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**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, JULY 5, 2006, 7:00 P.M.**

**Call To Order**

Pledge of Allegiance  
Invocation – Jim Hale, Spirit of Life Christian Fellowship

**Presentations of Certificates of Appointment**

To the Parks and Recreation Advisory Board

**Appointments**

To the Downtown Development Authority/Downtown Grand Junction Business  
Improvement District Board of Directors

To the Avalon Theatre Advisory Committee

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the June 19, 2006 Workshop, the Minutes of the  
June 19, 2006 Special Session, and the June 19, 2006 Regular Meeting*

2. **Revised Ethical Standards for Board Members** [Attach 2](#)

\*\*\* Indicates New Item

® Requires Roll Call Vote

A resolution governing ethics for members of the various City volunteer boards, commissions, and authorities.

Resolution No. 79-06 – A Resolution Establishing Ethical Standards for Members of the City's Boards, Commissions and Similar Groups and Repealing Resolution No. 84-02

®Action: *Adopt Resolution No. 79-06*

Staff presentation: John Shaver, City Attorney

3. **Rename Sundstrand Way and Sundstrand Court to Printers Way and Printers Court** [File # MSC-2006-142] [Attach 3](#)

A request from Colorado Printing Company, who purchased the Sundstrand building, is being made to rename Sundstrand Way and Sundstrand Court to Printers Way and Printers Court.

Resolution No. 80-06 – A Resolution Renaming Sundstrand Court and Sundstrand Way to Printers Court and Printers Way

®Action: *Adopt Resolution No. 80-06*

Staff presentation: Adam Olsen, Associate Planner

4. **Setting a Hearing on the Coop/Myers Annexation Located at 2997 D Road** [File #ANX-2006-137] [Attach 4](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.48 acre Coop/Myers Annexation consists of 2 parcels.

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

Resolution No. 81-06 – 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, Coop/Myers Annexation, Located at 2997 D Road

®Action: *Adopt Resolution No. 81-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coop/Myers Annexation, Approximately 5.48 Acres, Located at 2997 D Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006*

Staff presentation: Adam Olsen, Associate Planner

5. **Setting a Hearing on the Clymer Annexation, Located at 182 27 Road** [File #VR-2006-153] [Attach 5](#)

Request to annex 4.58 acres, located at 182 27 Road. The Clymer Annexation consists of two parcels and is a two part serial annexation.

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

Resolution No. 82-06 – 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, Clymer Annexation No. 1 and Clymer Annexation No. 2, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way

*®Action: Adopt Resolution No. 82-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Clymer Annexation No. 1, Approximately .13 Acres, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Clymer Annexation No. 2, Approximately 4.45 Acres, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 16, 2006*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on the Schroeder Annexation, Located at 527 Reed Mesa Drive** [File #ANX-2006-139] [Attach 6](#)

Request to annex 0.81 acres, located at 527 Reed Mesa Drive. The Schroeder Annexation consists of 1 parcel and includes portions of the Broadway (Hwy 340) and Reed Mesa Drive rights-of-way.

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

Resolution No. 83-06 – 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, Schroeder Annexation, Located at 527 Reed Mesa Drive Including Portions of the Broadway (Hwy 340) and Reed Mesa Drive Rights-of-Way

®Action: *Adopt Resolution No. 83-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schroeder Annexation, Approximately 0.81 Acres, Located at 527 Reed Mesa Drive Including Portions of the Broadway (Hwy 340) and Reed Mesa Drive Rights-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006*

Staff presentation: Lori V. Bowers, Senior Planner

7. **Setting a Hearing on Zoning the Bekon Annexation, Located at 2250 Railroad Avenue** [File #ANX-2006-143] [Attach 8](#)

Request to zone the Bekon Annexation, located at 2250 Railroad Avenue, to I-1, Light Industrial Zoning District.

Proposed Ordinance Zoning the Bekon Annexation to I-1, Light Industrial, Located at 2250 Railroad Avenue

Action: *Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2006*

Staff presentation: Scott D. Peterson, Senior Planner

8. **Setting a Hearing on Zoning the Traynor Annexation, Located at 748 and 749 24 ¾ Road** [File #ANX-2006-111] [Attach 9](#)

Introduction of a proposed ordinance to zone the Traynor Annexation located at 748 and 749 24 ¾ Road to RMF-8 (Residential Multi Family, 8 units per acre).

Proposed Ordinance Zoning the Traynor Annexation to RMF-8 (Residential Multi Family, 8 Units per Acre), Located at 748 and 749 24 ¾ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2006*

Staff presentation: Faye Hall, Associate Planner

9. **Setting a Hearing on Zoning the Hoffmann II Annexation, Located at 565 22 ½ Road** [File #ANX-2006-117] [Attach 10](#)

Introduction of a proposed ordinance to zone the Hoffmann II Annexation located at 565 22 ½ Road to RSF-2 (Residential Single Family, 2 units per acre).

Proposed Ordinance Zoning the Hoffmann II Annexation to RSF-2 (Residential Single Family, 2 Units per Acre), Located at 565 22 ½ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2006*

Staff presentation: Faye Hall, Associate Planner

10. **Setting a Hearing on Zoning the Vodopich Annexation, Located at 3023 F ½ Road** [File #ANX-2006-109] [Attach 11](#)

Introduction of a proposed ordinance to zone the Vodopich Annexation located at 3023 F ½ Road to RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Zoning the Vodopich Annexation to RSF-4 (Residential Single Family, 4 Units per Acre), Located at 3023 F ½ Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2006*

Staff presentation: Faye Hall, Associate Planner

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

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

11. **Reconsideration of Ambulance Fee Schedule** [Attach 12](#)

On February 13, 2006, City Council recommended that the GJFD expand services to include ambulance service for the Grand Junction Ambulance Service Area. Mesa County Commissioners subsequently approved that recommendation at their February 27, 2006 meeting.

The ambulance fee schedule recommended in this report will result in charges at or below those of the private ambulance provider prior to July 1.

An integral component of this expansion of services is setting the ambulance fee schedule with the objective of balancing system revenues to meet incremental costs of providing the ambulance transport services and to do so within the requirements of the Mesa County EMS Resolution. This includes the ability to negotiate contractual arrangements in specific situations in the non-emergent segment of the business.

Resolution No. 84-06 – A Resolution Authorizing the 2006 Ambulance Transport Fees

®Action: *Adopt Resolution No. 84-06*

Staff presentation: Jim Bright, Interim Fire Chief

12. **Public Hearing – Amendment to the Downtown Grand Junction Business Improvement District Assessments** [Attach 13](#)

Additional information has been received from property owners at 359 Colorado Avenue (St. Regis) that requires a correction to the special assessment billing that was approved in December, 2005. Proper notice to the affected property owners has been given. The resolution approves the assessments and orders the preparation of the assessment roll. If the resolution is approved following the hearing, then the corrected Special Assessments will be certified to the County Treasurer for immediate collection.

Resolution No. 85-06 – A Resolution Approving the Amended Assessment and Ordering the Preparation of an Amended Assessment Roll for Properties at 359 Colorado Avenue

®Action: *Hold a Public Hearing and Adopt Resolution No. 85-06*

Staff presentation: Stephanie Tuin, City Clerk  
John Shaver, City Attorney

13. **Public Hearing – Formation of the State Leasing Authority, Inc., Appoint Directors and Authorize Issuance of Revenue Bonds** [Attach 14](#)

This is a request to authorize the establishment of a new non-profit corporation, the "Grand Junction Colorado, State Leasing Authority, Inc."; approve the form of the Articles of Incorporation and Bylaws for the entity; appoint the original directors of the entity; and approve the issuance by the entity of up to \$18,000,000 in revenue bonds. This financing authority will be established to fund the construction of a building for the Colorado Bureau of Investigation (CBI) in accordance with the Memorandum of Understanding (MOU) already executed by the Grand Junction Economic Partnership (GJEP) and others.

Ordinance No. 3926 – An Ordinance Establishing the Grand Junction, Colorado, State Leasing Authority, Inc., Prescribing Certain Requisite Terms for its Operation and Governance, and Authorizing it to Construct and Lease a Facility to the Colorado Department of Public Safety and to Issue Revenue Bonds to Defray the Costs Thereof

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3926*

Staff presentation: Sheryl Trent, Assistant to the City Manager  
Ann Driggers, GJEP President and CEO

14. **Public Hearing – Zoning the Charlesworth Annexation Located at 248 28 Road** [File #GPA-2006-062] [Attach 15](#)

Request to zone the 10.85 acre Charlesworth Annexation, located at 248 28 Road, to RMF-5 (Residential Multi-family with a maximum of five units per acre) zone district.

Ordinance No. 3927 – An Ordinance Zoning the Charlesworth Annexation to RMF-5 (Residential Multi-Family – 5 Units per Acre), Located at 248 28 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3927*

Staff presentation: David Thornton, Principal Planner

15. **Public Hearing – Growth Plan Amendment (Text) – Residential Density in Downtown Commercial Core** [File #GPA-2006-066] [Attach 16](#)

The Grand Junction Downtown Development Authority is requesting a revision to the text of the Growth Plan to eliminate the maximum residential density requirement for downtown developments/properties.

Resolution No. 86-06 – A Resolution Amending the Text of the Growth Plan to Eliminate the Maximum Residential Density Requirement in the Downtown Area

*®Action: Adopt Resolution No. 86-06*

Staff presentation: Kristen Ashbeck, Senior Planner

16. **Public Hearing – Vacating Portions of Hoesch Street and West Grand Avenue, East of River Road and Designation of the Remainder of Hoesch Street as an Alley** [File #VR-2006-114] [Attach 17](#)

An ordinance to vacate portions of Hoesch Street and West Grand Avenue east of River Road. The vacation request is in conjunction with the design of the Riverside Parkway with these sections of right-of-way no longer being necessary or usable. The applicant is also requesting that the remainder of Hoesch Street be designated an alley.

Ordinance No. 3928 – An Ordinance Vacating Rights-of-Way for Portions of Hoesch Street and West Grand Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3928*

Staff presentation: Senta L. Costello, Associate Planner

17. **Non-Scheduled Citizens & Visitors**

18. **Other Business**

19. **Adjournment**



**Attach 1**  
**Minutes from Previous Meetings**  
**GRAND JUNCTION CITY COUNCIL**

**WORKSHOP SUMMARY**

**June 19, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, June 19, 2006 at 6:30 p.m. in the Community Development Conference Room at City Hall for a brief pre-meeting/workshop discussion. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, and President of the Council Jim Doody. Absent was Councilmember Doug Thomason.

**Summary and action on the following topic:**

**DALTON TRUMBO SCULPTURE:** The Dalton Trumbo Historical Recognition Committee has requested some time before the City Council to present a request for City participation in the commissioning of a sculpture for placement near the Avalon Theater of author Dalton Trumbo.

City Council discussed the request and also the possibility of other statues, specifically of the founding fathers of Grand Junction. The idea has been floated to members of the 125 year anniversary committee but has not taken hold.

**Action summary:** City Council was comfortable with the idea but directed Staff to have the Committee approach the County for support as well as other groups and then address Council about any financial commitment.

**Adjourn**

The meeting adjourned to the regular Council meeting at 6:55 p.m.

# **GRAND JUNCTION CITY COUNCIL**

## **SPECIAL SESSION MINUTES**

**JUNE 19, 2006**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, June 19, 2006 at 5:30 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar and President of the Council Jim Doody. Councilmember Doug Thomason was absent. Also present was Interim City Manager David Varley, City Attorney John Shaver, and Administrative Services and Finance Director Ron Lappi.

Council President Doody called the meeting to order.

Councilmember Hill moved to go into executive session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law regarding City Council employees and will not be returning to open session. Councilmember Palmer seconded the motion. The motion carried.

The City Council convened into executive session at 5:43 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**June 19, 2006**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> day of June 2006, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, and President of the Council Jim Doody. Absent was Councilmember Doug Thomason. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

**Presentations**

**Kids Day America/International to Present a Check to the D.A.R.E. Program**

Dr. Wayne Sheader was present and gave the Grand Junction Police Department a check for \$1,103 for the D.A.R.E. program. The money was raised at the Kids Day America event.

**Public Works and Utilities Department presented Council with the 2006 Innovations Award from the Innovation Group for the Persigo Grease Treatment Facility**

Public Works and Utilities Director Mark Relph invited managers and supervisors from the Persigo facility to the podium. He explained what the Innovations Group is and how the facility was entered into consideration. He asked the Wastewater Superintendent Dan Tonello to explain the project. Mr. Tonello explained the problem and how the crew solved it with the development of the Persigo Grease facility and said that it saved the City hundreds of thousands of dollars. He also said that they have applied for a U.S. patent for the device. The crew was congratulated and applauded by the City Council and the audience.

**Appointments**

Appointments to the Avalon Theatre Advisory Committee were postponed until the July 5, 2006 meeting.

To the Parks and Recreation Advisory Board

Councilmember Spehar moved to appoint William Findlay and Lenna Watson for three year terms until June 2009 to the Parks and Recreation Advisory Board. Councilmember Coons seconded the motion. Motion carried.

### **Citizen Comments**

Mr. Jim Shults, 1670 Ptarmigan Ridge Circle, asked to address the City Council regarding the fire ban. He was opposed to the ban of private legal fireworks and felt there is no special fire threat in the City due to the irrigation and green areas. He agreed that Mesa County does have a reasonable fire threat due to the vastness and the many dry areas. A fire ban in the City will create a city of lawbreakers. He suggested that the ban be kept in place and then suspended from July 1<sup>st</sup> through July 6<sup>th</sup>.

### **CONSENT CALENDAR**

Councilmember Hill read the list of items on the Consent Calendar.

It was moved by Councilmember Hill, seconded by Councilmember Palmer and carried by roll call vote to approve Consent Calendar items #1 through #10 with Councilmember Spehar voting NO on item #5.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the June 5, 2006 Additional Workshop, the Minutes of the June 7, 2006 Regular Meeting, and the June 12, 2006 Special Session*

2. **Purchase of Road Oil for Chip Seal Program**

Purchase of approximately 107,000 gallons of road oil for the annual Streets Division chip seal program.

