit

which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted (“home occupation”) which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the 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. The 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 eight 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.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the 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.

PASSED and **ADOPTED** this ____ day of _____,
2006.

President of the Council

Attest:

City Clerk

Attach 14

Public Hearing – Amending the PD Zoning for Redlands Mesa, Filing 6

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	Amending the PD Zoning for Redlands Mesa, Filing 6					
Meeting Date	January 4, 2006					
Date Prepared	December 20, 2005			File #FP-2005-032		
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	Applicant
	Workshop	X	Formal Agenda		Consent	x Individual Consideration

Summary: Hold a public hearing and consider final passage of an ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the proposed Zoning Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- Vicinity Map/Aerial Photo
- Growth Plan Map/Zoning Map
- Redlands Mesa, Filing 6 Final Plat/Plan Ordinance

AGENDA TOPIC: FP-2005-032 Amending the PD Zoning for Redlands Mesa, Filing 6

ACTION REQUESTED: Hold a public hearing and consider final passage of the proposed Zoning Ordinance.

BACKGROUND INFORMATION					
Location:		Monument Road and Mariposa Road			
Applicants:		RC Investment, LLC – Ron Austin Thompson-Langford Corp.—Doug Thies			
Existing Land Use:		Undeveloped			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Single Family Residential			
	South	Undeveloped			
	East	Golf Course			
	West	Open Space			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD			
	South	PD			
	East	PD			
	West	PD			
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/AC)			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: Hold a public hearing and consider final passage of an ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

NOTE: The Redlands Mesa development was originally approved under the 1997 Zoning and Development Code, and continues to be reviewed for conformance with the 1997 Code and the approved Outline Development Plan. The City Council will only be acting on the amended Planned Development ordinance, and not the specifics of the Preliminary/Final Plan. The information specific to the Preliminary/Final Plan is provided for your information so you can better understand the amended ordinance.

1. Background

Background: The Redlands Mesa project has an approved ODP (Outline Development Plan) and design density for 526 residential units and 20,000 s.f. of office on 175.69 acres, 145.25 acres of open space and 160.89 acres for the golf course and club house. The total acreage for the development is 494.08. Phases I through IV of the development have been approved and almost all constructed. Phase I consists of 118 single family homes, the golf course, clubhouse and maintenance facility. With the first filing of Phase I the golf course was created and 85 acres of open space was dedicated to the City of Grand Junction. Phase II includes parcels 9, 10A, 10B and 11 from the original ODP and consists of 67 residential lots. Phase III of Redlands Mesa includes the development of parcels 12A, 12B, 13A and 13B for a total of 61 lots. Phase IV of Redlands Mesa includes the development of parcels 16 and 17 as depicted on the approved Outline Development Plan for Redlands Mesa and consists of 25 single family lots.

The proposed filing 6 is a revision to the Preliminary Plan for Parcel 9, which was included in Phase II. The Preliminary Plan for Phase II was approved for 12 lots on Parcel 9. The proposed revised Preliminary/Final Plan consists of 6 residential lots. In addition to the principle structure, the developer is proposing that each lot be allowed an accessory dwelling unit.

The conditions of approval of the ODP are as follows (those conditions of approval that are specifically relevant to the review of Filing 6 are in bold):

- 1. The ODP and design density establishes maximum number of units. However, due to constraints on the property it is unlikely that those maximum numbers will be achieved. The design density does not constitute a commitment to approve subsequent submittals. The specific density shall be established at the time of approval of a Preliminary Plan.**
2. The rough grading of Mariposa Drive to Monument Road will be in place with the first phase of development for emergency access and for the use of construction traffic. The improvements will include an all-weather

surface meeting all structural and horizontal and vertical alignment requirements set forth in the City's engineering and fire protection standards.

3. The completion of Mariposa Drive will be required when the average daily traffic (ADT) generated from the Redlands Mesa Project exceeds that generated by the golf course and 187 homes (2,353 ADT), or when the ADT on Ridges Boulevard exceeds 8,000, whichever occurs first. At the time of platting of the filing that triggers the requirement for the completion of Mariposa, the improvements must be in place or a Development Improvements Agreement and Guarantee executed.
4. The extension of Ridges Boulevard and Mariposa Drive will meet all City standards, but a 10' wide, concrete, detached path on one side of the streets will be allowed rather than attached sidewalks on both sides. The street connection through parcel 5 will match the Rana Road street section through Cobblestone Ridges.
5. Path connections between housing pods must be improved to City standards, unless at the preliminary design it can be shown that an improved trail is impractical.
6. The unimproved single track trail section will be provided along the rim above Monument Road, including through parcels 7 and 9 unless, at the preliminary plan stage, the applicant can show that location to be not feasible.
7. A trail section must be provided as an east-west connection to the Dynamic property to the northwest. The trail alignment and improvement requirements will be determined at the Preliminary Plan stage.
8. A looped water line will be required to serve the Redlands Mesa project. Prior to submitting for Preliminary Plan review the applicant must have any necessary easements in place or written agreements for the easements executed. In addition, necessary approvals and agreements to provide the looped water line must be in place with Ute Water and the City prior to submittal of the preliminary plan.
- 9. The design of lots on parcels 9, 11, 13B, 14 and 17 will be reviewed at the Preliminary Plan stage for ridgeline development issues.**
- 10. Through the Preliminary Plan process areas of "no-disturbance" must be identified to preserve many of the significant natural features.**
- 11. Those areas designated as open space should be left as undisturbed. If disturbance is necessary, a plan for revegetation will be required. The open space areas shall not be used for the stockpiling of dirt and other materials.**
12. The cul-de-sac accessing the proposed parcel 2 will be allowed to exceed the 1000' maximum City standard provided the applicant does one of the following: 1) provide secondary access, 2) widen the street section to a minimum width of 34', or 3) provide residential fire sprinkler systems.
- 13. Unless otherwise stated, the project must meet all City code requirements for all future submittals.**

