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

WEDNESDAY, FEBRUARY 1, 2006, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation – Howard Hays, First Church of the Nazarene

PRESENTATION OF CERTIFICATES OF APPOINTMENT

PLANNING COMMISSION/ZONING BOARD OF APPEALS

APPOINTMENTS

TO THE COMMISSION ON ARTS AND CULTURE

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the January 16, 2006 Additional Workshop, the Summary of the January 16, 2006 Workshop and the Minutes of the January 16, 2006 Special Session, the Minutes of the January 18, 2006 Special Session, and the Minutes of the January 18, 2006 Regular Meeting

2. **Setting a Hearing for the Bellhouse Annexation, Located at 2381 South San Miguel Drive** [File #ANX-2005-264] [Attach 2](#)

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

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

Resolution No. 08-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Bellhouse Annexation, Located at 2381 South San Miguel Drive and Including portions of the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

®Action: *Adopt Resolution No. 08-06*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #1, Approximately 0.10 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #2, Approximately 0.16 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #3, Approximately 1.71 Acres, Located within the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #4, Approximately 1.37 Acres, Located at 2381 South San Miguel Drive and Including Portions of South San Miguel Drive

Action: *Introduction of Proposed Ordinances and Set a Hearing for March 15, 2006*

Staff presentation: Lori V. Bowers, Senior Planner

3. **Setting a Hearing for the Right-of-Way Vacation for Swan Lane** [File #PP-2005-145] [Attach 3](#)

Introduction of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley Subdivision, and set a public hearing for February 15, 2006.

Proposed Ordinance Vacating Undeveloped Right-of-Way Along Swan Lane

Action: Introduction of Proposed Ordinances and Set a Hearing for February 15, 2006

Staff presentation: Lori V. Bowers, Senior Planner

4. **Setting a Hearing for the Vacation of a 20' East/West Alley, Located at 411 West Main Street** [File #VR-2005-012] [Attach 4](#)

The petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision in anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five (5) properties into four (4) residential lots. Three (3) of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Proposed Ordinance Vacating a 20' Wide Alley Right-of-Way Located East of Chuluota Avenue and Crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision Known as 411 W. Main Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

Staff presentation: Scott D. Peterson, Senior Planner

5. **Setting a Hearing for the Autumn Glenn II Annexation, Located at 428 30 Road** [File # ANX-2005-303] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.08 acre Autumn Glenn II Annexation consists of 1 parcel.

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

Resolution No. 11-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Autumn Glenn II Annexation, Located at 428 30 Road

®Action: *Adopt Resolution No. 11-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Autumn Glenn II Annexation, Approximately 6.08 Acres, Located at 428 30 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for March 15, 2006*

Staff presentation: Lisa E. Cox, Senior Planner

6. **Setting a Hearing on Future Land Use Designation and Zoning for the West Main Parking Lot** [File #RZ-2005-265] [Attach 6](#)

The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel. The resolution for the Growth Plan designation will be considered at second reading of the zoning ordinance.

Proposed Ordinance Zoning the Property at 820 West Main Street Community Services and Recreation (CSR)

Action: *Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006*

Staff presentation: Kristen Ashbeck, Senior Planner

7. **Grant Application for Colorado Safe Routes to School Program** [Attach 8](#)

This is a request that the City Council authorize the application of a grant for \$250,000 from the Colorado Safe Routes to School for the installation of pedestrian routes for the Nisley Elementary School area. The requested funding will allow the project to be completed by June 1, 2008.

Action: Authorize the Application for a Grant in the Amount of \$250,000 with the Colorado Safe Routes to School

Staff presentation: Trent Prall, Engineering Manager

8. **Setting a Hearing for Amending the Contractors Insurance Requirement** [Attach 9](#)

A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Proposed Ordinance Amending Chapter 10, Businesses, Article IV, Contractors, of the City of Grand Junction Code of Ordinances, Specifically Section 10-87, Duties of Building Official; Requirements for Issuance of License

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

Staff presentation: John Shaver, City Attorney

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

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

9. **Purchase of Chevy Silverado 1500 Pick-ups** [Attach 7](#)

This purchase is for a total of eleven (11) 2006 Chevy Silverado 1500 pickups. Nine (9) of these pickups are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee. Two (2) units are new 2006 additions to the Fleet; one for Fire Code Enforcement and the other for the Public Works Development Inspector.

Action: Authorize the City Purchasing Manager to Purchase Eleven (11) Chevy Silverado 1500 Pickup Trucks from Dallenbach Chevrolet for the Amount of \$168,481.00

Staff presentation: Ronald Watkins, Purchasing Manager

10. **Construction Contract for Appleton #3 Sewer Improvement District** [Attach 10](#)

The Appleton #3 Sewer Improvement District project consists of septic system elimination by installing a 6" sanitary sewer line along 23 7/10 Road south of H Road.

Action: Authorize the City Manager to Execute a Construction Contract for the Appleton #3 Sewer Improvement District with M.A. Concrete Construction in the Amount of \$48,860.60. Award is to be contingent on the formation of the District by the Mesa County Board of County Commissioners.

Staff presentation: Trent Prall, Engineering Manager

11. **Public Hearing - Action Plan for 2004 Program Year Community Development Block Grant (CDBG) Program and Subrecipient Contract with the Grand Junction Housing Authority** [File #CDBG-2004-08, 2004-08(b), 2004-08(c) and 2004-14] [Attach 11](#)

Hold a public hearing to amend the City's 2004 Action Plan for the Community Development Block Grant (CDBG) 2004 Program Year to:

1. Utilize a portion of the funds earmarked for the 2004 neighborhood program for the Next Step Housing Program;
2. Utilize a portion of the funds earmarked for the 2004 neighborhood program to construct an addition to the City Senior Recreation Center; and
3. Utilize any remaining balance in the Senior Recreation Center architectural services project towards the construction of the addition.

If the amendment for the Housing Program is approved as stated above, the Subrecipient Contract will formalize the City's award of \$26,850 to the Grand Junction Housing Authority (GJHA) for administration of the Next Step Housing Program. These funds are to be allocated from the City's 2004 CDBG Neighborhood Program funds.

Action: 1) Approve the Amendments to the City's CDBG 2004 Action Plan to Reflect the Revisions Summarized Above; 2) Authorize the City Manager to Sign the Subrecipient Contract with GJHA.

Staff presentation: David Thornton, Principal Planner

12. **Public Hearing – Zoning the Ankarlo Annexation, Located at 385 31 5/8 Road** [File #ANX-2005-194] [Attach 12](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Ankarlo annexation RSF-4, located at 385 31 5/8 Road. The Ankarlo Annexation consists of 1 parcel on 10.31 acres and the zoning being requested is RSF-4.

Ordinance No. 3857 - An Ordinance Zoning the Ankarlo Annexation to RSF-4, Located at 385 31 5/8 Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3857

Staff presentation: Senta L. Costello, Associate Planner

13. **Public Hearing – Amendments to Chapter 16 of the Code of Ordinances
Regarding Weeds** [Attach 13](#)

As part of City Council's Strategic Plan and specifically Goal 17 of the Strategic Plan, and in response to dissatisfaction expressed in a citizen satisfaction survey, a team was formed to review and evaluate weed management issues. Part of Team 4's efforts included a review of Chapter 16, Article II of the Code of Ordinances, Junk, Rubbish and Weeds, to determine if changes to the current ordinance would help increase awareness of the ordinance, clarify responsibilities and thereby improve public satisfaction.

Ordinance No. 3864 - An Ordinance Amending Chapter 16, Article II, Junk, Rubbish and Weeds, of the Code of Ordinances, City of Grand Junction, Specifically Section 16-26, Definitions; Section 16-27, Duties of Property Owner and Lessee, Unlawful Accumulations, Inspections; Section 16-30, Notice to Abate; Cutting, Removal by City; Section 16-31, Assessing Costs; and Section 16-33, Collection of Assessments

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3864

Staff presentation: John Shaver, City Attorney

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

15. **OTHER BUSINESS**

16. **ADJOURNMENT**

Attach 1
Minutes

GRAND JUNCTION CITY COUNCIL
ADDITIONAL WORKSHOP SUMMARY

January 16, 2006

The City Council of the City of Grand Junction, Colorado met on Monday, January 16, 2006 at 11:36 a.m. at the Avalon Theatre, 645 Main Street, 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. City Staff present were City Manager Kelly Arnold, City Attorney John Shaver, Assistant City Manager David Varley, Parks and Recreation Director Joe Stevens, Two Rivers Convention Center Manager Tim Seeberg, Sales/Marketing Coordinator Angela Vallard, Communications and Community Relations Coordinator Sam Ranguet, and City Clerk Stephanie Tuin. Also present were Avalon Foundation board member Ed Lipton, Cinema at the Avalon board president Michael Saloga, Downtown Development Authority board member Harry Griff, several other Avalon Foundation board members, and Mike Wiggins from the Daily Sentinel.

Summary and action on the following topic:

1. **AVALON THEATRE:** Assistant City Manager David Varley led the continued discussion of the recent study on the Avalon Theatre and the Theatre's future success. He reviewed the background including the City's acquisition of the theatre, the subsequent renovation, the various management structures that have been tried, the challenges, and finally the study performed by Dr. Jerry Moorman that was presented to the City Council at a workshop. Currently, the City is managing the operations, the Cinema at the Avalon uses the facility regularly under an agreement which is now expired, the Foundation board has been raising funds for the needed renovations but would like more participation by the City and one of the recommendations from the study is a single person in charge of coordinating the events and managing the operations. Other issues include the proceeds from the concessions, the need for a major roof renovation to be able to handle the weight of more equipment, better communication between the boards involved, and the marketing for the events (possible involvement of the newly created Downtown Business Improvement District).

Action summary: Staff will bring forward in two weeks a proposal to form an advisory group consisting of representatives from each of the stakeholders (the City, the Cinema at the Avalon board, the Avalon

Foundation board, the Downtown Development Authority, other users such as Sandstone Entertainment) and three at-large members so that these issues can be discussed and recommendations made to the City Council. Once the proposal is accepted, the group will be formed within 1½ months and be given information as a basis for their discussions. They will look at all the options.

Adjourn

The meeting adjourned at 12:45 p.m.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
January 16, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, January 16, 2006 at 7:01 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 updated the City Council on the upcoming vacancy on the Commission on Arts and Culture and distributed the applications received. She asked the Council to schedule interviews for Tuesday, January 24th.

Action summary: The City Council agreed to schedule interviews for January 24th with Councilmembers Spehar, Doody and Beckstein volunteering for the interviews.

2. **CDBG Update:** Staff presented an update on the Community Development Block Grant Program, Active Projects, the 2006 five-year Consolidated Plan process, the five-year Analysis of Impediments to Fair Housing Study, and asked Council to consider a request to amend the 2005 Action Plan to include specific funding for the programs. Assistant to City Manager Sheryl Trent explained the general terms and time period for the CDBG program. Principal Planner David Thornton then addressed the Council and said currently the City is in the 2005 program year which started in September 2005. He discussed the first project, Habitat for Humanity for the Camelot Subdivision, where the funds have been carried forward. Mr. Thornton said there is also an older project, Duck Pond Park, where there are funds from the 2004 program and a program change is being requested. The 2001 Consolidated Five Year Plan will be completed this August. Mr. Thornton said the 2006 Five Year Plan will look at housing needs, homeless needs, special needs, youth needs, and economic needs. He said the Human Services providers play a major role in identifying these needs. The 2006 Plan will be more specific on performance measurements.

Council President Pro Tem Palmer asked that Council be provided information as to whether the City is making progress in meeting the needs of the community. Mr. Thornton said the schedule for the new Plan is an open house on March 16th and they will hold committee meetings, then public hearings in May and June. The study for the Plan, as required by HUD every five years, is underway and will be available in draft form on January 31st.

Assistant to City Manager Sheryl Trent explained that there is some funding left over from the neighborhood program and said staff is requesting amendments to the Plan for the Senior Recreation Center project and the Next Step Project. Ms. Trent said Staff is proposing a public hearing on these changes for the February 1, 2006 Council meeting.

The Senior Recreation Center project will include updating the kitchen and some remodeling to allow for other activities. The Senior Recreation Center is planning on putting \$40,000 of their money into the project.

The Next Step Housing project came out of the Housing Partnership and has proposed to provide funds to place those in need of housing on a temporary basis. Since the funding will be spent for personnel costs to administer the program, the funds that can be allocated are limited to \$26,850.

Lastly, as an update on the Duck Pond Park, funding was intended to be spent on a bridge and trail, and then combine it with a restroom project. Due to construction crunch, Staff wants to combine that project with a restroom project for Sherwood Park later this year.

Assistant to City Manager Sheryl Trent concluded by listing the requests.

Action summary: The City Council gave direction to staff to schedule the public hearing on the amendments for February 1, 2006 in order to consider the reallocation of the remaining CDBG funds (\$52,350) with \$26,850 to the Next Step Housing program and \$26,500 to the Senior Recreation Center construction project.

3. **BIRD FLU UPDATE:** Dr. Aduddell, Director of the Mesa County Health Department, presented the update. Dr. Aduddell described the differences between seasonal influenza, Avian influenza and pandemic influenza. There are three types: A, B and C. Type A infects birds and other animals and causes the pandemics. He discussed how the vaccines are developed and distributed and said influenza peaks in February. The vaccine is 70% to 90% effective for those under age 65. It is only 30% to 40% effective for frail elderly patients. He said there has

been a 50% death rate among humans infected with the Avian Flu and it spreads via migratory birds. He reviewed the history of the 1918 pandemic with the Spanish Flu. Dr. Aduddell said the plans for a pandemic are being made on the federal, state, and local levels. He said the federal government is also working on a vaccine and said Mesa County is a hub preparation area for 16 counties. Mesa County is experienced with vaccination programs and is prepared for mass vaccination. Dr. Aduddell said there is a checklist for families to create an emergency supply kit. The Center for Disease Control website has some guidelines for individual preparedness. Dr. Aduddell concluded by saying that it is just a matter of time that the Avian Flu will come to the United States and the State of Colorado. He said there will not be federal resources; it is up to the communities to plan.

Councilmember Spehar asked Dr. Aduddell what the plan is for Mesa County. Dr. Aduddell said a statewide summit is planned and there will be regional summits and said more time needs to be spent discussing readiness. Councilmember Coons asked if the training for bioterrorism can be applied. Dr. Aduddell said in some respects, but it needs to be taken to the next level. Council President Hill expressed concern that the spread will occur much more rapidly than the event in 1918 due to mass transportation. Dr. Aduddell agreed.

Action summary: The City Council thanked Dr. Aduddell for his update.

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

The meeting reconvened at 9:04 p.m.

4. **WHITEWATER RIGHT-OF-WAY REQUEST:** The City Council received a request to sell right-of-way to a developer in the Whitewater area to allow for development. City Attorney John Shaver reviewed the request. The City has received similar requests in the past and said the request is from Freestyle, Inc. The purpose of the discussion is to see if Council wants Staff to proceed in negotiations with the developer.

Councilmember Thomason inquired if considering this request will set precedence. City Attorney Shaver said it does not. Council President Hill noted that the Council has also declined on such requests. Council President Pro Tem Palmer inquired how much property the City owns in the vicinity. City Attorney Shaver said he does not know the exact location of this request but the City has a number of acres in the Whitewater area. Councilmember Coons inquired if there is any reason why the Council should not at least consider the request. City Attorney Shaver said he was not aware of any. Utilities Manager Greg Trainor has

had some initial discussions with the requestor and noted a few items to be considered.

Action summary: The City Council directed Staff to initiate negotiations for the sale of the right-of-way.

ADJOURN

The meeting adjourned at 9:12 p.m.

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JANUARY 16, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, January 16, 2006 at 5:00 p.m. in the Administration Conference Room, 2nd Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present was City Manager Kelly Arnold.

Council President Hill called the meeting to order.

Councilmember Beckstein moved to go into executive session to discuss personnel matters under section 402(4)(f)(I) of the Open Meetings Law relative to City Council employees and will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 5:07 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JANUARY 18, 2006

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 18, 2006 at 4:30 p.m. in the Administration Conference Room, 2nd Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Doug Thomason, Gregg Palmer, President of the Council Bruce Hill, and City Attorney John Shaver. Councilmembers Jim Spehar and Jim Doody were absent.

Council President Hill called the meeting to order.

Council President Pro Tem Palmer moved to go into executive session to discuss personnel matters under section 402(4)(f)(I) of the Open Meetings Law relative to City Council employees and will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 4:42 p.m.

Councilmember Doody entered the meeting at 4:45 p.m.

Juanita Peterson, CMC
Deputy City Clerk

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

January 18, 2006

The City Council of the City of Grand Junction convened into regular session on the 18th day of January 2006, at 7:03 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 Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Jim Hale, Spirit of Life Christian Fellowship.

APPOINTMENTS

TO THE PLANNING COMMISSION/ZONING BOARD OF APPEALS

Councilmember Beckstein moved to reappoint Roland Cole, Bill Pitts and William Putnam for four year terms until December 2009 and appoint Reginald Wall for a four year term until December 2009 to the Planning Commission and Appoint Patrick Carlow as the 1st alternate and Ken Sublett as 2nd alternate to the Planning Commission/Zoning Board of Appeals for three years until December 2008. Councilmember Doody seconded the motion. Motion carried.

CITIZEN COMMENTS

Matt Sura, Western Colorado Congress, addressed the Council regarding the watershed stipulation and stated it has not been updated since 1987 and passed out a hand-out on the Rifle, Silt, New Castle Community Development Plan.

Mayor Doug Edwards for the Town of Palisade addressed the Council regarding the Town of Palisade's letter and presented a formal request to the City Council for assistance to protect the Town of Palisade's water quality.

Council President Hill said Council will address this under "Other Business" later in the evening.

CONSENT CALENDAR

Council President Hill made note that the Bellhouse Annexation has been removed from this agenda and asked if there was anyone present for that item. There was not.

It was moved by Councilmember Spehar, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #7.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting January 4, 2006 and the Minutes of the January 4, 2006 Regular Meeting

2. **Purchase of Police Vehicles**

This purchase is for the replacement of four (4) Ford Crown Victoria and two (2) Ford Expedition Police Patrol vehicles. They are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Manager to Purchase Four (4) Ford Crown Victoria Police Vehicles and Two (2) Ford Expedition 4x4 XLT's from Lakewood Fordland in the Amount of \$150,418

3. **Purchase of Survey Equipment**

This is a sole source purchase of Trimble brand survey equipment replacement and software upgrade.

Action: Authorize the City Purchasing Manager to Purchase Survey Equipment from Vectors Inc., Denver, CO in the Amount of \$89,019.42

4. **Setting a Hearing for Zoning the Ankarlo Annexation, Located at 385 31 5/8 Road** [File #ANX-2005-194]

Introduction of a proposed zoning ordinance to zone the Ankarlo Annexation RSF-4, located at 385 31 5/8 Road.

Proposed Ordinance Zoning the Ankarlo Annexation to RSF-4, Located at 385 31 5/8 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2006

5. **Setting a Hearing for the Mims Annexation, Located at 492 30 Road** [File #ANX-2005-293]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.88 acre Mims Annexation consists of 1 parcel.

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

Resolution No. 07-06 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Mims Annexation, Located at 492 30 Road

Action: Adopt Resolution No. 07-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mims Annexation, Approximately 5.88 Acres, Located at 492 30 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006

6. Setting a Hearing for Amendments to Chapter 16 of the Code of Ordinances Regarding Weeds

As part of City Council's Strategic Plan and specifically Goal 17 of the Strategic Plan, and in response to dissatisfaction expressed in a citizen satisfaction survey, a team was formed to review and evaluate weed management issues. Part of Team 4's efforts included a review of Chapter 16, Article II of the Code of Ordinances, Junk, Rubbish and Weeds, to determine if changes to the current ordinance would help increase awareness of the ordinance, clarify responsibilities and thereby improve public satisfaction.

Proposed Ordinance Amending Chapter 16, Article II, Junk, Rubbish and Weeds, of the Code of Ordinances, City of Grand Junction, Specifically Section 16-26, Definitions; Section 16-27, Duties of Property Owner and Lessee, Unlawful Accumulations, Inspections, Section 16-30, Notice to Abate; Cutting, Removal by City, Section 16-31, Assessing Costs, and Section 16-33, Collection of Assessments

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2006

7. **2006 Enforcement of Underage Drinking Laws Grant**

The Colorado Liquor Enforcement Division (LED), of the Colorado Department of Revenue, is accepting applications until January 31, 2006 for funding under the terms of a federal grant from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. The grant would be for the purposes of enforcing the underage drinking laws.

Action: Authorize the Police Department to Apply for the 2006 Enforcement of Underage Drinking Laws Grant in the Amount of \$52,018.00, \$16,593.00 of Which will be Allocated to Mesa State College and Authorize the City Manager to Sign the Grant Contract in the Event the Grant is Awarded

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Change Order to the 2005 Interceptor Rehab Project

This work includes rehabilitation of deteriorated existing sewer lines utilizing a Cured in Place Pipe (CIPP) process. The sewer lines are located within the Panorama subdivision, and along the Riverside Parkway. This change order, to the 2005 Interceptor Sewer Rehabilitation Project with Western Slope Utilities, Inc., is in the amount of \$95,029.50.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said this change order includes work to rehabilitate the Panorama Subdivision Sewer System and said the other portion of this change order is related to the Phase 2 Construction of the Riverside Parkway.

Council President Pro Tem Palmer asked if he felt that going out to bid on this would be a cost savings. Mr. Relph stated no, that Western Slope Utilities has submitted a great price and wished to include this so the work would be done by the end of January.

Councilmember Beckstein moved to authorize the City Manager to sign Change Order #1 to the 2005 Sewer Interceptor Rehabilitations Construction Contract with Western Slope Utilities in the amount of \$95,029.50. Councilmember Coons seconded the motion. Motion carried.

Public Hearing - Appoint Board of Directors for the Downtown BID

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.

The public hearing was opened at 7:26 p.m.

Harold Stalf, DDA Executive Director, reviewed this item and asked Council if there were any additional questions.

Councilmember Coons stated she believed this was very reasonable to appoint the Grand Junction Downtown Development Authority Board as the Downtown Grand Junction Business Improvement District Board.

There were no public comments.

The public hearing was closed at 7:27 p.m.

Ordinance No. 3856 – An Ordinance Naming the Grand Junction Downtown Development Authority Board as the Downtown Grand Junction Business Improvement District Board

Council President Pro Tem Palmer moved to adopt Ordinance No. 3856 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing - Petition for Exclusion from the Downtown Grand Junction Business Improvement District

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.

The public hearing was opened at 7:29 p.m.

John Shaver, City Attorney, reviewed this item and gave Council two options to consider.

He said the first option is that Council could proceed with Mr. Parker's request, or the second option is to refer this to the newly appointed Downtown Grand Junction Business Improvement District Board to try to work out the issues, then the request would be referred back to Council.

Councilmember Coons stated that she would like this to be referred to the newly appointed Downtown Grand Junction Business Improvement District Board to work on the issues and refer it back to Council.

Councilmember Beckstein agreed with Councilmember Coons.

Council President Pro Tem Palmer had no strong feelings either way, but believed Mr. Parker expected to be heard in front of Council tonight.

Councilmember Doody stated he could go either way.

Councilmember Thomason said he would like to refer this to the newly appointed board.

Council President Hill wanted to be consistent and remove himself as he did in the beginning being a property owner in the downtown area.

City Attorney Shaver addressed Council and said before they called the question Council could hear from the applicant.

Council President Hill asked if the applicant would like to come forward and address the Council.

The applicant was present but did not wish to address the Council.

There were no public comments.

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

Councilmember Coons moved to refer the request for exclusion from the Downtown Grand Junction Business Improvement District properties owned by Paul Parker to the newly formed Downtown Grand Junction Business Improvement District Board. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Council President Pro Tem Palmer and Councilmember Doody voting NO.

Bookcliff Technology Park Assignment of Interest

Industrial Developments Incorporated (IDI, doing business as Colorado West Improvements, Inc, or CWI) has requested that the City Council release its right to the Bookcliff Technology Park property located at H Road and 27 ¾ Road. In 1996 the City and CWI purchased two parcels of property for \$302,000. The City paid \$200,000 and CWI paid \$102,000 according to the purchase agreement. The City retained a right to 2/3 of the proceeds if the property was sold. IDI recently requested that the City sign an assignment of interest for the

property and thereby relinquish any and all right, title, and interest in the property.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She reviewed the history behind the undeveloped parcel and the information received regarding the grant applied for with DOLA.

Councilmember Spehar asked if the City has a deed to this property. Ms. Trent stated the City is not on the deed to this property.

Rob Bickley, President of IDI, 688 26 ½ Road, gave a background of the City's 2/3's ownership and request. He said at a workshop in December, Council gave Staff direction to work with IDI and to bring this item back to Council. He said IDI is currently developing the land known as Air Tech Park and would like to use the proceeds from that land to help place the infrastructure in Bookcliff Technology Park.

City Manager Kelly Arnold explained to Council the context of the information that was just received from DOLA. He stated it would not be fair to have IDI react and said this could be continued with IDI's approval regarding the grant.

Council President Pro Tem Palmer said that IDI has been handling the economic development for land use and real estate since 1959.

Mr. Bickley stated that he did not believe the new information from DOLA would alter the request being presented to Council tonight.

Council President Hill stated it is not IDI's business to compete with the private sector and if the City did not sign an assignment of interest for the property and relinquish any and all right, title, and interest in the property, the City would become a developer.

Diane Schwenke, 528 Greenbelt Court, is the Administrative Support to IDI with the Chamber of Commerce. She said IDI is not requesting any funds from Council at this time and it is not their intention to sell the property for a profit, but to develop the infrastructure. Ms. Schwenke said IDI is looking at other funding, such as loans with the financial community and said they will use Foresight Park as a model. She said these are larger lots, 10-20 acres in size and there aren't any other lots that size available. Ms. Schwenke said if there were proceeds from this project, it would go into a revolving loan fund.

Councilmember Spehar said with the history of IDI, he believes proceeding as presented is appropriate and delaying the project will not change the success.

Robert Bray, 2660 G Road, was a part of the IDI Board 10 years ago. He gave the history of how the 2/3 investment from the Council seated at that time. Mr. Bray

said it was a decision that needed to be made quickly, and that Council at the time wanted a guarantee to receive 2/3 proceeds if the property were to be sold.

Council President Pro Tem Palmer thanked Mr. Bray for the historical background.

Councilmember Beckstein moved to continue item #11 to a Council Workshop for further discussion. Motion failed for lack of a second.

Councilmember Spehar moved to approve the decision on the request from IDI as presented. Councilmember Doody seconded the motion. Motion carried.

Economic Development Financial Participation Agreements

The City Council directed staff to prepare agreements for the Business Incubator Center and the Grand Junction Economic Partnership (GJEP) regarding the expenditure of City funding. The agreements for both of those agencies detail the budget, goals, policies, and performance measures, as well as reporting requirements.

Sheryl Trent, Assistant to the City Manager, reviewed this item and stated Mr. Rich Emerson, GJEP Board Member and Ms. Ann Driggers, GJEP President are both in the audience to answer any questions the Council might have. Ms. Trent said there are two separate agreements before the Council and the first one is with the Business Incubator Center in the amount of \$40,000 and the second is with Grand Junction Economic Partnership in the amounts of \$40,000 and \$60,000, for a total of \$100,000.

Council President Pro Tem Palmer asked what is done with the unused money for the next year. Ms. Trent explained this is an annual contract and it is not the intent to have any unused money, but sometimes this happens.

Rich Emerson, 246 Little Park Road, wanted to thank the Staff and Council on behalf of the Board of Directors for the Business Incubator.

Ann Driggers, 220 Rimrock Road, President of the Grand Junction Economic Partnership, was present and said that she looks forward to working with the City Council.

Councilmember Spehar appreciates all the efforts with the Business Incubator, Grand Junction Economic Partnership, and Staff working through issues that relate to each contract with details, duties, responsibilities, and measurement of the accomplishments for each agency.

Councilmember Coons moved to authorize the City Manager to sign the Financial Participation Agreement with the Business Incubator Center in the amount of

\$40,000. Council President Pro Tem Palmer seconded the motion. Motion carried.