*Action: Authorize the City Purchasing Division to Purchase 107,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of \$160,500*

3. **Construction Contract for F ½ Road from 24 Road to Market Street and a Right Turn Lane on 24 Road**

Award a construction contract to Sorter Construction Company in the amount of \$1,217,396 for the construction of a northbound right turn on 24 Road and a section of the F ½ Road Parkway from 24 Road east to Market Street. This is a Transportation Capacity Payment (TCP) project constructed in conjunction with the Canyon View Marketplace development project which includes a movie theater currently under construction.

*Action: Authorize the City Manager to Sign a Construction Contract for the F ½ Road Improvements, 24 Road to Market Street with Sorter Construction, Inc., in the Amount of \$1,217,396*

4. **Amending the Development Fee Schedule to include a \$50.00 fee for General, Counter and Pre-application Meetings**

Staff spends a considerable amount of time preparing paperwork for general, counter and pre-application meetings. Pre-meeting preparation may also require a site visit by the engineer and/or planner. A \$50.00 fee for all general, counter and pre-application meetings is recommended to offset some of these pre-meeting preparation costs that are currently absorbed by the City.

Resolution No. 62-06 – A Resolution Amending the Development Fee Schedule, Adding a Fee for General, Counter, and Pre-application Meetings

*Action: Adopt Resolution No. 62-06*

5. **Ratifying the Amended 24 Road Corridor Guidelines** [File #GPA-2005-148]

The Ordinance amending the 24 Road Corridor Subarea Plan and the Mixed Use Zoning implementing the decision of the City Council on June 7, 2006.

Resolution No. 65-06 – A Resolution Amending the 24 Road Corridor Subarea Plan and the Growth Plan Specific to the Mixed Use Land Use Designation

Ordinance No. 3904 – An Ordinance Amending Section 3.4.J of the Zoning and Development Code, Mixed Use

*Action: Adopt Resolution No. 65-06 and Consider Final Passage and Final Publication of Ordinance No. 3904*

6. **Setting a Hearing on Vacating Portions of Hoesch Street and West Grand Avenue, East of River Road and Designation of the Remainder of Hoesch Street as an Alley** [File #VR-2006-114]

Introduction of a proposed ordinance to vacate portions of Hoesch Street and West Grand Avenue east of River Road. The vacation request is in conjunction with the design of the Riverside Parkway with these sections of right-of-way no longer being necessary or usable. The applicant is also requesting that the remainder of Hoesch Street be designated an alley.

Proposed Ordinance Vacating Rights-of-Way for Portions of Hoesch Street and West Grand Avenue

Action: *Introduction of Proposed Ordinances and Set a Hearing for July 5, 2006*

7. **Setting a Hearing on Zoning the Charlesworth Annexation Located at 248 28 Road** [File #GPA-2006-062]

Request to zone the 10.85 acre Charlesworth Annexation, located at 248 28 Road, to RMF-5 (Residential Multi-family with a maximum of five units per acre) zone district.

Proposed Ordinance Zoning the Charlesworth Annexation to RMF-5 (Residential Multi-Family – 5 Units per Acre), Located at 248 28 Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for July 5, 2006*

8. **Setting a Hearing on the Merkel Annexation, Located at the Northwest Corner of I-70 and 24 ½ Road** [File #GPA-2006-126]

Request to annex 27.11 acres, located at the northwest corner of I-70 and 24 ½ Road. The Merkel Annexation consists of 2 parcels.

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

Resolution No. 70-06 – 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, Merkel Annexation, Located at the Northwest Corner of I-70 and 24 ½ Road Including a Portion of the 24 ½ Road Right-of-Way

Action: *Adopt Resolution No. 70-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Merkel Annexation , Approximately 27.11 Acres Located at the Northwest Corner of I-70 and 24 ½ Road Including a Portion of the 24 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 2, 2006*

9. **Setting a Hearing on the Pine Industrial No. 1 Annexation, Located at 2769 D Road** [File #ANX-2006-124]

Request to annex 5.08 acres, located at 2769 D Road. The Pine Industrial No.1 Annexation consists of one parcel and is a two part serial annexation.

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

Resolution No. 71-06 – 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, Pine Industrial No.1 Annexation #1 & #2, Located At 2769 D Road

*Action: Adopt Resolution No. 71-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine Industrial No.1 Annexation #1, Approximately .30 Acres, Located at 2769 D Road Including a Portion of the D Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine Industrial No.1 Annexation #2, Approximately 4.78 Acres, Located at 2769 D Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 2, 2006*

10. **Setting a Hearing on the Harris Annexation, Located at 2730 B Road** [File #ANX-2006-125]

Request to annex 9.38 acres, located at 2730 B Road. The Harris Annexation consists of one parcel and is a two part serial annexation.

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

Resolution No. 72-06 – 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, Harris Annexation #1 and #2, Located at 2730 B Road Including a Portion of the B Road and 27 Road Rights-of-Way

*Action: Adopt Resolution No. 72-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Harris Annexation #1, Approximately 2.73 Acres, Located at 2730 B Road Including a Portion of the B Road and 27 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Harris Annexation #2, Approximately 6.65 Acres, Located at 2730 B Road Including a Portion of the B Road Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 2, 2006*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Contract for Ambulance Billing Services**

Approval to contract for Professional Ambulance Billing Services for the City of Grand Junction Fire Department.

Jim Bright, Interim Fire Chief, and Ron Lappi, Administrative Services and Finance Director, reviewed this item. Interim Chief Bright noted that the annual expenditure for the billing services should be \$155,000 rather than \$310,000. Administrative Services Director Lappi said the collection fee is at 6.5% of collections.

Councilmember Spehar stated that the collection time periods were discussed in detail. He said Pridemark EMS Billing Services expedited collections and hopefully it will increase collections. Chief Bright agreed and stated that hopefully they will get a better rate of return.

Councilmember Coons noted that no local firms bid out for the ambulance billing services. Chief Bright replied that the service is very specialized but a firm from Montrose did respond to the solicitation. However, the three being considered stood out as the best possibilities.

Councilmember Spehar moved to authorize the City Purchasing Manager to enter into a contract with Pridemark EMS Billing Services, 6385 W. 52<sup>nd</sup> Ave, Arvada, Colorado in the amount of 6.5% of billing. Councilmember Coons seconded the motion. Motion carried.

**Contract for Non-Emergent Medical Ambulance Dispatch Services**

Approval to contract for Professional Non-emergent Medical Ambulance Dispatch Services for the City of Grand Junction Fire Department.



Jim Bright, Interim Fire Chief, reviewed this item. He advised that Pridemark did not bid initially but the City approached them. He said they had some internal issues that kept them from bidding but was interested in the contract. Mr. Bright said awarding the bid to them couples the services with the billing contract just awarded so there will be better efficiencies.

Council President Doody questioned how they dispatch when they are out of Denver. Chief Bright stated that a local number will be called which will call forward to the company's 800 number. They will see the call is from Grand Junction and they will verify it is a non-emergent transport. If it is an emergency call it will automatically go back to 9-1-1 dispatch.

Councilmember Palmer asked if it is equivalent to having it out of the City's dispatch. Mr. Bright stated that the Communication Center is already at capacity and they did not feel they could handle the additional calls. Councilmember Palmer asked what the length of the contract is. Mr. Bright replied that the contract is for two years.

Councilmember Coons asked if there are any response time guidelines. Mr. Bright stated that there are no guidelines as it is for non-emergent transport only but the Fire Department will try to accommodate and be on time.

Councilmember Palmer inquired if the fee for the dispatch service can be recovered. Chief Bright responded that such fee cannot be added on as a fee to patient but the patient will be charged for the transport.

Councilmember Beckstein asked if there will be a different phone number for dispatch. Mr. Bright stated that there will be a local seven digit number that will be provided to nursing homes because there will be a time delay if it is a 9-1-1 call; however it will immediately be transferred back.

Councilmember Hill asked if dispatch can transfer non 9-1-1 calls that come into the Communications Center. Mr. Bright stated that has been discussed but the logistics have not been finalized.

Councilmember Spehar moved to authorize the City Purchasing Manager to enter into a contract with Pridemark Paramedic Services, 6425 W. 52<sup>nd</sup> Ave, Arvada, Colorado for an estimated annual expenditure of \$50,000. Councilmember Palmer seconded the motion. Motion carried.

### **Ambulance Fee Schedule**

On February 13, 2006, City Council recommended that the GJFD expand services to include ambulance service for the Grand Junction Ambulance Service Area. The Mesa County Commission subsequently approved that recommendation at their February 27, 2006 meeting.

An integral component of this expansion of services is setting the ambulance fee schedule with the objective of balancing system revenues to meet incremental costs of providing the ambulance transport services and to do so within the requirements of the Mesa County EMS Resolution. This includes the ability to negotiate contractual arrangements in specific situations in the non-emergent segment of the business.

Jim Bright, Interim Fire Chief, reviewed this item. He noted that the fee schedule was the basis of the budget that has been proposed. There is a different fee schedule for emergent versus non-emergent transport. The rates proposed are the bundled rate. Medicare is moving toward only paying a bundled rate.

Councilmember Coons asked if the City will attempt to collect the difference over and above what Medicare pays. Mr. Bright replied that the payer mix is factored into the budget, there are stringent guidelines regarding what can be collected over Medicare, so the City probably has to accept an assignment fee.

Councilmember Palmer asked if the service is set up as an enterprise fund. Chief Bright answered yes.

Administrative Services and Finance Director Ron Lappi stated that the start-up costs were budgeted in the first supplemental appropriation. The fund will try to work toward breaking even but this one is heavily subsidized at first; it may break even in the future, especially with the grant anticipated in the fall.

Councilmember Doody asked how the 41% collection was determined. Chief Bright stated that it is an experience rate of return.

Councilmember Coons stated that Medicare pays about half of what the fee schedule is. Those with insurance will subsidize those that can't pay; that is a reflection of the health care system today.

Councilmember Palmer noted that the County will review rates again in February 2007.

Councilmember Spehar stated that he is occasionally confused with the enterprise fund distinction. He asked if it is a legal definition or can it be called an enterprise model. Administrative Services and Finance Director Lappi stated that the City is using the term enterprise in the financial statements under its definition under governmental financial guidelines.

Councilmember Beckstein asked what the recovery rate will be. Mr. Lappi explained what the City expects to recover. The 41% is all blended percentage; Medicare recovery rate is more like 34%. Councilmember Beckstein asked if there is a report that tells what the shortfall for this whole program is going to be. Mr. Lappi replied that there is a report.

Councilmember Beckstein asked if that has changed. Mr. Lappi stated that the grant will help and hopefully the County will consider an increase in rates next year.

Councilmember Spehar asked if the budgeting is based on the collected monies and not billed monies. Mr. Lappi stated that is right; a deficit is factored in to be subsidized by the general fund.

Councilmember Hill pointed out that American Medical Response said they never reached a 41% collection rate. Mr. Lappi responded that the 41% is the City's best estimate based on Fire Department and accounting working together. He offered to provide a copy of the report.

Resolution No. 79-06 – A Resolution Authorizing the 2006 Ambulance Transport Fees

Councilmember Spehar moved to adopt Resolution No. 79-06. Councilmember Palmer seconded the motion.

Councilmember Hill stated that he is voting no on this noting the proposal is to increase the cost by \$200. Although the City should want to maximize revenue, from a service provider standpoint, he is against the increased fees.

Motion failed with Hill, Coons and Beckstein voting NO.

City Manager Arnold suggested that this be brought back to Council when Councilmember Thomason is present. This affects the budget and the failure to pass the new schedule keeps the same rates in effect. Interim Chief Bright could report back at the next meeting with additional information. Mr. Lappi noted the failure to adopt the new rates will make a huge difference.

City Attorney Shaver advised that a motion could be made to reconsider this matter to a date certain.

Councilmember Spehar asked how this impacts the presentation for the licensing. Mr. Shaver stated that the fee is being set in anticipation of receiving the license next week in front of the Mesa County Commissioners and won't necessarily impact the issuance of the license. City Manager Arnold advised that the impact will be on the general fund, a greater subsidy will result.

Councilmember Spehar moved to reconsider the item on July 5, 2006. Council President Doody seconded. Motion carried 4 to 2 with Councilmembers Hill and Beckstein voting NO.

**Public Hearing – 2006 CDBG Program Year Action Plan, 2006 Five-year Consolidated Plan, and the 2006 Analysis of Impediments to Fair Housing Study**

The two plans and the one study (the City's CDBG 2006 Five-year Consolidated Plan; the 2006 Program Year Action Plan and the 2006 Analysis of Impediments to Fair Housing Choice Study) are required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The 2006 Action Plan includes the CDBG projects for the 2006 Program Year City Council approved for funding on May 17, 2006.

The public hearing was opened at 8:05 p.m.

David Thornton, Principal Planner, reviewed this item. He noted the number of partnerships in this community. The Consolidated Plan is required by HUD every three to five years. The City does it every five years. There are seven elements included in the Plan. Since the City has been in entitlement, since 1996, the program and the community as a whole have done a number of elements in the plan. For each new program year, a one-year Action Plan is adopted. The 2006 entitlement is \$348,286. He reviewed the 2006 Plan. The third requirement is the Study on Impediments to Affordable Housing. A consultant from Denver, D. J. Consulting, was hired for the Study. Five impediments were identified and some recommendations were made on how to remove the impediments. The impediments were fairly obvious: #1 Land development costs. Some ways to alleviate the impediment were to develop land banking and land trusts, establish an affordable housing fund, and develop joint venture projects.

Councilmember Spehar recommended that the wording in the 2006 Action Plan does not limit the City to just buying land but includes other options. Mr. Thornton agreed that it would be a good idea to clarify that in the Plan.