The proposed Redlands Mesa, Filing 6 Preliminary/Final Plan is consistent with the ODP approval.

Traffic Circulation

Access to all the proposed lots will be directly from West Ridges Boulevard, which is already constructed. The completion of Mariposa Drive was required with the platting of filing 5 in Phase III and is currently under construction and guaranteed through a Development Improvement Agreement.

Trails and Open Space

With the platting of the first filing of Redlands Mesa, over 80 acres of open space was deeded to the City for public access. Included in that open space, and other areas of the development, were designated single-track trails to continue the historic use of the property for pedestrians and bicyclists. In addition to the single-track trails system, the detached, improved pathway along West Ridges Boulevard, High Desert Road, and eventually, Mariposa Drive, will provide additional trail access through the development.

Drainage and Utilities

Drainage is being accommodated through storm drain systems and natural swales to various detention facilities in the development.

To address the need for adequate water pressure for domestic use and fire flow, a pump station was required for the development.

The undeveloped portion of West Ridges Boulevard must be maintained for emergency access.

Prior phases of Redlands Mesa have utilized irrigation water from the Ridges irrigation system for the landscaped open space and right-of-way strips. As the operators of the irrigation system, the City utility department has indicated that irrigation water will not be available for these lots due to inadequate line size feeding the area.

Lot Configuration and Design

Because of the location of the lots in relation to the ridgeline along Monument Road, specific building envelopes have been identified for each lot to minimize the visual impact from Monument Road and South Camp Road. In addition, the site plan establishes a maximum structure height for each lot, some of which vary within various parts of the lots. Setbacks also vary on some lots to provide areas of no-disturbance for rock outcrops and drainages.

A major issue identified in the ODP was the view of ridgeline lots, including parcel 9. Policy 20.7 of the Growth Plan states: "The City will limit development on steep slopes, ridgelines and hilltops to promote public safety

and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument". One of the conditions of approval of the ODP for Redlands Mesa was that the design of parcel 9 would be reviewed at the Preliminary Plan stage for ridgeline issues. The prior Preliminary Plan approval for Phase II, which included Parcel 9, stated that lots would not be approved unless at Final Plan the applicant shows specific mitigation to minimize the visual impacts from Monument Road. Design considerations may include, but are not limited to, overhangs, shadows, roof pitch, colors to blend in with the natural surroundings, structure height, alternative construction techniques, natural landscaping buffers and setbacks.

The applicant provided a Ridgeline Analysis for the proposed lots on what was shown as parcel 9 in the ODP (see attached analysis). In addition to increased setbacks and limiting building heights, the following mitigation techniques are proposed:

Building Height

1. All structures within the primary building envelope shall be no higher than the maximum building elevation noted on the site plan. That height shall be 26' above the center lot elevation, with the exception of lot 1 and 6, which shall be 32'
2. All structures or portions of structures within the secondary building envelope shall be no higher than the elevation shown on the plan. That height shall be 18' above the center lot elevation.

Building Massing

1. Homes shall start low at the edges and mass towards the center.
2. Wall elevations shall be broken with changes in materials, plane, and fenestration.

Roofs

1. Roof pitch shall be a minimum of 3:12 and maximum of 6:12 with consistent pitches.
2. The minimum roof overhang shall be 24"
3. Hipped roof forms are encouraged.
4. Covered entries, porches and arcades, at human scale, are encouraged.

Exterior Materials and Colors

1. Natural building materials with strong textures shall be required.

2. Enriched, darker earth-tone colors are required.

A visual depiction of the residence relative to the ridgeline will be required for review.

Developable areas based on slopes, vegetation and rock outcroppings, were identified through the ODP process. Specific lot layout and design must also be sensitive to those opportunities and constraints. The developer has designed around significant features as much as possible. The developer has also committed to minimizing site disturbance and cut and fill and much as possible with the final grading plan.

2. Consistency with the Growth Plan

The following policies in the Growth Plan must be considered in the review of this project:

Policy 1.12: The City will require that provisions be made for on-going maintenance of open space areas by an appropriate public or private entity.

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Policy 23.8: The City will require vehicular, bike and pedestrian connections between adjacent projects when such connections improve traffic flow and safety.