Councilmember Coons moved to authorize the City Manager to sign the Financial Participation Agreement with Grand Junction Economic Partnership in the amounts of \$40,000 and \$60,000, for a total of \$100,000. Council President Pro Tem Palmer seconded the motion. Motion carried.

Council President Hill called a recess at 8:33 p.m.

The meeting reconvened at 8:44 p.m.

Public Hearing - Hammer-Whitt Annexation and Zoning Located at 29 ½ Road and Ronda Lee Road [File #ANX-2005-107]

Acceptance of a petition to annex and consider the annexation and zoning for the Hammer-Whitt Annexation. The Hammer-Whitt Annexation is located at 29 ½ Road and Ronda Lee Road, and contains a portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road rights-of-way, and consists of 3 parcels on 6.20 acres. The zoning being requested is RSF-4.

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

Senta L. Costello, Associate Planner, reviewed this item. Ms. Costello described the site, the location, the uses and surrounding uses. She explained the items that are reviewed and the criteria that need to be met in order to garner Staff's recommendation of approval. Ms. Costello said the Planning Commission has forwarded a recommendation of approval.

There were no public comments.

The public hearing was closed at 8:51 p.m.

a. Accepting Petition

Resolution No. 09-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Hammer-Whitt Annexation, Located at 29 ½ Road and Ronda Lee Road, and Contains a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3858 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hammer-Whitt Annexation, Approximately 6.20 Acres,

Located at 29 ½ Road and Ronda Lee Road and a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way

c. Zoning Ordinance

Ordinance No. 3859 – An Ordinance Zoning the Hammer-Whitt Annexation to RSF-4, Located at 29 ½ Road and Ronda Lee Road

Councilmember Spehar moved to adopt Resolution No. 09-06 and Ordinance Nos. 3858 and 3859 on Second Reading and ordered them published. Council Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing - Ward-Mudge Annexation and Zoning Located at 3113 and 3117 E ½ Road [File #ANX-2005-256]

Acceptance of a petition to annex and consider the annexation and zoning for the Ward-Mudge Annexation. The Ward-Mudge Annexation is located at 3113 and 3117 E ½ Road and consists of 2 parcels on 3.68 acres. The zoning being requested is C-1.

The public hearing was opened at 8:54 p.m.

Senta L. Costello, Associate Planner, reviewed this item. Ms. Costello described the site, the location, the uses and surrounding uses. She explained the items that are being reviewed and the criteria that need to be met in order to garner Staff's recommendation of approval. Ms. Costello said the Planning Commission has forwarded a recommendation of approval.

The applicant's representative Heather Pace with Fortex Engineering gave a short presentation but had nothing new to add.

There were no public comments.

The public hearing was closed at 8:55 p.m.

a. Accepting Petition

Resolution No. 10-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Ward-Mudge Annexation Located at 3113 and 3117 E ½ Road Including a Portion of E ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3860 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ward-Mudge Annexation, Approximately 3.68 Acres, Located at 3113 and 3117 E ½ Road and a Portion of the E ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3861– An Ordinance Zoning the Ward-Mudge Annexation to C-1, Located at 3113 and 3117 E ½ Road

Council President Pro Tem Palmer moved to adopt Resolution No. 10-06 and Ordinance Nos. 3860 and 3861 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing - Vacate the Right-of-Way and Vacate a 10' Utility Easement and Rezoning Two Lots in the Taurus Subdivision to I-1 and C-2, Located at the Corner of G Road and 23 Road [File #VR-2005-243]

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.

The public hearing was opened at 9:03 p.m.

Lisa E. Cox, Senior Planner, reviewed this item along with the rezoning of two lots in the Taurus Subdivision to I-1 and C-2, located at the southwest corner of G Road and 23 Road. Ms. Cox said she would like to combine items #15 and #16 but would require two separate motions, if Council did not object. Council agreed to this request. Ms. Cox described the site, the location, and the uses and surrounding uses and made note of a parcel that should be excluded from the request. Ms. Cox explained the utility easements and location in relation to the two new lots. She reviewed the criteria that needs to be met in order to garner Staff's recommendation of approval. Ms. Cox said the Planning Commission has forwarded a recommendation of approval.

Councilmember Coons asked what is on the parcel that has been excluded. Ms. Cox responded a quonset hut.

Mark Austin, Austin Civil Group, representing the applicant, located at 330 Main Street, was present to entertain any questions Council might have. There were none.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Ordinance No. 3862 – An 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

Councilmember Coons moved to adopt Ordinance No. 3862 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Ordinance No. 3863 – 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

Councilmember Coons moved to adopt Ordinance No. 3863 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

President of the Council Hill recognized Boy Scout Troop #384 in the audience.

OTHER BUSINESS

The watershed request from the Town of Palisade was addressed.

Councilmember Coons said it is not the intent to stop oil and gas development in this area, but to look at options and believes that with the deadline of next week the issue should be revisited.

Councilmember Spehar agreed that along with the Town of Palisade, it would be a matter of buying some time.

Council President Pro Tem Palmer said that past Councilmembers have been very careful with the City's watershed and said the existing MOU has been in place and worked.

Council President Hill said that he has spent many hours understanding the City's watershed and believes the relationship with the BLM, which is a multi-use agency, the City should continue the best practices with regard to the watershed on the Mesa.

Councilmember Spehar made a motion to join with the Town of Palisade and contact congressional delegates asking that the parcels in the watershed be removed from the pending lease options in a letter drafted by City Staff. Councilmember Coons seconded the motion. Motion carried by roll call vote with Council President Hill and Councilmember Beckstein voting NO.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

Juanita Peterson, CMC
Deputy City Clerk

Attach 2

Bellhouse Annexation, Located at 2381 South San Migeul Drive

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Setting a hearing for the Bellhouse Annexation located at 2381 S San Miguel Drive					
Meeting Date		February 1, 2006					
Date Prepared		January 23, 2006			File #ANX-2005-264		
Author		Lori V. Bowers		Senior Planner			
Presenter Name		Lori V. Bowers		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of the referral, accepting the Bellhouse Annexation petition and introduce the proposed Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for March 15, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Letters to neighborhood from Applicant

5. Letters from Neighbors
6. Referral of Resolution
7. Annexation Ordinances

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		2381 S San Miguel Drive		
Applicants:		Carol Bellhouse		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-2		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.34 acres of land and is comprised of 1 parcel. The property owner has requested annexation into the City as a result of a desire to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions require annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

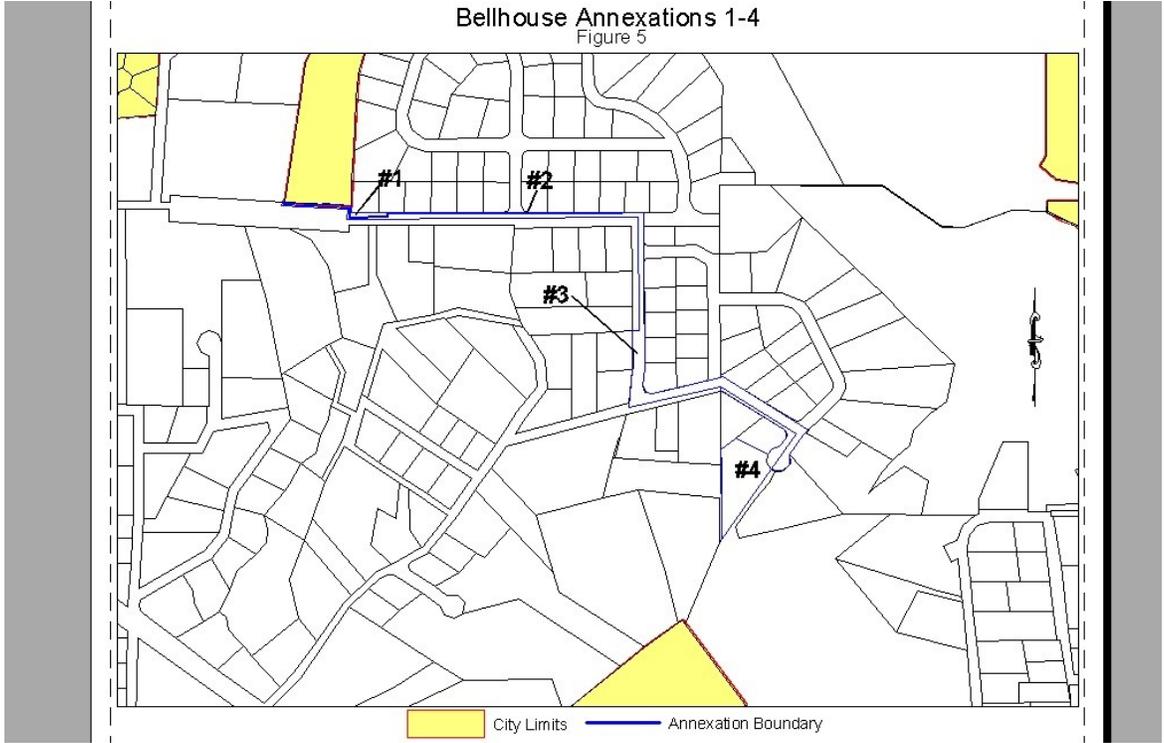
<i>ANNEXATION SCHEDULE</i>	
February 1, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 14, 2006	Planning Commission considers Zone of Annexation
March 1, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
March 15, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 16, 2006	Effective date of Annexation and Zoning

BELLHOUSE ANNEXATION SUMMARY		
File Number:	ANX-2005-264	
Location:	2381 S San Miguel Drive	
Tax ID Number:	2945-171-05-012	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	3.34 acres	
Developable Acres Remaining:	1.04 acres	
Right-of-way in Annexation:	99,371 square feet of E Road, Vallejo Drive and South San Miguel Drive rights-of-way	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RSF-2	
Current Land Use:	Single Family Residential	
Future Land Use:	Single Family Residential	
Values:	Assessed:	= \$14,820
	Actual:	= \$186,160
Address Ranges:	2381 S San Miguel Drive	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Redlands Water & Power
	School:	Mesa Co School District #51
	Pest:	Grand River Mosquito

Site Location Map

2381 S. San Miguel

Bellhouse Annexations 1-4
Figure 5



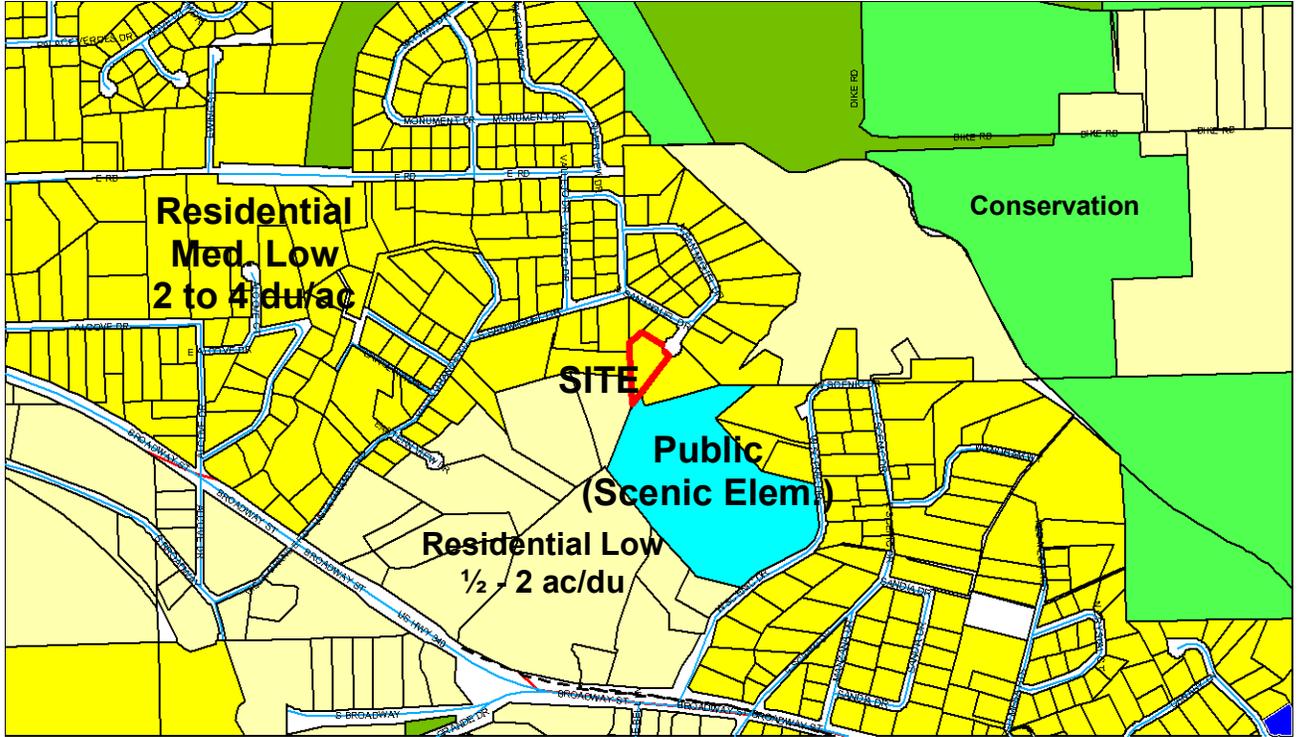
Aerial Photo Map

2381 S. San Miguel



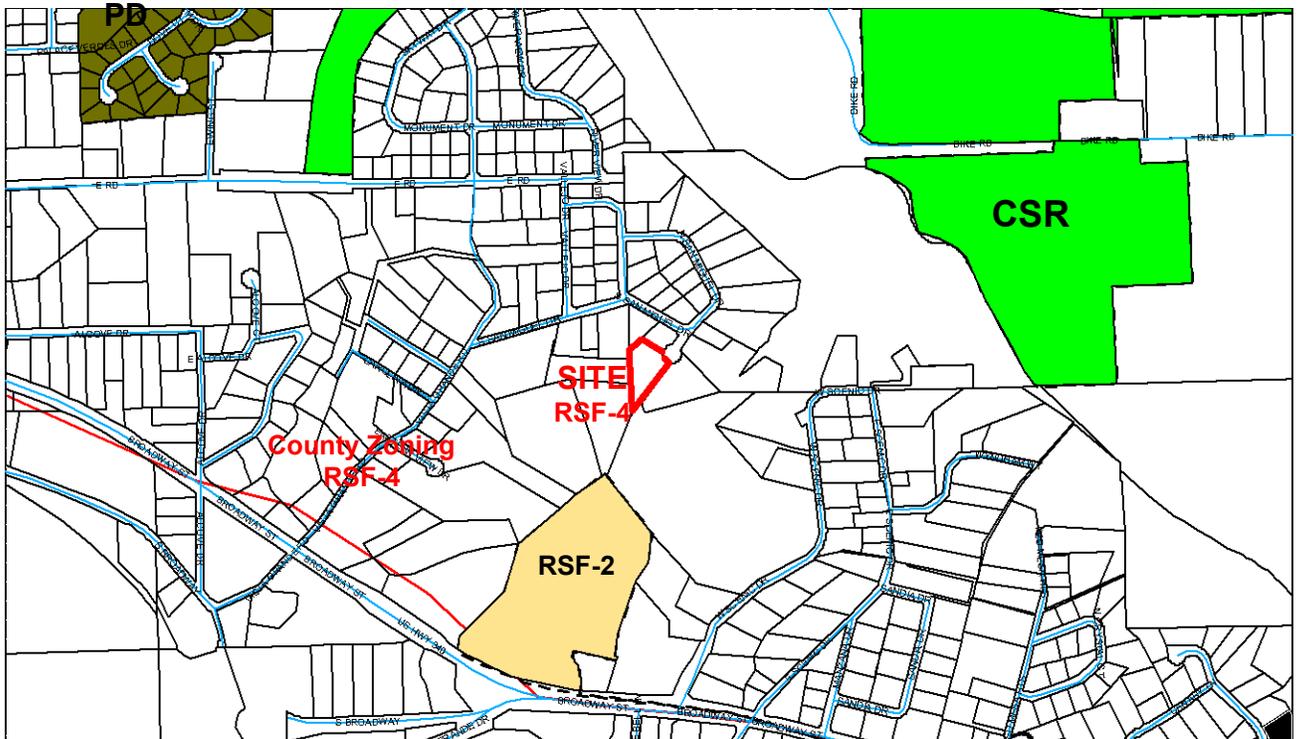
Future Land Use Map

2381 S. San Miguel



Existing City and County Zoning

2381 S. San Miguel



Carol Bellhouse

Attorney at Law
PO Box 3210
Grand Junction, CO 81502
970-245-2558
Fax 241-3350
Email: CarolBellhouse@aol.com

January 16, 2006

Ms. Lori Bowers
Fax 244-1599

RE: 2381 South San Miguel

Dear Lori:

Enclosed please find the proposed letter to go out to the neighbors on our lot split application. Please give me a call with your comments before I send it out today. Thanks so much for your help!

Very truly yours,



Carol Bellhouse
Attorney

Enc.

Carol Bellhouse

Attorney at Law
PO Box 3210
Grand Junction, CO 81502
970-245-2558
Fax 241-3350
January 15, 2006

RE: 2381 South San Miguel Lot Split

Dear Neighbors:

Thank you so much for your activism and interest in our neighborhood. It is what makes America great.

I have received copies of your letters and petition and have requested a continuance of the first meeting to February 1 so there is time to address your concerns. The City has granted the postponement, so the January 18 meeting is off and other dates will be rescheduled.

Here are the plans: The new lot is under contract to a wonderful family with three boys, aged 10, 8 and 5, who attend Scenic Elementary with your children. Dan and Jamie both come from old Grand Junction families and would be a great addition to our neighborhood. They plan to build a 2500-square-foot home with four bedrooms and two baths. The design is Mediterranean and will increase the value of the subdivision and thus our properties.

This lot (Lot 3 in Block 3) was intended for future development. It is 1.04 acres and is excluded from the Vallejo Subdivision covenants, which apply only to Blocks 1 and 2 and Lots 6-12 of Block 3. (See attached) Lots 1-5 of Block 3 were exempted from the restrictions on purpose and zoned RSF-4 for future development. One of the other developable lots was subdivided in the 1970s. Since that lot split was allowed, it is fair that this lot is treated the same.

Because the lot is so large, it can easily accommodate two homes. It was never our intention to build apartments. The zoning will be RSF-2, for two homes on the entire acre, a lower density than the current zoning.

I wish this lot split could happen without annexing into the City, but the Persigo Agreement requires annexation before almost any building permit is issued. It is only a matter of time before the entire subdivision is annexed; my petition will not speed up or delay the inevitable.

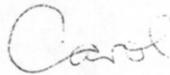
The Fire Department and Ute Water have approved a tank fire sprinkler system for the new house, so the water line issue is resolved.

I never requested irrigation for the new lot because I know the system is overtaxed. The lot split will save half of my ditch water for the rest of you. The water-saving xeriscaping, when finished, will save even more for you.

The Beebe Canyon Trail runs from the San Miguel cul-de-sac to Scenic Elementary School. For a few moments before school and after school, 3-5 cars stop in the cul-de-sac to drop off and pick up students. Everyone is always respectful of our property and each other and there have never been any problems. The Sheriff's records show no accidents or complaints. Dan and Jamie's presence will not change that. To the good, they will serve as guardians of the isolated path, able to see and hear what's going on down in the ravine and watch over our children.

We are working with the City to correct any mistakes and nonconformities in our application and will keep you advised of further developments. Thank you all so much for helping define and solve these issues.

Very truly yours,



**Vallejo Subdivision Mutual Water Company
2387 S. San Miguel Drive
Grand Junction, CO 81503**

**TRANSMITTED VIA FACSIMILE
AND
U.S. MAIL**

December 16, 2005

City of Grand Junction
Community Development Department
250 North 5th Street
Grand Junction, CO 81501

ATTN: Lori Bowers
RE: ANX-2005-264 – Bellhouse Annexation – 2381 South San Miguel Drive

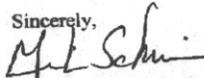
Dear Ms. Bowers:

Vallejo Subdivision Mutual Water Company, hereinafter "The Company", has become aware of the referenced pending action by correspondence from the City to certain members of The Company. The Company supplies irrigation water to the parcel of land that is the subject of the pending action referenced above. This pending action may have impacts upon the services provided by The Company to the referenced parcel of land as well as adjacent parcels of land and parcels of land in the neighborhood.

The Company has not received information from the City regarding this pending action nor has The Company had the opportunity to provide comments regarding impacts this pending action may have upon the services provided by The Company. Therefore, The Company requests the City to postpone any further decisions, meetings, or comment periods and provide all pertinent information, data, drawings and submittals relative to the pending action to The Company for review and comment by the Company.

If you have any questions in this regard you can reach me by telephone at 970-260-6875. Thank you for your attention in this regard.

Sincerely,



Merlin Schreiner, President
Vallejo Subdivision Mutual Water Company

pc:
Richard Perske
Eric Hanson

*Mailed packet to
on 12/20/05*

To: Lori Bowers, City of Grand Junction Planner

January 4, 2006

RE: ANX-2005-264-Bellhouse Annexation-2381 South San Miguel Drive

As an adjacent property owner, I would like to provide background and comments on the proposed annexation of lot 3 block 3 of the Vallejo Subdivision (Amendments 1&2) into the City of Grand Junction with proposed rezoning to RSF-4. This property is located at 2381 South San Miguel and is currently a single family home on an irregularly shaped lot with very limited street frontage on a cul-de-sac.

The Vallejo Subdivision was established in 1957 as an exclusively single family development. At this time, the subject property was developed with a single family dwelling as were the adjacent 32 lots in the Vallejo Subdivision. Enclosed is a copy of the applicable Subdivision building restrictions and covenants established March 20, 1957 which are in effect and have not been amended. Restriction 3. states "The erection of more than one dwelling per lot or the resubdivision of lots into smaller units is prohibited." The Vallejo Subdivision is immediately adjacent to the much larger Riverview Subdivision which is also covenant restricted to large single family lots.

The Vallejo Subdivision Mutual Water Company (VSMWC) was also established in 1957 to provide irrigation water to members who were issued certificates for one share of Company water per residential lot using the easements provided in the Vallejo Subdivision plat. The operations of the VSMWC require annual Subdivision meetings to discuss issues within the subdivision neighborhood and have actively maintained the subdivision identity for 50 years. Sewer service was provided in 2003 to all lots in the Vallejo Subdivision, Riverview Subdivision, and adjacent properties through the establishment of the Skyway Area S.I.D.

Mesa County School District 51 purchased property to provide a public path connecting Scenic Elementary School to the South San Miguel Drive cul-de-sac along the east boundary of lot 3 block 3. The path abuts this property for 340 ft. The path is heavily used by school children and parents and a bike rack is located on the School District's cul-de-sac frontage. In the past there have been complaints from the former resident of lot 3 regarding path usage and parking due to the very limited frontage lot 3 has on the cul-de-sac. The establishment of a multi-family driveway near the public path would needlessly create additional safety and congestion issues. The Scenic School Principal, Mr. Doug Levinson can provide information on this public path and its many uses associated with Scenic Elementary and the Beebe Canyon wildlife trail. The busy Scenic School trail serves a much larger area than just the Vallejo and Riverview Subdivisions.

I object to this proposed piecemeal annexation by the City of Grand Junction of a single lot within the 50 year-old Vallejo Subdivision. The sole purpose for annexation seems to be to circumvent the covenants of the Vallejo Subdivision to allow additional subdivision and redevelopment within an established neighborhood that is exclusively single family. The stated reasons and purpose for the annexation are not supported by the facts. Lot 3 presently has sewer service, and any redevelopment to multi-family uses is totally inconsistent with the existing subdivision and adjacent property uses. Insufficient public notice and consideration has been given to the two subdivisions, Scenic Elementary School, and many neighborhood uses that would be negatively impacted by this proposal.

I would suggest that this annexation proposal be tabled until such time as the above issues and affected parties can be properly considered and addressed.

Sincerely, 
Richard Perske
502 Riverview Dr
Grand Junction, Co. 81503

245-7597 (HOME)

cc: VSMWC

RECEIVED

JAN 10 2006 January 10, 2006

**COMMUNITY DEVELOPMENT
DEPT.**

To: Lori Bowers, City of Grand Junction Planner

RE: Bellhouse Annexation - 2381 South San Miguel Drive

As a resident of Vallejo Subdivision I would like to comment on the proposed annexation and split of lot 3, block 3 of our subdivision. I was provided a copy of the General Project Report and find some discrepancy in the description of the neighborhood in this report and my own description.

Carol Bellhouse states "The character of the neighborhood has changed with the installation of water and sewer lines to the properties. The density of the neighborhood has increased, and several properties have gone to multifamily. In addition, the neighborhood has aged and normal development transitions have occurred as a result of that aging."

First, this subdivision has always had water lines. The addition of sewer lines has only changed the character for the better.

Second, where has the density of the neighborhood changed? What is the definition of "neighborhood", according to the City of Grand Junction? There has been no additional construction in Vallejo subdivision for over thirty years. The closest new construction to this proposed split is approximately ½ mile away.

Vallejo subdivision has aged very well in my opinion. Most of the homes are modest and well maintained, with nearly all occupied by the owner. The lots are medium to large, which is why most of the homeowners were attracted to this neighborhood to begin with. There have been no development transitions - the only transitions have been upgrades to existing homes.

I ask that the City of Grand Junction turn down the proposal to annex one lot of our subdivision. It would be to the detriment of the neighborhood to double (or more) the housing density on existing lots. If not, I ask that a city representative come to our subdivision with Carol Bellhouse and point out to the homeowners how the density has changed and where development transitions have occurred. I would like to see a neighborhood meeting held before the city makes a decision that will affect all the homeowners in the area.

Sincerely,

Eric Hanson
2385 ½ S. San Miguel Drive
Grand Junction, CO 81503

Elizabeth Baltzer
2375 S. San Miguel Drive
Grand Junction, CO 81503
(970) 243-4461
1/10/06

Attn: Lori Bowers
City of Grand Junction
Community Development
250 N 5th St.
Grand Junction, CO 81501

Re: ANX-2005-264 Bellhouse Annexation-2381 S. San Miguel Drive

Dear Lori,

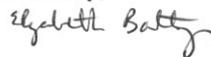
I spoke with you in December 2005 about my opposition to this subdivision, which adjoins my property. Right now, I would urge you to stop the consent agenda for annexation until we have a neighborhood meeting. Our neighborhood is a tight place and we periodically have various social events.

The Ms Bellhouse recently purchased the above-mentioned property. She has no intention protecting our space or the children that pass by her property. On an average school day, at least 50 children and adults pass by on the path to Scenic school. They walk, get a ride or ride bicycles to the path which starts just SE of the above mentioned property and goes for 340 feet. Normally, there is heavy congestion whenever even a trash truck is in the area. So I do not believe that that property can handle two more driveways off that access. This poses a major safety issue. My other concern is-as the neighborhood changes to non-owner occupied properties a sexual predator could move in and cause lots of problems.

Her lot is not ideal for a subdivision it only has a 70 foot frontage and a 1 ½ inch water line. So in other words it is at the end of everything which leaves no room for fires or even enough water for a large house.

Once again, I will urge you to pull the consent annexation from the agenda on Wednesday 1/11/05. Until we hold neighborhood meetings.

Sincerely,



CC: Kelly Arnold-City Mgr
Rich Perske

SCENIC ELEMENTARY SCHOOL
451 W. SCENIC DRIVE
GRAND JUNCTION, CO 81503

Doug Levinson, Principal
Julie Eggen, Secretary

Telephone: (970) 242-5727
Fax: 245-8605

City of Grand Junction
C/O Lori Bowers, Planner
City Hall, 250 North 5th Street
Grand Junction, Colorado 81501

January 11, 2006

RE: ANX-250-2005-264 - Bellhouse Annexation- 2381 South San Miguel Drive

Mesa County School District 51 owns the property immediately adjacent to 2381 South San Miguel which is the Scenic Elementary School pedestrian path. Scenic Elementary School is the focus of many neighborhood activities and school events. The Scenic School path is very heavily used by parents and school children as young as 5 years old. This vital path provides the only safe walking and bike access to these residential neighborhoods - including the Vallejo and Rio Vista subdivisions - to our school grounds. The path is used daily, throughout the week, and is also used for week-end and after-school sports activities and other evening school events. Parents often drop-off and pick-up children at this cul-de-sac location by car.