Mr. Thornton continued with impediment #2: Not In My Back Yard (NIMBY) mindset and mitigation of that. The City and housing providers should continue the good efforts to promote awareness of the need for affordable and fair housing through seminars, fair housing forums and public awareness campaigns and the solicitation of neighborhood input to housing development should be part of the City's Zoning and Development Code.

Impediment # 3: A lack of affordable housing units, one-bedroom or larger, particularly for very-low and low-income households, large families with children, seniors and persons with disabilities continues to be an impediment to fair housing choice. Efforts need to be expanded for tenant/landlord mediation and for foreclosure prevention.

The consultant recommendations for mitigation were that the City should continue the usage of CDBG funding to support affordable housing projects, the

City should encourage usage of the City's local matching funds for affordable housing development and revisit the evaluation of goals, objectives, policies, regulations, and fees as to their impact on affordable housing and implement the objectives determined from that evaluation, particularly number 22 goal of Grand Junction's Strategic Plan to implement the results of the Affordable Housing Forum. Also the City should have a staff person who is involved exclusively in housing projects whose job would consist of being a liaison with public and private housing providers, serve as a member of the Affordable Housing Partnership, a contact for people with fair housing complaints, and a resource for funding of housing projects. This person could also look into additional funding for security deposits and utility costs.

Impediment #4: The lack of transitional housing units, particularly for homeless families and the mentally ill is still an impediment to fair housing choice. The housing providers are to be commended on all their efforts to supply transitional housing in the community. The same effort needs to be continued to meet future needs.

Recommendations to eliminate were that the City should continue its support of area housing agencies in the pursuit of additional funding, from public and private sources, for the provision of additional transitional housing units. The staff person recommended in recommendation 3E could be the City contact person to assist in additional funding as well as a resource person on how other cities are handling homelessness. One reviewer of this study disagrees with this recommendation because that person thinks that it is not the job of the City to perform this function.

Also the area agencies should continue to provide services such as transitional housing, homeless prevention training, health care referrals, and housing counseling to homeless person and families, to assist in the prevention of homelessness.

Impediment #5: Low income or wage levels are still an impediment to fair housing choice. While this is an impediment that involves private enterprise even more than the City or public agencies, it is one that will need all the effort from the City and public agencies that can be given.

Recommendations for mitigation include that the City needs to continue to work with the Grand Junction Economic Partnership and the Business Incubator to promote opportunities to develop new businesses or expand existing ones and to improve wage levels for Grand Junction's residents and the City and the Grand Junction Economic Partnership should continue to work with area job training agencies to determine if additional training needs exist in the community and can be met through any potential local, state, or federal funding sources.

Council President Doody asked for specifics on hiring the additional person. Mr. Thornton advised that HUD has developed more requirements for entities receiving funds and staff wants to make sure the City meets all these requirements. An additional person would also allow Planners Thornton and Ashbeck to work more on planning activities instead of the CDBG requirements.

Councilmember Hill noted that he went back to national committee meeting upon which he serves to bring up the matter of the costs of administering these funds.

He felt the requirements were wasting money on paperwork in order to justify the program, to the tune of \$800 million. His committee is leading the charge to try to reduce those requirements. He applauded the City's efforts to be below the maximum administrative fees allowed in previous years.

Terri Clements, 2204 N. 1<sup>st</sup> Street, director of the Tree House Program, thanked the City Council for the opportunity to comment. She expressed her disappointment that not one dime of the City's CDBG funding is going to youth programs this year.

Jody Kole, Grand Junction Housing Authority Director, 229 Pine Terrace Court, thanked Council for its commitment to affordable housing. She pointed out that Grand Junction has the fastest growing group of homeless, especially homeless families with children. She feared that there will be a reorganization of the program that will eliminate Grand Junction's annual entitlement.

There were no other comments.

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

Councilmember Coons stated that there are always more deserving needs than there is money for. She felt the affordable housing funding is a good choice for this year.

Councilmember Spehar supported the proposal to put the whole lump toward housing which was suggested by Councilmember Palmer. The City's annual allocation has decreased and this is an opportunity to have a major impact using the entire sum. He also supports the move to increase administrative fee in order to hire a person to administer the fund.

Resolution No. 73-06 – A Resolution Adopting the 2006 Five-Year Consolidated Plan as a Part of the City of Grand Junction's Community Development Block Grant (CDBG) Program

Resolution No. 74-06 – A Resolution Adopting the 2006 Program Year Action Plan as a Part of the City of Grand Junction's 2006 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Resolution No. 75-06 – A Resolution Adopting the 2006 Analysis of Impediments to Fair Housing Choice Study for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Coons moved to adopt Resolution Nos. 73-06, 74-06, and 75-06 with the amendment in the 2006 Program Year Action Plan, item #2 being changed to “Funding for the creation of affordable housing”. Councilmember Spehar seconded the item. Motion carried by roll call vote.

Council President Doody called a recess at 8:33 p.m. and excused Councilmember Palmer from the remainder of the meeting as he was ill.

The meeting reconvened at 8:40 p.m.

**Public Hearing – Repealing the Telephone Exchange Provider Occupation Tax**

The City by and through the Director of Finance and Administrative Services and the City Attorney recommend that the City Council repeal Ordinance No. 1725 concerning the imposition of an occupation tax on telephone exchange providers in the City.

The public hearing was opened at 8:41 p.m.

John Shaver, City Attorney, reviewed this item. He explained the reason for the request to repeal the telephone exchange tax. The tax was adopted in 1978. With the changing in technology in telephone services, a question arose from Qwest that other providers were not paying the exchange tax so the tax was discriminatory. After discussions with Administrative Services and Finance Director Ron Lappi, as to the pros and cons of trying to tax the other providers, they determined that due to the advent of other types of providers providing phone service it is hard to pin down who would be subject to the tax. Therefore it is recommended that the tax be repealed.

There were no public comments.

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

Ordinance No. 3915 – An Ordinance Repealing Ordinance No. 1725, Regarding Revenue and Imposition of a Business and Occupation Tax on all Telephone Exchange Providers Operating within the City of Grand Junction

Councilmember Hill moved to adopt Ordinance No. 3915 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Intergovernmental Agreement Between Mesa County and City of Grand Junction for Scheduling and Management of all Organized, Recreational Activities at Long Family Memorial Park**

City Council authorized the City Manager to work with the County Administrator in preparing a cooperative agreement for the scheduling and management of all organized, recreational activities at Long Family Memorial Park. This park is located at 3117 F Road in Mesa County and was gifted to Mesa County with the understanding that within ten years from the date of acceptance (1998), it would become a developed park and used in perpetuity for park purposes. The County is currently developing the park in accordance with the Long Family's wishes and anticipates a mid-summer opening of Long Family Memorial Park, phase I. In order to maximize the public use and benefit, the City and the County have agreed that collaboration on the management and operation of the park is necessary and desirable.

Joe Stevens, Parks and Recreation Director, reviewed this item. He advised the agreement was drafted in conjunction with the City Manager and has been reviewed by the City Attorney. Staff members Don Hobbs and Traci Altergott are present to answer any questions on the agreement. He reviewed the history of the new park, Long Park. It was given to the County in 1998 with the provision that it be developed within ten years. The County has developed the Park and has asked the City to consider taking over the management of the Park.

Councilmember Hill asked if there is a provision for the management fee to increase from year to year. Mr. Stevens stated that it was discussed to include a percentage, but the way the agreement is put together for an annual review, staff will recommend any adjustments. The \$15,000 fee was developed from experience at Canyon View Park. There is language about the net being \$15,000. The County has agreed to keep the standard of maintenance comparable to Canyon View Park. The two entities will work closely together on scheduling. Mr. Stevens pointed out that this is a new step in partnerships; there are other examples with the School District and with the County at Orchard Mesa Pool. This is a new level of those efforts.

Council President Doody pointed out a number of other areas of opportunity for the two entities to work together.

Councilmember Coons moved to authorize the City Manager to sign an Intergovernmental Agreement with Mesa County that will lay out the terms and conditions for the scheduling and management of organized, recreational activities at Long Family Memorial Park by the City of Grand Junction and spells out Mesa County's responsibility for maintenance and upkeep of Long Family Memorial Park. Councilmember Hill seconded the motion. Motion carried.



**Public Hearing – Vacating Public Rights-of-Way, Southwest Corner of 29 ½ Road and Ronda Lee Road, Both Sides of Jon Hall Road at 29 ½ Road and an Unnamed Right-of-Way South of Jon Hall Road at 29 ½ Road** [File #PP-2006-042]

Request to vacate three feet of right-of-way on the south side of Ronda Lee Road, three feet on the north and south side of Jon Hall Road, and twenty feet of unnamed right-of way along the southern boundary of the project site.

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

Pat Cecil, Planning Services Supervisor, reviewed this item. He described the request and the location of the vacation requests. The portion of Jon Hall Road to be vacated is not built and not being used, the unnamed right-of-way is not built and not being used and 6 feet of Ronda Lee Road is not needed and not being used. The Planning Commission recommended approval.

There was a representative of the applicant in attendance but had nothing to add to the presentation.

There were no public comments.

The public hearing was closed at 9:00 p.m.

Ordinance No. 3916 – An Ordinance Vacating Portions of the Public Rights-of-Way Located on Ronda Lee Road, Jon Hall Road and a Twenty Foot Unnamed Right-of-Way to the South of Jon Hall Road, all being Immediately West of 29 ½ Road Extending Approximately 658 Feet West

Councilmember Hill moved to adopt Ordinance No. 3916 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Fox Growth Plan Amendment, Located at 3000 F Road** [File #GPA-006-087]

Request to amend the Growth Plan, changing the Future Land Use Designation from Residential Medium Low (2-4 units per acre) to Residential Medium (4-8 units per acre) on 1.6 acres, located at 3000 F Road.

The public hearing was opened at 9:00 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. She identified the Future Land Use designation and the surrounding properties. She advised that all the surrounding residential properties are zoned RSF-4. There is a PD zone

adjacent to the site which is the Rite Aid property. The current request is for a Growth Plan Amendment. The applicant will still need to come back before the City Council for a zoning change.

Ms. Portner then reviewed the Growth Plan Amendment criteria:

a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or the existing designation of Residential Medium Low is in error because the specific constraints of the property, such as access and shape were not considered. The property has approximately 200 feet of frontage on F Road and 500 feet of frontage on 30 Road. F Road is classified as a Principal Arterial and 30 Road as a Major Collector. Additional street access will not be allowed onto F Road, and individual driveway access will not be allowed onto 30 Road. Because of the configuration of the lots already developed to the east of the property, the site could not develop out at an RSF-4 density.

b. Subsequent events have invalidated the original premises and findings; traffic volumes on F Road and 30 Road continue to increase, especially with the construction of the 30 Road railroad underpass, making it a major north-south corridor.

c. The character and/or condition of the area have changed enough that the amendment is acceptable; traffic volumes continue to increase on both adjacent corridors and the property at the northwest corner of 30 Road and F Road has been developed as retail store with a drive through window.

d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans; the proposed amendment is consistent with the following goals and policies of the Growth Plan:

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Goal 10: To retain valued characteristics of different neighborhoods within the community.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

All services are available to the site for residential use.

f. An inadequate supply of suitably designated land is available in the proposed land use; and changing the 1.6 acres to residential medium will allow for infill development in the neighborhood.

g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Assistant to the Community Development Director Portner advised that changing the designation from Residential Medium Low to Residential Medium would allow for the following zone districts to be considered: RSF-4, RMF-5, RMF-8 and RO (Residential-Office).

Tom Rolland, 405 Ridges Blvd, representing Pam Fox, the developer, advised that they held a neighborhood meeting and those in attendance were mainly concerned about annexation. There was some discussion on the plans for the property. The only plan right now is to rezone, under the options allowed. The size and shape of the property would make a single home development difficult on this piece of property.

There were no public comments.

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

Resolution No. 76-06 - A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 1.6 Acres, Located at 3000 F Road, from Residential Medium Low to Residential Medium, Fox Growth Plan Amendment

Councilmember Beckstein moved to adopt Resolution No. 76-06. Councilmember Coons seconded the motion.

Councilmember Hill questioned the change in Land Use designation from Low to Medium when RO is allowed in both. Assistant Director of Community Development Kathy Portner advised that RO is not allowed in residential medium low designated areas. Councilmember Hill asked about commercial designation. Ms. Portner replied that the request would then be for a commercial designation and that would be a more intense commercial designation.

Motion carried by roll call vote.

**Public Hearing – Walcher Rezone, Located Adjacent to 2483 River Road** [File #GPA-2006-059]

Request to rezone .44 acres, located adjacent to 2483 River Road, from CSR (Community Services and Recreation) to I-1 (Light Industrial).

The public hearing was opened at 9:11 p.m.

Councilmember Beckstein revealed that the property owner is a client of her employer. City Attorney Shaver verified with her that the relationship was such as to create no conflict or bias. The Council was satisfied with Councilmember Beckstein's disclosure.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. She identified the Future Land Use designation and the surrounding properties.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:15 p.m.

Ordinance No. 3917 – An Ordinance Rezoning Approximately .44 Acres, Located Adjacent to 2483 River Road from CSR to I-1, Walcher Rezone

Councilmember Hill moved to adopt Ordinance No. 3917 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Niblic Drive Rezone, Located at 718 Horizon Drive** [File #GPA-2006-061]

Request to rezone .53 acres, located at 718 Horizon Drive, adjacent to Niblic Drive, from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. The property is at a higher elevation than its Horizon Drive portion and is more a part of the Partee Heights subdivision. The property was recently a party to a Growth Plan Amendment. The plan is to separate it from the remainder of the property and have it be developed as residential. At the Planning Commission there were concerns with the RMF-5 zoning. The RMF-5 zoning would allow for a duplex.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:20 p.m.