The Future Land Use Map designates this area as Residential Medium Low, 2 to 4 units per acre. The overall density of Redlands Mesa is at the low end of the density range, with the exclusion of the golf course, open space and undevelopable land.

The Redlands Mesa Plan is consistent with the goals and policies of the Growth Plan.

In addition to the Growth Plan, the Amended Final Plan for the Ridges, adopted by the City in 1994, also has the following general development standards for the Ridges:

- A. Site planning and design shall preserve, to the maximum extent possible, the existing natural features that enhance the attractiveness of the area and shall blend harmoniously with all uses and structures contained within the surrounding area.*
- B. Land which is unsuitable for development because of geologic constraints shall be preserved in its natural state. This shall include drainageways, steep terrain (slopes in excess of 30%) and rock outcroppings to be identified and mapped by the developer. Areas of "no disturbance" shall be identified around all proposed building sites as applicable.*
- C. Existing trails, whether or not improved or legally dedicated, within the platted and unplatted Ridges shall be preserved, improved and enhanced with future development. For the portion of the Ridges not already platted, each development shall integrate with an overall plan that serves to link existing trails with both new trails and trails which serve other areas.*
- D. All structures shall be setback a minimum of 20' from all bluff lines (to be identified and mapped by the developer) to maintain visual corridors within the Ridges. For ravines, drainages and washes which are defined by a distinct "rim" or "rimrock", structures shall be set back far enough that a person 6 feet tall cannot see any portion of a structure while standing in the thread of the stream bed.*

- E. All development in the Ridges, notwithstanding zoning potential or other approvals, will be limited by geologic and transportation system constraints, as well as other infrastructure constraints.*

The overall plan for Redlands Mesa is consistent with the Amended Plan for the Ridges.

3. Zoning and Development Code

Because this project was initiated under the previous Zoning and Development Code (Code), it will continue to be reviewed under the old Code. The Preliminary is subject to section 6-7 and 7-5-4 of the Code. Section 6-7-3 states Preliminary Plans shall:

- A. Conform to adopted plans and policies;*
- B. Be compatible with the future development of adjacent properties under the “then existing” zoning;*
- C. Provide for functional arrangement of lot sizes for compliance with zoning;*
- D. Provide correct naming of streets;*
- E. Conform to the design standards in the SSID Manual and other applicable development standards; and*
- F. Provide basic engineering solutions of all major physical site problems, i.e. drainage.*

Section 7-5-4 state: “A Preliminary Plan constitutes a major step in the review process. The submittal shall be detailed enough to answer the question, ‘Should this use, designed in this particular manner, be constructed on this site?’ The accepted ‘design’ density indicated in the Outline Development Plan approval cannot be presumed as a matter of right from the PD zoning designation, but shall be justified at the preliminary stage through site and structure design.”

The review of the Preliminary Plan will include traffic circulation, trails and open space, drainage, utility provision and lot configuration and design.

In addition, the Final Plat and Plan is subject to section 6-8 and 7-5-5 of the previous Zoning and Development Code. The final plat and plan review is for conformance with the approved Preliminary Plan. The Redlands Mesa, Filing 6 conforms to the relevant sections of the 1997 Zoning and Development Code.

The Redlands Mesa Filing 6 Preliminary/Final Plan conforms with the Outline Development Plan approval and to the relevant sections of the 1997 Zoning and Development Code.

Because only a design density was approved with the original zoning ordinance for the Redlands Mesa ODP, an amended ordinance is required with each Preliminary Plan to specify uses and final density. The applicant is proposing that the allowed uses be one principal single family residence per lot and one caretaker unit for each lot. The standards that will apply to the caretaker unit are as follows:

Each of lots 1,2,3,4,5 and 6 shall have the right, in addition to normal accessory structures, such as garages, to have one Accessory Dwelling Unit (ADU), attached or detached, which may have a full kitchen facility. The Accessory Dwelling Unit may not exceed 30% of the living space area of the primary dwelling unit, and must comply with all bulk standards, ridgeline and height restrictions, Redlands Mesa Design Guidelines, Conditions, Covenants and Restrictions and any other restriction applicable to the building site for each lot.

The design and location of the ADU shall be subordinate to the Principal Dwelling Unit. One off-street parking space shall be required.

The developer will also restrict the use of the unit as a caretaker employee unit for the primary dwelling, or as a guest house, but may not be rented to a non-employee of the primary dwelling. That restriction will be enforced by the developer/HOA, not the City.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa, Filing 6 application, PFP-2005-032, for an amended zoning ordinance and Preliminary/Final Development Plan/Plat, staff makes the following findings of fact and conclusions:

7. The requested amended zoning ordinance and Preliminary Development Plan is consistent with the Growth Plan and the Amended Plan for the Ridges.
8. The review criteria in Section 6-7, 6-8 and 7-5 of the 1997 Zoning and Development Code have all been met.
9. The Preliminary/Final Plan/Plat for Redlands Mesa, Filing 6 is consistent with the design density and ODP approval.

STAFF RECOMMENDATION:

Staff recommends approval of the amended PD zoning ordinance.