I have been advised by concerned Scenic parents and residents of this area that there is a development proposal that would establish a new residential driveway immediately adjacent to the Scenic school path terminus at the South San Miguel cul-de-sac. The development map has incorrectly identified the Scenic School access as a, "City Hiking Trail," and does not consider the importance of this path. In the past, I have received numerous complaints from the former owner of this property regarding conflicts with the school path use. These complaints included parking blocking the present driveway 50 feet away from the path, as well as conflicts with general path safety and the dogs on the adjacent property.

At 2381 South San Miguel, the existing residence landscaping and front lawn was recently removed, the irrigation ditch placed in a culvert, and the property frontage graveled to provide continuous vehicular access immediately adjacent to the school path and student bike rack. The establishment of another residence or residences with a driveway access parallel to the Scenic path will create significant safety concerns for our students and our school neighbors and friends who use the path as well as additional traffic congestion at this location.

The safety of this important school access must be adequately considered and addressed by any development proposal. The proposed location of an additional driveway on this limited frontage will negatively impact the safety and use of the Scenic School path. I would appreciate if I could be advised of the schedule for neighborhood meetings to consider additional public input and comments regarding this development- Thank you.

Sincerely,

Doug Levinson
Doug Levinson - Principal Scenic Elementary School
Copy: City Manager - Kelly Arnold

Gerald B. Heaton
Kathryn L. Heaton
2388 N. San Miguel Dr.
Grand Junction, CO 81503

January 10, 2006

Lori Bowers
City Community Development Dept.
250 N. 5th Street
Grand Junction, CO 81501

RE: ANX 2005-264
Bellhouse Annexation

Dear Ms. Bowers:

We are in possession of a copy of the General Project Report for 2381 South San Miguel Drive submitted by Carol Bellhouse, and we must admit that we are very disturbed by several issues.

1. On her map, she indicates a "City Hiking Trail" that is adjacent to her property. This is **not** a city owned trail. It is a trail that connects the South San Miguel Drive cul-de-sac to Scenic Elementary School known as the "Beebe Canyon Trail" through the Beebe Canyon area. There is no school bus service in our neighborhood, and many elementary school children use this trail twice daily going to and from school. Increased traffic would attribute to unsafe conditions for the kids.
2. Several of her new "Setbacks" and other changes indicated on her map do not meet current code.
3. On page 2, under COMPLIANCE, COMPATIBILITY AND IMPACT; Adopted policies/Public Benefit; she states that "The neighborhood is residential mixed use, with single family homes, duplexes, and triplexes." There is **not one single** "triplex" in the neighborhood. The only duplex that we are aware of was built in the '70's and is not even included in the subdivision.
4. Under DEVELOPMENT SCHEDULE AND PHASING, she states, "There are no construction plans at the present time." Our question then is "Why this action?"
5. Under ZONING AND DEVELOPMENT CODE, SECTION 2.6.A, Under Number 2. The density of the neighborhood has **not** increased, and **none** of the properties have gone to multi-family.

6. Under Number 3. There will indeed be adverse impact on these items, especially to the safety of the children walking on South San Miguel Drive and using the Beebe Canyon Trail to go to and from school due to increased traffic by the residents of the new lot.
7. Under Number 4. The proposal is not consistent with these goals and plans and especially existing codes.
8. Under Number 5. The property **does not** require annexation to hook up to the sewer. Utilities include water from a 1-1/2 inch water line that services the entire neighborhood.
9. Under number 7. The community/neighborhood will not benefit from the increased traffic on South San Miguel or in the cul-de-sac where elementary children are walking to and from school, nor on the increased demand for water from the 1-1/2 inch water line that services the entire neighborhood.
10. Under ZONING AND DEVELOPMENT CODE, SECTION 2.2.E.4.c.; Under Criteria Number (4). The neighborhood **will be** hurt for the reasons previously stated.

Furthermore, **there is no fire hydrant in the neighborhood due to the small 1-1/2 inch water service line.**

The last statement in the proposal concerns a neighborhood meeting. The proposal states, "No 'Neighborhood Meeting' is required." We feel that the residents of the neighborhood should have the opportunity to voice their support or opposition to this proposal prior to any action being taken.

It should be noted that there are sub-division covenants and agreements in force in this neighborhood since the **1950's** that prohibit such actions as contained in this proposal.

Therefore, we would request that this action be removed from the consent agenda for the January 18, 2006 meeting of the City Council.

We would also request that the proposal be rejected in its entirety.

Sincerely,


Gerald Heaton


Kathryn L. Heaton

APRICOT ACRES
Pat and Walt Boigegrain
2389 S. San Miguel Drive
Grand Junction, CO 81503-1417
Telephone/Fax: 970-242-9429

December 10, 2006

Lori Bowers
City of Grand Junction
Community Development Department
250 North Fifth Street
Grand Junction, CO 81501

RE: Bellhouse Annexation, File: ANX-2005-264

Dear Ms Bowers,

This is written to protest the above annexation and subdivision of Lot 3 in the Vallejo Subdivision. I am a resident of that subdivision living not far from the proposed annexation. I object to your placing this annexation on the consent agenda of the City Council Meeting for January 18. There is a number of us who object, including practically all of the neighbors, so it is not a non-controversial matter. There are several reasons why I protest.

First, as I understand it this annexation would allow not only for an additional dwelling, but also for multiple family units. There is not room for multiple family units. This would destroy the character of our neighborhood, and would place the existing dwelling too close to the lot line to comply with the required setback.

Second, this proposal would place the driveway for Lot 3 B directly adjacent to the path leading to Scenic Elementary School. This path is heavily used by elementary school children. It supplies a route to the school which is approximately a mile closer to the school than the road does for all of the children living west of Beebe Canyon, north of the Redlands Canal, and south of Broadway and that is quite a number of children. Those children would be endangered by a driveway directly adjacent to their path.

Third, if, as I suspect, there would be more than one additional dwelling built, there would be far more traffic in and out of the cul-de-sac than would be convenient or safe for all of the people living in the Vallejo Subdivision.

Fourth, subdividing Lot Three would be a violation of the covenants under which all of us who live in the subdivision have lived for a number of years. Is it really the City's intention to disregard any covenants in force in a community when it is annexed?

Fifth, Item 2, page 3 of the General Project Report indicates that the population density of the neighborhood has increased. This is manifestly untrue. I have owned my home here for twenty years, and there has been no significant increase in that period of time. The same item says that "several properties have gone to multi-family. This also is untrue. There was one duplex, which doesn't look like a duplex, in the Vallejo Subdivision when my wife and I bought this house. No other has been added in twenty years.

Sixth, there is inadequate water here for a multi-family dwelling. We on San Miguel Drive are supplied by a one and one-half inch water main. There are no fire hydrants because a fire hydrant cannot be connected to this size of water main. Fighting a fire at the end of this small cul-de-sac in a multi-family dwelling would be difficult to impossible.

Seventh, lawns and gardens are watered here with ditch water. The ditch water is provided by the Vallejo Subdivision Water District, of which my wife has been an officer. There is not enough ditch water to serve an additional dwelling. All shares have been sold, and no additional shares are available. Lot three is entitled to one share. Those who use the ditch water sometimes find themselves running short of water as it is.

For all of these reasons, plus the loss of what we love in this neighborhood, we ask that this annexation not be approved.

Respectfully Submitted,

Walter J. Boiegrain

Patricia A. Boiegrain

Walter J. Boiegrain and Patricia A. Boiegrain

Lori Bowers - Fwd: Fw: ANX-250-2005-264

From: Bob Blanchard
To: Lori Bowers
Date: 1/16/2006 9:25 AM
Subject: Fwd: Fw: ANX-250-2005-264

----- Original Message -----

From: Robert Eggen
To: bobb@gjcity.org ; brucehill@gjcity.org ; kelleya@gjcity.org
Sent: Friday, January 13, 2006 11:29 AM
Subject: ANX-250-2005-264

I am writing to express my concern regarding ANX-250-2005-264 (Bellhouse annexation). I live at 2379 S. San Miguel Drive, next to the proposed development. I have concerns that the proposed flag lot will leave the existing property (2381 S San Miguel) as a non compliant property.

I do not believe that the front set back requirement of 20 feet can be met with the proposed development. An exception to this set back would leave a property that would violate both zoning requiremnts and the character of the neighborhood.

I would like to request that this proposal be given due diligence and that concerns of the neighborhood be adequately addressed.

There are many other concerns regarding this proposal including the safety of the existing school path. I believe the number of issues regarding this development justify a closer look at the proposal.

Thank you for your attention to this matter.

Robert Eggen
2379 S San Miguel
Grand Junction CO 81503

Yahoo! Photos
Ring in the New Year with [Photo Calendars](#). Add photos, events, holidays, whatever.

John F. Gaarde
Madelyn H. Gaarde
2384 N. San Miguel Drive
Grand Junction, CO 81503
January 13, 2006

Director of Community Development
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

RE: ANX-2005-264 – Bellhouse Annexation – 2381 S. San Miguel Drive

Dear Sir:

This letter is written to protest the spot / flagpole annexation to the city of the above property and its inclusion in the Consent Agenda of the City Council for January 18, 2006. It is also written in opposition to approval of the "General Project Report for 2381 South Miguel Drive, Grand Junction, Colorado" submitted by owner developer Carol Bellhouse.

This is a cohesive, geographically distinct subdivision with a significant number of residents who have lived her for twenty years or more. We have lived here for over thirty three years. The subdivision has an irrigation water board that has been active since the subdivision's inception in the late 1950s and an annual neighborhood picnic. It would be very inappropriate for one lot in this subdivision to annexed into the City of Grand Junction.

There are many errors in, and problems associated with, the development proposal submitted by Ms. Bellhouse. We are aware that these have been pointed out and discussed in a number of letters to you from other subdivision residents, so we will not recount them here. We are most concerned with Ms. Bellhouse's plans for this property should she succeed in this annexation and property split. We are a subdivision of home owners, not renters. County records show that Ms. Bellhouse has purchased five properties in the last fifteen months and she is reportedly investigating the purchase of another property in our subdivision. These facts and her incorrect statement in the General Development Report that "the density of the neighborhood has increased and several properties have gone to multi-family" make us worried that she intends to turn the subject property into rental properties or multi-family should she succeed in getting her initial proposal approved. This would certainly be detrimental to the integrity, cohesiveness and property values of our neighborhood and carries the additional tragedy of taking housing units affordable to first time buyers out of the marketplace.

We realize she has a right to do what is legal, but we also feel very strongly that the Community Development Department and the City of Grand Junction should not be aiding in the weakening of presently strong and vibrant neighborhoods.

Sincerely,


John F. Gaarde Madelyn H. Gaarde

Cc: Bruce Hill, Mayor
Kelly Arnold, City Manager

City of Grand Junction
Director of Community Development
City Hall, 250 North 5th Street
Grand Junction, Colorado 81501

January 16, 2005

Re: Illegal Annexation, ANX-250-2005-264 Bellhouse Annexation

As an adjacent property owner I received a public notice of the Bellhouse Annexation proposal for a single 1.04 acre lot (lot 3 block 3 Vallejo Subdivision) which I objected to in a previous letter. I recently reviewed the City development file prepared for the January 18 "Consent Agenda" and was surprised to learn that the City intends to immediately annex this parcel using ½ mile of public road ROW and the lot 3 frontage to the South San Miguel cul-de-sac. Less than 1/12th of the perimeter of this lot fronts on the public road ROW. Thus the proposed single lot annexation cannot be accomplished in conformance to the State Statute requiring 1/6th contiguity and, in my opinion, is illegal.

Lot 3 has a total perimeter of approximately 986 ft. with only 70 ft. of frontage to the cul-de-sac. This results in only 7.1% of the lot 3 perimeter being contiguous to the public ROW. State Statutes require a minimum of 1/6 contiguity (16.7%) with the lot perimeter for annexation, which clearly cannot be satisfied in the instance of lot 3. Lot 3 is very irregularly shaped with substandard frontage near the Scenic Elementary School walk path, which also prevents a safe or legally conforming lot split. The proposed lot split was the sole purpose for the owner requesting City annexation.

The current annexation file description has the Bellhouse Annexation at 3.34 acres stretching for over ½ mile with no additional public notice to the many properties now affected by the "flagpole" annexation. The original public notice was limited to owners within 500 of lot 3 and only described the 1.04 acre lot 3 parcel annexation. Public notice for this City annexation action has clearly been inadequate.

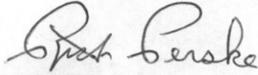
The Annexation Resolution prepared for the 1/18 City Council Consent Agenda was worded to establish "immediate" City jurisdiction through annexation and also certified that the State Statute requirement of 1/6th contiguity was met. The establishment of immediate City jurisdiction without scheduling any Neighborhood Meetings seems wrong. Certifying that the lot 3 Bellhouse parcel can be annexed with 1/6 contiguity seems to be contrary to fact and can only be the result of "annexation math" trickery. Is this an example of how the Grand Junction City Council prefers to conduct it's public business? I think not.

I was advised that this item was postponed at the owners request and will be rescheduled to the February 1 Council Meeting Consent Agenda. I and over 50 of my neighbors have requested that this matter be removed from the consent agenda to establish "immediate" City jurisdiction and that the City schedule neighborhood meetings for public input prior to any formal action. Our neighborhood is preparing to formally oppose this action at the Council Meeting if immediate annexation is undertaken without additional notifications,

and the City providing adequate information and opportunities for public comment.

I am providing copies of this request to the Mayor, Council, and City Manager in the hope that their sense of "fair play" will intervene and allow for neighborhood public meetings prior to any further City annexation action.

Sincerely,



Richard Perske
502 Riverview Dr.
Grand Junction, Co. 81503

Cc: Mayor Bruce Hill
City Council
Mr. Kelly Arnold, City Manager
VSMWC

**Merlin Schreiner
2387 S. San Miguel Drive
Grand Junction, CO 81503**

Transmitted via Email and U.S. Mail

January 16, 2006

Lori Bowers, Planner
Community Development Department
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

RE: Bellhouse Annexation
ANX-2005-264

Dear Ms. Bowers:

This letter is to express my concerns regarding the referenced annexation and associated lot split submitted to the City by Carol Bellhouse. I and my family have resided at our residence in the neighborhood since 1984 and our concerns, as well as those of others in the neighborhood, should receive adequate attention from the City. Please review this letter and provide any additional information to me that may be available to address the concerns stated herein.

First and foremost; the City has put the approval of the annexation issue prior to the approval of the lot split. Based on the information below there is a high probability the lot split will not meet current standards. If the split is denied it would leave the neighborhood with single city lot in this Mesa County subdivision. The City should allow review of the lot split prior to any annexation discussion.

The information submitted by Bellhouse to the City has several discrepancies and mistakes that cause the submittal to not be valid. Some of these items, but not necessarily all of them, are as follows:

- The Project Description claims sufficient utilities are present to allow the additional residence to be built. In fact, there is only one 1-1/2" domestic water line in the street serviced by Ute Water. Besides the obvious limitations of volume of water available, there are not any fire hydrants located within several thousand feet of this lot. Any increase in density of the neighborhood should not be allowed because of the limited domestic water supply as well as the lack of fire protection for this area. Verbal information indicates the Fire Department may allow this development if a water storage tank and in-house fire sprinkler system are

installed. Deed restrictions should be required to force any development of the lot to comply with any requirements set forth by the Fire Department.

- The Project Description claims the character of the neighborhood has changed with the installation of water and sewer lines and further claim the density of the neighborhood has increased with several properties going to multi-family. First, new water lines have not been installed and remain at 1-1/2" diameter; far too small to support additional development in the neighborhood. Second, there has not been one single case of multi-family structures built in the neighborhood since the sewer line was installed. There is a single duplex on 487 Vallejo Drive that has existing since 1975.
- The Project Description claims the neighborhood will benefit from the added density. Additional traffic along with additional stress on the inadequate infrastructure is not a benefit to the neighborhood. Further, the proposed driveway creates an unsafe condition for school children accessing Scenic Elementary via the walk path owned by Mesa County School District 51. This walk path has been in existence for well over 30 years and is an integral amenity to the neighborhood allowing families to access the school via the path and thereby reducing bus and other associated traffic to the school and surrounding areas. The proposed driveway would create an intolerable situation in regards to safety of elementary age school children. The lot split should be denied solely because of this problem. Finally, old growth trees lining the cul-de-sac will have to be removed if the lot split is allowed. This is hardly a benefit to the neighborhood.
- The Project Description claims the lot split creates lots that comply with the Code. In fact, the lot split creates set backs to the existing structure that do not meet the code. Specifically, the front set back is approximately 8' to the proposed new property line, well short of the 20' set back required by the Code. It appears the dimensions describing the lot frontage are incorrect. Field measurements indicate the proposed lot frontage for the new lot is less than the 30' indicated on the site plan and as required by the code. Further, the proposed driveway traffic will pass directly in front of and within 10' of the existing residence's living area. This situation would create a home with drastically reduced appeal and therefore less value. This would cause diminishment of property values of all the homes within the neighborhood and should not be allowed.
- We have become aware of the move by the City to attach additional areas to this proposed annexation. The City has not complied with the requirements of notification regarding these additional areas. Affected property owners within 500' of any intended annexation are required to be notified for comments. This

Lori Bowers
January 16, 2006
Page 2

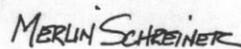
has not been done and this proposed annexation should be tabled until proper notification has occurred.

In summary, the proposed lot split and associated annexation is affecting a neighborhood that has existed for several decades that was established to create open space that avoids the clutter and congestion of many subdivisions. I, and I believe the majority of the people living in this neighborhood, choose to live in the neighborhood because of its open areas, green space, wildlife, and country atmosphere created by the character of the neighborhood.

While Ms. Bellhouse has every right to acquire property in the neighborhood she should not have the right to change the character of the neighborhood by increasing the density of the neighborhood while at the same time forcing the neighborhood into impending annexation; all of this being done simply to speculate on the profits to be made by purchasing and developing lots that have open areas.

I look forward to further review of this submittal by the City and its removal from the scheduled agenda.

Respectfully submitted,



Merlin Schreiner
2387 S. San Miguel Drive
Grand Junction, CO 81503
970-241-6269

Pc:
Richard Perske
Kelly Arnold / City Manager
Bruce Hill / Mayor.

To: Lori Bowers
City of Grand Junction Planner
Community Development
250 N 5th St.
Grand Junction, CO 81501

RE: Bellhouse Annexation , 2381 South San Miguel Drive

The intent of this letter is to voice our concerns for the Bellhouse subdivision and Vallejo Drive, San Miguel Drive, E Road right-of-way annexation proposal. We strongly urge the Grand Junction City Council to turn down this proposal.

Unfortunately, we were informed of this project via neighbors instead of the City of Grand Junction. No type of notice was ever sent from the City of Grand Junction concerning the right-of-way. This is very disconcerting since the proposed right-of-way would pass right in front of our property on E Road. We would hope that the city would feel obligated to inform affected property owners through a letter and/or a town meeting.

We have young children and feel that the volume of traffic on E Road is already a safety issue. The approval of the subdividing of Ms. Bellhouse's property will only increase traffic along E Road and adjacent roads.

Finally, we agree with the principal of Scenic Elementary School and the residents of the Vallejo Subdivision that the approval of this annexation will highly affect the school path to Scenic Elementary. Our children and many neighborhood children depend on this path to walk to Scenic Elementary. The thought of a residential driveway adjacent to the trail in the South San Miguel cul-de-sac is scary. This would be setting up a dangerous situation.

Please advise us of any scheduled town meetings to allow for additional public input and comments concerning this public development. Thank you.


John and Julie Bradley
2354 E Road
Grand Junction, CO 81503

RECEIVED

JAN 13 2006

via hand delivery

*Copies to City Council
Bob Blanchard*

January 12, 2006

City of Grand Junction
Director of Community Development
250 North Fifth Street
Grand Junction, Co. 81501

VSMWC
Mr. Merlin Schreiner
2387 San Miguel Dr.
Grand Junction, Co. 81503

RE: ANX-2005-264 Bellhouse Annexation

The enclosed petitions contain 46 signatures by owners and residents of our Redlands area Vallejo Subdivision who oppose the above referenced proposal for annexation, re-subdivision, and multi-family development of lot 3 block 3 in the Vallejo Subdivision. This single lot annexation request and development proposal is opposed by virtually all residents of the Vallejo Subdivision. It is highly controversial due to the significant impacts it would have on our neighborhood and the precedence it would set for altering and damaging an established rural subdivision thru City annexation and the spot application of City zoning codes.

We have been advised that this annexation proposal is on the Grand Junction City Council "Consent Agenda" for January 18, as a non-controversial and routine matter. We request that this annexation action be removed from the consent agenda so that the many issues concerning this application for annexation and development can be corrected and receive proper public review and comment. We are requesting that neighborhood meetings be scheduled prior to consideration of the proposed annexation.

The owner's application has represented to the City that the proposed lot split and additional residential development would be in character with our rural neighborhood, and would have no affect on the safety, traffic, utilities, or irrigation serving the neighborhood. It further represented that multifamily development including triplexes have recently been built in the neighborhood. We believe that none of these assertions are true and the application contains serious errors that must be corrected prior to any action or further review by the City.

The heavily used Scenic Elementary School pedestrian path is immediately adjacent to this property, but was labeled in the application as a "City Hiking Trail". The Scenic School student bike rack and pedestrian gate are also not shown in the application maps and survey. The proposed nonconforming flag lot driveway entrance would seriously compromise the safety of Scenic School students and others using this public path. Traffic congestion at the Scenic School path is currently a problem and is well documented by the many complaints of the previous owner of this property. Please see the attached letter from the Scenic School Principal.

This traffic congestion is due to the fact that lot 3 is very irregularly shaped and was originally platted with the least amount of street frontage of all the Vallejo Subdivision lots. The existing residence was constructed in 1959 conforming to the minimum

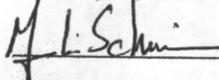
required Vallejo Subdivision setback and centered on the street frontage. Lot 3 frontage is only 70 ft. measured on the curve of the cul-de-sac (less on the street pavement radius) and is proposed to be divided into 30 ft. and 40 ft. segments creating two driveways adjacent to the Scenic School path and student facilities. This close driveway spacing is clearly unsafe, and would significantly increase traffic conflicts and congestion on the cul-de-sac. The flag lot proposal also affords no opportunity for lawn or landscaping in front of the existing residence, which will be left with very undesirable and nonconforming front setbacks.

Written objections and concerns have been raised by the owners of six directly adjoining properties. When the application is corrected, and its many nonconforming aspects properly identified and considered, we believe the proposed lot split must be denied. Thus, the proposed single lot annexation would be an unnecessary and an inappropriate City action within our rural subdivision's legal boundary.

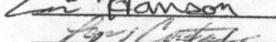
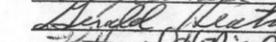
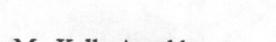
The Vallejo Subdivision homeowners acting through the Vallejo Subdivision Mutual Water Company have met annually since 1957 to elect officers, set annual owners fees, and conduct all subdivision business. This nearly 50 year history of active subdivision management has established and maintained a distinct subdivision and neighborhood identity. The proposed annexation and redevelopment of lot 3 block 3 is opposed by the subdivision neighborhood and the VSMWC Board of Directors.

We respectfully request that this annexation action be removed from the City of Grand Junction City Council "consent agenda", that public neighborhood notices be provided beyond a 500 ft. distance to include other affected users of the school path, and that a Neighborhood Meeting be scheduled to ensure adequate public involvement and discussions of this controversial annexation and development proposal.

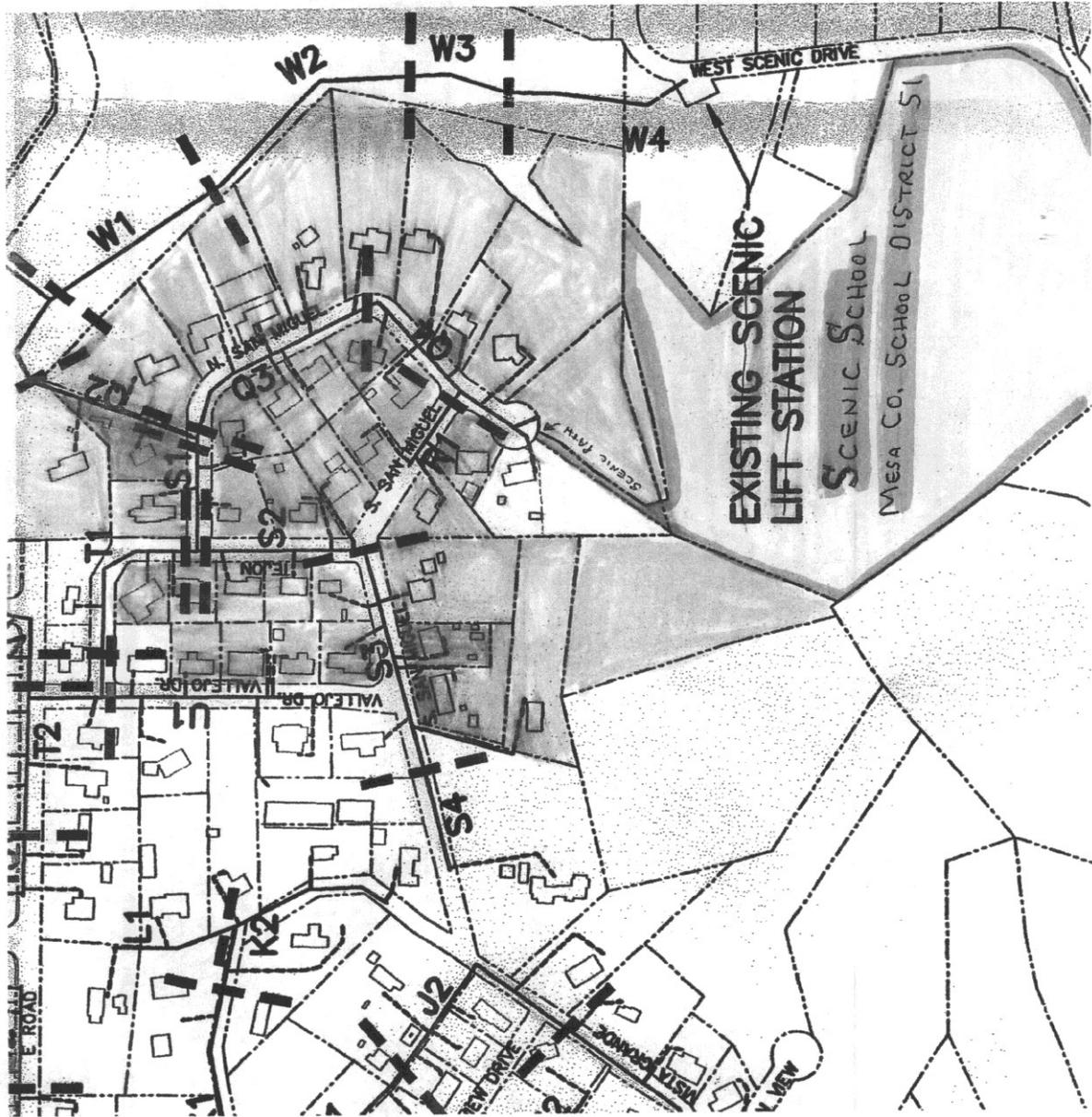
Sincerely, Merlin Schreiner

 _____, VSMWC President

Board of Directors:

 _____ v.p.
 _____ T
 _____
 _____
 _____

CC: City Manager, Mr. Kelly Arnold
Mayor Bruce Hill



BELHOUSE PARCEL
(LOT 3 BLOCK 3)

OWNERS OFFERED
TO PROCEED DEVELOPMENT
& SIGNED PERMIT

SCHOOL DIST. 51
PROPERTY

UNAVAILABLE TO CONTACT
1/10/05 THRU 1/12/05

Petition Opposing ANX-2005-264 Bellhouse Annexation

We the undersigned residents of the Vallejo Subdivision are opposed to the above proposed "spot" annexation and re-subdivision of lot 3 block 3 by the City of Grand Junction. The legally established Vallejo Subdivision covenants and building restrictions do not allow multi-family development or re-subdivision. The proposed rezoning to RSF-4 or RSF-2 is not in character with our neighborhood, would adversely impact the neighborhood, and sets a precedence for voiding established subdivision covenants through City annexation.