Ordinance No. 3918 – An Ordinance Rezoning Approximately .53 Acres, Located at 718 Horizon Drive, Adjacent to Niblic Drive, From C-1 to RMF-5, Niblic Drive Rezone

Councilmember Spehar moved to adopt Ordinance No. 3918 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Graff Dairy Rezone, Located at 581 29 Road** [File #GPA 2006-060]

Request approval to rezone .67 acres, located adjacent to 581 29 Road, from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

The public hearing was opened at 9:21 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. She noted that there had previously been a Growth Plan Amendment approved for the property.

Judy Graff, owner of 581 29 Road, addressed the City Council. She first lauded the City Council on their time and their involvement. The public hearing was closed at 9:25 p.m.

Ordinance No. 3919 – An Ordinance Rezoning Approximately .67 Acres, Located at 581 29 Road from RMF-5 to C-1, Graff Dairy Rezone

Councilmember Hill moved to adopt Ordinance No. 3919 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing - Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road, Between 23 and 23 ½ Road** [File #GPA-2006-065]

Request to zone the 25 acre GPD Global/Woomer Annexation, located at I-70 Frontage Road, between 23 and 23 ½ Road, to I-1 (Light Industrial).

The public hearing was opened at 9:27 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. Two of the parcels are developed and one parcel is undeveloped. These properties recently went through a Growth Plan Amendment. The request meets the rezone criteria and Staff and Planning Commission recommend approval.

There were no public comments.

The public hearing was closed at 9:28 p.m.

Ordinance No. 3920 – An Ordinance Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road between 23 and 23 ½ Road to I-1 (Light Industrial)

Councilmember Spehar moved to adopt Ordinance No. 3920 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Carpenter Annexation and Zoning, Located at 3137 D ½ Road** [File #ANX-2006-094]

Acceptance of a petition to annex and consider the annexation and zoning for the Carpenter Annexation. The Carpenter Annexation is located at 3137 D ½ Road, consists of 1 parcel on 5.05 acres and is a 2 part serial annexation. The zoning being requested is RMF-5.

The public hearing was opened at 9:29 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. She described the surrounding Land Use Designation and the surrounding zoning designations, of which there are a variety. The request meets the criteria for annexation and the criteria for zoning. The Staff and the Planning Commission both recommend approval.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:30 p.m.

**a. Accepting Petition**

Resolution No. 77-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Carpenter Annexation, Located at 3137 D ½ Road is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3921 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #1, Approximately 0.05 Acres Located at 3137 D ½ Road

Ordinance No. 3922 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #2, Approximately 5.00 Acres Located at 3137 D ½ Road

**c. Zoning Ordinance**

Ordinance No. 3923 – An Ordinance Zoning the Carpenter Annexation to RMF-5 Located at 3137 D ½ Road

Councilmember Beckstein moved to adopt Resolution No. 77-06 and Ordinance Nos. 3921, 3922, and 3923 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Pumpkin Ridge Annexation and Zoning, Located at 2887 UnawEEP Avenue** [File #ANX-2005-189]

Acceptance of a petition to annex and consider the annexation and zoning for the Pumpkin Ridge Annexation. The Pumpkin Ridge Annexation is located at 2887 UnawEEP Avenue and consists of 2 parcels on 8.47 acres. The zoning being requested is RSF-4.

The public hearing was opened at 9:32 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location of the property. She described the surrounding Land Use Designations and the surrounding zoning. The request meets the criteria for both annexation and zoning. The Staff and the Planning Commission both recommend approval.

The applicant was not present.

There were no public comments.

The public hearing was closed at 9:35 p.m.

**a. Accepting Petition**

Resolution No. 78-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3924 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pumpkin Ridge Annexation, Approximately 8.47 Acres,

Located at 2887 UnawEEP Avenue Including a Portion of UnawEEP Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3925 – An Ordinance Zoning the Pumpkin Ridge Annexation to RSF-4 Located at 2887 UnawEEP Avenue

Councilmember Spehar moved to adopt Resolution No. 78-06 and Ordinance Nos. 3924 and 3925 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Council President Doody asked the new Management Intern Angela Harness to introduce herself which she did.

He then asked City Manager Kelly Arnold to come forward. He then acknowledged Mr. Arnold's 5 ½ years of service.

City Manager Arnold thanked the City Council for his experience.

Councilmember Spehar lauded Mr. Arnold for all of his work and accomplishments.

Councilmember Hill complimented Mr. Arnold for bringing his values of community to this community.

Councilmember Beckstein thanked Mr. Arnold for helping the four new Councilmembers.

**Adjournment**

The meeting adjourned at 9:40 p.m.

Stephanie Tuin, MMC  
City Clerk



**Attach 2**  
**Revised Ethical Standards for Board Members**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Revised Ethical Standards for Board Members					
<b>Meeting Date</b>		July 5, 2006					
<b>Date Prepared</b>		June 19, 2006				<b>File #</b>	
<b>Author</b>		Shelly Dackonish			<b>Staff Attorney</b>		
<b>Presenter Name</b>		John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>		x	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>			<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A resolution governing ethics for members of the various City volunteer boards, commissions, and authorities.

**Budget:** N/A

**Action Requested/Recommendation:** Consider and adopt a new Board Ethics Resolution.

**Attachments:** Proposed new resolution.

**Background Information:** The City Council adopted Resolution No. 84-02 governing ethics for members of its volunteer boards. That resolution referred to a supplemental memorandum consisting of answers to hypothetical ethics questions. Staff feels it is preferable that ethics questions be addressed based upon the particular facts and in the context in which they arise. Therefore a new ethics resolution is proposed in which board members with questions about ethics and/or conflicts of interest are encouraged to seek advisory opinions from the City Attorney’s office and makes such advisory opinions available through the City Clerk’s office for their ready reference.

The proposed resolution also expands the definition of “family member” and includes a reference to state law governing volunteer board member ethics.

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_-06**

**A RESOLUTION ESTABLISHING ETHICAL STANDARDS FOR MEMBERS OF  
THE CITY'S BOARDS, COMMISSIONS AND SIMILAR GROUPS AND  
REPEALING RESOLUTION NO. 84-02**

Recitals.

A. The members of City boards, committees, commissions and similar entities are typically appointed by the City Council.

B. The mission of such entities is to in some way support the City and its citizens.

C. The actions and pronouncements of the members of such entities may be viewed as being the act or pronouncement of the City.

D. Adherence to high ethical standards by members of the City Council and its appointed entities increases public confidence and trust in City government.

E. It is the intent of the City of Grand Junction that its boards, committees, commissions and similar entities act with a high level of ethical conduct so as to instill confidence that persons in positions of any level of public responsibility are acting for the benefit of the public and not out of self-interest.

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

1. Definitions. The following definitions apply to this resolution:

*Advisory* as used herein shall mean a body with advisory powers and duties only.

The following entities are examples of primarily "advisory":

- Commission on Arts and Culture
- Parks and Recreation Advisory Board
- Urban Trails Committee
- Riverfront Commission
- Historic Preservation Board
- Growth Plan Commission
- Study groups
- Transit Committees/groups
- Visitor & Convention Bureau Board of Directors
- Other *Ad Hoc* Committees

Advisory groups shall also include those entities that normally act through a City employee or other City group(s).

*Authoritative* as used herein shall refer to boards, commissions, committees, groups and similar entities which have one or more of the following powers, duties or opportunities:

- spend money
- adopt a budget
- buy or sell property
- act for or bind the City
- sue and be sued,
- hire/fire and supervise employee(s),
- make land use decisions, including zoning and /or variances,
- issue and regulate City licenses, including the power to suspend or revoke a right or privilege to do business within the City,
- make or recommend decisions affecting criminal defendants in Municipal Court.

The following entities are by virtue of their powers and functions “authoritative” entities:

- Grand Junction Downtown Development Authority
- Walker Field Public Airport Authority (for the three City appointees)
- Grand Junction Housing Authority
- Grand Junction Planning Commission
- Grand Junction Planning Commission Board of Appeals
- Contractor’s Licensing Board
- Parks Improvement Advisory Board (for the City’s appointee)
- Public Finance Corporation
- Riverview Technology Corporation
- Grand Junction Forestry Board
- Ridges Architectural Control Committee

*Business associate(s)* as used herein shall mean a person who is (1) an owner of ten percent (10%) or more of a firm, corporation, limited liability company, partnership or other legal entity; and/or (2) an officer or director of a corporation; a manager or general manager of a member of a limited liability company; a partner of a partnership or a similar position of authority in another entity.

*Disclosure* or *disclose* shall mean to provide all pertinent information in writing to each member of the respective board or groups, and to send a copy to the Mayor and to the City Attorney.

*Family member* means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, grandchildren, brother, sister, and domestic partner, and shall include any minor children for whom the person or his or her domestic partner provides day-to-day

care and financial support. A “domestic partner” is an unmarried adult, unrelated by blood, with whom an unmarried member has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.

*Member(s)* as used herein shall mean any person(s) appointed to a board, commission, committee or similar group or entity by the City Council or by one or more City officials.

2. The rules established by this resolution supplement state and other applicable law, including but not limited to pertinent provisions of Article 18 of Title 24 of the Colorado Revised Statutes and §101 of the City Charter.

3. Members are encouraged to seek advisory opinions from the City Attorney regarding ethics questions. The City Attorney will respond to requests for ethics opinions within a time and in a form which is reasonable under the circumstances. The City Attorney will deliver a copy of all disclosures and/or inquiries along with any advisory opinion that is made available to the public to the City Clerk who will keep a public record of all such disclosures. Board members are encouraged to use these advisory opinions as information resources.

4. Authoritative entities are subject to higher scrutiny than advisory entities because of their decision-making functions. Members of authoritative entities should strive to avoid not only actual impropriety, but situations which create the appearance of impropriety. Members of authoritative entities shall observe the following rules:

- (a) With regard to the board or group on which the member serves, it is not allowed for the member or family member or business associate of the member to contract with or have a business relationship with such member’s board or group.
- (b) It is not allowed for a member to act or be involved in a decision or situation in which it could be reasonably perceived that the member’s personal or financial interests could influence the decision-making.
- (c) Regarding the board or group on which a member serves, a member shall not act, influence or be involved in a decision or situation in which a family member or business associate is involved.
- (d) Regarding the board or group on which the member serves, it is not allowed for a family member or business associate to do business with the board or group.

- (e) Each member must disclose any conflict or situation which creates an appearance of impropriety (including the potential of either) as soon as possible.
- (f) If a conflict exists, the member must remove him or herself from further involvement in the decision or the process.
- (g) If the situation creates an appearance of impropriety, the member may remove him/herself or may seek the guidance of the other members of the board or group.
- (h) If either a conflict or the appearance thereof reasonably exists, the member may not attempt to influence any decision-maker.

5. Advisory boards and members are not subject to the rules that apply to Authoritative boards or groups, except that a member of an advisory board or group must as soon as possible disclose any conflict or situation which creates the appearance of impropriety (including the potential of either), and such member must abstain from participation in and/or from exercising influence regarding the matter.

6. No conflict or impropriety exists for any member if the matter does not involve the board or group on which the member serves.

Resolution No. 84-02 is hereby repealed and replaced by this policy.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
James J. Doody, President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin, City Clerk

**Attach 3**

**Rename Sundstrand Way and Sundstrand Court to Printers Way and Printers Court**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Rename Sundstrand Way and Sundstrand Court to Printers Way and Printers Court					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 27, 2006				<b>File #</b> MSC-2006-142	
<b>Author</b>	Adam Olsen		Associate Planner			
<b>Presenter Name</b>	Adam Olsen		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A request from Colorado Printing Company, who purchased the Sundstrand building, is being made to rename Sundstrand Way and Sundstrand Court to Printers Way and Printers Court.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution renaming Sundstrand Way and Sundstrand Court to Printers Way and Printers Court

**Background Information:** Please see attached Staff report

**Attachments:**

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

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		South of H Road, North of Horizon Drive		
<b>Applicant:</b>		Dan Thurlow, Colorado Printing Company		
<b>Existing Land Use:</b>		Office, Vacant Land		
<b>Proposed Land Use:</b>		Commercial		
<b>Surrounding Land Use:</b>	<b>North</b>	Office		
	<b>South</b>	Office, Vacant Land		
	<b>East</b>	Vacant Land		
	<b>West</b>	Vacant Land		
<b>Existing Zoning:</b>		I-O		
<b>Proposed Zoning:</b>		N/A		
<b>Surrounding Zoning:</b>	<b>North</b>	I-O		
	<b>South</b>	I-O		
	<b>East</b>	PAD		
	<b>West</b>	I-O		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		N/A	<b>Yes</b>	<b>No</b>

**Project Analysis:**

1. **Background:**

The request originated from the Colorado Printing Company, who purchased the Sundstrand building. Colorado Printing Company (CPC) owns all parcels with frontage along Sundstrand Way and Sundstrand Court, aside from the En-Sim Partnership and the Bureau of Land Management (BLM). En-Sim Partnership has submitted a letter in favor of the request. The Bureau of Land Management (BLM) is addressed off of H Road and will not be affected.

The Community Development Department has received letters from all affected entities and all have responded affirmatively to the request.

The proposed name change will not impact adjacent land uses or neighborhood stability or character.