PLANNING COMMISSION RECOMMENDATION:

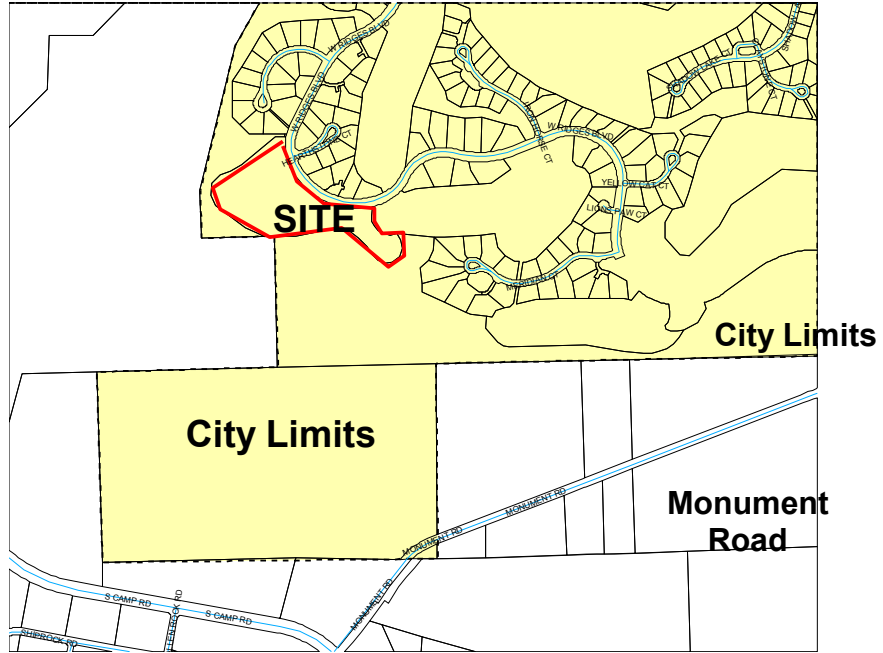
At their December 13, 2005 hearing, the Planning Commission recommended approval of the amended PD ordinance for Redlands Mesa, Filing 6. The Planning Commission also approved the Preliminary/Final Plan and Plat.

Attachments:

Vicinity Map/Aerial Photo
Growth Plan Map/Zoning Map
Redlands Mesa, Filing 6 Final Plat/Plan
Ordinance