There has not been adequate public notice for this proposal and the application contains factual errors regarding the covenants, neighborhood character, available utilities, setback requirements, traffic safety impacts, and impacts to the Scenic Elementary School and Beebe Canyon walk path. In addition to stating our opposition, we also request that a Neighborhood Meeting be scheduled to provide all who may be impacted by this development proposal an opportunity to be properly informed and make public comments on the City annexation and the re-subdivision issues involved.

	Name	Address	Date
1.	McL Sch	2387 S. San Miguel Dr	1/9/06
2.	Richard Perseke	RICHARD PERSEKE 562 RIVER VIEW DR. OWNER LOT 4, BLK 3.	JAN 9, 2005
3.	Jerry Schreier	2387 S. San Miguel	5/10/03 1/9/06
4.	Earl Hanson	2385 1/2 S. San Miguel	1/9/06
5.	Jay Conkows	2385 S. SAN MIGUEL	1/9/06
6.	Marilyn H. Gaarde	2384 N. San Miguel Dr.	1/9/06
7.	John F. Gaarde	2384 N. San Miguel Dr.	1/9/06
8.	Donis D. Hagarth	2381 N. SAN MIGUEL	1-9-06
9.	Gregory A. Sherry	2380 N SAN MIGUEL	1-10-06
10.	Juan Montano	495 Tejon Dr.	1-10-06
11.	Regina Montano	495 Tejon Dr.	1-10-06
12.	Michael P. Abel	491 Tejon Dr.	1-10-06
13.	K. Ross	487 Tejon Dr.	1-10-06

	NAME	ADDRESS	DATE
14.	Joy Hudak	489 Tejon Dr.	1-11-06
15.	Erin Vanicek	2371 S. San Miguel Dr	1-11-06
16.	Lisa Carroll	2519 N San Miguel	1-10-06
17.	Lin M. Mason	2377 S San Miguel	1-10-06
18.			
19.	Small Kate	2388 N. San Miguel	1-10-06
20.	Dorothy Heston	2388 N San Miguel	1-10-06
21.	Jessica A Bray	134 Vista Grand	1-10-06
22.	John S. Cooper	2376 S. San Miguel Dr	1/16/06
23.	Bette Meininger	494 Tejon Dr.	1/10/06
24.	Tom Harlow	498 Tejon Dr	1/10/06
25.	M. Harlow	498 Tejon Dr.	1/10/06
26.	Allan N. Lamm	2382 S. San Miguel Dr	1-10-06
27.	Brenda Swenson	2383 N. San Miguel	1/10/06
28.	Rodney Sorenson	2383 N San Miguel	1/10/06
29.	Kath L. Mitchell	2382 S. San Miguel Dr ⁸¹⁵⁰³	1/10/06
30.	Patricia Boigegrain	2389 S. San Miguel DR.	1/11/06
31.	Walter J. Boigegrain	2389 S San Miguel Dr	1-11-06
32.	James L. Gunden	506 Skyway	1-11-06
33.	Lauri Handon	2385 1/2 San Miguel	1-11-06
34.			
35.			

Petition Opposing ANX-2005-264 Bellhouse Annexation

We the undersigned residents of the Vallejo Subdivision are opposed to the above proposed "spot" annexation and re-subdivision of lot 3 block 3 by the City of Grand Junction. The legally established Vallejo Subdivision covenants and building restrictions do not allow multi-family development or re-subdivision. The proposed rezoning to RSF-4 or RSF-2 is not in character with our neighborhood, would adversely impact the neighborhood, and sets a precedence for voiding established subdivision covenants through City annexation.

There has not been adequate public notice for this proposal and the application contains factual errors regarding the covenants, neighborhood character, available utilities, setback requirements, traffic safety impacts, and impacts to the Scenic Elementary School and Beebe Canyon walk path. In addition to stating our opposition, we also request that a Neighborhood Meeting be scheduled to provide all who may be impacted by this development proposal an opportunity to be properly informed and make public comments on the City annexation and the re-subdivision issues involved.

Name	Address	Date
1. Jany Perske	JANE PERSKE 502 Riverview Dr. ^(also own lot 4/Block 3)	1/10/06
2. Douglas Young	134 Vista Grande	1/10/06
3. Edward J. Baltzer	2375 S. San Miguel Dr	January 10, 2006
4. Elizabeth Balling	2375 S. San Miguel Dr.	1/10/06
5. Robert P. Esse	2379 S. San Miguel	1/10/06
6. Julie A. Eagen	2379 S. San Miguel	1/10/06
7. Deborah J. Esse	2385 S. San Miguel	1/10/06
8. Rob Brantley	492 Vallejo Dr.	1/11/06
9. Bob A. Balling	490 VALLEJO DR.	1/11/06
10. Helen R. King	486 Vallejo DR	1/11/06
11. Wendy King	486 Vallejo Dr.	1/11/06
12. Jeff Brantley	492 Vallejo Dr.	1/11/06
13. Barbara Scott-Pollino	490 Vallejo Dr.	1-12-06

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st day of February, 2006, the following Resolution was adopted:

RESOLUTION NO. ____

A RESOLUTION

*REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL*

BELLHOUSE ANNEXATION

*LOCATED AT 2381 S SAN MIGUEL DRIVE AND INCLUDING PORTIONS OF
THE E ROAD, VALLEJO DRIVE, AND SOUTH SAN MIGUEL DRIVE RIGHTS-
OF-WAY.*

WHEREAS, on the 1st day of February, 2006, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Bellhouse Annexation No. 1

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W along a line being 15.00 feet South of and parallel with said North right of way a distance of 149.97 feet; thence N00°05'59"W feet a distance of 37.35 feet; thence N86°48'03"W along a line being 9.65 feet South of and parallel with the North right of way of E Road as recorded in Book 1005, Page 411, of the Mesa County, Colorado public records a distance of 266.21 feet; thence N08°49'04"E a distance of 9.70 feet to the said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 4.67 feet; thence S86°48'03"E a

distance of 148.67 feet; thence N09°36'01"E a distance of 4.68 feet to the Southwest corner of Lot 1, Block No. 1 of said Second Amendment Rio Vista Subdivision; thence S86°48'03"E along the South line of said Lot 1 a distance of 115.96 feet to the West line of said Lot 2; thence S00°05'59"E along the West line of said Lot 2 a distance of 31.73 feet to the Point of Beginning.

Said parcel contains 0.10 acres (4,280 square feet), more or less, as described.

Bellhouse Annexation No. 2

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet to the Point of Beginning; thence N89°54'02"E continuing along the South line of Second Amendment Rio Vista Subdivision a distance of 940.00 feet; thence S00°05'58"E a distance of 5.00 feet; thence S89°54'02"W along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W a distance of 159.97 feet; thence N00°05'59"W a distance of 37.63 feet; thence N86°48'03"W along a line being 14.65 feet South of and parallel with the North right of way of E Road as described in Book 1005, Page 411 of the Mesa County, Colorado public records a distance of 267.01 feet; thence N08°49'04"E a distance of 14.72 feet to said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02; thence S08°49'04"W a distance of 9.70 feet; thence S86°48'03"E along a line being 9.65 feet South of and parallel with said North right of way of E Road a distance of 266.21 feet; thence S00°05'59"E a distance of 37.35 feet; thence N89°54'02"E a distance of 149.97 feet; thence N00°00'00"W a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.16 acres (7,120 square feet), more or less, as described.

Bellhouse Annexation No. 3

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being a point on the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 1085.00 feet to the Point of Beginning; thence N89°54'02"E along the South line of Second Amendment Rio Vista Subdivision a distance of 91.06 feet to a point on the Northerly projection of the East right of way of Vallejo Drive as shown on Vallejo Subdivision recorded in Plat Book 8, Page 90, Mesa County, Colorado public records; thence S00°18'39"E along said line a distance of 637.73 feet; thence S06°06'21"W along said line a distance of 69.26 feet; thence 56.90 feet along the arc of a 30.00 foot radius curve, concave Northeast, having a central angle of 108°39'39" and a chord bearing S49°02'52"E a distance of 48.75 feet to a point on the Northerly right of way of San Miguel Road as shown on said Vallejo Subdivision; thence N76°37'06"E along the Northerly right of way of said San Miguel Road and the Northeasterly projection thereof a distance of 281.36 feet to the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17; thence N00°18'19"W along the East line of the NW 1/4 NE 1/4 said Section 17 a distance of 7.55 feet; thence S58°25'00"E along the Southwesterly line of Lots 3, 4, and 5, Block 2 and the Southeasterly projection thereof, as shown on Vallejo Subdivision Second Amendment recorded in Plat Book 9, Page 66, Mesa County, Colorado public records a distance of 414.14 feet to a point on the Northwesterly line of Lot 5, Block 3 of said Vallejo Subdivision Second Amendment; thence S46°05'00"W along the Northwesterly line of said Lot 5, Block 3 a distance of 29.87 feet; thence S35°02'00"W continuing along the Northwesterly line of said Lot 5, Block 3 a distance of 93.48 feet to the Northeast corner of Lot 4, of said Block 3; thence 131.36 feet along the arc of a 50.00 foot radius curve concave Northwest, having a central angle of 150°31'47" and a chord bearing S50°17'53"W a distance of 96.71 feet; thence N35°33'47"E a distance of 186.07 feet; thence N58°25'00"W a distance of 365.37 feet to the East line of the NW 1/4 NE 1/4 said Section 17; thence S76°37'06"W along the centerline of said San Miguel Road being 50.00 feet in width a distance of 379.88 feet to a point on the Southerly projection of the West right of way of said Vallejo Drive; thence N06°06'21"E along said line a distance of 152.68 feet; thence N00°18'39"W along said line a distance of 154.75 feet to the Northeast corner of Lot 5, Vallejo West Subdivision recorded in Plat Book 11, Page 115, Mesa County, Colorado public records; thence N87°25'00"E a distance of 25.02 feet to a point on the centerline of said Vallejo Drive being 50.00 feet in width; thence N00°18'39"W along the centerline of said Vallejo Drive a distance of 454.29 feet; thence S89°54'02"W a distance of 1166.16 feet; thence N00°05'59"W a distance of 42.91 feet; thence S86°48'03"E a distance of 5.01 feet; thence S00°05'59"E a distance of 37.63 feet; thence N89°54'01"E a distance of 159.97 feet; thence N00°00'00"E a distance of 15.00 feet; thence

N89°54'02"E along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence N00°05'58"W a distance of 5.00 feet to the Point of Beginning;

Said parcel contains 1.71 acres (74,403 square feet), more or less, as described.

Bellhouse Annexation No. 4

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE1/4) of said Section 17 and assuming the West line of the NE 1/4 NE1/4 of said Section 17 to bear N00°17'59"W with all bearings contained herein relative thereto; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a distance of 252.67 feet to the most Southerly corner of Lot 1, Block 3, Vallejo Subdivision Second Amendment recorded in Plat Book 7, Page 66, Mesa County, Colorado public records; thence N51°50'00"E along the Northwesterly line of Lot 3, of said Block 3, a distance of 71.60 feet; thence S64°13'47"E along the Northwesterly line of said Lot 3 a distance of 143.72 feet; thence 60.44 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 69°15'47" and a chord bearing N60°24'07"E a distance of 56.83 feet; thence N35°02'00"E a distance of 42.79 feet; thence 40.78 feet along the arc of a 25.00 foot radius curve concave Southwest, having a central angle of 93°27'00" and a chord bearing N11°41'30"W a distance of 36.40 feet; thence N58°25'00"W a distance of 297.64 feet to the West line of said NE 1/4 NE1/4 of said Section 17; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a distance of 25.67 feet; thence S58°25'00"E along the centerline of San Miguel Drive being 50.00 feet in width, as shown on said Vallejo Subdivision Second Amendment a distance of 365.37 feet; thence S35°33'47"W a distance of 529.57 feet to the most Southerly corner of said Lot 3; thence N00°17'59"W a distance of 107.42 feet to the Point of Beginning.

Said parcel contains 1.37 acres (59,554 square feet), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of March, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
February 3, 2006
February 10, 2006
February 17,2006
February 24, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BELLHOUSE ANNEXATION #1

APPROXIMATELY 0.10 ACRES

LOCATED WITHIN THE E ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of March, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

BELLHOUSE ANNEXATION #1

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet; thence S00°00'00"E a distance of 15.00 feet; thence

S89°54'02"W along a line being 15.00 feet South of and parallel with said North right of way a distance of 149.97 feet; thence N00°05'59"W feet a distance of 37.35 feet; thence N86°48'03"W along a line being 9.65 feet South of and parallel with the North right of way of E Road as recorded in Book 1005, Page 411, of the Mesa County, Colorado public records a distance of 266.21 feet; thence N08°49'04"E a distance of 9.70 feet to the said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02 feet; thence S08°49'04"W a distance of 4.67 feet; thence S86°48'03"E a distance of 148.67 feet; thence N09°36'01"E a distance of 4.68 feet to the Southwest corner of Lot 1, Block No. 1 of said Second Amendment Rio Vista Subdivision; thence S86°48'03"E along the South line of said Lot 1 a distance of 115.96 feet to the West line of said Lot 2; thence S00°05'59"E along the West line of said Lot 2 a distance of 31.73 feet to the Point of Beginning.

Said parcel contains 0.10 acres (4,280 square feet), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2006 and ordered published.

ADOPTED on second reading this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BELLHOUSE ANNEXATION #2

APPROXIMATELY 0.16 ACRES

LOCATED WITHIN THE E ROAD RIGHT-OF-WAY

WHEREAS, on the 1st day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of March, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

BELLHOUSE ANNEXATION #2

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision as recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being the North right of way of E Road as depicted on said Second Amendment Rio Vista Subdivision a distance of 145.00 feet to the Point of Beginning; thence N89°54'02"E continuing

along the South line of Second Amendment Rio Vista Subdivision a distance of 940.00 feet; thence S00°05'58"E a distance of 5.00 feet; thence S89°54'02"W along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence S00°00'00"E a distance of 15.00 feet; thence S89°54'02"W a distance of 159.97 feet; thence N00°05'59"W a distance of 37.63 feet; thence N86°48'03"W along a line being 14.65 feet South of and parallel with the North right of way of E Road as described in Book 1005, Page 411 of the Mesa County, Colorado public records a distance of 267.01 feet; thence N08°49'04"E a distance of 14.72 feet to said North right of way of E Road; thence S86°48'03"E along said North right of way of E Road a distance of 5.02; thence S08°49'04"W a distance of 9.70 feet; thence S86°48'03"E along a line being 9.65 feet South of and parallel with said North right of way of E Road a distance of 266.21 feet; thence S00°05'59"E a distance of 37.35 feet; thence N89°54'02"E a distance of 149.97 feet; thence N00°00'00"W a distance of 15.00 feet to the Point of Beginning.

Said parcel contains 0.16 acres (7,120 square feet), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2006 and ordered published.

ADOPTED on second reading this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BELLHOUSE ANNEXATION #3

APPROXIMATELY 1.71 ACRES

**LOCATED WITHIN THE E ROAD, VALLEJO DRIVE, AND SOUTH SAN MIGUEL
DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 1st day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of March, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

BELLHOUSE ANNEXATION #3

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Block No. 1 of Second Amendment Rio Vista Subdivision recorded in Plat Book 9, Page 199, Mesa County, Colorado public records and assuming the South line of said Second Amendment Rio Vista Subdivision to bear N89°54'02"E with all bearings contained herein relative thereto; thence N89°54'02"E along the South line of said Second Amendment Rio Vista Subdivision also being a point on the North right of way of E Road as depicted on said Second Amendment Rio Vista

Subdivision a distance of 1085.00 feet to the Point of Beginning; thence N89°54'02"E along the South line of Second Amendment Rio Vista Subdivision a distance of 91.06 feet to a point on the Northerly projection of the East right of way of Vallejo Drive as shown on Vallejo Subdivision recorded in Plat Book 8, Page 90, Mesa County, Colorado public records; thence S00°18'39"E along said line a distance of 637.73 feet; thence S06°06'21"W along said line a distance of 69.26 feet; thence 56.90 feet along the arc of a 30.00 foot radius curve, concave Northeast, having a central angle of 108°39'39" and a chord bearing S49°02'52"E a distance of 48.75 feet to a point on the Northerly right of way of San Miguel Road as shown on said Vallejo Subdivision; thence N76°37'06"E along the Northerly right of way of said San Miguel Road and the Northeasterly projection thereof a distance of 281.36 feet to the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17; thence N00°18'19"W along the East line of the NW 1/4 NE 1/4 said Section 17 a distance of 7.55 feet; thence S58°25'00"E along the Southwesterly line of Lots 3, 4, and 5, Block 2 and the Southeasterly projection thereof, as shown on Vallejo Subdivision Second Amendment recorded in Plat Book 9, Page 66, Mesa County, Colorado public records a distance of 414.14 feet to a point on the Northwesterly line of Lot 5, Block 3 of said Vallejo Subdivision Second Amendment; thence S46°05'00"W along the Northwesterly line of said Lot 5, Block 3 a distance of 29.87 feet; thence S35°02'00"W continuing along the Northwesterly line of said Lot 5, Block 3 a distance of 93.48 feet to the Northeast corner of Lot 4, of said Block 3; thence 131.36 feet along the arc of a 50.00 foot radius curve concave Northwest, having a central angle of 150°31'47" and a chord bearing S50°17'53"W a distance of 96.71 feet; thence N35°33'47"E a distance of 186.07 feet; thence N58°25'00"W a distance of 365.37 feet to the East line of the NW 1/4 NE 1/4 said Section 17; thence S76°37'06"W along the centerline of said San Miguel Road being 50.00 feet in width a distance of 379.88 feet to a point on the Southerly projection of the West right of way of said Vallejo Drive; thence N06°06'21"E along said line a distance of 152.68 feet; thence N00°18'39"W along said line a distance of 154.75 feet to the Northeast corner of Lot 5, Vallejo West Subdivision recorded in Plat Book 11, Page 115, Mesa County, Colorado public records; thence N87°25'00"E a distance of 25.02 feet to a point on the centerline of said Vallejo Drive being 50.00 feet in width; thence N00°18'39"W along the centerline of said Vallejo Drive a distance of 454.29 feet; thence S89°54'02"W a distance of 1166.16 feet; thence N00°05'59"W a distance of 42.91 feet; thence S86°48'03"E a distance of 5.01 feet; thence S00°05'59"E a distance of 37.63 feet; thence N89°54'01"E a distance of 159.97 feet; thence N00°00'00"E a distance of 15.00 feet; thence N89°54'02"E along a line being 5.00 feet South of and parallel with the South line of said Second Amendment Rio Vista Subdivision a distance of 935.01 feet; thence N00°05'58"W a distance of 5.00 feet to the Point of Beginning;

Said parcel contains 1.71 acres (74,403 square feet), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2006 and ordered published.

ADOPTED on second reading this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

BELLHOUSE ANNEXATION #4

APPROXIMATELY 1.37 ACRES

**LOCATED AT 2381 S SAN MIGUEL DRIVE AND INCLUDING PORTIONS OF
SOUTH SAN MIGUEL DRIVE**

WHEREAS, on the 1st day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of March, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

BELLHOUSE ANNEXATION #4

A certain parcel of land located in the North 1/2 (N 1/2) of Section 17, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE1/4) of said Section 17 and assuming the West line of the NE 1/4 NE1/4 of said Section 17 to bear N00°17'59"W with all bearings contained herein relative thereto; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a distance of 252.67 feet to the most Southerly corner of Lot 1, Block 3, Vallejo Subdivision Second Amendment recorded in Plat Book 7, Page 66, Mesa County, Colorado public records; thence N51°50'00"E along

the Northwesterly line of Lot 3, of said Block 3, a distance of 71.60 feet; thence S64°13'47"E along the Northwesterly line of said Lot 3 a distance of 143.72 feet; thence 60.44 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 69°15'47" and a chord bearing N60°24'07"E a distance of 56.83 feet; thence N35°02'00"E a distance of 42.79 feet; thence 40.78 feet along the arc of a 25.00 foot radius curve concave Southwest, having a central angle of 93°27'00" and a chord bearing N11°41'30"W a distance of 36.40 feet; thence N58°25'00"W a distance of 297.64 feet to the West line of said NE 1/4 NE1/4 of said Section 17; thence N00°17'59"W along the West line of said NE 1/4 NE1/4 of said Section 17 a distance of 25.67 feet; thence S58°25'00"E along the centerline of San Miguel Drive being 50.00 feet in width, as shown on said Vallejo Subdivision Second Amendment a distance of 365.37 feet; thence S35°33'47"W a distance of 529.57 feet to the most Southerly corner of said Lot 3; thence N00°17'59"W a distance of 107.42 feet to the Point of Beginning.

Said parcel contains 1.37 acres (59,554 square feet), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2006 and ordered published.

ADOPTED on second reading this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

Attach 3

Setting a Hearing for the ROW Vacation for Swan Lane
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject		Right-of-way vacation on Swan Lane – Redlands Valley Sub.					
Meeting Date		February 1, 2006					
Date Prepared		January 23, 2006			File #PP-2005-145		
Author		Lori V. Bowers		Senior Planner			
Presenter Name		Lori V. Bowers		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley subdivision, and set a Public Hearing for February 15, 2006.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed vacation of ROW ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

BACKGROUND INFORMATION				
Location:		501, 503, 505, 507, 509 and an unaddressed parcel on Swan Lane		
Applicants:		Robert C. Smith, owner; Rolland Engineering, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		12 lot single family subdivision		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-4		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium Low 2 to 4 DU/AC		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request for approval for a vacation of right-of-way for dedicated but unimproved section of Swan Lane, approximately 0.69 acres in size.

ANALYSIS:

1. Background: The property was annexed into the City of Grand Junction as the Swan Lane Annexation in June, 2005. The property consists of 6 parcels of land totaling 2.87 acres. Five parcels on the west side of Swan Lane were part of the Mockingbird Heights Subdivision but subsequent re-plats and property line adjustments have altered the size and shape of that portion of the subdivision. Swan Lane extends southwesterly from Broadway (State Highway 340) for some 600 feet. A dedicated but not yet constructed cul-de-sac was provided at the end of Swan Lane. This application is a request to vacate the end of that cul-de-sac and dedicate new right-of-way for this subdivision. Prior to the Final Plat being recorded, the excess right-of-way needs to be vacated.

2. Consistency with the Growth Plan: The property was zoned RSF-4 upon annexation into the City. The Growth Plan calls for “Residential Medium Low” density, 2 to 4 dwelling units per acre, therefore making it consistent with the Growth Plan. The Growth Plan and its recommended densities for surrounding properties will not be affected by the granting of the vacation.
3. Section 2.11.c of the Zoning and Development Code

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

- a. **The Growth Plan, major street plan and other adopted plans and policies of the City.** Swan Lane is designated as a local street. The dedicated yet un-constructed cul-de-sac is located on the west side of Swan Lane. With the new configured lots for this subdivision the cul-de-sac will be realigned to the east. Since the street was never constructed vacating this undeveloped portion of Swan Lane should not adversely impact the adjacent or surrounding properties. The Growth Plan and its recommended zoning for surrounding properties will not be affected by the granting of the vacation.
- b. **No parcel shall be landlocked as a result of the vacation.** The proposed vacation of this unimproved section of Swan Lane will not landlock any lot or parcel of land since a new road dedication will occur and a re-platting of existing lots will occur simultaneously with the project.
- c. **Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.** The unused and unimproved nature of this right-of-way reflects the fact that it has never really served as a reasonable or feasible means of access. The requested vacation therefore should not change or result in unreasonable or prohibitive circumstances for access purposes and should not have an adverse affect on property values of any property. The proposed subdivision does incorporate a new road dedication to replace the vacated Swan Lane right-of-way.
- d. **There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).**

There are no identifiable adverse impacts that would result from vacating this portion of Swan Lane. With the proposed subdivision a new right-of-way section will be dedicated and necessary easements for public facilities and services will be provided.

- 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.** Existing and future public facilities and services should not be inhibited to this or any other nearby property. Approval of the new subdivision should provide better public facilities and services to the property and surrounding neighborhood.

- f. **The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.** The elimination of an unused and unimproved section of road alignment will eliminate future maintenance and nuisance concerns for the City without interfering with existing or future traffic circulation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Redlands Valley Subdivision application, file number PP-2005-145, for a request for the vacation of a portion of Swan Lane right-of-way, staff makes the following findings of fact and conclusions:

1. The proposed vacation is consistent with the Growth Plan.

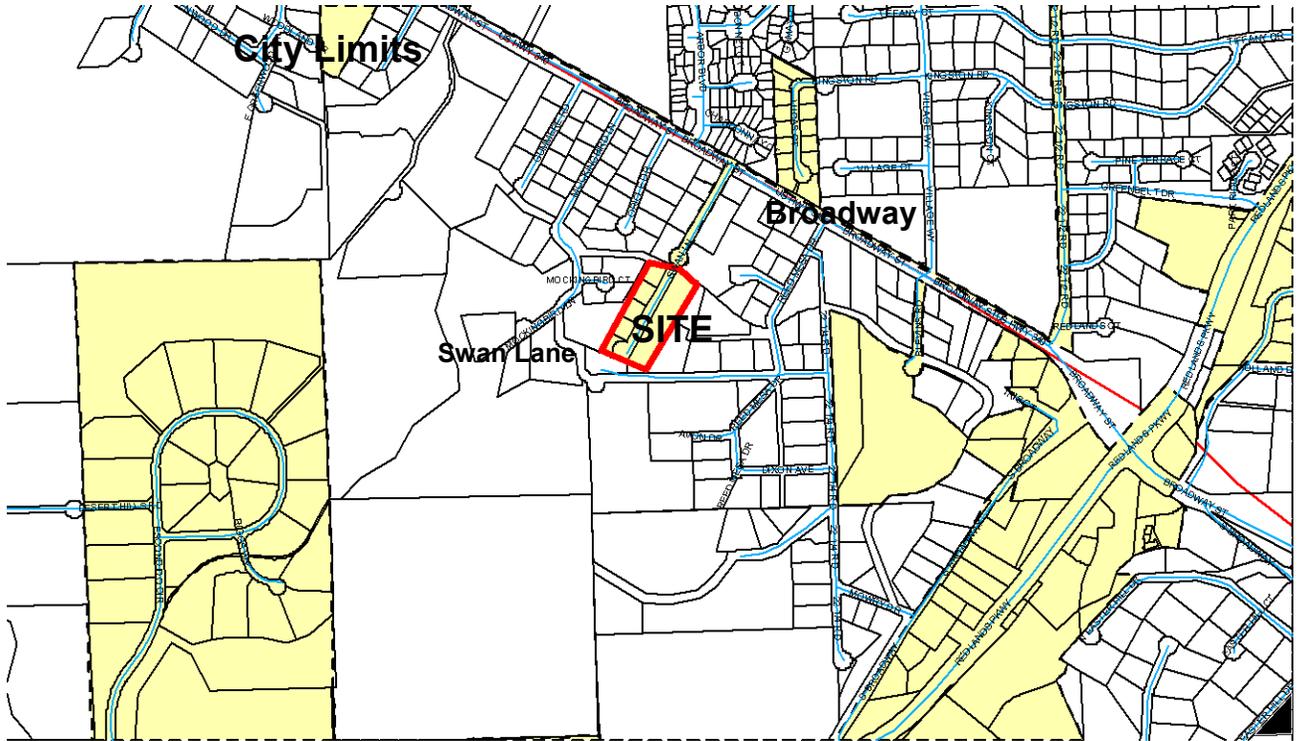
2. The review criteria in Section 2.11.c of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regularly scheduled meeting of January 24, 2006, recommend to the City Council approval of the vacation of the excess right-of-way on Swan Lane as set forth in the attached legal description, finding that the vacation is in compliance with the Growth Plan, Section 2.11 of the Zoning and Development Code and the conditions and conclusions listed in the staff report.