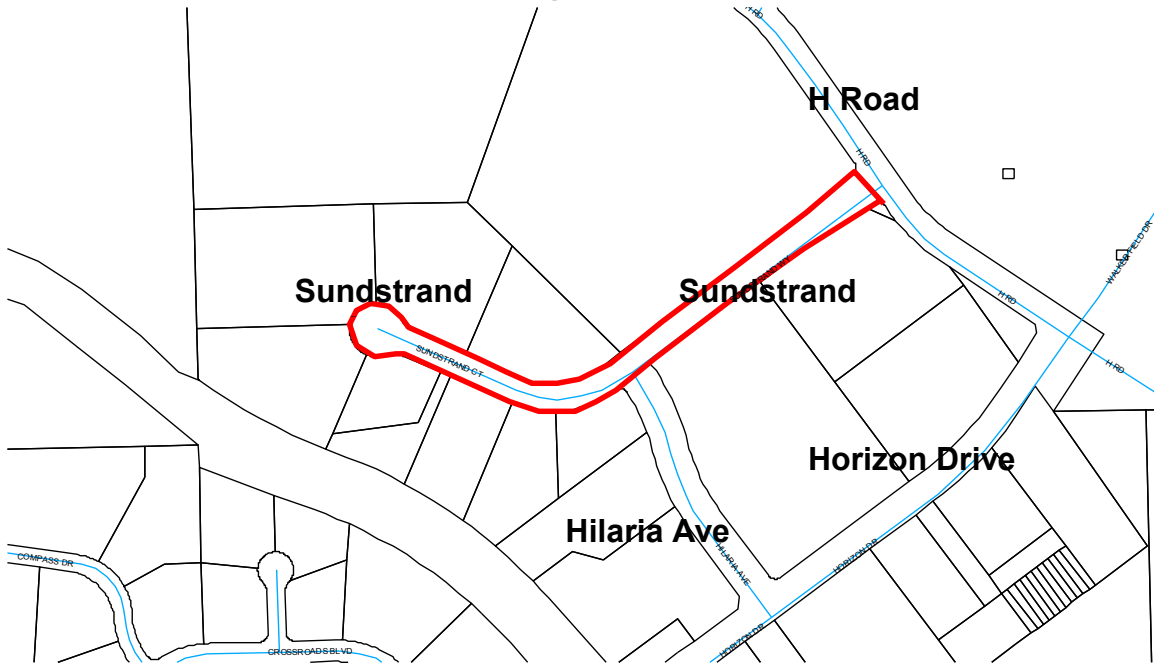
**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the resolution renaming Sundstrand Court and Sundstrand Way to Printers Court and Printers Way.



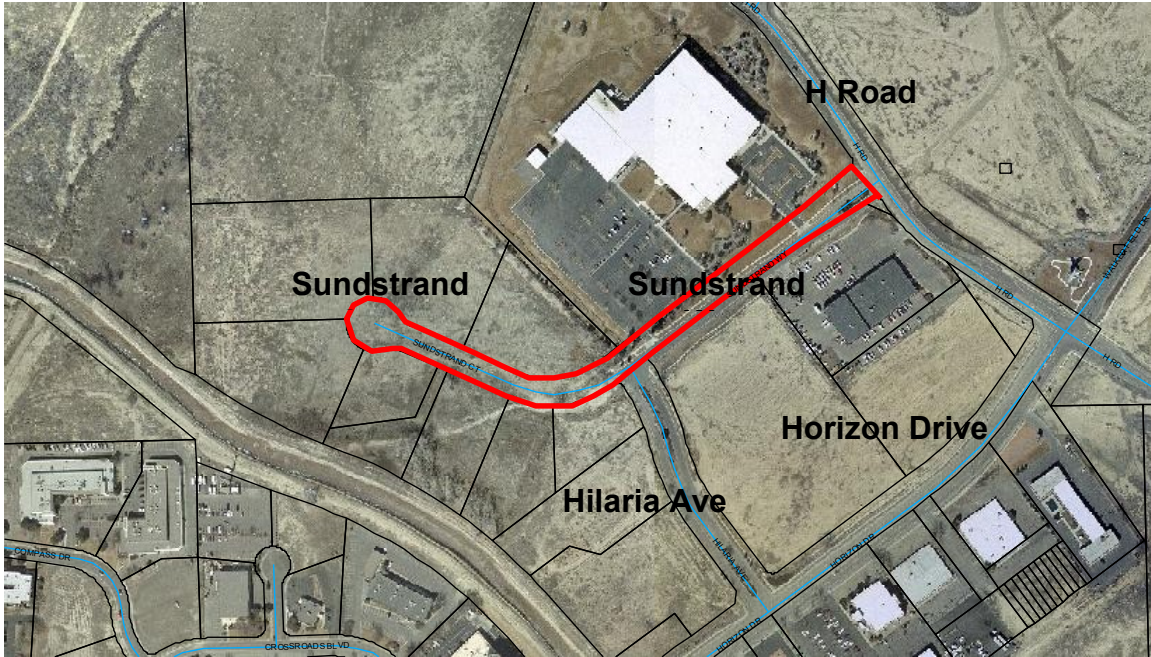
# Site Location Map

Figure 1



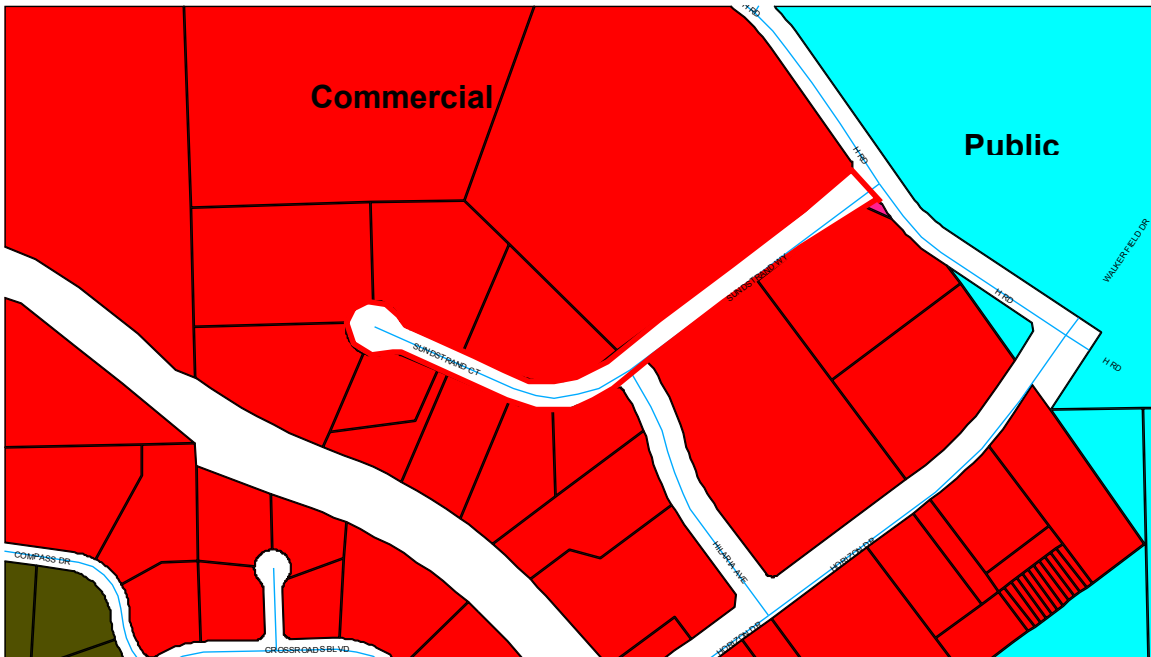
# Aerial Photo Map

Figure 2



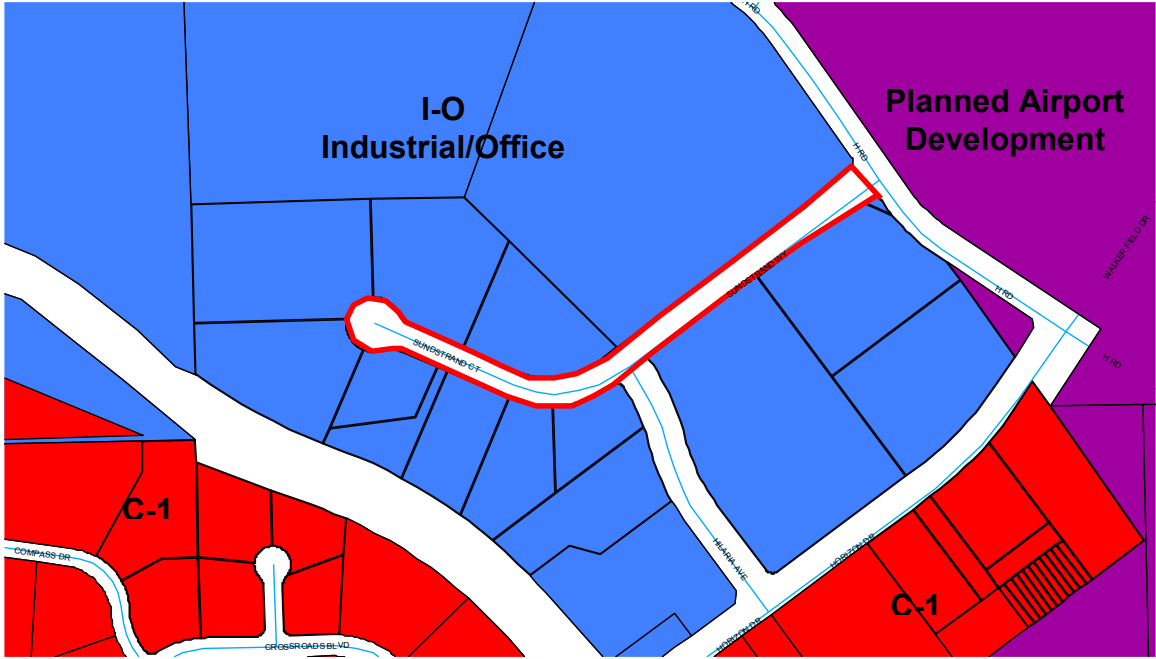
## Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

**RESOLUTION NO. \_\_-06**

**A RESOLUTION RENAMING SUNDSTRAND COURT AND SUNDSTRAND  
WAY TO PRINTERS COURT AND PRINTERS WAY**

Recitals.

Section 6.2.B.5 states that the street naming system shall be maintained to facilitate the provisions of necessary public services. The benefit derived by the community is that the proposal is in compliance to this system. The proposed name change will not impact adjacent land uses or neighborhood stability or character.

The proposal is in conformance with the Growth Plan and requirements of the Zoning and Development Code.

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

That the names of Sundstrand Court and Sundstrand Way, as platted with the C H Four Commercial Park Subdivision Filing Number 2, Plat Book 13, Page 317, and C H Four Commercial Park Subdivision Filing Number 3, Plat Book 13, Page 354, Mesa County Clerk and Recorder, are hereby changed to Printers Court and Printers Way.

ADOPTED AND APPROVED THIS \_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

\_\_\_\_\_  
James J. Doody  
President of City Council

**Attach 4**

**Setting a Hearing on the Coop/Myers Annexation Located at 2997 D Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a hearing for the Coop/Myers Annexation located at 2997 D Road						
<b>Meeting Date</b>	July 5, 2006						
<b>Date Prepared</b>	June 26, 2006				File #ANX-2006-137		
<b>Author</b>	Adam Olsen		Associate Planner				
<b>Presenter Name</b>	Adam Olsen		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.48 acre Coop/Myers Annexation consists of 2 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Coop/Myers Annexation petition and introduce the proposed Coop Myers Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for the 16<sup>th</sup> of August, 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			
<b>Location:</b>		2997 D Road	
<b>Applicants:</b>		Owners: David M. Coop, Lydia Myers Representative: Robert Jones	
<b>Existing Land Use:</b>		Residential/Agricultural	
<b>Proposed Land Use:</b>		Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Commercial & Residential	
	<b>South</b>	Residential	
	<b>East</b>	Residential	
	<b>West</b>	Residential/Agricultural	
<b>Existing Zoning:</b>		RSF-R	
<b>Proposed Zoning:</b>		RMF-8	
<b>Surrounding Zoning:</b>	<b>North</b>	PD (Commercial) & RSF-4	
	<b>South</b>	PD-6.3 du/ac	
	<b>East</b>	RSF-4	
	<b>West</b>	RSF-R	
<b>Growth Plan Designation:</b>		RM (Residential Medium 4-8 du/ac)	
<b>Zoning within density range?</b>		<b>x</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 5.48 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Coop/Myers 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.