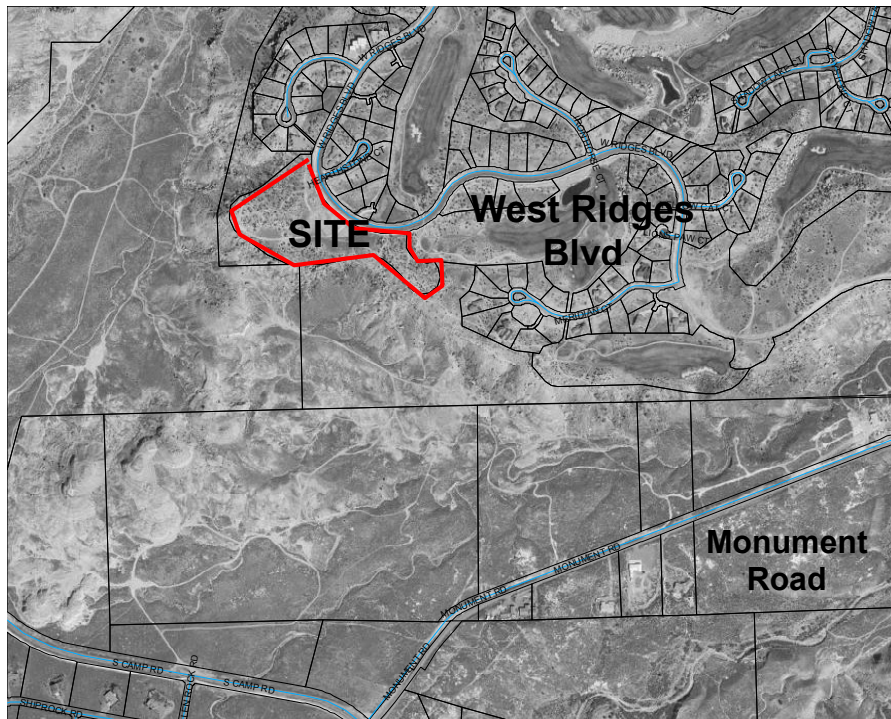
Site Location Map

Figure 1



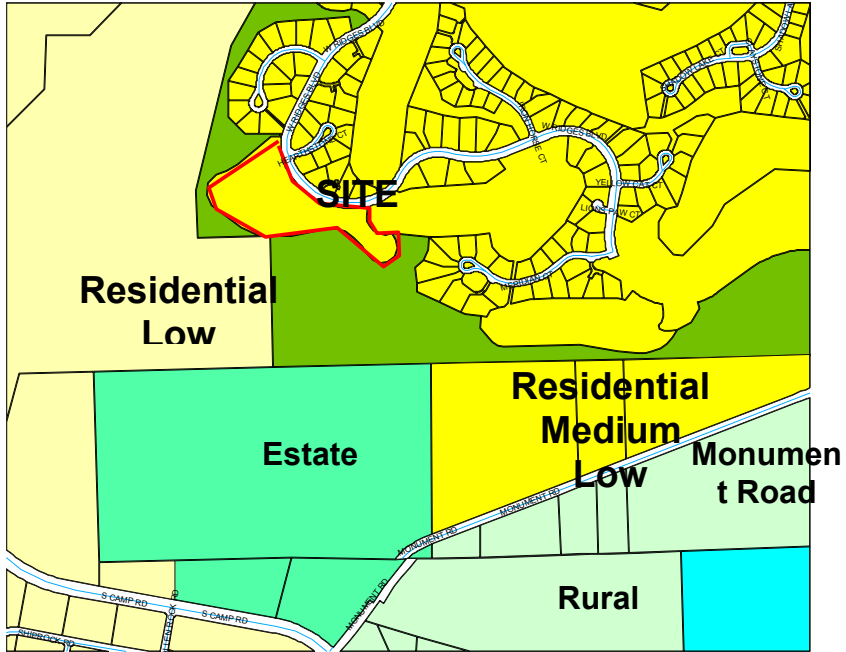
Aerial Photo Map

Figure 2



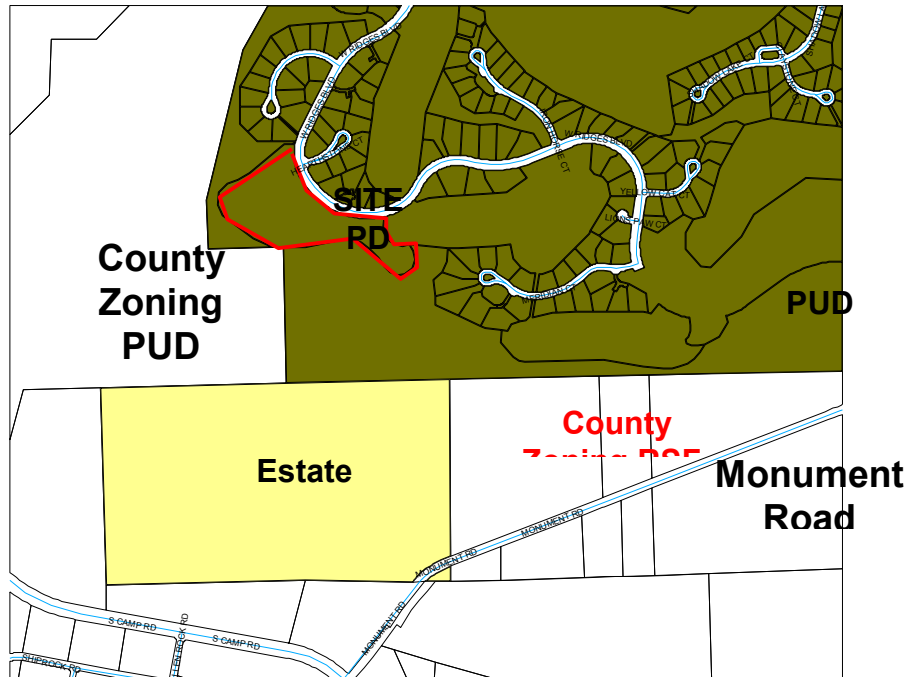
Future Land Use Map

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."