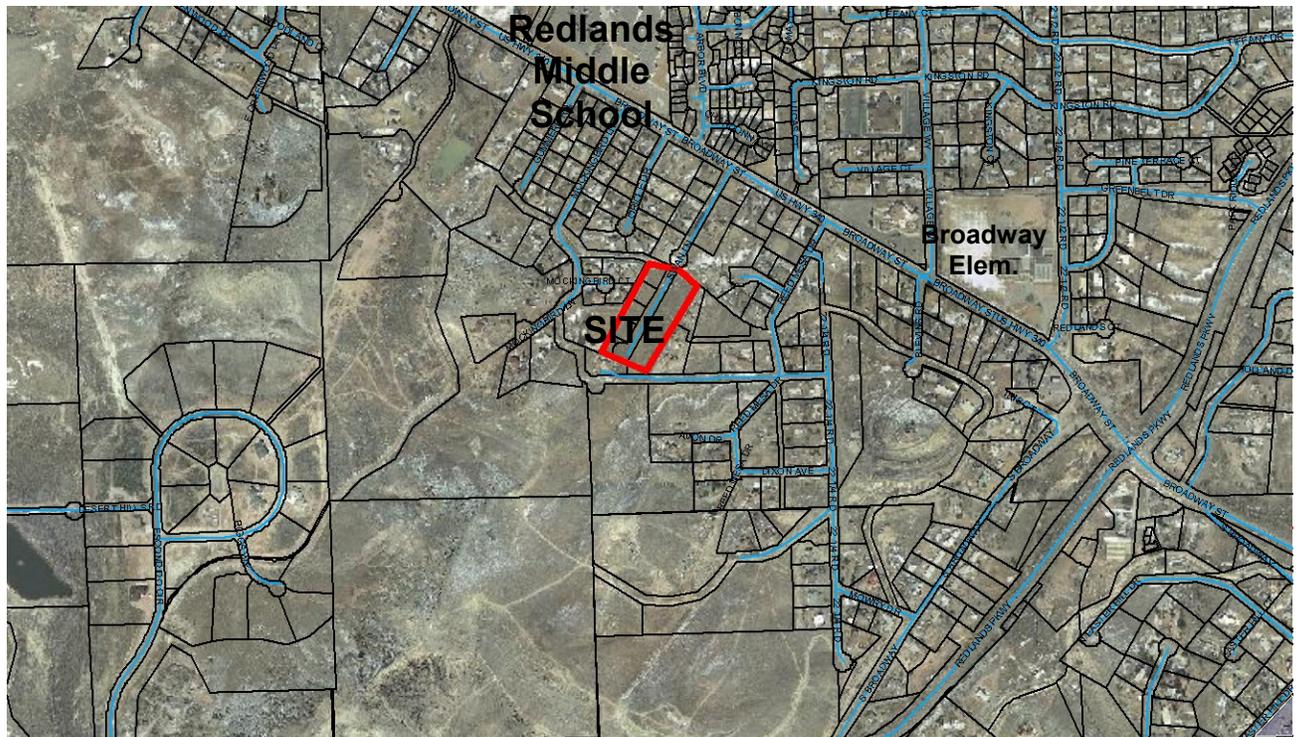
Site Location Map

Redlands Valley Subdivision



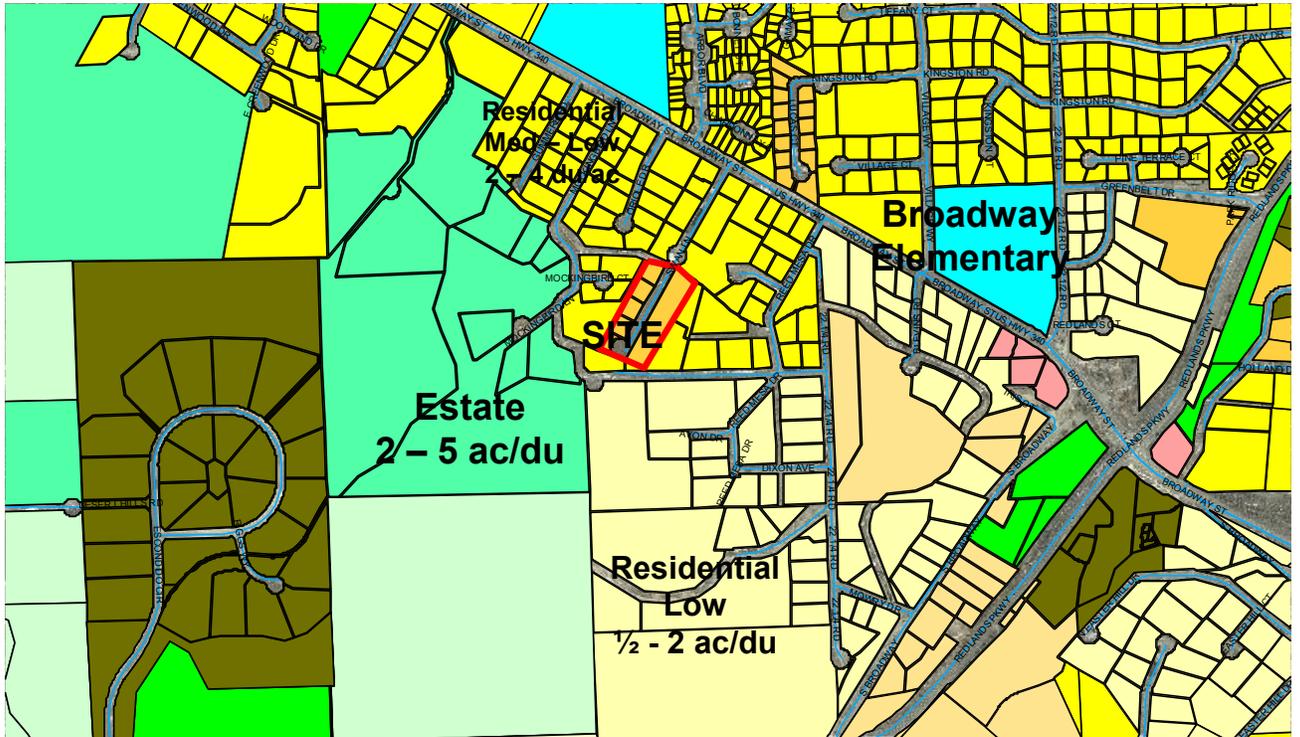
Aerial Photo Map

Redlands Valley Subdivision



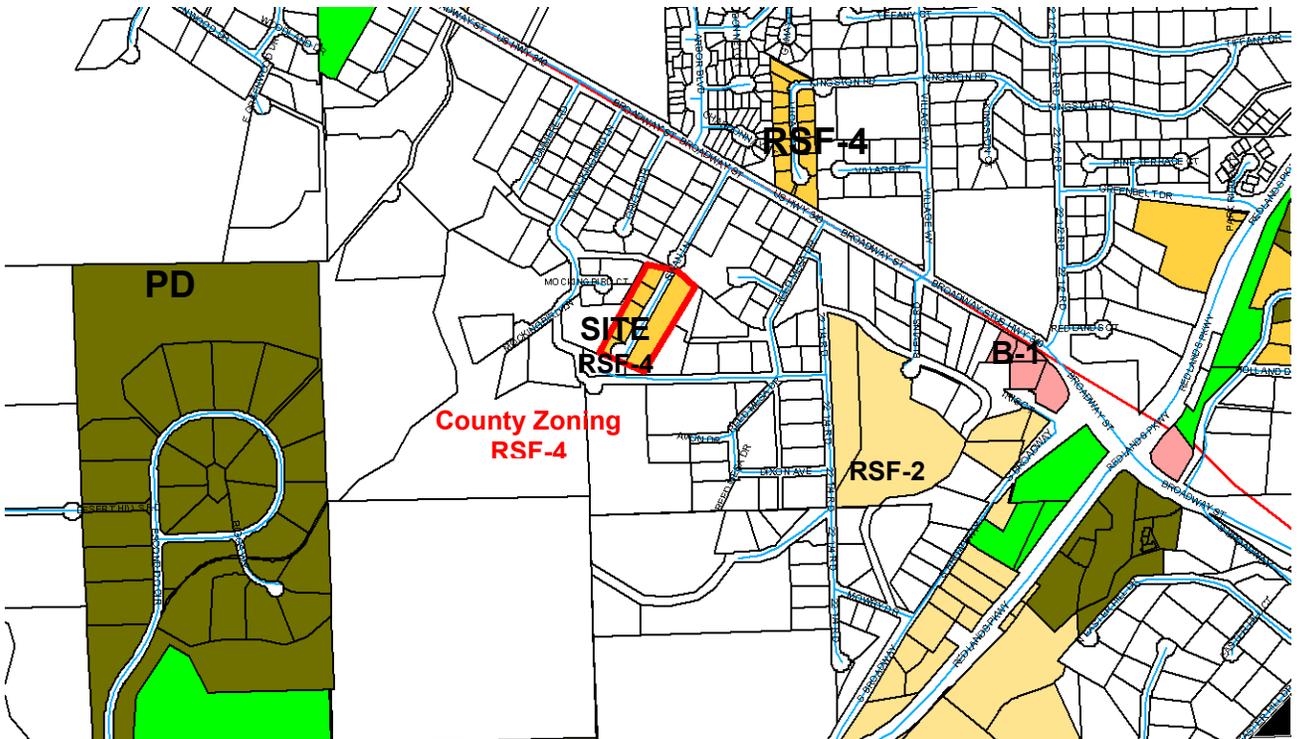
Future Land Use Map

Redlands Valley Subdivision



Existing City and County Zoning

Redlands Valley Subdivision



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING UNDEVELOPED RIGHT-OF-WAY
ALONG SWAN LANE**

Recitals.

A vacation of a portion of the undeveloped right-of-way along Swan Lane has been requested by the property owner. The vacation request is a result of the Redlands Valley Subdivision's proposal to develop 12 single family lots on 2.8 acres of vacant land, zoned RSF-4. The request to vacate is specifically for that dedication recorded in the Mesa County Clerk & Recorder's records at Book 10 Page 21, less any portion of the described land in the deed actually lying within the Swan Lane right-of-way otherwise dedicated for right-of-way purposes. The legal description prepared by Patrick Grogan, for Rolland Engineering reflects this (Exhibits A and B).

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code. This Ordinance will not become effective until the recording of the Final Plat for the Redlands Valley Subdivision.

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

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

The following described dedicated right-of-way, as shown on "Exhibit A", for Swan Lane is hereby vacated:

Dedicated right-of-way to be vacated:

All that part of a certain right-of-way situate in the W1/2 of the SW ¼ Section 7, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Colorado as dedicated on MOCKING BIRD HEIGHTS SUBDIVISION in Plat Book 10 at Page 21, Reception No. 915560 in the Office of the Mesa County Clerk and Recorder, the perimeter of which is more particularly described as follows:

Beginning at the Southeasterly corner of Lot 5, Block 2, MOCKING BIRD HEIGHTS SUBDIVISION from whence a GLO brass cap for the SW corner section 7, Township 1 South, Range 1 West of the Ute Meridian of said section 7

bears S 11° 05'43" W a distance of 885.15 feet, and considering the south line of said section 7 to bear N 89° 50'31" E with all bearings herein contained relative thereto, thence S 68° 18'47" E a distance of 50.67 feet, thence N 30° 59'13" E a distance of 576.36 feet, thence N 89° 31'47" W a distance of 58.04 feet, thence, S 30° 59'13" W a distance of 455.08 feet, thence along a non-tangent 50 radius curve whose chord bears S 30° 59'13" W a chord with a delta angle of 180° 00'00" and a distance of 100 feet to the point of beginning.

(Containing 32,213 square feet).

Introduced on first reading this ___ day of ___, 2006 and ordered published.

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

Mayor

ATTEST:

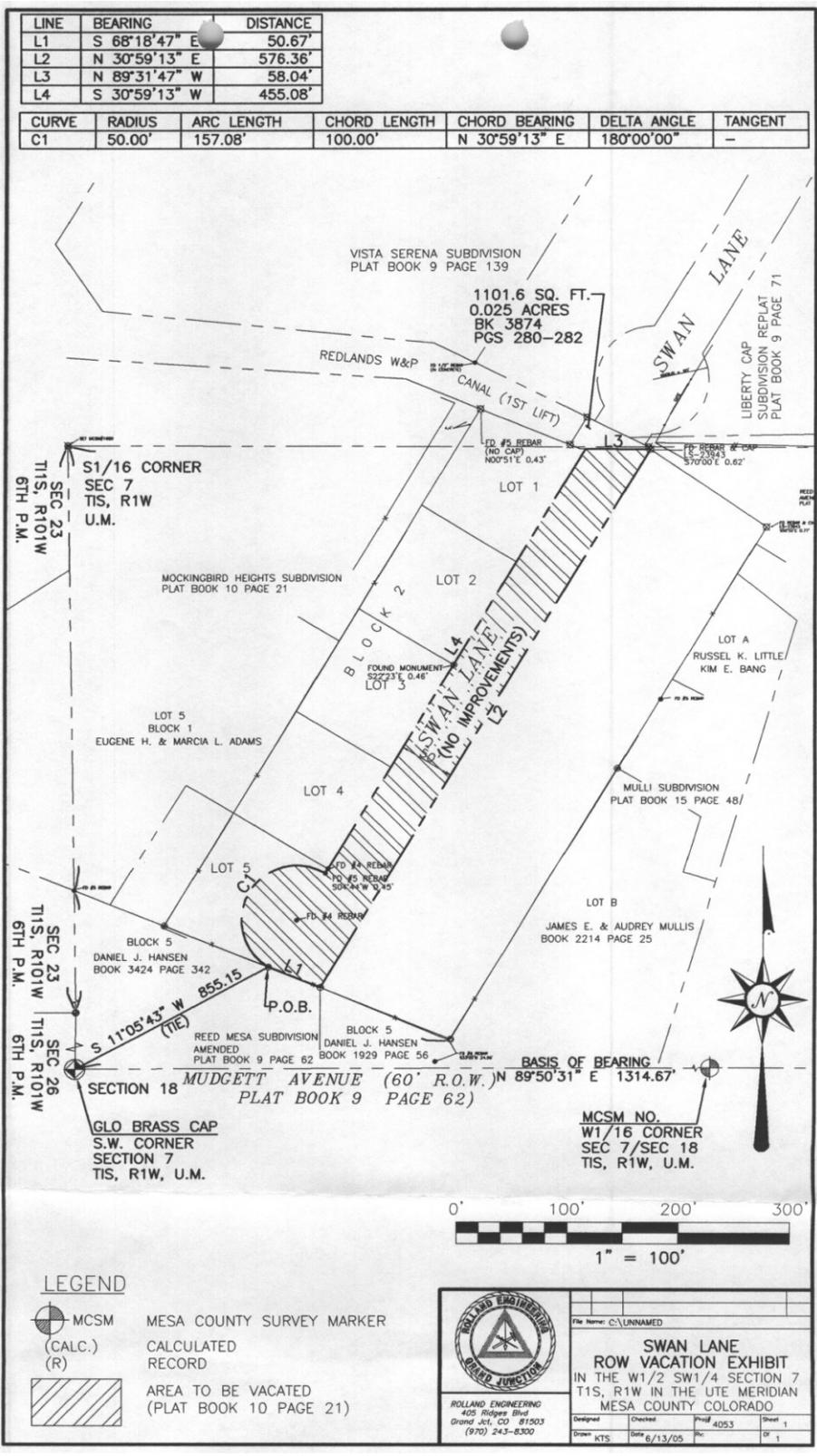
City Clerk

EXHIBIT A

All that part of a certain right-of-way situate in the W1/2 of the SW ¼ Section 7, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Colorado as dedicated on MOCKING BIRD HEIGHTS SUBDIVISION in Plat Book 10 at Page 21, Reception No. 915560 in the Office of the Mesa County Clerk and Recorder, the perimeter of which is more particularly described as follows:

Beginning at the Southeasterly corner of Lot 5, Block 2, MOCKING BIRD HEIGHTS SUBDIVISION from whence a GLO brass cap for the SW corner section 7, Township 1 South, Range 1 West of the Ute Meridian of said section 7 bears S 11° 05'43" W a distance of 885.15 feet, and considering the south line of said section 7 to bear N 89° 50'31" E with all bearings herein contained relative thereto, thence S 68° 18'47" E a distance of 50.67 feet, thence N 30° 59'13" E a distance of 576.36 feet, thence N 89° 31'47" W a distance of 58.04 feet, thence, S 30° 59'13" W a distance of 455.08 feet, thence along a non-tangent 50 radius curve whose chord bears S 30° 59'13" W a chord with a delta angle of 180° 00'00" and a distance of 100 feet to the point of beginning.

(Containing 32,213 square feet).



C:\PROJECTS\053\053ROW\AC.dwg, ROW VAC. 6/13/2005 4:56:43 PM

Exhibit B

Attach 4

Setting a Hearing for the Vacation of a 20' East/West Alley, Located at 411 West Main Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a Hearing for the Vacation of a 20' east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision – 411 W. Main Street						
Meeting Date	February 1, 2006						
Date Prepared	January 23, 2006				File #VR-2005-012		
Author	Scott D. Peterson			Senior Planner			
Presenter Name	Scott D. Peterson			Senior Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision in anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five (5) properties into four (4) residential lots. Three (3) of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance and set hearing for February 15th, 2006.

Attachments:

1. Background Information/Staff Analysis
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City Zoning Map
4. Ordinance & Exhibit A

BACKGROUND INFORMATION			
Location:		411 W. Main Street	
Applicant:		City of Grand Junction & Spendrup & Associates Inc., Owners	
Existing Land Use:		Un-improved platted City alley	
Proposed Land Use:		Residential Subdivision	
Surrounding Land Use:	North	Single-Family Residential	
	South	Single-Family Residential	
	East	Railroad property	
	West	Single-Family Residential	
Existing Zoning:		RMF-8, Residential Multi-Family – 8 units/acre	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	RMF-8, Residential Multi-Family – 8 units/acre	
	South	RMF-8, Residential Multi-Family – 8 units/acre	
	East	N/A (Railroad right-of-way)	
	West	RMF-8, Residential Multi-Family – 8 units/acre	
Growth Plan Designation:		Residential Medium (4 – 8 DU/Acre)	
Zoning within density range?		N/A	Yes
			No

Staff Analysis:

The applicant, City of Grand Junction, wishes to vacate the existing 20' wide east/west alley right-of-way that presently divides a portion of Lot 2, Block 9, Richard D. Mobley's First Subdivision located east of Chuluota Avenue. The alley has never been constructed. Upon the approval of the requested vacation by the City, a 20' wide Utility Easement will be dedicated via a new subdivision plat for future utilities that will serve the newly platted lots. The proposed subdivision will incorporate a total of 0.81 acres of land and will also dedicate additional right-of-way for the Riverside Parkway.

Presently there are three (3) single-family homes on the five (5) properties.

Consistency with the Growth Plan:

The site is currently zoned RMF-8, Residential Multi-Family – 8 units/acre with the Growth Plan Future Land Use Map showing this area as Residential Medium (4 – 8 DU/Ac.).

Section 2.11 C. of the Zoning and Development Code:

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

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

Granting the request to vacate the existing 20' alley right-of-way does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this alley vacation.

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

Access will not be restricted.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation request.

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the 20' alley right-of-way will be converted to a 20 Utility Easement for the benefit of the newly proposed platted lots. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as a new 20' Utility Easement will be dedicated through a subdivision plat.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the alley vacation application located at 411 W. Main Street, VR-2005-012, for the vacation of a 20' alley right-of-way, the Planning Commission at their January 10th, 2006 meeting made the following findings of fact and conclusions:

2. The requested 20' alley right-of-way vacation is consistent with the Growth Plan.
3. The review criteria in Section 2.11 C. of the Zoning & Development Code have all been met.
4. Approval of the alley vacation request is contingent upon the approval and filing of the subdivision plat and the dedication of the 20' Utility Easement.

Action Requested/Recommendation: Recommend First Reading of the Ordinance for the vacation of a 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision – 411 W. Main Street, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

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

CITY OF GRAND JUNCTION

Ordinance No. _____

AN ORDINANCE VACATING A 20' WIDE ALLEY RIGHT-OF-WAY LOCATED EAST OF CHULUOTA AVENUE AND CROSSING LOT 2, BLOCK 9, RICHARD D. MOBLEY'S FIRST SUBDIVISION
KNOWN AS: 411 W. MAIN STREET

RECITALS:

In conjunction with the filing of a Subdivision Plat and in anticipation of future residential development and construction of the Riverside Parkway, the applicant proposes to vacate a 20' wide alley right-of-way which will be converted to a 20' Utility Easement.

The Planning Commission, having heard and considered the request on January 10th, 2006 and found the criteria of the Code to have been met, recommend 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 20' alley right-of-way is hereby conditionally vacated:

All that part of that certain alley situate in the SE1/4 of Section 15, T1S, R1W of the Ute Meridian, lying in Block 9 of Richard D. Mobley's First Subdivision to Grand Junction, and granted to the City of Grand Junction by deed recorded in Book 100 at Page 3 of the Office of the Mesa County Clerk and Recorder, which part is more particularly described as follows:

All of the east-west alley crossing Lot 2 in said Block 9 lying east of the easterly right-of-way line of Chuluota Avenue and extending easterly to the easterly line of said Lot 2. See attached Exhibit "A."

This 20' alley right-of-way vacation is conditioned and contingent upon the approval and filing of the Subdivision Plat and the dedication of the 20' Utility Easement for the benefit of future and anticipated utilities.

INTRODUCED on First Reading on the ____ day of _____, 2006 and ordered published.

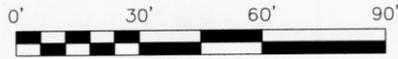
ADOPTED on Second Reading this _____ day of February, 2006.

ATTEST:

City Clerk

President of City Council

EXHIBIT A



W. MAIN STREET

CHULUOTA AVENUE

N.E. CORNER
LOT 2

MOBLEY'S SUBDIVISION
LOT 2
BLOCK 9

EAST LINE
LOT 2

SPENDRUP & ASSOC. INC
BOOK 2188 PAGE 755

SPENDRUP & ASSOC. INC
BOOK 2193 PAGE 313

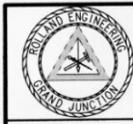
N 00°06'50" E
20.00'

N 89°59'33" E 141.20'
SUBJECT ALLEY (BK 100 PG 3)
S 89°59'33" W 141.20'

S 00°05'19" W 155.00'
20.00'
S 00°05'19" W

CITY OF
GRAND JUNCTION

SPENDRUP & ASSOC. INC
BOOK 2170 PAGES 740-741



ROLLAND ENGINEERING
405 Ridgess Blvd
Grand Jct., CO 81503
(970) 243-8300

File Name: C:\PROJECTS\4017A\4017ASPENEXH.DWG

EXHIBIT
ALLEY VACATION
IN THE SE1/4 SECTION 15
T1S, R1W OF THE UTE MERIDIAN
GRAND JUNCTION, COLORADO

Designed	Checked	Proj	Sheet
		4017A	1
Drawn	Date	By	Of
	12/27/05		1

Attach 5

Setting a Hearing for the Autumn Glenn II Annexation, Located at 428 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Setting a hearing for the Autumn Glenn II Annexation located at 428 30 Road					
Meeting Date		February 1, 2006					
Date Prepared		January 26, 2006			File #ANX-2005-303		
Author		Lisa E. Cox		Senior Planner			
Presenter Name		Lisa E. Cox		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.08 acre Autumn Glenn II Annexation consists of 1 parcel.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Autumn Glenn II Annexation petition and introduce the proposed Autumn Glenn II Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 15th day of March, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION					
Location:		428 30 Road			
Applicants:		Owner: Pamela L. Brown; Developer: Darren Davidson; Representative: Rhino Engineering – George Kornfeld			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Single Family Residential Subdivision			
Surrounding Land Use:	North	Autumn Glenn Subdivision			
	South	Single Family Residential / Agricultural			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RSF-R			
Proposed Zoning:		City RMF-8			
Surrounding Zoning:	North	City RMF-8			
	South	County RSF-R/City RSF-4			
	East	County RSF-R			
	West	County RSF-R/PD 4.65 du/ac			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 6.08 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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

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

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

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

The following annexation and zoning schedule is being proposed.

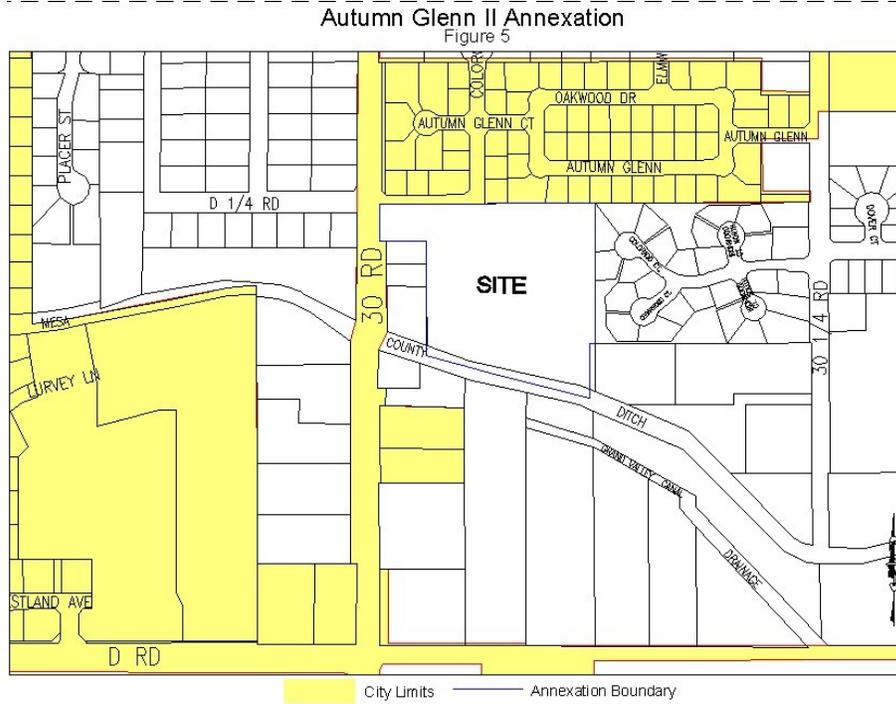
<u>ANNEXATION SCHEDULE</u>	
February 1, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 14, 2006	Planning Commission considers Zone of Annexation
March 1, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
March 15, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 16, 2006	Effective date of Annexation and Zoning

AUTUMN GLENN II ANNEXATION SUMMARY

File Number:		ANX-2005-303
Location:		428 30 Road
Tax ID Number:		2943-163-00-078
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		6.08 acres
Developable Acres Remaining:		5.89 acres
Right-of-way in Annexation:		0.00 acres
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-8
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential Subdivision
Values:	Assessed:	= \$7,700
	Actual:	= \$79,960
Address Ranges:		428 30 Rd & 3001-3007 D ¼ Rd (odd only)
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa Co School District #51
	Pest:	Upper Grand Valley Pest

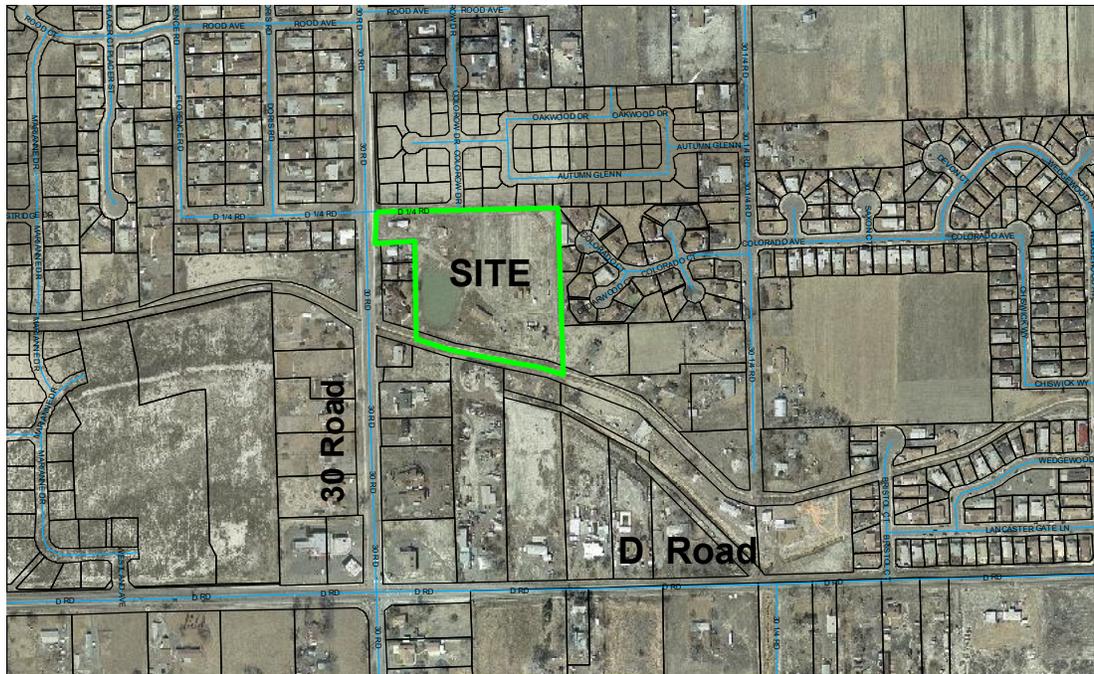
Site Location Map

Figure 1



Aerial Photo Map

Figure 2



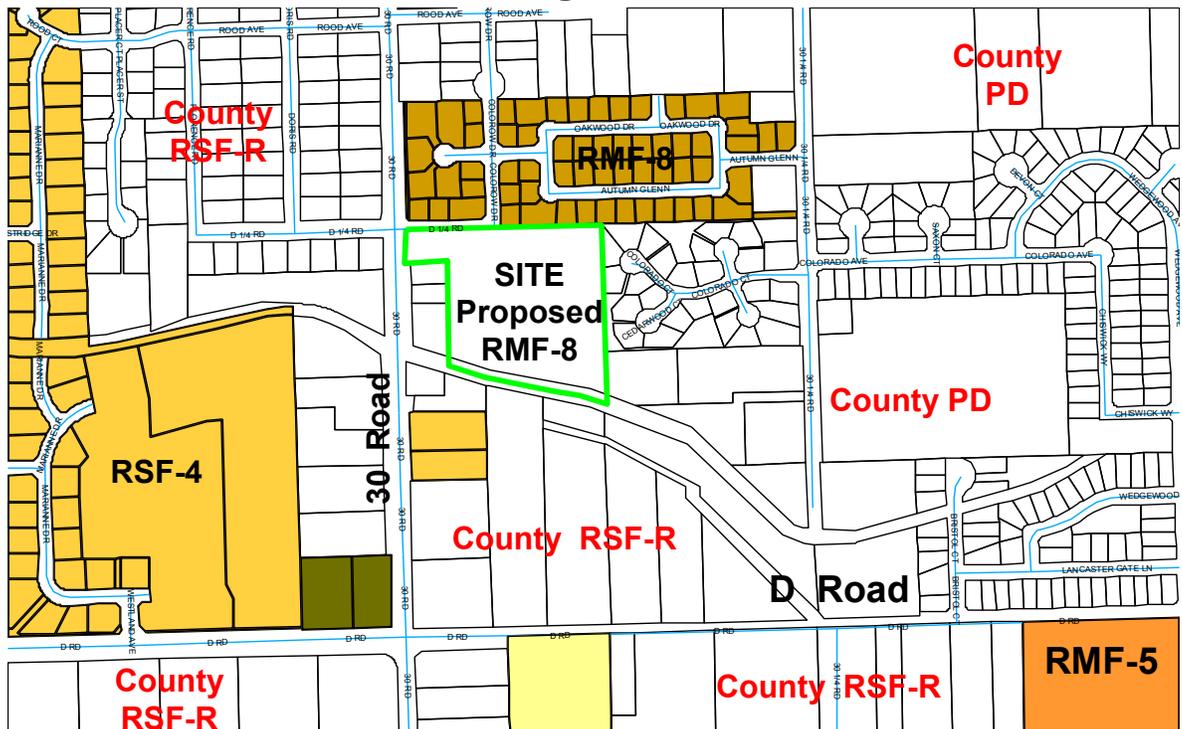
Future Land Use Map

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."