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>July 5, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>July 25, 2006</b>	Planning Commission considers Zone of Annexation
<b>August 2, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 16, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 17, 2006</b>	Effective date of Annexation and Zoning

**COOP/MYERS ANNEXATION SUMMARY**

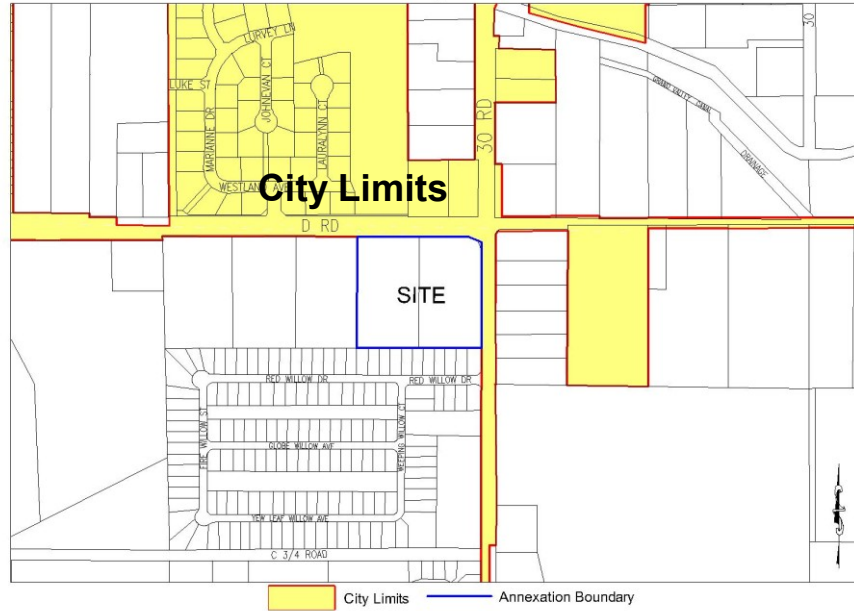
<b>File Number:</b>	ANX-2006-137	
<b>Location:</b>	2997 D Road	
<b>Tax ID Number:</b>	2943-201-00-001 & 2943-201-00-061	
<b>Parcels:</b>	2	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	5.48 acres	
<b>Developable Acres Remaining:</b>	5.48 acres	
<b>Right-of-way in Annexation:</b>	None	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-8	
<b>Current Land Use:</b>	Residential/Agricultural	
<b>Future Land Use:</b>	RM (Residential Medium 4-8 du/ac)	
<b>Values:</b>	<b>Assessed:</b>	\$8,420
	<b>Actual:</b>	\$91,130
<b>Address Ranges:</b>	2991-2999 D Road (odd only) 391-999 30 Road (odd only)	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	GJ Rural Fire
	<b>Irrigation/ Drainage:</b>	Grand Junction Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand River Mosquito



# Site Location Map

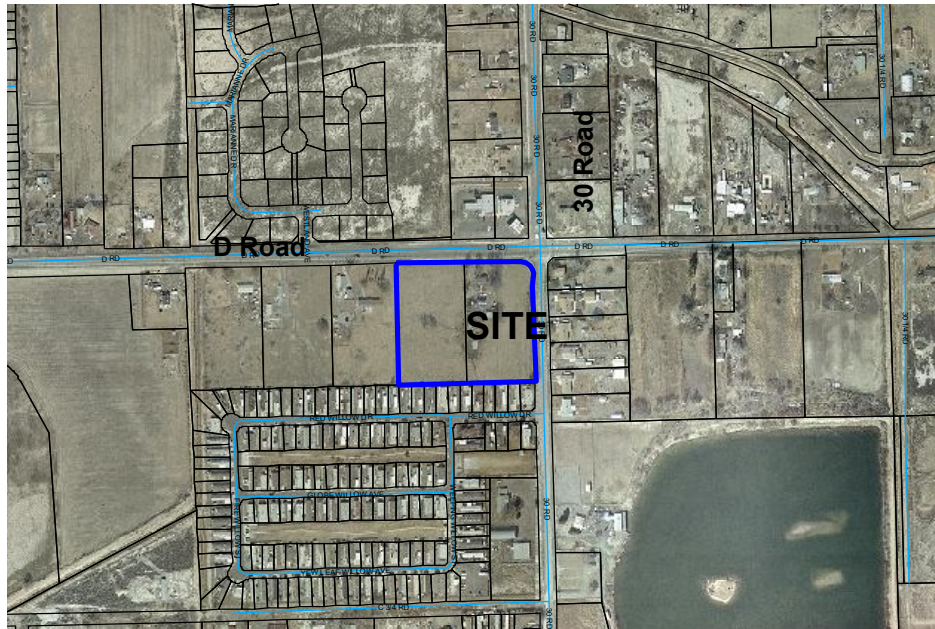
Figure 1

Coop/Myers Annexation  
Figure 5



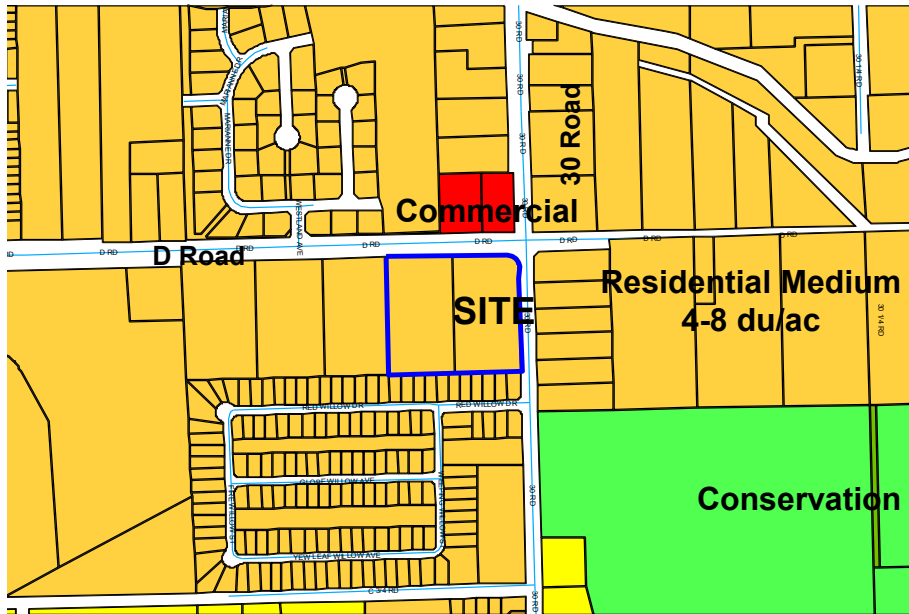
# Aerial Photo Map

Figure 2



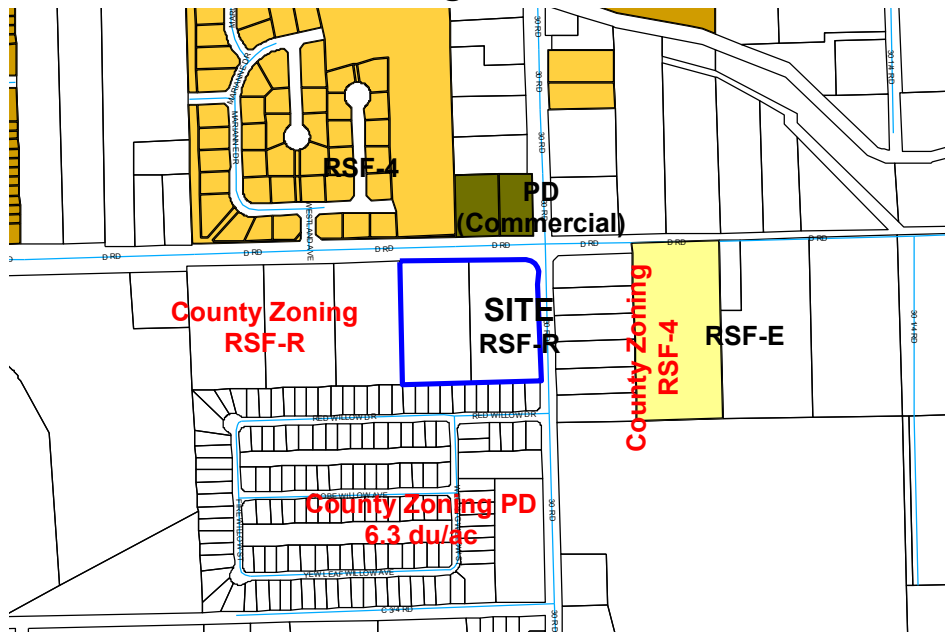
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th of July, 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**

**COOP/MYERS ANNEXATION**

**LOCATED AT 2997 D ROAD**

WHEREAS, on the 5th day of July, 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:

**COOP/MYERS ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S00°03'01"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°03'01"E along the East line of the NE 1/4 of said Section 20, a distance of 30.00 feet; thence S89°58'31"W a distance of 70.98 feet to a point on the Westerly right of way of 30 Road and also being the POINT OF BEGINNING; thence along said right of way line S69°25'31"E a distance of 12.47 feet; thence S46°58'57"E a distance of 32.92 feet; thence S20°24'07"E a distance of 15.13 feet; thence S00°03'01"E a distance of 426.84 feet to the Northeast corner of Lot 1, Block One of Willowood Mobile Home Subdivision, as same is recorded in Plat Book 12, Page 415, Public Records of Mesa County, Colorado; thence S89°58'07"W along the North line of said Willowood Mobile Home Subdivision, a distance of 511.87 feet; thence N00°01'50"W a distance of 467.95 feet to a point on the Southerly right of way of D Road; thence N89°58'33"E along said South right of way, a distance of 470.74 feet, more or less, to the Point of Beginning.

Said parcel contains 5.48 acres (238,897 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 16<sup>th</sup> day of August, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> 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>
<b>July 7, 2006</b>
<b>July 14, 2006</b>
<b>July 21, 2006</b>
<b>July 28, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**COOP/MYERS ANNEXATION**

**APPROXIMATELY 5.48 ACRES**

**LOCATED AT 2997 D ROAD**

**WHEREAS**, on the 5th day of July, 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 16<sup>th</sup> day of August, 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:

**COOP/MYERS ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20 and assuming the East line of the NE 1/4 of said Section 20 bears S00°03'01"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°03'01"E along the East line of the NE 1/4 of said Section 20, a distance of 30.00 feet; thence S89°58'31"W a distance of 70.98 feet to a point on the Westerly right of way of 30 Road and also being the POINT OF BEGINNING; thence along said right of way line S69°25'31"E a distance of 12.47 feet; thence S46°58'57"E a distance of 32.92 feet; thence S20°24'07"E a

distance of 15.13 feet; thence S00°03'01"E a distance of 426.84 feet to the Northeast corner of Lot 1, Block One of Willowood Mobile Home Subdivision, as same is recorded in Plat Book 12, Page 415, Public Records of Mesa County, Colorado; thence S89°58'07"W along the North line of said Willowood Mobile Home Subdivision, a distance of 511.87 feet; thence N00°01'50"W a distance of 467.95 feet to a point on the Southerly right of way of D Road; thence N89°58'33"E along said South right of way, a distance of 470.74 feet, more or less, to the Point of Beginning.

CONTAINING 5.48 Acres (238,897 Sq. Ft.), more or less, as described

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

**INTRODUCED** on first reading on the \_\_\_ day of \_\_\_\_\_, 2006 and ordered published.

**ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2006.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**Attach 5**

**Setting a Hearing on the Clymer Annexation, Located at 182 27 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Clymer Annexation, Located at 182 27 Road						
<b>Meeting Date</b>	July 5, 2006						
<b>Date Prepared</b>	June 20, 2006				File #VR-2006 153		
<b>Author</b>	Ronnie Edwards		Associate Planner				
<b>Presenter Name</b>	Ronnie Edwards		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to annex 4.58 acres, located at 182 27 Road. The Clymer Annexation consists of two parcels and is a two part serial annexation.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution referring the petition for the Clymer Annexation and introduce the proposed Ordinance and set a hearing for August 16, 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				
<b>Location:</b>		182 27 Road		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Glynora B. Clymer		
<b>Existing Land Use:</b>		Residential Single Family		
<b>Proposed Land Use:</b>		Residential Single Family		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Single Family		
	<b>South</b>	Residential Single Family		
	<b>East</b>	Residential Single Family		
	<b>West</b>	Residential Single Family		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	City RSF-2		
<b>Growth Plan Designation:</b>		Residential Medium Low (2-4 du/ac)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.58 acres of land, including a portion of 27 Road, and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Clymer 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.

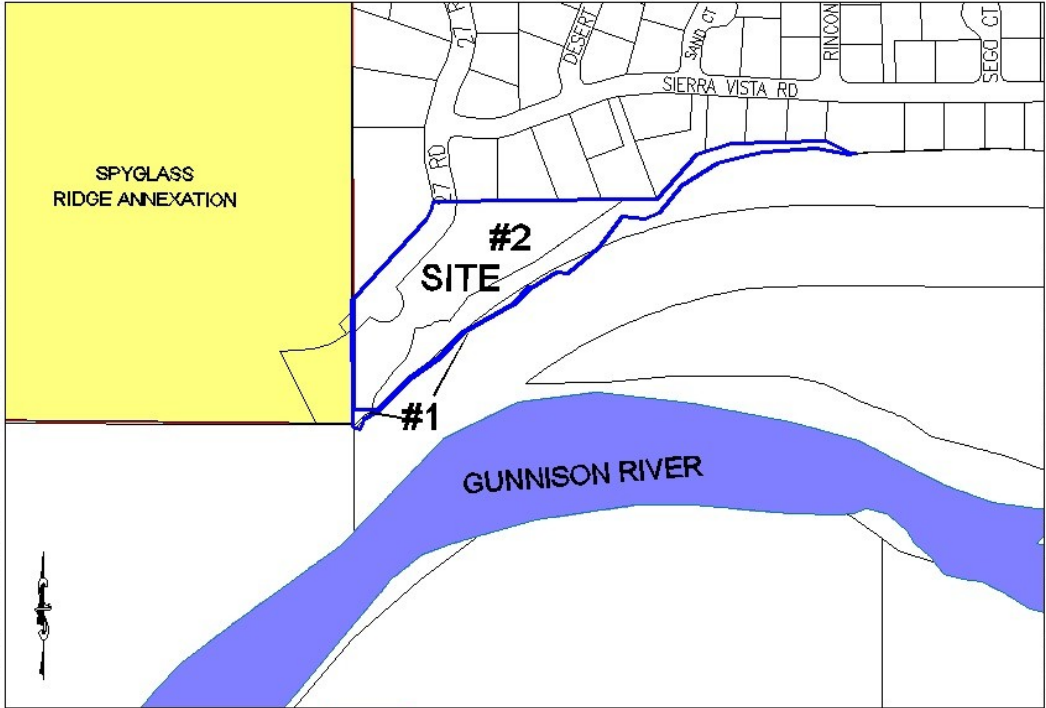
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>July 5, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>July 25, 2006</b>	Planning Commission considers Zone of Annexation
<b>August 2, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 16, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 17, 2006</b>	Effective date of Annexation and Zoning

**CLYMER ANNEXATION SUMMARY**

<b>File Number:</b>		VR-2006-153
<b>Location:</b>		182 27 Road
<b>Tax ID Number:</b>		2945-362-05-023 & 2945-362-00-023
<b>Parcels:</b>		2
<b>Estimated Population:</b>		2
<b># of Parcels (owner occupied):</b>		1
<b># of Dwelling Units:</b>		1
<b>Acres land annexed:</b>		4.58 acres
<b>Developable Acres Remaining:</b>		4.58 acres
<b>Right-of-way in Annexation:</b>		27 Road
<b>Previous County Zoning:</b>		RSF-4
<b>Proposed City Zoning:</b>		RSF-2
<b>Current Land Use:</b>		Residential Single Family
<b>Future Land Use:</b>		Residential Single Family
<b>Values:</b>	<b>Assessed:</b>	\$14,170
	<b>Actual:</b>	\$177,990
<b>Address Ranges:</b>		182 27 Road
<b>Special Districts:</b>	<b>Water:</b>	Ute Water District
	<b>Sewer:</b>	Orchard Mesa Sanitation
	<b>Fire:</b>	Grand Junction Rural Fire Dept.
	<b>Irrigation/ Drainage:</b>	Orchard Mesa Irrigation
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand River Mosquito