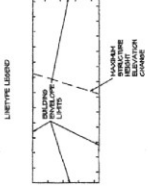
REDLANDS MESA FLING 6

BUILDING SETBACK TABLE

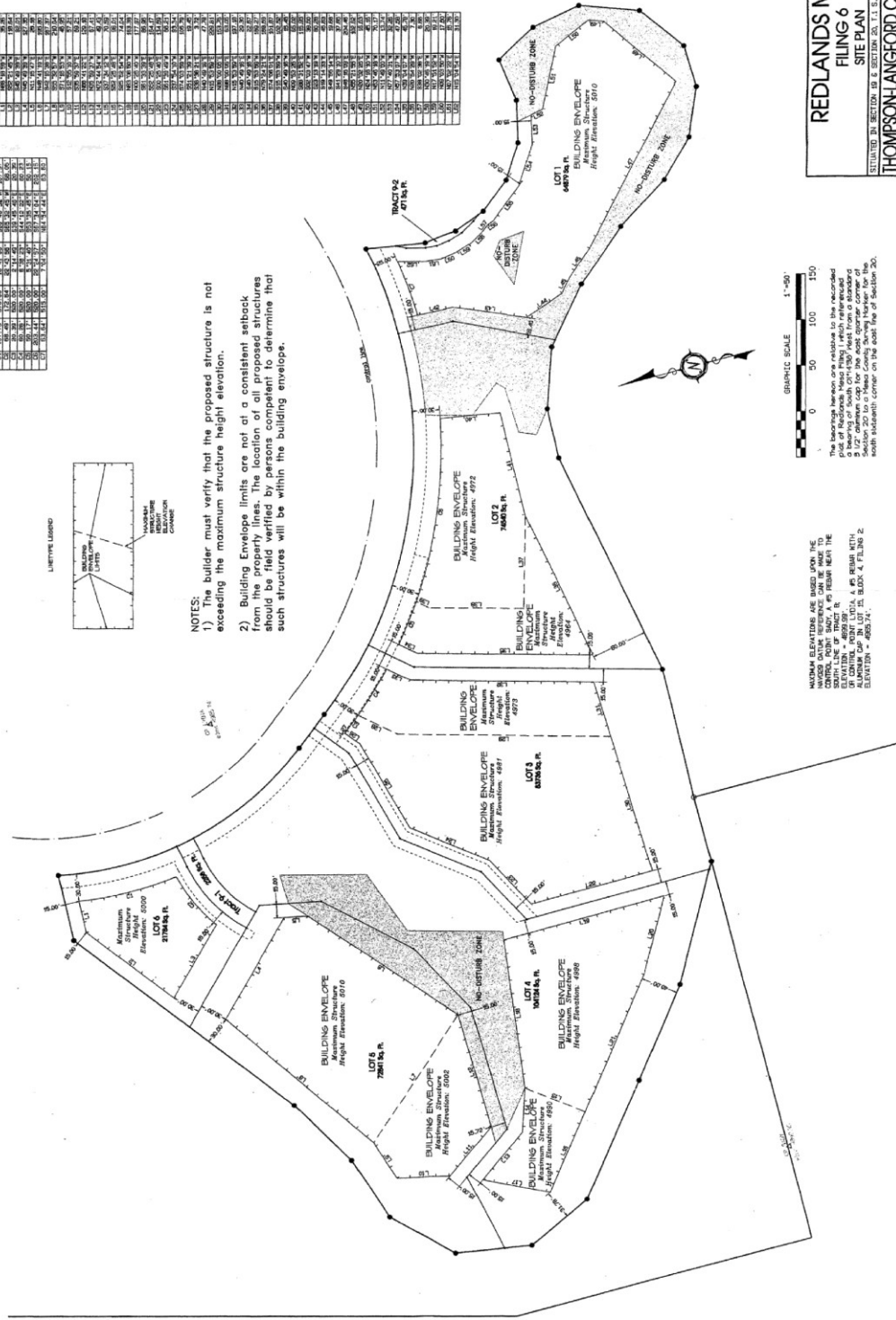
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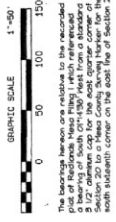
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- NOTES:**
- 1) The builder must verify that the proposed structure is not exceeding the maximum structure height elevation.
 - 2) Building Envelope limits are not at a consistent setback from the property lines. The location of all proposed structures should be field verified by persons competent to determine that such structures will be within the building envelope.



MAXIMUM ELEVATIONS ARE BASED UPON THE CONTROL POINT SHOWN AS BEARING NEAR THE ELEVATION = 4825.00'. ALL OTHER SETBACK ALTIMETER CAP IN LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. ELEVATION = 4825.00'.



REDLANDS MESA
FLING 6
SITE PLAN

SITUATED IN SECTION 28 & SECTION 29, T.15 S., R.1 E., N. 1/4 NE 1/4
THOMPSON LANGFORD CORPORATION
 5929 26 1/2 ROAD, B-210
 Grand Junction CO 81505
 970.243.0477
 tlc@tfcwest.com

Sheet: 1 of 1

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE ZONING LAND LOCATED SOUTH AND WEST OF THE RIDGES
KNOWN AS REDLANDS MESA, FILING 6

Recitals:

The proposed Redlands Mesa development received Design Density and Outline Development Plan approval by the Planning Commission and the City Council. The Preliminary Plan for Filing 6 of the development has been submitted and reviewed by the Planning Commission. Filing 6 includes 6 residential lots. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the land described below is hereby zoned PD (Planned Development) with the allowed uses being a maximum of 6 single-family homes and the allowance for each lot to have an Accessory Dwelling Unit subject to the provisions of the approved Preliminary/Final Plan.

Legal Description: Block 3 Redlands Mesa Filing 2, according to the Final Plat thereof recorded May 16, 2001 at Reception No. 1996348 in the Office of the Clerk and Recorder of Mesa County, Colorado.

INTRODUCED for FIRST READING and PUBLICATION this 21st day of December, 2005.

PASSED on SECOND READING this ____ day of _____, 2006.

ATTEST:

City Clerk

President of City Council

Attach 15Purchase 20% of VanGundy Property Located at 902-1110 S. 5th St.**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Purchase of a 20% interest in property located at 902 – 1110 S. 5 th Street for the Riverside Parkway project					
Meeting Date	January 4, 2006					
Date Prepared	December 28, 2005				File #	
Author	Jim Shanks			Riverside Pkwy Program Manager		
Presenter Name	Mark Relph			Public Works & Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered into a contract to purchase a 20% interest in property located at 902-1110 S. 5th Street owned by the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee, for right-of-way for Riverside Parkway.