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of March, 2006, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

AUTUMN GLENN II ANNEXATION

LOCATED AT 428 30 ROAD

WHEREAS, on the 1st day of February, 2006, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

AUTUMN GLENN II ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 SW 1/4 of said Section 16 and assuming the North line of the SW 1/4 SW 1/4 of said Section 16 to bear N89°55'08"E with all bearing contained herein relative thereto; thence N89°55'08"E along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to the Point of Beginning; thence N89°55'08"E continuing along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 630.39 feet to the Northwest corner of Ironwood Subdivision as recorded in Plat Book 12, Page 454 of the Mesa County, Colorado public records; thence S00°03'08"W along the West line of said Ironwood Subdivision a distance of 411.00 feet to the Southwest corner of said Ironwood Subdivision; thence S89°55'08"W a distance of 14.61 feet; thence S00°03'08"W along the West line of that certain parcel of land described in Book 2779, Pages 133 and 134 of the Mesa County, Colorado public records, a distance of 157.00 feet more or less to the centerline of the Grand Valley Canal; thence N76°21'53"W along said centerline a distance of 267.00 feet; thence N74°14'56"W continuing along said centerline a distance of 230.00 feet to a point on the Southerly projection of the East line of Tierra Amarilla as recorded in Plat Book 12, Page 239 of the Mesa County, Colorado public records; thence N00°03'05"E along said line a distance of 332.00 feet more or less to the Northwest corner of said Tierra Amarilla; thence N89°56'35"W along the North line of Lot 1, of said Tierra Amarilla and the

Westerly projection thereof a distance of 134.95 to a point on the Easterly right of way of 30 Road; thence N00°01'23"E along the East right of way of 30 Road a distance of 110.05 to the Point of Beginning.

Said parcel contains 6.08 acres (264,745 square feet), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of March, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
February 3, 2006
February 10, 2006
February 17, 2006
February 24, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

AUTUMN GLENN II ANNEXATION

APPROXIMATELY 6.08 ACRES

LOCATED AT 428 30 ROAD

WHEREAS, on the 1st day of February, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of March, 2006; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

AUTUMN GLENN II ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 SW 1/4 of said Section 16 and assuming the North line of the SW 1/4 SW 1/4 of said Section 16 to bear N89°55'08"E with all bearing contained herein relative thereto; thence N89°55'08"E along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 30.00 feet to the Point of Beginning; thence N89°55'08"E continuing along the North line of the SW 1/4 SW 1/4 of said Section 16 a distance of 630.39 feet to the Northwest corner of Ironwood Subdivision as recorded in Plat Book 12, Page 454 of the Mesa County, Colorado public records; thence

S00°03'08"W along the West line of said Ironwood Subdivision a distance of 411.00 feet to the Southwest corner of said Ironwood Subdivision; thence S89°55'08"W a distance of 14.61 feet; thence S00°03'08"W along the West line of that certain parcel of land described in Book 2779, Pages 133 and 134 of the Mesa County, Colorado public records, a distance of 157.00 feet more or less to the centerline of the Grand Valley Canal; thence N76°21'53"W along said centerline a distance of 267.00 feet; thence N74°14'56"W continuing along said centerline a distance of 230.00 feet to a point on the Southerly projection of the East line of Tierra Amarilla as recorded in Plat Book 12, Page 239 of the Mesa County, Colorado public records; thence N00°03'05"E along said line a distance of 332.00 feet more or less to the Northwest corner of said Tierra Amarilla; thence N89°56'35"W along the North line of Lot 1, of said Tierra Amarilla and the Westerly projection thereof a distance of 134.95 to a point on the Easterly right of way of 30 Road; thence N00°01'23"E along the East right of way of 30 Road a distance of 110.05 to the Point of Beginning.

Said parcel contains 6.08 acres (264,745 square feet), more or less, as described.

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

INTRODUCED on first reading on the _____ day of _____, 2006 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 6

Setting a Hearing on Future Land Use Designation and Zoning for the West Main Parking Lot

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	West Main Parking Lot – Future Land Use and Zoning					
Meeting Date	February 1, 2006					
Date Prepared	January 24, 2006			File RZ-2005-265		
Author	Kristen Ashbeck		Senior Planner			
Presenter Name	Kristen Ashbeck		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel. The resolution for the Growth Plan designation will be considered at second reading of the zoning ordinance.

Budget: N/A

Action Requested/Recommendation: First reading of the zoning and set a Public Hearing for February 15, 2006 for both the Land Use designation and the zoning.

Background Information: See attached Staff Report/Background Information

Attachments:

- Site Location and Aerial Photo Maps
- Future Land Use and Existing City/County Zoning Maps
- Preliminary Site Plan
- Planning Commission Minutes from 1/24/06 Hearing (will be included at 2nd reading)
- Proposed Zoning Ordinance

BACKGROUND INFORMATION				
Location:		820 West Main Street		
Applicant:		Owner: City of Grand Junction Developer: Same Representative: Same		
Existing Land Use:		Vacant		
Proposed Land Use:		Public Parking Lot		
Surrounding Land Use:	North	State Highway 340 and City Shops		
	South	Residential		
	East	New Dual Immersion Academy School		
	West	Colorado River		
Existing Zoning:		None		
Proposed Zoning:		Community Services and Recreation (CSR)		
Surrounding Zoning:	North	Light Industrial (I-1)		
	South	Residential Multifamily 8 units per acre (RMF-8)		
	East	CSR		
	West	None		
Growth Plan Designation:		None		
Zoning within density range?		NA	Yes	No

PROJECT BACKGROUND/DESCRIPTION: The City owns the property at 820 West Main Street in the Riverside Neighborhood and is proposing to develop a public parking lot on the property and on an adjacent area of surplus right-of-way for State Highway 340. The City-owned parcel has never been assigned a Future Land Use category on the Growth Plan Future Land Use Map and the property has never been zoned. A Future Land Use category of Public/Institutional and zoning of CSR are proposed. The Site Plan is currently being reviewed administratively.

The site is presently used for overflow parking during celebration events in the Riverside Neighborhood. The City is proposing to construct the parking facility to accommodate the additional parking needs for the Riverside School, provide a parking location to replace the parking facility that was proposed in the City Shops area for Colorado River Trail access, provide additional parking for nearby Riverside Park, and to provide a designated parking location for other neighborhood celebrations.

The new parking facility will be accessed by a new driveway located west of the intersection of West Avenue and West Main Street. There will also be a driveway located at the new cul-de-sac located at the western terminus of West Main Street.

Utilities required for the site are domestic water for irrigation and electricity for street lights and sprinkler controls. Both are already adjacent to the site. The existing natural gas line located across the site will need to be lowered to accommodate the parking facility. The existing overhead utility line will remain on the site.

Once the Site Plan is approved, the City will be entering into a lease with the Colorado Department of Transportation (CDOT) in order to construct a portion of the parking facility within the State Highway 340 right-of-way. The City anticipates construction to start in March 2006 and be completed in 45 days.

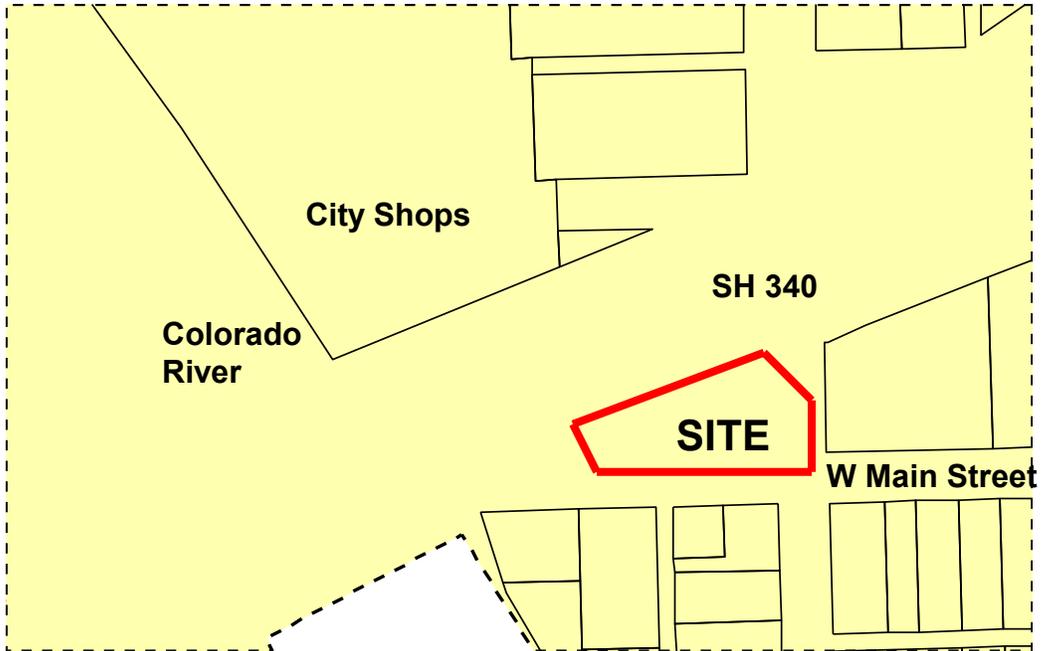
ANALYSIS: This application is not a request to change either the Growth Plan Future Land Use Map or the zoning map. Rather it is a request to apply a future land use category and zoning to a parcel that has not been designated or zoned. Thus, there are no applicable criteria to be considered for review of the project.

The proposed Public/Institutional land use category is consistent with the intent and goals of the Growth Plan which states that parcels designated Public/Institutional be public and quasi-public uses such as schools and government facilities. Thus, as a proposed use accessory to the adjacent school and nearby park, the Public/Institutional land use category is appropriate. Similarly, the proposed zoning of CSR is consistent with the purpose of the zone district to implement the Parks, Conservation and Public/Institutional land use classifications of the Growth Plan. It is also the same zoning as the adjacent school and nearby park.

PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS AND RECOMMENDATION (hearing 1/24/06): After reviewing the West Main Street Future Land Use and Zoning request, RZ-2005-265 for Public/Institutional land use category and a CSR zoning, Planning Commission found the proposal is consistent with the intent and goals of the Growth Plan and general purpose of the CSR zone district and recommended approval of: 1) the designation of the property at 820 West Main Street as Public on the Growth Plan Future Land Use Map; and 2) zoning the property Community Services and Recreation (CSR).

Site Location Map

Figure 1



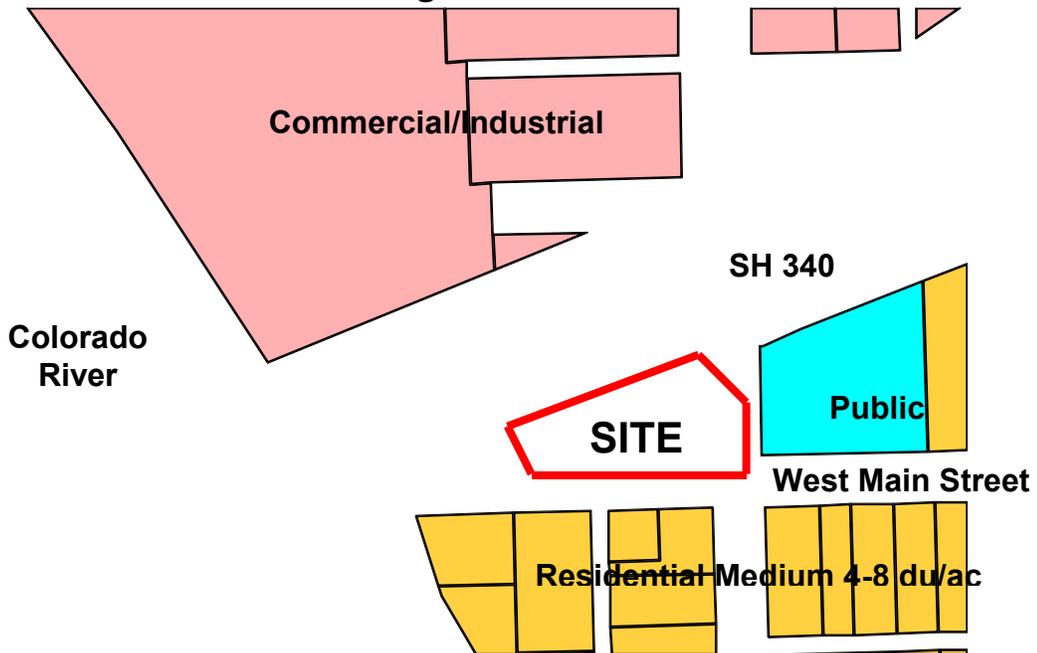
Aerial Photo Map

Figure 2



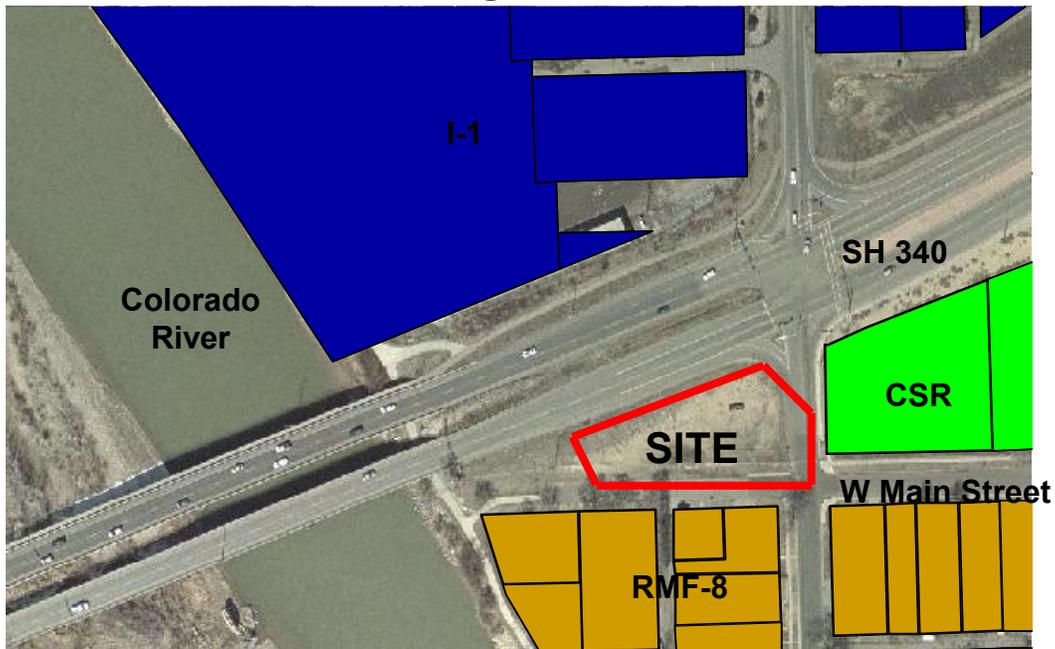
Future Land Use Map

Figure 3

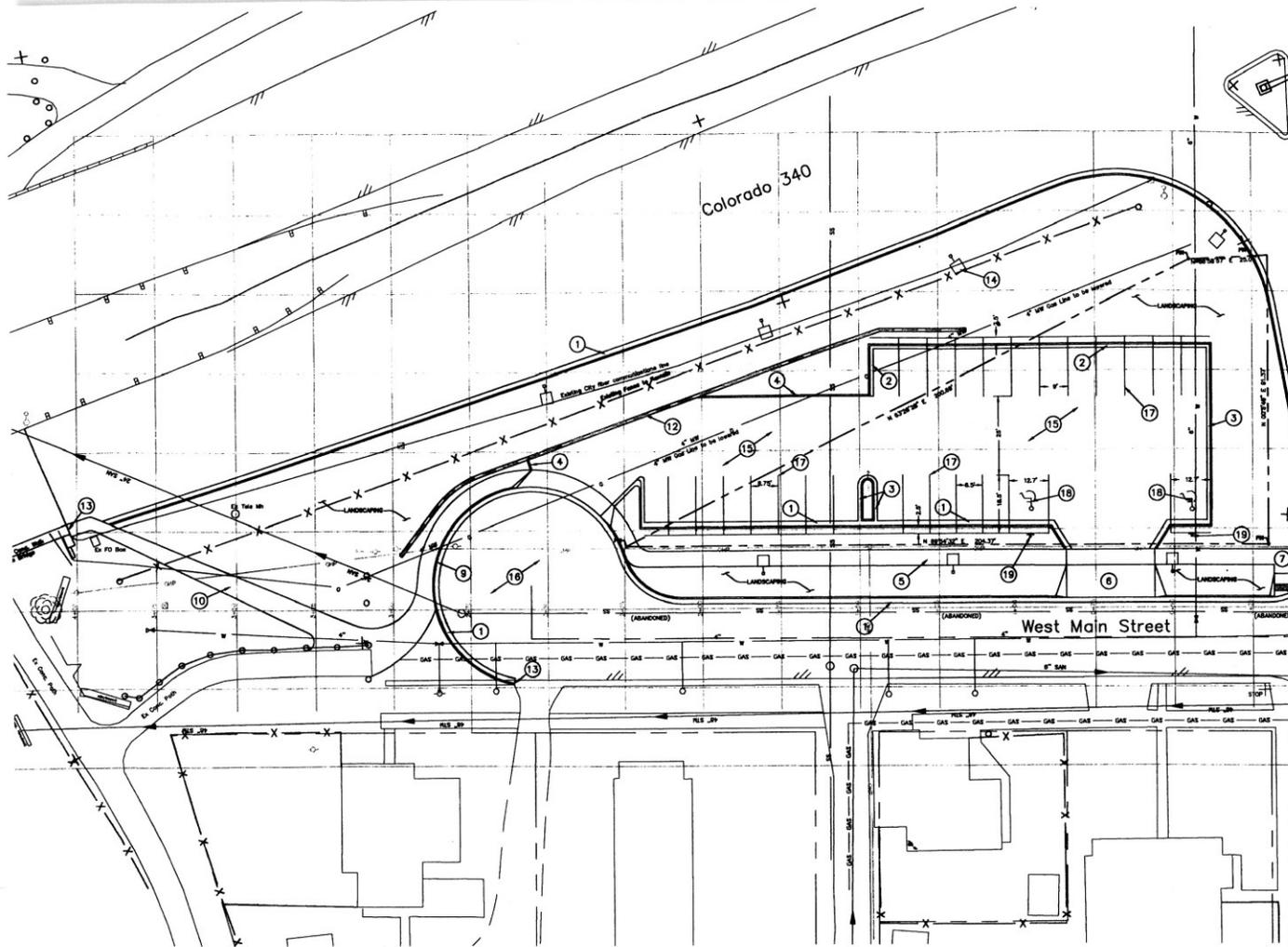


Existing City Zoning

Figure 4



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



820 West Main Street Parking Lot – Proposed

CITY OF GRAND JUNCTION, COLORADO

**ORDINANCE NO. _____
AN ORDINANCE ZONING THE PROPERTY AT 820 WEST MAIN STREET
COMMUNITY SERVICES AND RECREATION (CSR)**

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 property at 820 West Main Street CSR finding that: 1) the CSR zone district is consistent with and implements the land use category as shown on the Growth Plan Future Land Use Map (Public/Institutional); 2) is consistent with the Growth Plan's goals and policies; and 3) is generally compatible with appropriate land uses located in the surrounding area.

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING PROPERTY SHALL BE ZONED COMMUNITY SERVICES AND RECREATION (CSR):

A parcel of land in the N'W1/4 SE1/4 of SEC 15. T1S, R1W of the UM, described as follows; Commencing at the Center East 1/16 COR of said SEC 15 whence the E1/4 COR of said SEC bears N89°42'17"E for a basis of bearings; thence S47°01'29"E 1445.22 ft to the SE COR of Block 3 of the Grand River Subdivision the True POB; thence N89°54'32"W 204.37 ft along the South line of said Block 3 to the southerly ROW line of Highway 340; thence along said ROW N63°26'28"E 200.69 ft and N86°58'57"E 25.04 to the East line of said Block 3; thence along the East line S0°05'28"W 91.37 ft to the True POB.

Said parcel contains 0.24 acres more or less as described.

INTRODUCED on FIRST READING this _____ day of _____, 2006 and ordered published.

ADOPTED on SECOND READING this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Attach 7

Purchase of Chevy Silverado 1500 Pick-ups

Attachment 7

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Chevy Silverado 1500 Pickups					
Meeting Date	February 1, 2006					
Date Prepared	January 25, 2006					
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 checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: This purchase is for a total of eleven (11) 2006 Chevy Silverado 1500 pickups. Nine (9) of these pickups are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee. Two (2) units are new 2006 additions to the Fleet one for Fire Code Enforcement and the other for Public Works Development Inspector.

Budget: There is a total of \$171,500.00 budgeted for this purchase. The Fleet Division has budgeted \$141,000.00 for replacement of nine of these units and there is \$30,500.00 budgeted in the appropriate CIP accounts for the purchase of the two new 2006 additions to the Fleet. The budgets for these purchases have been approved in the 2006 fiscal year budget.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase eleven (11) Chevy Silverado 1500 Pickup trucks vehicles from Dallenbach Chevrolet, Fort Collins, Colorado for the amount of \$168,481.00

Background Information: The State of Colorado award has provisions for local government purchases from their contract. The Colorado Department of Transportation competitively bid and awarded the Chevy Silverado's for 2005/2006. The award number is 07048YYY38M.

During the Council Workshop January 30 questions arose concerning the pricing of the units from the State of Colorado Contract. Knowing that each unit had optional equipment specified, Purchasing solicited informal quotations from local dealers with the complete list of optional equipment necessary for price comparison and to insure we were recommending best value for the City. The optional equipment included a Flex-fuel engine (ethanol or regular gasoline) that will allow the city to gradually change our fleet to provide more energy efficiency and less fuel oil dependency once alternative fuel infrastructure is developed. This option is consistent with the 2002–2012 City Strategic Plan, goal #3 promoting conservation. The cost of that option alone is \$1,140 each. The total cost of options on each unit is \$2985. We received quotations from three local dealers of which only two can provide the flex-fuel engine. The net savings to the city for the purchase of eleven (11) trucks from the state contract is \$3507.73 delivered to Grand Junction. The Fleet Manager and Purchasing Manager continue to recommend we procure by use of the State Contract on this purchase.

We will continue to make every effort to procure equipment, commodities and services from local providers to the extent possible. The Purchasing office is charged with the responsibility to provide best value to all city taxpayers. We continually research availability from various outside sources and only recommend purchase from such sources when it is in the best interest of the City to do so.

Attach 8

Grant Application for Colorado Safe Routes to School Program

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Grant Application for Colorado Safe Routes to School				
Meeting Date		February 1, 2006				
Date Prepared		January 26, 2006			File #	
Author		Trent Prall Sheryl Trent		Engineering Manager Assistant to the City Manager		
Presenter Name		Trent Prall		Engineering Manager		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When Receipt of grant funding
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: This is a request that the City Council authorize the application of a grant for \$250,000 from the Colorado Safe Routes to School for the installation of pedestrian routes for the Nisley Elementary School area. The requested funding will allow the project to be completed by June 1, 2008.

Budget: There is no current budget for this City funding that is a part of this request. Staff has preliminarily determined that the following monies will be requested:

\$250,000	Safe Routes Grant
\$100,000	Community Development Block Grant*
\$150,000	City Match / Capital Improvement Plan**

\$500,000	Total project cost

*This is a competitive process through the City established procedures, and the Nisley Elementary School area qualifies under HUD guidelines.

**The City budget would need to be amended for 2007 construction, unless the \$150,000 budgeted for 2007 for New Sidewalk program (F01300) is allocated to this project.

Should the grant be received staff would return to the City Council for budget authorization within the Capital Improvement Plan. The total project amount is anticipated to be \$500,000.