# Clymer Annexations #1 & #2

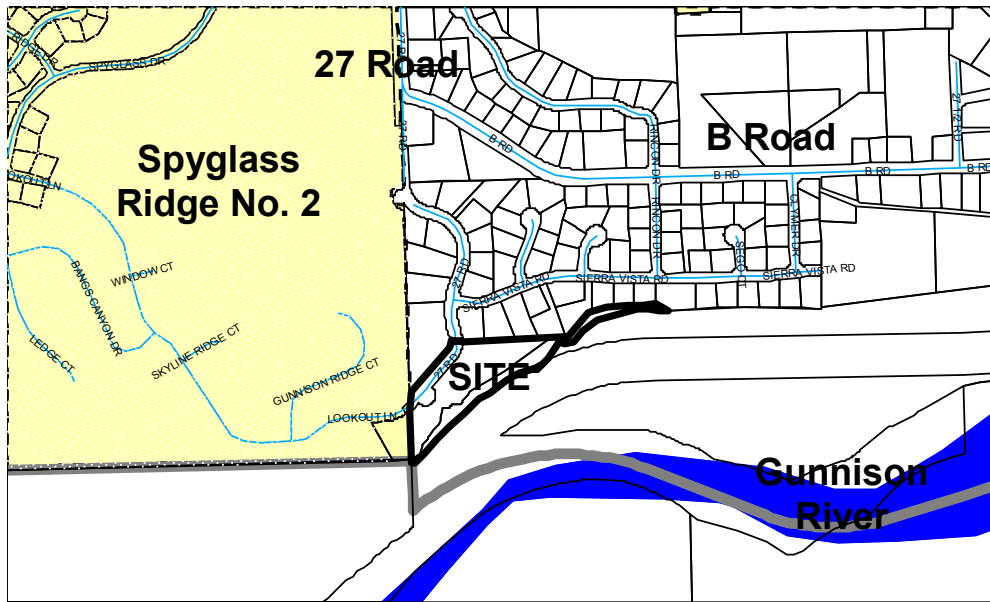
Figure 5



City Limits      Annexation Boundary

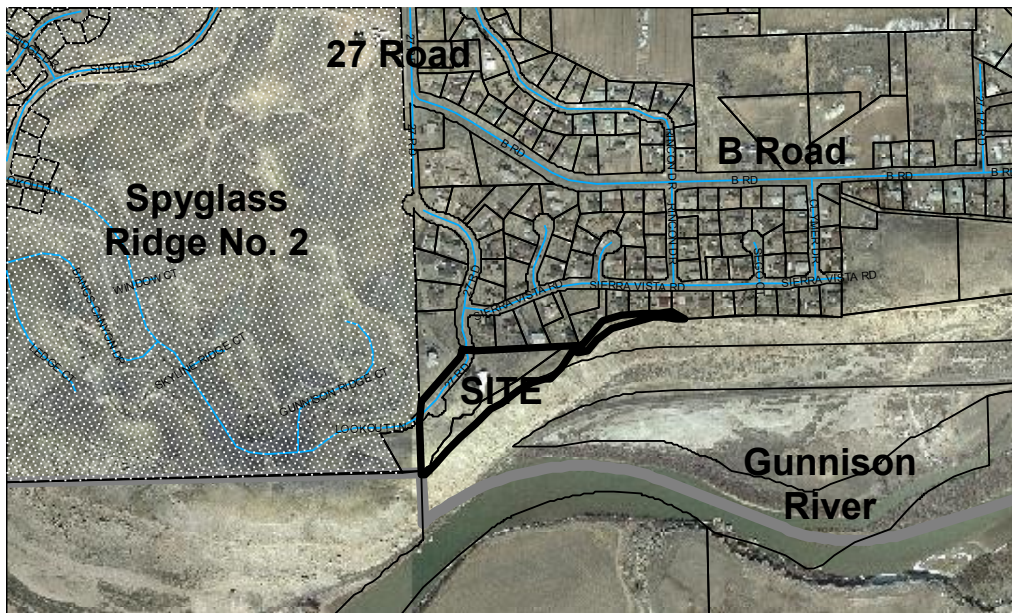
# Site Location Map

Figure 1



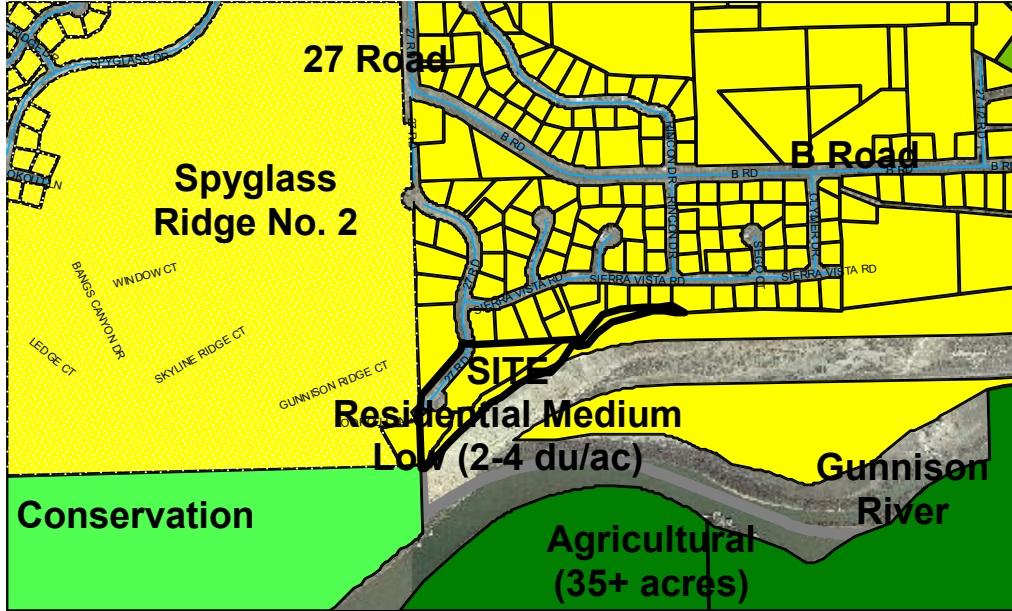
# Aerial Photo Map

Figure 2



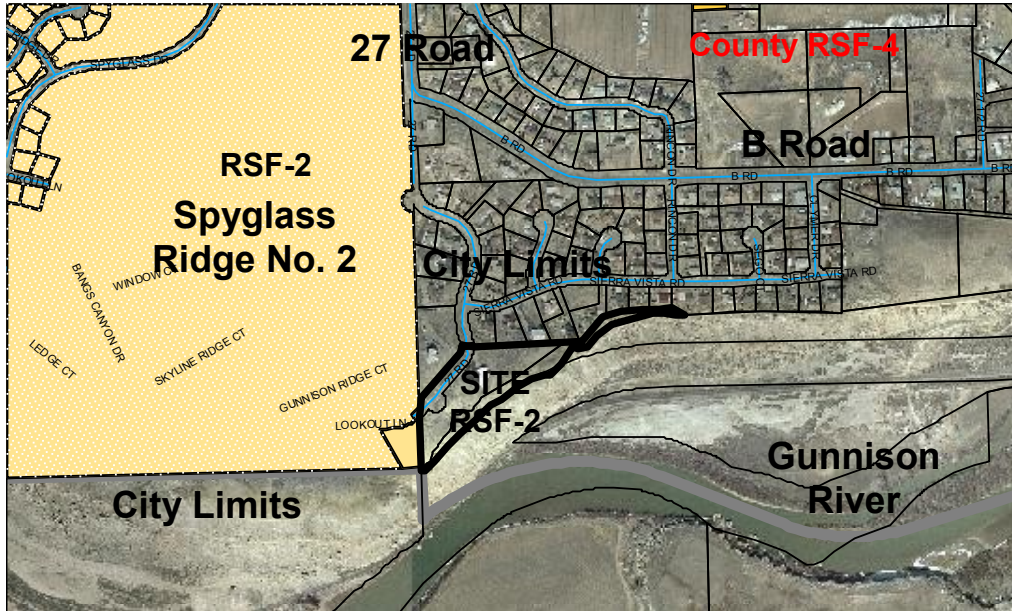
# Future Land Use Map

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 5th of July, 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**

**CLYMER ANNEXATION NO. 1 AND CLYMER ANNEXATION NO. 2**

**LOCATED AT 182 27 ROAD INCLUDING  
A PORTION OF THE 27 ROAD RIGHT-OF-WAY**

WHEREAS, on the 5th day of July, 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:

**CLYMER ANNEXATION**

A Serial Annexation Comprising Clymer Annexation No. 1  
and Clymer Annexation No. 2

Clymer Annexation No. 1  
2945-362-05-023

A certain parcel of land located in the West Half of the Northwest Quarter (W 1/2 NW 1/4) of Section 36, 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 Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 36 and assuming the West line of the NW 1/4 NW 1/4 of said Section 36 to bear N00°07'02"W with all bearings contained herein relative thereto; thence N00°07'02"W along the West line of the N1/4 NW 1/4 of said Section 36, a distance of 308.98 feet; thence N42°40'16"E along the Northerly right of way of 27 Road, as shown on the plat of Sierra Vista Subdivision, recorded in Plat Book 12, Page 115 of the Mesa County, Colorado public records, a distance of 7.36 feet; thence S00°07'02"E along a line being 5.00 feet East of and parallel with the West line of the NW 1/4 NW 1/4 of said Section 36 a distance of 278.41 feet; thence N90°00'00"E a distance of 58.33 feet; thence N44°18'52"E a distance of 113.14 feet; thence N56°23'21"E a distance of 87.34 feet; thence N43°09'46"E a distance of 90.66 feet; thence N60°40'06"E a distance of 145.35 feet; thence N42°38'45"E a distance of 54.76 feet; thence S47°21'15"E a distance of 5.00 feet; thence

S42°38'45"W a distance of 55.55 feet; thence S60°40'06"W a distance of 145.37 feet; thence S43°09'46"W a distance of 90.47 feet; thence S56°23'21"W a distance of 87.39 feet; thence S44°18'52"W a distance of 113.40 feet; thence S62°03'45"W a distance of 42.07 feet; thence S20°30'24"W a distance of 27.54 feet; thence N75°45'45"W a distance of 20.10 feet to a point on the West line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 36; thence N00°00'42"E along the West line of the SW 1/4 NW 1/4 of said Section 36 a distance of 8.63 feet to the Point of Beginning.

Said parcel contains 0.13 acres (5,620 square feet), more or less, as described.

Clymer Annexation No. 2  
2945-362-05-023

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 36, 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 the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 36 and assuming the West line of the NW 1/4 NW 1/4 of said Section 36 to bear N00°07'02"W with all bearings contained herein relative thereto; thence N00°07'02"W along the West line of the NW 1/4 NW 1/4 of said Section 36, a distance of 308.98 feet; thence N42°40'16"E along the Northerly right of way of 27 Road, as shown on the plat of Sierra Vista Subdivision, recorded in Plat Book 12, Page 115 of the Mesa County, Colorado public records, a distance of 7.36 feet to the Point of Beginning; thence continuing along the Northerly right of way of said 27 Road the following two (2) courses: N42°40'16"E a distance of 264.17 feet; thence 52.86 feet along the arc of a 70.00 foot radius curve concave Northwest, having a central angle of 43°15'52" and a chord bearing N21°02'20"E a distance of 51.61 feet to a point on the Westerly extension of the North line of Lot 1, Block Five, of said Sierra Vista Subdivision; thence N89°28'13"E along said North line a distance of 477.26 feet; thence S88°31'07"E along a portion of the Southerly line of Lot 6, Block Five, a distance of 79.02 feet to the Southeast corner of said Lot 6; thence N41°38'28"E a distance of 151.01 feet; thence N72°20'40"E a distance of 91.08 feet; thence N89°03'03"E a distance of 235.30 feet to the Southeast corner of Lot 11, of said Block Five; thence S64°17'24"E a distance of 66.70 feet; thence N88°26'22"E a distance of 18.62 feet; thence S79°56'48"W a distance of 19.98 feet; thence N80°18'40"W a distance of 82.51 feet; thence S86°57'37"W a distance of 132.74 feet; thence S75°24'03"W a distance of 55.73 feet; thence S76°51'17"W a distance of 60.59 feet; thence S57°58'10"W a distance of 104.70 feet; thence S38°44'10"W a distance of 89.12 feet; thence S70°30'23"W a distance of 41.01 feet; thence N84°25'46"W a distance of 56.20 feet; thence S37°53'33"W a distance of 96.62 feet; thence S49°19'20"W a distance of 98.31 feet; thence N89°17'51"W a distance of 29.69 feet; thence

S59°57'41"W a distance of 75.71 feet; thence N47°21'15"W a distance of 5.00 feet; thence S42°38'45"W a distance of 54.76 feet; thence S60°40'06"W a distance of 145.35 feet; thence S43°09'46"W a distance of 90.66 feet; thence S56°23'21"W a distance of 87.34 feet; thence S44°18'52"W a distance of 113.14 feet; thence N90°00'00"W a distance of 58.33 feet; thence N00°07'02"W along a line being 5.00 feet East of and parallel with the West line of the NW 1/4 NW 1/4 of said Section 36 a distance of 278.41 feet to the Point of Beginning.