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

Project Right-of-Way Budget	\$19,554,715
Project Right-of-Way Related Expenses to Date:	\$15,009,889
Costs Related to this Property Purchase:	
Purchase Price (20% interest)	\$462,000
Moving Costs	\$3,500
Closing Costs	\$500
Total Costs Related to This Request	\$466,000
Other Acquisitions Approved but not Closed	\$1,871,350
Project Remaining Right-of-Way Funds	\$2,207,476
Estimated Cost to Complete Right-of-Way Acquisition	\$2,023,150
Total Project Budget	\$96,022,096
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	\$55,254,337
Total Estimated Project Costs	\$96,022,096

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of a 20% interest in the property located at 902 - 1110 S. 5th Street from the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee, for Riverside Parkway.

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. Expenditure of the authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The subject property includes the following:

Project Parcel	Assessor Number	Address	Zoned	Current use	Lot Size	ROW Reqd (Sq Ft)	Remnant Property
E-19	2945-232-00-069	None	C-2	Salvage Recycling	7122	2137	4985
E-20	2945-232-02-001	902 South 5th	C-2	Salvage Recycling	8,443	8,443	0
E-21	2945-232-02-002	912 South 5th	C-2	Salvage Recycling	5,958	5,958	0
E-22	2945-232-02-003	914 South 5th	C-2	Salvage Recycling	4,372	4,372	0
E-23	2945-232-02-010	None	C-2	Salvage Recycling	5,216	5,216	0
E-24	2945-232-02-037	None	C-2	Salvage Recycling	5,042	5,042	0
E-25	2945-232-02-012	926 South 5th	C-2	Salvage Recycling	5,067	5,067	0
E-27	2945-232-02-017	None	C-2	Salvage Recycling	3,830	3,830	0
E-28	2945-232-02-018	None	C-2	Salvage Recycling	5,848	5,848	0
E-29	2945-232-02-035	1018 South 5th	C-2	Salvage Recycling	15,457	15,457	0
E-30	2945-232-02-019	1028 South 5th	C-2	Salvage Recycling	2,711	2,711	0
E-32	2945-232-02-022	1110 South 5th	C-2	Salvage Recycling	5,299	5,299	0
E-35	2945-232-02-005	1018 South 5th	C-2	Salvage Recycling	10,048	0	10,048
E-36	2945-232-02-004	None	C-2	Salvage Recycling	4,802	2,828	1,974
E-37	2945-232-02-006	None	C-2	Salvage Recycling	16,302	500	15,802
E-38	2945-232-02-009	None	C-2	Salvage Recycling	5,195	5,195	0
E-39	2945-232-02-008	None	C-2	Salvage Recycling	5,396	4,810	586
E-39.5	2945-232-02-038	None	C-2	Salvage Recycling	33,026	1,040	31,986
E-40	2945-232-02-036	1018 South 5th	C-2	Salvage Recycling	41,091	41,091	0
E-41	2945-232-02-014	None	C-2	Salvage Recycling	20,759	17,477	3,282
E-42	2945-232-02-033	None	C-2	Salvage Recycling	7,092	7,092	0
E-43	2945-232-02-030	None	C-2	Salvage Recycling	8,814	8,814	0
		Total square footage			226,890	158,227	68,663
		Total acreage			5.21	3.63	1.58

The City previously purchased an 80% interest in the subject properties from Dean H. VanGundy for \$1,735,504.