Action Requested/Recommendation: Authorize the Application for a Grant in the Amount of \$250,000 with the Colorado Safe Routes to School

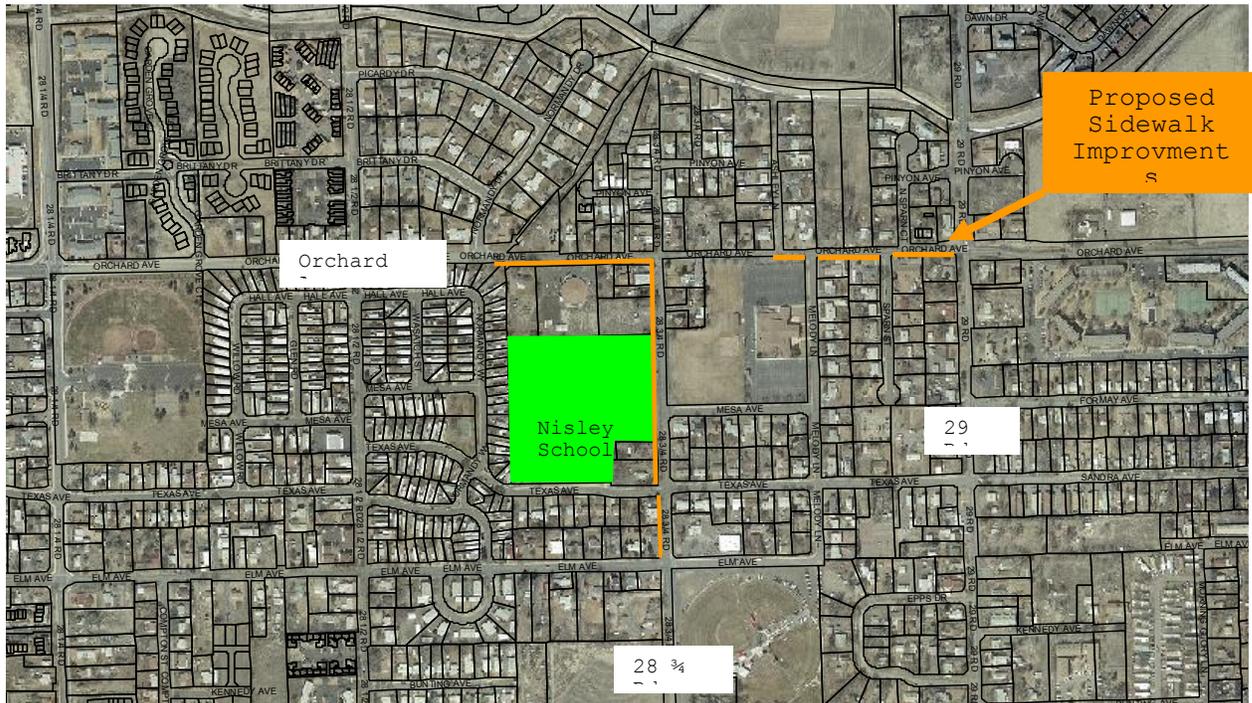
Attachments: None

Background Information The recently-passed SAFETEA-LU* transportation reauthorization legislation includes a new, national Safe Routes to School program.

This new program will enable and encourage primary and secondary school children to walk and bicycle to school. Both infrastructure-related and behavioral projects will be geared toward providing a safe, appealing environment for walking and biking that will improve the quality of our children’s lives and support national health objectives by reducing traffic, fuel consumption, and air pollution in the vicinity of schools.

The legislation makes available \$612 million in Federal funds over five fiscal years. Each state will receive a portion of the funds based on its percentage of the national total of school-aged children in grades K – 8, but not less than \$1 million each year. CDOT’s authorization to proceed would be by June 1, 2006. Work has to be completed by June 1, 2008.

The project would improve safety along school walking routes near Nisley School by constructing sidewalks to get students off of the street and piping irrigation ditches. The proposed improvements along 28 ¾ Road and Orchard Avenue will tie together a number of side streets that already have sidewalk.



The proposed project would construct curb, gutter and sidewalk along the following alignments:

Orchard Ave south side 650 feet from Normandy Drive east to
28 ¾ Road

Orchard Ave south side
Road
28 ¾ Road west side
Elm Avenue

720 feet from Ashley Lane to east 29

1250 feet from Orchard Ave south to



View of south side of Orchard
looking east of Melody

Traffic counts on 28 3/4 Road done in May '03 showed 3652 vehicles in a 24 hour period, with an 85th percentile speed of 35.9 even though the route is posted at 30 mph. As shown on the picture to the left, while the shoulders are relatively wide on Orchard, without the physical separation of curb and gutter and confining the children to a sidewalk the route can be relatively unsafe. Out of 18 accidents in the last 5 years, two have involved school aged pedestrians.

The improvements along Orchard Ave. from Normandy to 29 Road was originally proposed as a joint project with Mesa County under F38400 for 2006, however Mesa County postponed funding and therefore the reconstruction of this section of Orchard is now proposed in 2012. The Safe Routes grant provides an opportunity to at least get some of the pedestrian improvements in now.

If funded the project would be constructed in the summer of 2007.

Attach 9

Setting a Hearing for Amending the Contractors Insurance Requirement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Amending Contractors Insurance Requirement					
Meeting Date		February 1, 2006					
Date Prepared		January 24, 2006			File #		
Author		Mary Lynn Kirsch		Paralegal			
Presenter Name		John Shaver		City Attorney			
Report results back to Council		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Budget: Adoption of the ordinance will be budget neutral.

Action Requested/Recommendation: Introduce the proposed ordinance, pass it for publication and set a public hearing for February 15, 2006.

Attachments: Letter from Blue Star Industries, Inc.
Proposed Ordinance

BLUE STAR INDUSTRIES, LLC

Defining the Way the World Builds

January 5, 2006

Mr. John Shaver
City Attorney
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Dear John:

Thank you for taking the time to discuss the liability insurance requirement associated with the City's Contractor's License.

We discussed the purpose of the \$25,000 requirement, and how it really did not protect the City or the residents. This is probably a very old law that has been on the books for many years, but no longer serves its intended purpose.

You also mentioned your previous conversations with John Davis about trying to do away with this portion of the regulation. You indicated that you would make every effort to get the proposed changes to the City Council for consideration by February 1, but that it would take at least 60 days before the legislation could pass.

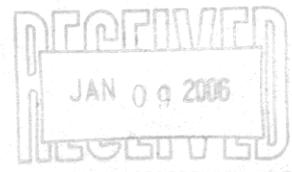
Please let me know if there is anything I can do to assist you in your efforts. I appreciate your assistance in this matter. I hope you're feeling better soon, and your voice is back to normal!

Sincerely,



Tricia Hausenbauer
Executive Assistant

cc: John Davis
Jeanie Jones



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE IV, CONTRACTORS, OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES, SPECIFICALLY SECTION 10-87, DUTIES OF BUILDING OFFICIAL; REQUIREMENTS FOR ISSUANCE OF LICENSE.

RECITALS:

The current Section 10-87 (b)(3) of the Code of Ordinances includes the requirement that Contractors licensed by the City “maintain public liability insurance with minimum limits of not less than \$15,000 for one person and \$30,000 for any one accident and property damage insurance with a minimum limit of less than \$10,000, and a license and permit bond in an amount as required by the Building Official consistent with and pursuant to the type and category of license held (or applied for) by every Contractor.”

It has been determined that:

- 1) the time and effort spent on reviewing, approving and maintaining insurance certificates by the City and County may not be cost effective given the large volume of licenses, and
- 2) the insurance requirements significantly add to the cost of a home being developed and sold, and
- 3) the required amount of insurance is insufficient to provide meaningful relief to an aggrieved homeowner, and
- 4) an aggrieved homeowner may seek relief from defective work and materials under the Colorado Construction Defect Reform Act.

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

That Section 10-87 (b)(3) of the Code of Ordinances be amended to read as follows:

Sec. 10-87. Duties of building official; requirements for issuance of license.

(b) Prior to issuing a contractor's license, the building official shall see that the following conditions are met:

- (3) Every Contractor shall be required to maintain at all times, Colorado employee's liability (or worker's compensation insurance) ~~public liability insurance with minimum limits of not less than \$15,000 for one person and \$30,000 for any~~

~~one accident, and property damage insurance with a minimum limit of less than \$10,000 and a license and permit bond in an amount as required by the Building Official consistent with and pursuant to the type and category of license held (or applied for) by every Contractor.~~ If there are no employees, a waiver of Worker's Compensation, in a form as required by the Building Official, shall be permitted.

Automobile insurance, in any form, shall neither be offered in satisfaction nor found to satisfy these requirements.

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

PASSED and ADOPTED on ____ day of _____, 2006.

President of the Council

Attest:

By: _____
Bruce Hill, Mayor

Stephanie Tuin, City Clerk

Attach 10

Construction Contract for Appleton #3 Sewer Improvement District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for Appleton #3 Sewer Improvement District					
Meeting Date	February 1, 2006					
Date Prepared	January 26, 2006					
Author	Justin J. Vensel		Project Manager			
Presenter Name	Trent Prall		Engineering Manager			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The Appleton #3 Sewer Improvement District project consists of septic system elimination by installing a 6” sanitary sewer line along 23 7/10 Road south of H Road.

Budget: Total Project Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$ 60,260.60. Sufficient funds have been budgeted in fund 906, the “sewer improvement district fund”, to pay for costs associated with this proposed improvement district. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 4 benefiting properties, as follows:

Project Costs:

Estimated Project Costs	\$60,260.60	\$15,065.45 / lot
-30% Septic System Elimination Contribution by City	(\$18,078.54)	(\$4,519.63) / lot
Total Estimated Assessments	\$42,182.42	\$10,545.61 / lot

2006 Budget Fund 906: \$ 1,866,917

Design and Construction costs
for sewer improvement districts
currently budgeted in 2006: \$ 1,576,914
Remaining Funds: \$ 290,003

Action Requested/Recommendation: Authorize the City Manager to execute a Construction Contract for the Appleton #3 Sewer Improvement District with M.A. Concrete Construction in the amount of **\$48,860.60**. Award is to be contingent on formation of the District by the Mesa County Board of County Commissioners.

Background Information: This project will be constructed under the Septic System Elimination Program that was adopted by City Council and Mesa County Commissioners in May of 2000. This program encourages neighborhoods to form sewer improvement districts such as this one by providing financing for the project as well as underwriting 30% of the costs to extend sewer service to their property lines.

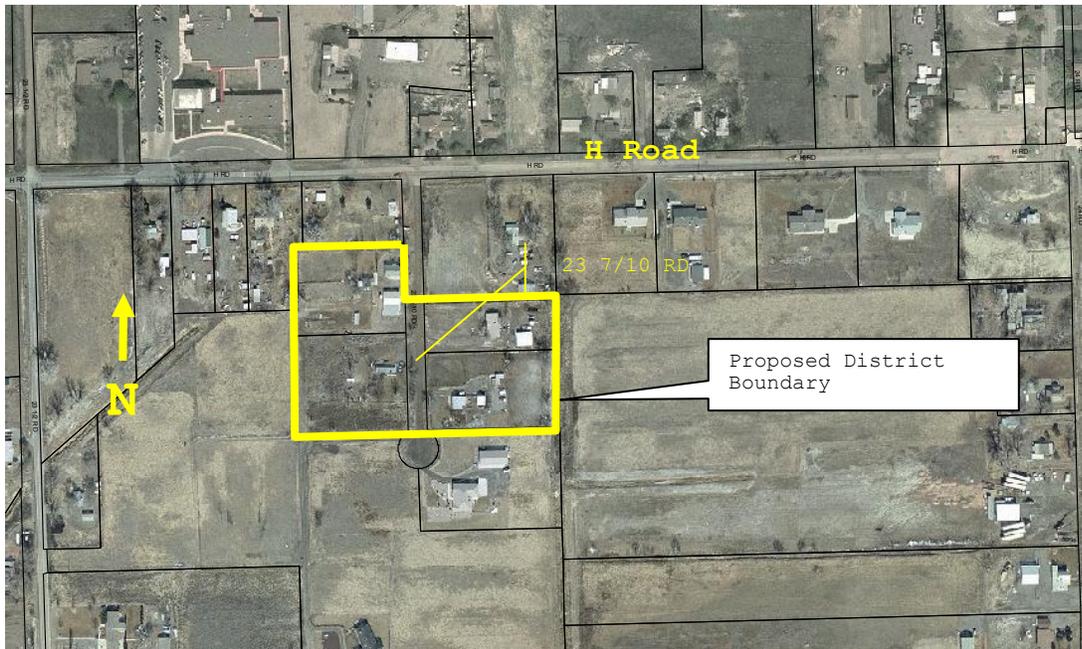
The owners of real estate located in the unincorporated area of Mesa County, south of H Road, along 23 7/10 Road have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on March 6, 2006 based on bids received. Bids were received and opened on January 17, 2006 for the Appleton #3 Sewer Improvement District.

Should the District be formed, work is scheduled to begin on or about March 13, 2006 and continue for 20 calendar days with an anticipated completion date of April 3, 2006.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	Bid Amount
M.A. Concrete	Grand Jct.	\$48,860.60
Sorter Construction	Grand Jct.	\$52,360.00
Ben Dowd Excavating	Grand Jct.	\$58,472.00
Barry Brothers	Meeker	\$60,980.00
Integrated Electric	Denver	\$82,348.50
Continental Pipeline Const. Inc.	Grand Jct.	\$121,140.00
Engineer's Estimate		\$51,651.00

Project Location:



Attach 11

Public Hearing – Action Plan for 2004 Community Development Block Grant & Subrecipient Contract with the GJ Housing Authority

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	PUBLIC HEARING: Amendments to Action Plan for 2004 Program Year Community Development Block Grant (CDBG) Program; and Subrecipient Contract with the Grand Junction Housing Authority.					
Meeting Date	February 1, 2006					
Date Prepared	January 25, 2006			Files: CDBG 2004-08, 2004-08(b), 2004-08(c) and 2004-14		
Author	David Thornton		Principal Planner			
Presenter Name	David Thornton		Principal Planner			
Report Results Back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Hold a public hearing to amend the City’s 2004 Action Plan for the Community Development Block Grant (CDBG) 2004 Program Year to:

4. Utilize a portion of the funds earmarked for the 2004 neighborhood program for the Next Step Housing Program (CDBG 2004-14);
5. Utilize a portion of the funds earmarked for the 2004 neighborhood program to construct an addition to the City Senior Recreation Center (CDBG 2004-08c); and
6. Utilize any remaining balance in the Senior Recreation Center architectural services project (CDBG 2004-08(b)) towards the construction of the addition.

If the amendment for the Housing Program is approved as stated above, the Subrecipient Contract will formalize the City’s award of \$26,850 to the Grand Junction Housing Authority (GJHA) for administration of the Next Step Housing Program. These funds are to be allocated from the City’s 2004 CDBG Neighborhood Program funds.

Budget: For these projects, the City will reallocate 2004 CDBG funds as follows, corresponding to the projects as referenced above: 1) \$28,650; 2) \$25,500; and 3) up

to an additional \$10,700 towards (2). Upon approval and completion of these projects, all 2004 CDBG Neighborhood Program funds will be expended.

No budget impacts from approval of the Subrecipient Contract.

Action Requested:

1. Approve the amendments to the City's CDBG 2004 Action Plan to reflect the revisions summarized above;
2. Authorize the City Manager to sign the Subrecipient Contract with GJHA.

Background Information: The City develops a five-year Consolidated Plan and a one-year Action Plan for each program year as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plans summarize how the funds for each year are to be allocated.

The 2004 Action Plan set aside \$120,000 to spend on neighborhood based planning and improvements (CDBG-2004-08). City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. As specific projects arise from the neighborhood program, the City may need to amend the specific Action Plan to address expenditures on each project.

To date, the City has used \$47,650 of these funds to complete the initial rehabilitation phase consisting of roof repairs on the Riverside School in the Riverside neighborhood (CDBG 2004-08(a)) and up to \$20,000 is being used for architectural services for the City Senior Center located at 550 Ouray Avenue in the downtown neighborhood (CDBG 2004-08(b)).

The remaining budget of \$52,350 in the CDBG 2004 Neighborhood Program Funds is now being proposed to be used for the two projects summarized below.

CDBG 2004-014 GJHA Next Step Housing Program: Funding in the amount of \$26,850 to the Grand Junction Housing Authority (GJHA) for the Next Step Housing Program. This two-year program will provide transitional housing for homeless and near homeless families. The main focus will be on assistance to families with children enrolled in Mesa County Valley School District 51 schools. The families will pay 30% of their adjusted monthly income for rent and utilities. The GJHA will then pay the remaining rent. Funding for the program includes City CDBG, Colorado Division of Housing monies and other funds secured by the GJHA. Families will be required to abide by the rules of the program, including actively working toward self sufficiency.

CDBG 2004-08(c) City Senior Recreation Center Addition: Funding of \$25,500 from the Neighborhood Program funds and up to approximately \$10,700 of any funds

left over from project CDBG 2004-08(b) (Senior Center Architectural Services) for a total of up to \$36,200 for the construction of an addition to the City Senior Recreation Center located at 550 Ouray Avenue. The space needs portion of the study determined the need to add approximately 500 square feet to the existing building to accommodate larger group activity areas.

CITIZEN PARTICIPATION PLAN: Following the City's Citizen Participation Plan, the proposal was advertised and this public hearing is being conducted to amend the City's CDBG Consolidated Plan and Action Plan for Program Year 2004. A summary of this proposed amendment was published January 13, 2006 followed by a 30-day public comment period.

SUBRECIPIENT CONTRACT: For project CDBG 2004-14 summarized above, GJHA is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2004 Program Year CDBG funds to GJHA but the City remains responsible for the use of these funds. This contract with GJHA outlines the duties and responsibilities of each party and is used to ensure that GJHA will comply with all Federal rules and regulations governing the use of these funds. This contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the contract (attached) contains the specifics of the project and how the money will be used by GJHA for the Next Step Housing Program.

Attachments:

1. Summary Sheets of Amendments as Drafted for Public Comment
2. Exhibit A, Subrecipient Contract

USER PROJECT ORIGINAL PROJECT 2004-08

Project Title City of Grand Junction Neighborhood Program Funds

Description The City set aside \$120,000 administration dollars from the CDBG 2004 Program Year to spend on its neighborhood based CDBG program. To date, the City has used \$47,650 of these funds to complete the initial rehabilitation phase consisting of required roof repairs on the Riverside School in the Riverside neighborhood (CDBG 2004-08(a)) and up to \$20,000 is being used for architectural services for the City Senior Center located at 550 Ouray Avenue in the downtown neighborhood of Grand Junction (CDBG 2004-08(b)). The remaining budget of \$52,350 in the CDBG 2004 Neighborhood Program Funds is now being proposed to be used for the two new projects on following pages.

Project ID --
Local ID 2004-08

Activity Administration – Citywide Neighborhood Based CDBG Program

Funding
Community Development (CDBG) \$52,350
Homeless (ESG) \$ 0
Housing (HOME) \$ 0
HIV/AIDS (HOPWA) \$ 0
Other Funding \$ 0
TOTAL \$52,350

Prior Funding \$67,650

Eligibility
Type of Recipient Local Government

Performance

Location Type Address
Various

USER PROJECT

ORIGINAL PROJECT 2004-08(b)

Project Title Senior Center Improvements Study

Description On behalf of the Senior Center Board, the City has solicited architectural services to include a space needs study for additional recreation area and remodel and/or new design and preparation of construction drawings as needed depending on the results of the study.

Project ID --

Local ID 2004-08(b)

Activity Architectural Planning and Design Services

Funding

Community Development (CDBG) ** Up to \$20,000

Homeless (ESG) \$ 0

Housing (HOME) \$ 0

HIV/AIDS (HOPWA) \$ 0

Other Funding \$ 0

TOTAL ** Up to \$20,000

Prior Funding \$ 0

** Any unused portion will be returned to balance for original project CDBG 2004-08

Eligibility

Type of Recipient Local Government

Performance Completion of space needs study and preparation of construction drawings

Location Type Address

550 Ouray Avenue

USER PROJECT

NEW PROJECT 2004-08(c)

Project Title Senior Recreation Center Addition

Description Based on the results of the study completed with Project CDBG 2004-08(b), and on behalf of the Senior Center Board, the City will solicit a contractor to construct a 500 square foot addition to the existing senior facility. The addition will provide for larger group activity areas.

Project ID --

Local ID 2004-08(c)

Activity Community Facility Construction

Funding

Community Development (CDBG) ** Up to \$36,200

Homeless (ESG) \$ 0

Housing (HOME) \$ 0

HIV/AIDS (HOPWA) \$ 0

Other Funding \$ 0

TOTAL ** Up to \$36,200

Prior Funding \$ 0

** Any unused portion of funds up to \$10,700 allocated to project CDBG 2004-08(b) will be transferred to this project for the construction funds in addition to \$25,500 allocated from the original Neighborhood Program Funds (CDBG 2004-08).

Eligibility

Type of Recipient Local Government

Performance Construction of 500 square foot addition

Location Type Address
550 Ouray Avenue

USER PROJECT

NEW PROJECT 2004-14

Project Title Next Step Housing Program

Description City will allocate \$26,850 of remaining 2004 Neighborhood Program Funds for operations of the Grand Junction Housing Authority Next Step Housing Program – a two-year transitional housing program for homeless and near homeless families.

Project ID --

Local ID 2004-14

Activity Housing Assistance

Funding

Community Development (CDBG) \$ 26,850

Homeless (ESG) \$ 0

Housing (HOME) \$ 0

HIV/AIDS (HOPWA) \$ 0

Other Funding - CDOH \$905,600

TOTAL \$932,450

Prior Funding \$ 0

Eligibility

Type of Recipient Housing Authority

Performance Number of families provided assistance – 50 projected

Location Type Address
Various

**2004 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
GRAND JUNCTION HOUSING AUTHORITY**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement the Grand Junction Housing Authority (GJHA) \$26,850 from its 2004 Program Year CDBG Entitlement Funds for client services under the Next Step Housing Program. The general purpose of this program and this project is to provide transitional housing for homeless and near homeless families. CDBG funds will be used to operate the program.
2. GJHA certifies that it will meet the CDBG National Objective of low and moderate income clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to low and moderate income persons in Grand Junction, Colorado.
3. The Next Step is a two-year program to provide transitional housing for homeless and near homeless families. The main focus will be on assistance to families with children enrolled in Mesa County Valley School District 51 schools. The families will pay 30% of their adjusted monthly income for rent and utilities. The GJHA will then pay the remaining rent with City CDBG, Colorado Division of Housing and other funds secured by the GJHA. Families will be required to abide by the rules of the program, including actively working toward self sufficiency. It is understood that the City's grant of \$26,850 in CDBG funds shall be used solely for operating this program.
4. This project shall commence upon the full and proper execution of the 2004 Subrecipient Agreement as amended and the completion of all appropriate environmental, Code, permit review and approval and compliance. The project shall be completed on or before March 31, 2008.
5. The proposed budget for the overall program is as follows:

City 2004 CDBG Funds	\$ 26,850	
Other Funding (incl. CDOH, Mesa County)	\$905,600	
TOTAL PROGRAM		\$932,450

_____ GJHA
_____ City

6. GJHA estimates that approximately fifty families will be served with the Next Step Housing Program.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of GJHA to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. GJHA shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. GJHA shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. GJHA understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. GJHA shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. GJHA shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
10. A formal project notice will be sent to GJHA once all funds are expended and a final report is received.

—— GJHA
—— City

Attach 12

Public Hearing – Zoning the Ankarlo Annexation, Located at 385 31 5/8 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning of the Ankarlo Annexation located at 385 31 5/8 Road.					
Meeting Date		February 1, 2006					
Date Prepared		January 26, 2006			File #ANX-2005-194		
Author		Senta L. Costello		Associate Planner			
Presenter Name		Senta L. Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Hold a public hearing and consider final passage of the Zoning ordinance to zone the Ankarlo Annexation RSF-4, located at 385 31 5/8 Road. The Ankarlo Annexation consists of 1 parcel on 10.31 acres and the zoning being requested is RSF-4.

Budget: N/A

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

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:		385 31 5/8 Road	
Applicants:		Owner: Ron Ankarlo; Developer: Ankarlo Hillday LLC – Ben Hill; Representative: Balaz & Associates – Bill Balaz	
Existing Land Use:		Residential / Agricultural	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential / Agricultural	
	South	Residential / Agricultural	
	East	Industrial Park	
	West	Agricultural	
Existing Zoning:		County RSF-R	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	County RSF-R	
	South	County AFT	
	East	City C-2; County PD – Halliburton	
	West	County RSF-R	
Growth Plan Designation:		Residential Medium 4-8	
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 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

Response: The proposed zone district is compatible with the neighborhood and will not create any adverse impacts. Any issues that arise with the proposal to develop the property will be addressed through the review of that project.

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. RMF-5
- b. RMF-8

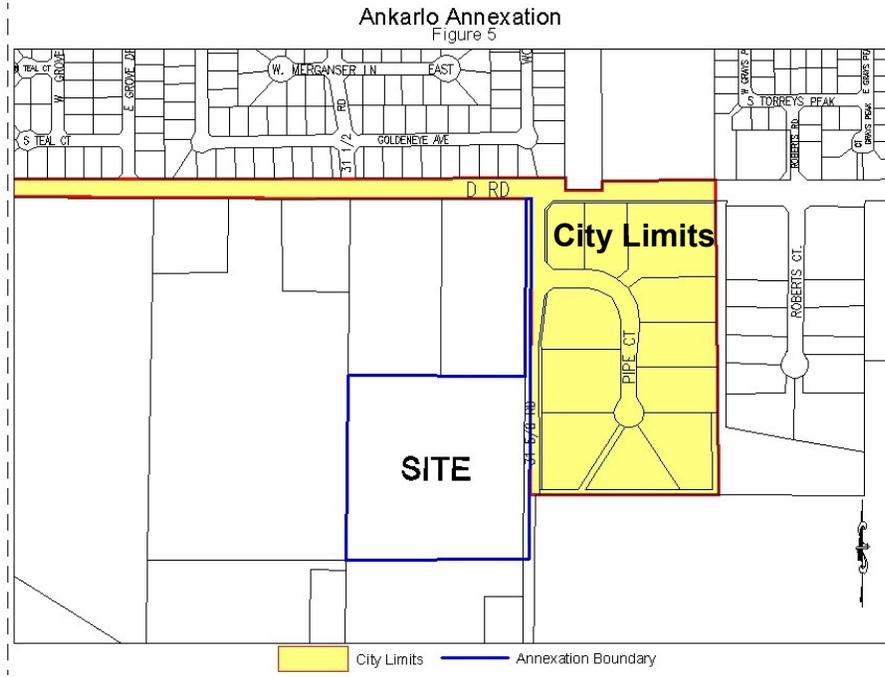
PLANNING COMMISSION RECOMMENDATION:

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

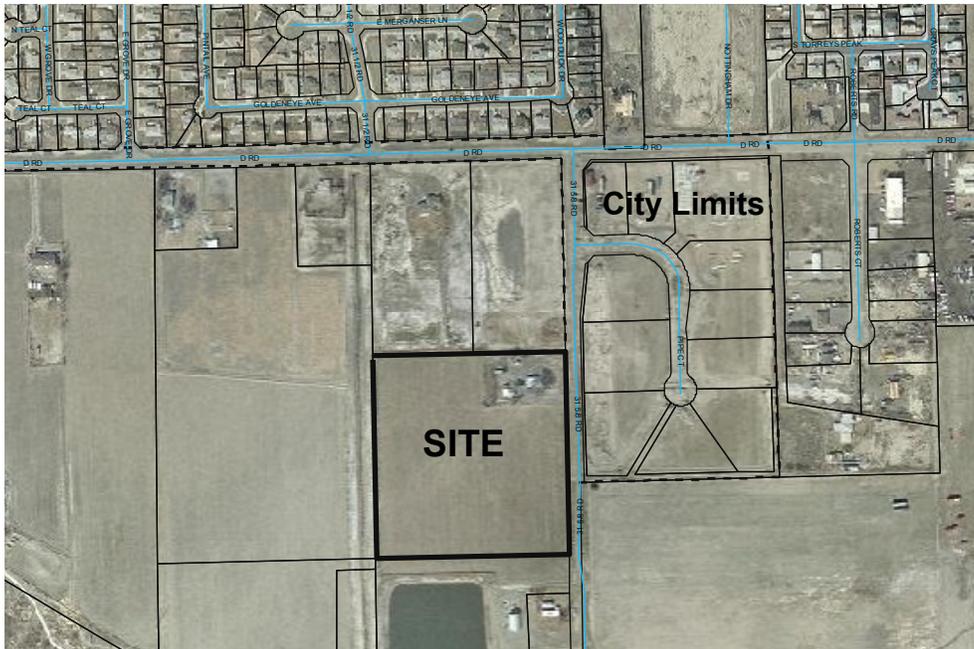
Figure 1

Ankario Annexation
Figure 5



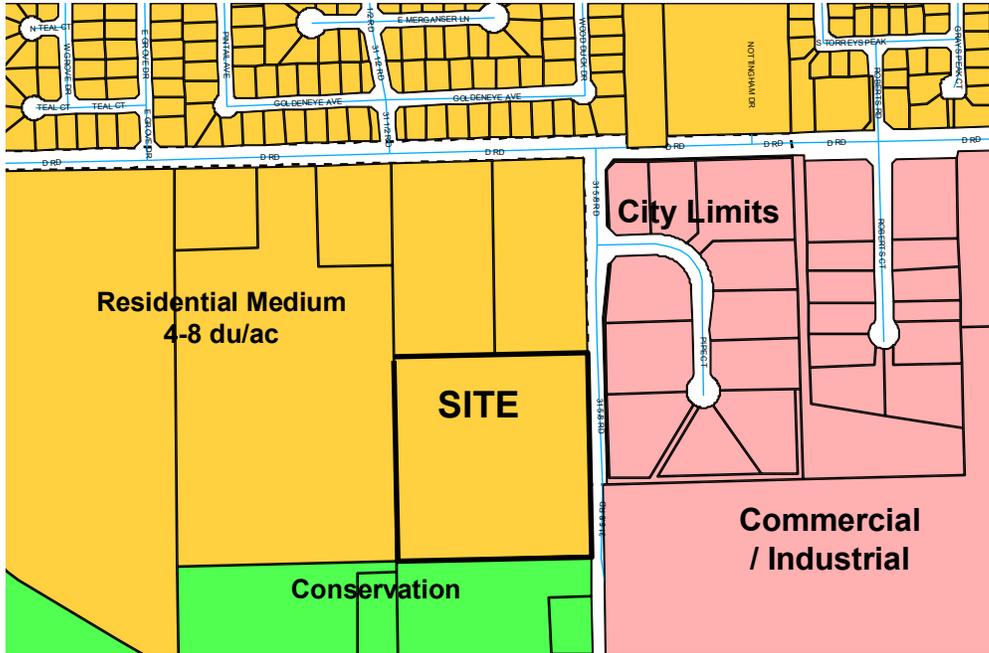
Aerial Photo Map

Figure 2



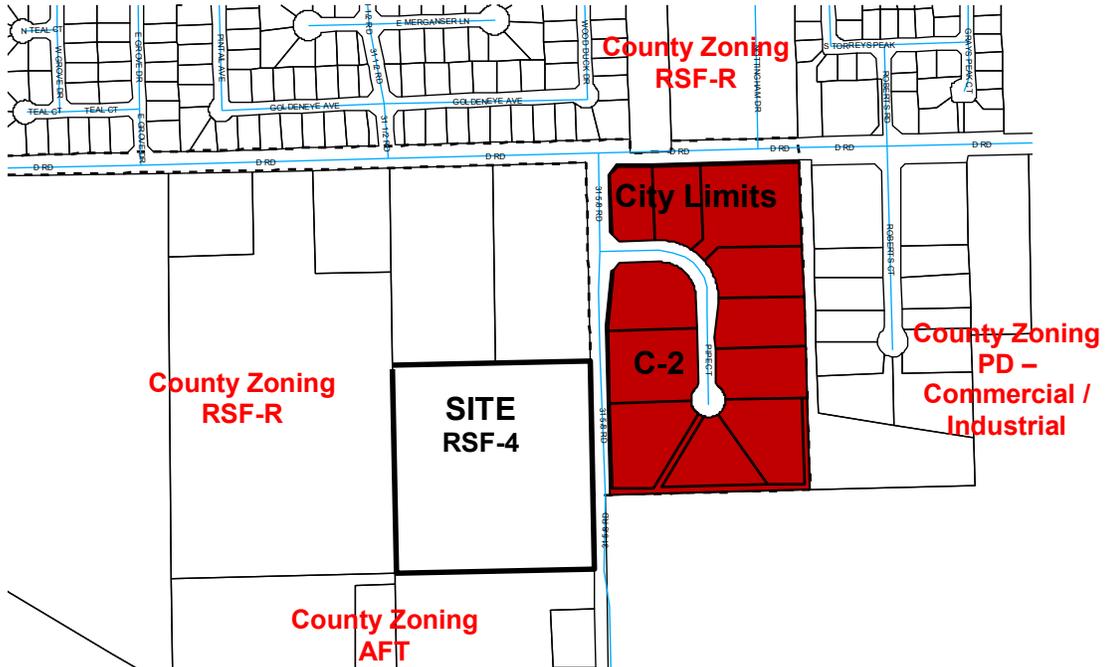
Future Land Use Map

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 ANKARLO ANNEXATION TO
RSF-4**

LOCATED AT 385 31 5/8 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 Ankarlo 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.

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 22, and assuming the West line of the NW 1/4 NE 1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.91 feet to the Northwest corner of Parcel 1A, Ronnie Ankarlo Simple Land Division as recorded in Plat Book 17,

Page 283, Mesa County, Colorado records, and the Point of Beginning; thence S89°53'08"E along the North line of said Parcel 1A, a distance of 634.55 feet to the Northeast corner of said Parcel 1A; thence N00°26'48"E along the East line of Parcel 2A of said Ronnie Ankarlo Simple Land Division a distance of 626.91 feet to the Northeast corner of said Parcel 2A, and the Southerly line of Snidow Annexation No. 2, Ordinance No. 3345, City of Grand Junction; thence S89°53'08"E along the Southerly line of said Snidow Annexation a distance of 22.00 feet to the Westerly line of said Snidow Annexation No. 2; thence S00°26'48"W along the Westerly line of said Snidow Annexation No. 2 and the Southerly extension thereof, a distance of 1289.83 feet to the South line of the NW 1/4 NE 1/4 of said Section 22; thence N89°53'21"W along the South line of the NW 1/4 NE 1/4 of said Section 22 a distance of 656.88 feet to the Southwest corner of the NW 1/4 NE 1/4 of said Section 22; thence N00°28'30"E along the West line of the NW 1/4 NE 1/4 of said Section 22 a distance of 662.96 feet to the Point of Beginning.

Said parcel contains 10.31 acres (449,147 square feet), more or less, as described.

Introduced on first reading this 18th day of January, 2006 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 13

Public Hearing – Amendments to Chapter 16 of the Code of Ordinances Regarding Weeds

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Weeds Ordinance Amendment					
Meeting Date	February 1, 2006					
Date Prepared	January 26, 2006				File #	
Author	Mary Lynn Kirsch		Paralegal			
Presenter Name	John Shaver		City Attorney			
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: As part of City Council’s Strategic Plan and specifically Goal 17 of the Strategic Plan, and in response to dissatisfaction expressed in a citizen satisfaction survey, a team was formed to review and evaluate weed management issues. Part of Team 4’s efforts included a review of Chapter 16, Article II of the Code of Ordinances, Junk, Rubbish and Weeds, to determine if changes to the current ordinance would help increase awareness of the ordinance, clarify responsibilities and thereby improve public satisfaction.

Budget: The proposed administrative penalties in the ordinance will generate revenues that will fluctuate depending on the number of properties that are cut by the City’s contractor each year. Printing costs for new Notices of Violation were included in the 2006-2007 budget.

Action Requested/Recommendation: Consider final passage and publication of the proposed ordinance.

Attachments: Proposed changes in redline form
Proposed ordinance

Background Information: Due to declining satisfaction with weeds resulting from the citizen satisfaction survey, and as part of the 2005-2006 Strategic Plan Update, Team 4 was assigned Goal 17: “Evaluate and redefine the problem and level of effort required to manage weeds.” Team members include Doug Cline, Gregg Palmer, Doug Thomason, Sheryl Trent and Ivy Williams. Goal 17 is in Strategic Plan Solution: OPEN SPACES AND COMMUNITY APPEARANCE.

Weed management includes Parks and Recreation and Public Works managing weeds and landscaping on designated park lands, city owned properties, and certain rights-of-ways and Code Enforcement enforcing the weed ordinance on private properties. The

Team evaluated the problem and determined several courses of action, including proposed amendments to Chapter 16, Article II of the Code of Ordinances.

ARTICLE II. JUNK, RUBBISH AND WEEDS

Sec. 16-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush means natural growth of bushes and vegetation such as is growing out of place in the location where growing, and shall include all cuttings from trees and bushes, and high and rank vegetable growth, which may conceal filthy deposits.

Junk means and includes, but is not limited to, ferrous and nonferrous metals, wood or wood products, appliances not being used for their intended purposes, rubber or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles or trash or similar materials.

Rubbish means all combustible or noncombustible waste, including but not limited to ashes, bottles, cans, carcasses of dead animals, cardboard, cloth, crockery, human or animal excrement, glass, abandoned or unusable household furnishings or appliances, metals, plastics, tree branches, limbs, waste building materials or items discarded in such a manner as to create a reasonable likelihood of becoming a harborage for insects or vermin or disease, or otherwise create a health or safety hazard.

Weed means an unsightly, useless, troublesome or injurious herbaceous plant and such plant as is out of place at the location where growing, and includes all rank vegetable growth which exudes unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits, ~~specifically including, This includes, but is not limited to, five designated undesirable plants known commonly as leafy spurge, purple loosestrife and diffuse, russian and spotted knapweed.~~ any plant species designated in the categories described in Section 35-5.5-108 (2)(a) C.R.S. Plant species lists described in Section 35-5.5-108 C.R.S. are maintained by the Colorado Department of Agriculture.

(Code 1965, § 14-24, Ord. No. 2832, 5-3-95)

Cross reference(s)--Definitions generally, § 1-2.

State law reference(s)--Junk defined, C.R.S. § 31-15-401(1)(d).

Sec. 16-27. Duties of property owner and lessee; unlawful accumulations; inspections.

(a) (1) It shall be the duty of each and every owner and each and every lessee of any tract or parcel of real property in the City, including such owners or lessees of agricultural lands (as defined in Section 39-1-102 (1.6)(a) C.R.S. to keep the property free of junk and rubbish, ~~and~~ to cut to within three (3) inches of the ground all weeds and brush exceeding six (6") inches in height, including puncture vine regardless of height, and to keep such growth down on each lot or tract of ground on or along any street or avenue adjoining such lot or tract between the property line and the curblin thereof, and on or along any alley adjoining such lot or tract between the property line and the center of such alley;

(2) The requirements of (1), above, shall not apply to undeveloped lands over one acre in size, instead, such owners or lessees of such lands shall be required to keep weeds down or cut between the

property line of such land and the center of any adjacent right-of-way and shall be required to keep the weeds down or cut within twenty feet (20') feet of any adjacent tract, parcel or area on which the weeds are kept down or cut, and within forty (40') feet of any adjacent right-of-way(s), as provided or required in (1) above or as otherwise set forth in this chapter.

~~(3) — The requirements of (1), above, shall not apply to agricultural lands (as defined in 39-1-102 (1.6)(a), C.R.S.) instead, such owners or lessees of such lands shall not be required to keep weeds down or cut between the property line of such land and the center of any adjacent right of way and shall be required to keep the weeds down or cut within twenty feet (20') of any adjacent tract, parcel or area on which the weeds are kept down or cut, as provided or required in (1) or (2) above or as otherwise set forth in this chapter.~~

(43) Notwithstanding any language to the contrary in (1) ~~through and (32)~~, above, every owner and every lessee of any tract or parcel, whether or not agricultural or undeveloped, shall remove and cut ~~the~~ five designated undesirable plants from such property.

(b) It is unlawful for any owner or lessee of any lot or tract of ground in the City to pile, store or allow to accumulate any junk or rubbish on the premises. This section does not apply to salvage yards permitted under section 4-3-1 of the zoning and development code of the City.

(c) The City, through its agents or employees, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purpose of inspecting for the existence of violations, when at least one of the following circumstances has occurred:

- (1) The landowner or occupant has requested an inspection;
- (2) A neighboring landowner or occupant has reported a suspected weed, junk or rubbish violation and requested an inspection; or
- (3) An authorized agent of the City has made a visual observation from a public right-of-way or area and has reason to believe that a violation exists.

No entry upon premises, lands or places shall be permitted until the landowner or occupant has been notified, either orally or by a notice being posted in a conspicuous location at the property. Where possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.

(d) If after the City has given ~~a~~ notice of a pending inspection or requested an inspection and the landowner or occupant denies access to the City employee, agent or inspector, the City may seek an inspection warrant issued by the municipal court. The court shall issue an inspection warrant upon presentation of an affidavit which contains information which gives the inspector reasonable cause to believe that a provision of this article is being or has been violated, establishes that the occupant or landowner has denied access to the inspector, and which describes the land. No landowner or occupant shall deny access to such land when presented with an inspection warrant. Denial of access when presented with an inspection warrant shall be deemed a violation and shall be deemed, in addition to other civil or criminal remedies, contempt of court.

(Code 1965, § 14-25; Ord. No. 2832, 5-3-95)

Sec. 16-28. Cutting and removal required.

It shall be the duty of the owner, agent or lessee of any lots, tracts or parcels of land, except as stated in section 16-27, to cut weeds or brush and to remove such weeds or brush, together with rubbish, and to keep such weeds down each year. All such weeds and brush shall immediately, upon cutting, be removed with the rubbish to the appropriate disposal site.

(Code 1965, § 14-26)

Sec. 16-29. Notice to cut and remove.

The City Manager shall publish for three (3) consecutive days each spring a notice in the official newspaper of the City notifying all owners of property, without naming them, that it is their continuing duty to cut the weeds and brush and to remove the weeds and brush, together with the rubbish, from their properties and from the streets and alleys as provided in this article, during the time provided in this article, and that, in default of such cutting and removal, the work may be done under order of the City Manager and the cost thereof, together with the penalties provided in this article, will be charged to the respective lots, tracts or parcels of land.

(Code 1965, § 14-27)

Sec. 16-30. Notice to abate; cutting, removal by City.

(a) In case of the failure of any owner or lessee of any lot, tract or parcel of land to cut and remove weeds, brush, junk or rubbish, as provided in this article, and upon the election of the City to remove such weeds, brush, junk or rubbish, the City Manager is authorized to give notice by certified mail addressed to the last-known post office address of the owner of such land as that address appears in the records of the county recorder. Such notice shall require:

- (1) Compliance with the terms of the notification;
- (2) Acknowledgment by the addressee of the notification and submission to the City Manager of an acceptable plan and schedule for the completion of a management plan; or
- (3) A request from the addressee for an administrative hearing, ~~within ten~~ of which the City must receive on or before the close of business of seven (7) calendar days ~~of from~~ the date of the notice.

If such election is not made within ~~ten~~ seven (7) calendar days from the date of the notice, or the land owner or occupant otherwise fails to comply with the notice, the City may then proceed to enforce a management plan, which may include, but not be limited to, cutting of such weeds and brush or removal of junk and/or rubbish.

(b) A management plan shall be prepared by the City and shall include, but not be limited to, a document containing the signatures of the owner and the lessee, if the owner is not in actual possession of the property, a mutually agreed upon date for elimination or removal of weeds, brush, junk and/or rubbish, and a bond, cash deposit or other acceptable form of security payable to the City in an amount reasonably calculated to approximate the cost of cleanup, and/or to secure performance of the management plan.

(c) An administrative hearing, if requested by the party in interest, shall be specific as to the condition of weeds, brush, accumulated junk and/or rubbish, and evidence shall be heard by the duly appointed board as to these matters only. Statements and evidence, if offered, shall be taken from all parties in interest, which evidence must be relevant to the existence of and/or the removal or elimination of the infestation of weeds, brush and/or the accumulation of junk and/or rubbish. The board shall make findings of fact from the evidence presented at the hearing as to whether the conditions complained of exist and should be eliminated. If the board determines that weed or brush infestation exists or if an accumulation of junk and/or rubbish exists and should be cut or removed, the City Manager may issue an order based on the

findings of the board, directing that the infestation or accumulation be removed or eliminated. The order of the City Manager shall be a final decision and may only be appealed to the district court, pursuant to Colorado rule of civil procedure 106(a)(4). Failure of a party in interest to timely file an appeal constitutes a bar and a waiver of any right to contest the City's right to eliminate or remove the weeds, brush, junk and/or rubbish from the property and charge the resulting costs against the person and/or the property. The City, through its agents or employees, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purpose of ensuring compliance with the requirements of this article. If an order of the City Manager has not been complied with within 30 days after its issuance, the City, at the discretion of the City Manager or his designee, may cause the elimination or removal of the infestation of weeds or brush and/or the removal or elimination of accumulated junk and/or rubbish. Any owner, lessee or other party in interest who fails to comply with an order issued by the City Manager or his designee is hereby obligated to pay administrative costs and expenses incurred in the elimination or removal of the conditions complained of. Such administrative costs shall include the cost of removal or elimination, legal costs and fees, and ~~a 25-percent~~ administrative ~~surecharge~~ fees which ~~is-are~~ occasioned by enforcement of this article. All costs are independent of any other penalties or powers of enforcement of the City.

(d) No agent or employee of the City shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with this section except when such damages were willfully or deliberately caused by the landowner or occupant.

(Code 1965, § 14-28)

Sec. 16-31. Assessing costs.

Upon completion of the cutting work done by City forces and/or the City's designee under this article, ~~a~~ charges shall be made against the owner of the property on which weeds were cut. The charges shall be the City's actual costs for labor, equipment and materials plus an administrative penalty of fifty dollars (\$50) for the first cutting, one hundred dollars (\$100) for the second cutting and one hundred fifty dollars (\$150) for the third and subsequent cutting(s) within five years, plus a 25 percent (25%) surcharge for ~~administration,~~ supervision and inspection, ~~or a minimum charge to be set by~~ The City Manager may set a minimum labor, equipment and material charge for cutting operations of less than one hour, whichever is greater.

(Code 1965, § 14-29)

State law reference(s)--Authority to assess costs, C.R.S. § 35-5.5-109.

Sec. 16-32. Notice of assessment.

The community development department, as soon as may be practicable after an assessment is made under this article, shall send by mail, addressed to the owner of the affected lots or tracts of land, at the reputed post office address of such owner as it appears in the records of the county assessor, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment.

(Code 1965, § 14-30)

Sec. 16-33. Collection of assessments.

It shall be the duty of the owner to pay the assessment levied under this article within twenty (20) days after the mailing of such notice, and in case of his failure so to do, he shall be liable personally for the amount of the assessment, and such assessment shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the county treasurer or other officer of the county having custody of the tax list at the time of such certification, to be by him placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with a 25 percent (25%) administrative surcharge thereon to defray the costs and to provide an economic disincentive for violations and the continuation of violations; and all of the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

(Code 1965, § 14-31)

Sec. 16-34. Penalty for violations.

The fact that assessments have been made against property as provided in this article for cutting and removing weeds, brush and rubbish shall not prevent the owner, agent or lessee from being punished by fine or jailing under the general provisions of this Code, but such fine or penalty may be imposed on those found guilty of violating the provisions of this article in all cases, whether an assessment has or has not been made in accordance with the provisions of this article.

(Code 1965, § 14-32)

Sec. 16-35. Administrative hearing.

(a) *Hearing board.* The City Council shall, as needed, appoint an administrative hearing board which shall hear evidence and render findings of fact as outlined in this section. The board shall serve as the undesirable plant management advisory commission. The members of the board shall be residents of the City. The board shall annually elect a chairperson and a vice-chairperson. A majority of the members of the board shall constitute a quorum for the conduct of business.

(b) *Management plan.* The administrative hearing board in its capacity as the undesirable plant management advisory commission shall develop a recommended management plan for the integrated management of designated undesirable plants within the City. The management plan shall be reviewed at regular intervals but not less often than once every three (3) years. The management plan shall be transmitted to the City Council for approval, modification or rejection.

(c) *Designation of undesirable plants.* The administrative hearing board shall designate undesirable plants which are subject to management. Plant species may be in addition to those designated in section 16-26.

(d) *Individual management plans.* The administrative hearing board shall require that identified landowners or lessees be required to submit an individual management plan to control undesirable plants upon such person's property.

(e) *Authority of City Council.* The City Council shall have the sole and final authority to approve, modify or reject the management plan, management criteria and management practice recommendations of the administrative hearing board as to the requirements of weed management in and for the City. The City Council shall not hear appeals from the board on enforcement actions taken by the board, the City Manager or city staff.

(Code 1965, § 14-33)

Secs. 16-36--16-55. Reserved.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II, JUNK, RUBBISH AND WEEDS, OF THE CODE OF ORDINANCES, CITY OF GRAND JUNCTION, SPECIFICALLY SECTION 16-26, DEFINITIONS; SECTION 16-27, DUTIES OF PROPERTY OWNER AND LESSEE, UNLAWFUL ACCUMULATIONS, INSPECTIONS; SECTION 16-30, NOTICE TO ABATE; CUTTING, REMOVAL BY CITY; SECTION 16-31, ASSESSING COSTS; AND SECTION 16-33, COLLECTION OF ASSESSMENTS.

RECITALS:

The existing Section 16-26 (Definitions) includes the definition of a "Weed" and specifically includes "five designated undesirable plants known commonly as leafy spurge, purple loosestrife and diffuse, russian and spotted knapweed." Because of the growing number of infestations of plants considered noxious and invasive by the State of Colorado, it is recommended that we discontinue use of a specific name list of weeds and reference the species list updated and maintained by the Colorado Department of Agriculture.

The existing Section 16-27 (Duties of Property Owner and Lessee; unlawful accumulations; inspections,) currently exempts owners of agricultural lands from the requirement of maintaining a weed-free perimeter between the property line of such land and the center of any adjacent right-of-way, with the exception of keeping weeds down or cut within twenty (20') feet of any adjacent tract, parcel or area on which weeds are being kept down or cut. It is recommended that the ordinance include such owners of agricultural lands in the requirements of Section 16-27(a)(1) and (2).

The existing Section 16-30 (Notice to abate; cutting; removal by City), the City is authorized to give notice to any owner or lessee of any lot, tract or parcel who has failed to remove weeds, brush, junk or rubbish, that they are not in compliance with this article. Such notice shall request the owner or lessee to become compliant with the terms of the notification, and either acknowledge the notification and submit a management plan or request an administrative hearing with the City no later than ten (10) days after they have received such notice. It is recommended that this time period for requesting an administrative hearing be shortened to seven (7) days.

The existing Section 16-31 (Assessing costs) currently allows a 25% administrative charge to be made by the City against the non-compliant owner or lessee for administrative, supervision and inspection costs. It is recommended that additional penalty fines, for repeated or subsequent offenses, be authorized in the ordinance.

Other minor grammatical and formatting changes are also recommended to these sections to accommodate the more substantive proposed changes, and to improve the content and clarity of the article.

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

1. That Section 16-26 of the Code of Ordinances is amended so that the definition of "Weed" shall now read:

Weed means an unsightly, useless, troublesome or injurious herbaceous plant and such plant as is out of place at the location where growing, and includes all rank vegetable growth which exudes unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits. This includes, but is not limited to, any plant species designated in the categories described in Section 35-5.5-108 (2)(a) C.R.S. Plant species described in Section 35-5.5-108 C.R.S. are maintained by the Colorado Department of Agriculture.

2. Section 16-27 (Duties of property owner and lessee; unlawful accumulations; inspections) of the Code of Ordinances is amended to read:

(a) (1) It shall be the duty of each and every owner and each and every lessee of any tract or parcel of real property in the City, including such owners or lessees of agricultural lands (as defined in Section 39-1-102 (1.6)(a) C.R.S. to keep the property free of junk and rubbish, to cut to within three (3) inches of the ground all weeds and brush exceeding six (6") inches in height, including puncture vine regardless of height, and to keep such growth down on each lot or tract of ground on or along any street or avenue adjoining such lot or tract between the property line and the curb line thereof, and on or along any alley adjoining such lot or tract between the property line and the center of such alley;

(2) The requirements of (1), above, shall not apply to undeveloped lands over one acre in size, instead, such owners or lessees of such lands shall be required to keep weeds down or cut between the property line of such land and the center of any adjacent right-of-way and shall be required to keep the weeds down or cut within twenty feet (20') feet of any adjacent tract, parcel or area on which the weeds are kept down or cut, and within forty (40") feet of any adjacent right-of-way(s), as provided or required in (1) above or as otherwise set forth in this chapter.

(3) Notwithstanding any language to the contrary in (1) and (2), above, every owner and every lessee of any tract or parcel, whether or not agricultural or undeveloped, shall remove and cut designated undesirable plants from such property.

3. Section 16-30 (Notice to abate; cutting, removal by City) of the Code of Ordinances is amended to read:

(a) In case of the failure of any owner or lessee of any lot, tract or parcel of land to cut and remove weeds, brush, junk or rubbish, as provided in this article, and upon the election of the City to remove such weeds, brush, junk or rubbish, the City Manager is authorized to give notice by certified mail addressed to the last-known post office address

of the owner of such land as that address appears in the records of the county recorder. Such notice shall require:

- (1) Compliance with the terms of the notification;
- (2) Acknowledgment by the addressee of the notification and submission to the City Manager of an acceptable plan and schedule for the completion of a management plan; or
- (3) A request from the addressee for an administrative hearing of which the City must receive on or before the close of business of seven (7) calendar days from the date of the notice.

If such election is not made within seven (7) calendar days from the date of the notice, or the land owner or occupant otherwise fails to comply with the notice, the City may then proceed to enforce a management plan, which may include, but not be limited to, cutting of such weeds and brush or removal of junk and/or rubbish.

(b) A management plan shall be prepared by the City and shall include, but not be limited to, a document containing the signatures of the owner and the lessee, if the owner is not in actual possession of the property, a mutually agreed upon date for elimination or removal of weeds, brush, junk and/or rubbish, and a bond, cash deposit or other acceptable form of security payable to the City in an amount reasonably calculated to approximate the cost of cleanup, and/or to secure performance of the management plan.

(c) An administrative hearing, if requested by the party in interest, shall be specific as to the condition of weeds, brush, accumulated junk and/or rubbish, and evidence shall be heard by the duly appointed board as to these matters only. Statements and evidence, if offered, shall be taken from all parties in interest, which evidence must be relevant to the existence of and/or the removal or elimination of the infestation of weeds, brush and/or the accumulation of junk and/or rubbish. The board shall make findings of fact from the evidence presented at the hearing as to whether the conditions complained of exist and should be eliminated. If the board determines that weed or brush infestation exists or if an accumulation of junk and/or rubbish exists and should be cut or removed, the City Manager may issue an order based on the findings of the board, directing that the infestation or accumulation be removed or eliminated. The order of the City Manager shall be a final decision and may only be appealed to the district court, pursuant to Colorado rule of civil procedure 106(a)(4). Failure of a party in interest to timely file an appeal constitutes a bar and a waiver of any right to contest the City's right to eliminate or remove the weeds, brush, junk and/or rubbish from the property and charge the resulting costs against the person and/or the property. The City, through its agents or employees, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purpose of ensuring compliance with the requirements of this article. If an order of the City Manager has not been complied with within 30 days after its issuance, the City, at the discretion of the City Manager or his designee, may cause the elimination or removal of the infestation of weeds or brush and/or the removal or elimination of accumulated junk and/or rubbish. Any owner, lessee or other party in interest who fails to comply with an order issued by the City Manager or

his designee is hereby obligated to pay administrative costs and expenses incurred in the elimination or removal of the conditions complained of. Such administrative costs shall include the cost of removal or elimination, legal costs and fees, and administrative fees which are occasioned by enforcement of this article. All costs are independent of any other penalties or powers of enforcement of the City.

(d) No agent or employee of the City shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with this section except when such damages were willfully or deliberately caused by the landowner or occupant.

4. Section 16-31 (Assessing costs) of the Code of Ordinances is amended to read:

Upon completion of the cutting work done by City forces and/or the City's designee under this article, charges shall be made against the owner of the property on which weeds were cut. The charges shall be the City's actual costs for labor, equipment and materials plus an administrative penalty of fifty dollars (\$50) for the first cutting, one hundred dollars (\$100) for the second cutting and one hundred fifty dollars (\$150) for the third and subsequent cutting(s) within five years, plus a 25 percent (25%) surcharge for supervision and inspection.-The City Manager may set a minimum labor, equipment and material charge for cutting operations of less than one hour.

INTRODUCED for FIRST READING and PUBLICATION this 18th day of January, 2006.

PASSED and ADOPTED on SECOND READING this 1st day of February, 2006.

President of the Council

By: _____
Bruce Hill, Mayor

Attest:

Stephanie Tuin, City Clerk