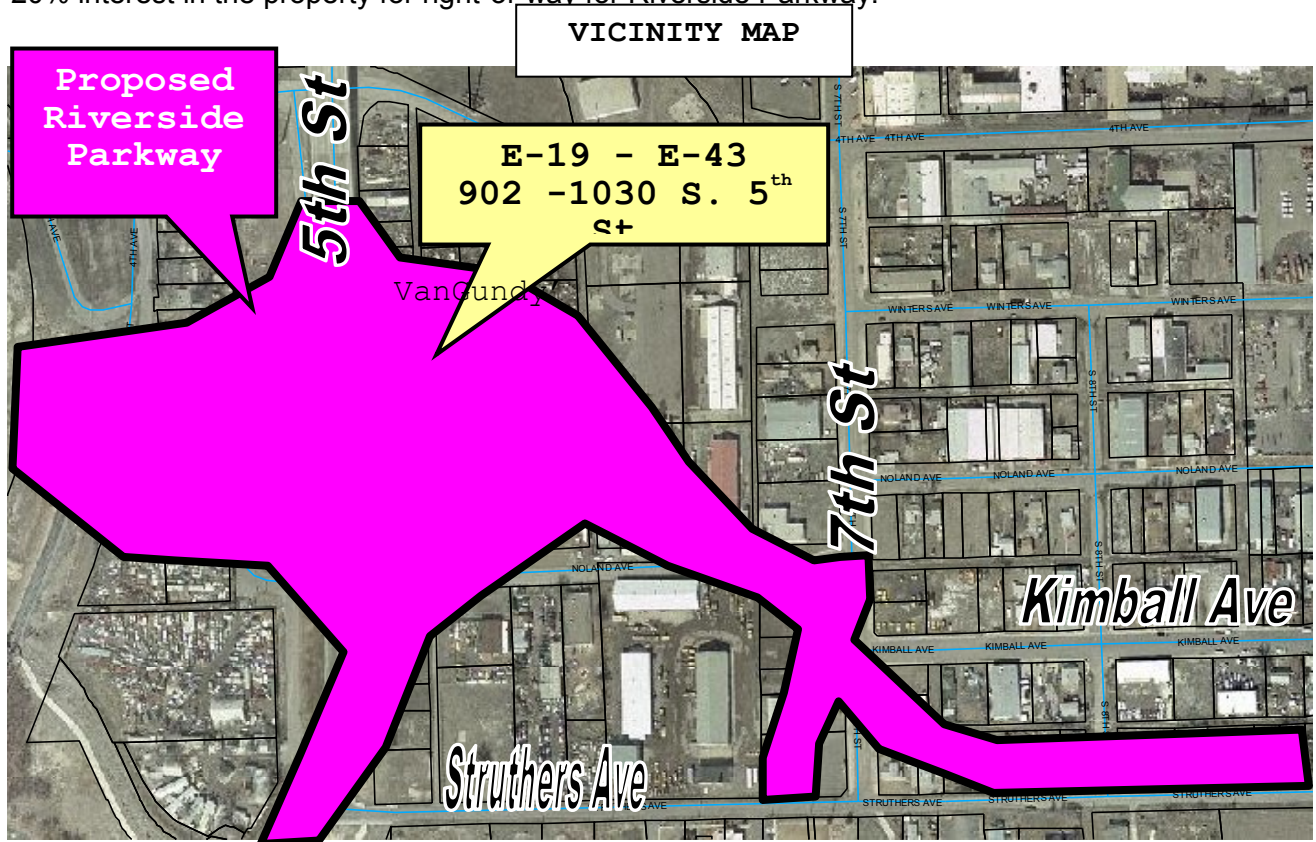
A Phase I Environmental Audit has been completed in anticipation of the purchase and four Phase II surface and sub-surface samples were analyzed. Additional Phase II sampling will occur as the property is cleared.

It is the City's standard practice to complete an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. There were 3 appraisals performed on these properties. The City's appraisal was \$1,380,000, Eldon VanGundy's appraisal was \$1,700,000 and Dean VanGundy's appraisal was \$2,205,000. The appraisals were completed in October 2004 & January 2005. As a part of the purchase negotiations, the appraisals were updated by the City for inflation. An inflation rate of 10% per year for commercial/industrial property was used by the City's appraiser.

The City's appraisal failed to assign a value to several items including the existing rail spur, water & sewer taps, the perimeter alarm system and the existing business sign. The owner also claimed value in his existing use rights. That value was not reflected in the appraised amounts. The purchase price for the entire property is \$2,169,380 (\$2,197,504 if this purchase is approved.)

The City has offered the Eldon VanGundy trust \$433,876 to purchase a 20% interest in the property. The Trust made a counter-offer of \$485,615 based on their assertion that the property should have been appraised as numerous small lots. They subsequently reduced their counter-proposal to \$472,703. In an effort to settle without going to court, the City offered to settle for \$450,000. That offer was declined by the Trust. On December 7 the City Council authorized condemnation proceedings to begin to acquire this property. The City and the property owner have agreed to a settlement in the amount of \$462,000.

Staff recommends that the City Council approve the Resolution authorizing the purchase of a 20% interest in the property for right-of-way for Riverside Parkway.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY AT 902 –
1110 S. 5TH STREET FROM THE ELDON K. VANGUNDY IRREVOCABLE TRUST,
QUINTON VANGUNDY, TRUSTEE**

Recitals.

A. The City of Grand Junction has entered into a contract with the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee, for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway.

Project Parcel	Assessor Number	Address	Zoned	Current use	Lot Size	ROW Reqd (Sq Ft)	Remnant Property	
E-19	2945-232-00-069	None	C-2	Salvage Recycling	7122	2137	4985	
E-20	2945-232-02-001	902 South 5th	C-2	Salvage Recycling	8,443	8,443	0	
E-21	2945-232-02-002	912 South 5th	C-2	Salvage Recycling	5,958	5,958	0	
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E-23	2945-232-02-010	None	C-2	Salvage Recycling	5,216	5,216	0	
E-24	2945-232-02-037	None	C-2	Salvage Recycling	5,042	5,042	0	
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E-27	2945-232-02-017	None	C-2	Salvage Recycling	3,830	3,830	0	
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E-38	2945-232-02-009	None	C-2	Salvage Recycling	5,195	5,195	0	
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E-39.5	2945-232-02-038	None	C-2	Salvage Recycling	33,026	1,040	31,986	
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E-42	2945-232-02-033	None	C-2	Salvage Recycling	7,092	7,092	0	
E-43	2945-232-02-030	None	C-2	Salvage Recycling	8,814	8,814	0	
		Total square footage				226,890	158,227	68,663
		Total acreage				5.21	3.63	1.58

B. The purchase contract provides that on or before January 31, 2006, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase portions of the property at 902 – 1110 S. 5th Street.

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 \$462,000. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$462,000 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this _____ day of January, 2006.

Attest:

President of the Council

City Clerk