Said parcel contains 4.45 acres (194,012 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 16 day of August, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> 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:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the Council

**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.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City

<i><b>DATES PUBLISHED</b></i>
<b>July 7, 2006</b>
<b>July 14, 2006</b>
<b>July 21, 2006</b>
<b>July 28, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CLYMER ANNEXATION NO. 1**

**APPROXIMATELY .13 ACRES**

**LOCATED AT 182 27 ROAD INCLUDING  
A PORTION OF THE 27 ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 5th day of July, 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 16th day of August, 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:

**CLYMER ANNEXATION NO. 1**

A certain parcel of land located in the West Half of the Northwest Quarter (W 1/2 NW 1/4) of Section 36, 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 Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 36 and assuming the West line of the NW 1/4 NW 1/4 of said Section 36 to bear N00°07'02"W with all bearings contained herein relative thereto; thence N00°07'02"W along the West line of the N1/4 NW 1/4 of said Section 36, a distance of 308.98 feet; thence N42°40'16"E along the Northerly right of way of 27 Road, as shown on the plat of Sierra Vista Subdivision, recorded in Plat Book 12, Page 115 of the Mesa County, Colorado public records, a distance of 7.36 feet; thence S00°07'02"E along a line being 5.00 feet East of and parallel with the West line of the NW 1/4

NW 1/4 of said Section 36 a distance of 278.41 feet; thence N90°00'00"E a distance of 58.33 feet; thence N44°18'52"E a distance of 113.14 feet; thence N56°23'21"E a distance of 87.34 feet; thence N43°09'46"E a distance of 90.66 feet; thence N60°40'06"E a distance of 145.35 feet; thence N42°38'45"E a distance of 54.76 feet; thence S47°21'15"E a distance of 5.00 feet; thence S42°38'45"W a distance of 55.55 feet; thence S60°40'06"W a distance of 145.37 feet; thence S43°09'46"W a distance of 90.47 feet; thence S56°23'21"W a distance of 87.39 feet; thence S44°18'52"W a distance of 113.40 feet; thence S62°03'45"W a distance of 42.07 feet; thence S20°30'24"W a distance of 27.54 feet; thence N75°45'45"W a distance of 20.10 feet to a point on the West line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 36; thence N00°00'42"E along the West line of the SW 1/4 NW 1/4 of said Section 36 a distance of 8.63 feet to the Point of Beginning.

CONTAINING 0.13 Acres (5,620 Sq. Ft.), more or less, as described

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

**INTRODUCED** on first reading on the \_\_\_\_\_ 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**

**CLYMER ANNEXATION NO. 2**

**APPROXIMATELY 4.45 ACRES**

**LOCATED AT 182 27 ROAD INCLUDING  
A PORTION OF THE 27 ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 5th day of July, 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 16th day of August, 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:

**CLYMER ANNEXATION NO. 2**

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 36, 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 the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 36 and assuming the West line of the NW 1/4 NW 1/4 of said Section 36 to bear N00°07'02"W with all bearings contained herein relative thereto; thence N00°07'02"W along the West line of the N1/4 NW 1/4 of said Section 36, a distance of 308.98 feet; thence N42°40'16"E along the Northerly right of way of 27 Road, as shown on the plat of Sierra Vista Subdivision, recorded in Plat Book 12, Page 115 of the Mesa County, Colorado public records, a distance of 7.36 feet to the Point of Beginning; thence continuing along the Northerly right of way of said 27 Road



the following two (2) courses: N42°40'16"E a distance of 264.17 feet; thence 52.86 feet along the arc of a 70.00 foot radius curve concave Northwest, having a central angle of 43°15'52" and a chord bearing N21°02'20"E a distance of 51.61 feet to a point on the Westerly extension of the North line of Lot 1, Block Five, of said Sierra Vista Subdivision; thence N89°28'13"E along said North line a distance of 477.26 feet; thence S88°31'07"E along a portion of the Southerly line of Lot 6, Block Five, a distance of 79.02 feet to the Southeast corner of said Lot 6; thence N41°38'28"E a distance of 151.01 feet; thence N72°20'40"E a distance of 91.08 feet; thence N89°03'03"E a distance of 235.30 feet to the Southeast corner of Lot 11, of said Block Five; thence S64°17'24"E a distance of 66.70 feet; thence N88°26'22"E a distance of 18.62 feet; thence S79°56'48"W a distance of 19.98 feet; thence N80°18'40"W a distance of 82.51 feet; thence S86°57'37"W a distance of 132.74 feet; thence S75°24'03"W a distance of 55.73 feet; thence S76°51'17"W a distance of 60.59 feet; thence S57°58'10"W a distance of 104.70 feet; thence S38°44'10"W a distance of 89.12 feet; thence S70°30'23"W a distance of 41.01 feet; thence N84°25'46"W a distance of 56.20 feet; thence S37°53'33"W a distance of 96.62 feet; thence S49°19'20"W a distance of 98.31 feet; thence N89°17'51"W a distance of 29.69 feet; thence S59°57'41"W a distance of 75.71 feet; thence N47°21'15"W a distance of 5.00 feet; thence S42°38'45"W a distance of 54.76 feet; thence S60°40'06"W a distance of 145.35 feet; thence S43°09'46"W a distance of 90.66 feet; thence S56°23'21"W a distance of 87.34 feet; thence S44°18'52"W a distance of 113.14 feet; thence N90°00'00"W a distance of 58.33 feet; thence N00°07'02"W along a line being 5.00 feet East of and parallel with the West line of the NW 1/4 NW 1/4 of said Section 36 a distance of 278.41 feet to the Point of Beginning.

CONTAINING 4.45 Acres (194,012 Sq. Ft.), more or less, as described

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

**INTRODUCED** on first reading on the \_\_\_\_ 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 the Schroeder Annexation, Located at 527 Reed Mesa Drive**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Schroeder Annexation - Located at 527 Reed Mesa Drive					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 29, 2006			File #ANX-2006-139		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to annex 0.81 acres, located at 527 Reed Mesa Drive. The Schroeder Annexation consists of 1 parcel and includes portions of the Broadway (Hwy 340) and Reed Mesa Drive rights-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt Resolution referring the petition for the Schroeder Annexation and introduce the proposed Ordinance and set a hearing for August 16, 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				
<b>Location:</b>		527 Reed Mesa Drive		
<b>Applicants:</b>		Jim & Jane Ann Schroeder		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential		
	<b>West</b>	Single Family Residential		
<b>Existing Zoning:</b>		County RSF-4		
<b>Proposed Zoning:</b>		City RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4 / City RSF-4		
	<b>South</b>	County RSF-4		
	<b>East</b>	County RSF-4		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 0.81 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Schroeder 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.

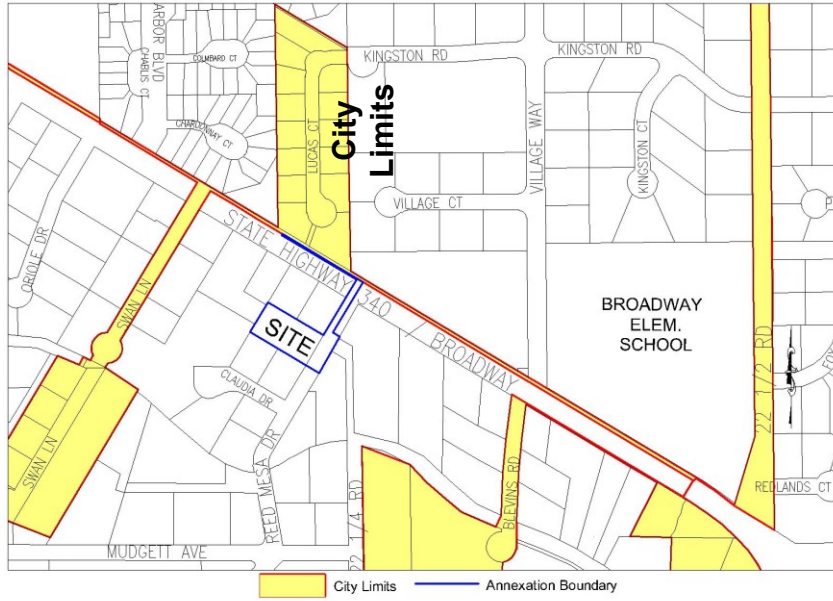
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>July 5, 2006</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>July 11, 2006</b>	Planning Commission considers Zone of Annexation
<b>August 2, 2006</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 16, 2006</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 17, 2006</b>	Effective date of Annexation and Zoning

**SCHROEDER ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2006-139	
<b>Location:</b>	527 Reed Mesa Drive	
<b>Tax ID Number:</b>	2945-073-07-003	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	0.81 acres	
<b>Developable Acres Remaining:</b>	0.52 acres	
<b>Right-of-way in Annexation:</b>	12,575 square feet	
<b>Previous County Zoning:</b>	RSF-4	
<b>Proposed City Zoning:</b>	RSF-4	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$13,050
	<b>Actual:</b>	= \$45,000
<b>Address Ranges:</b>	525 and 527 Reed Mesa Drive	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	City of Grand Junction
	<b>Fire:</b>	Grand Jct Rural
	<b>Irrigation/Drainage:</b>	Redlands Water & Power
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	None

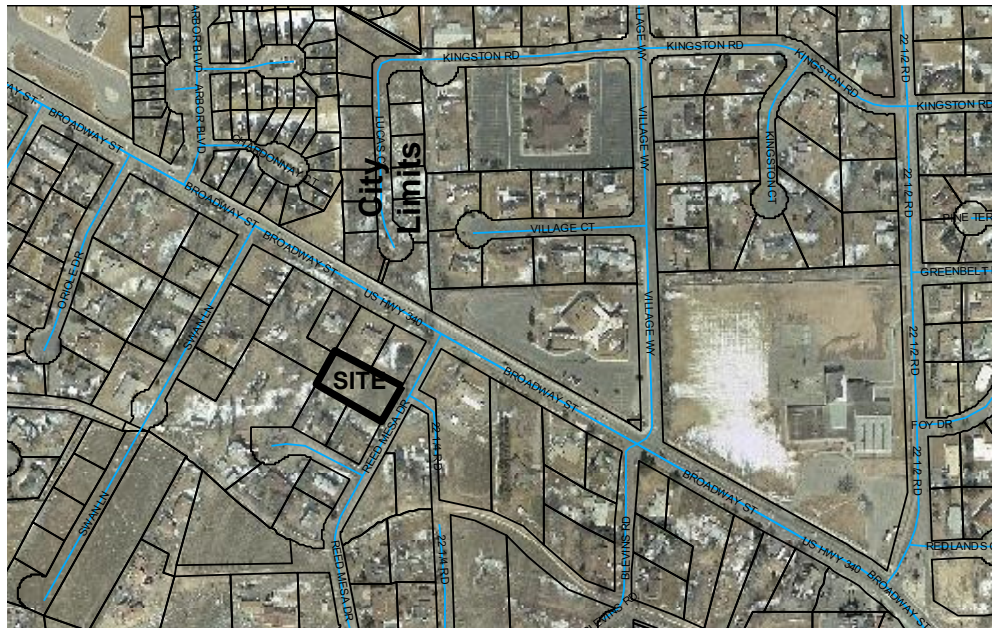
# Site Location Map

Figure 1



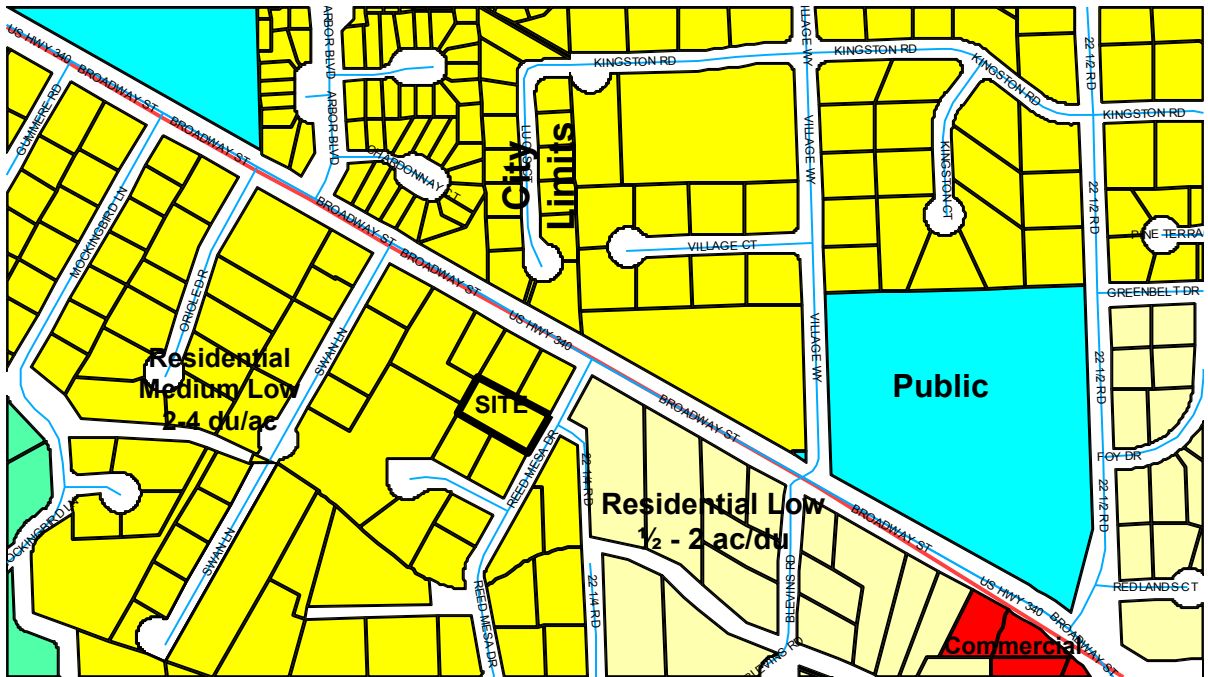
# Aerial Photo Map

Figure 2



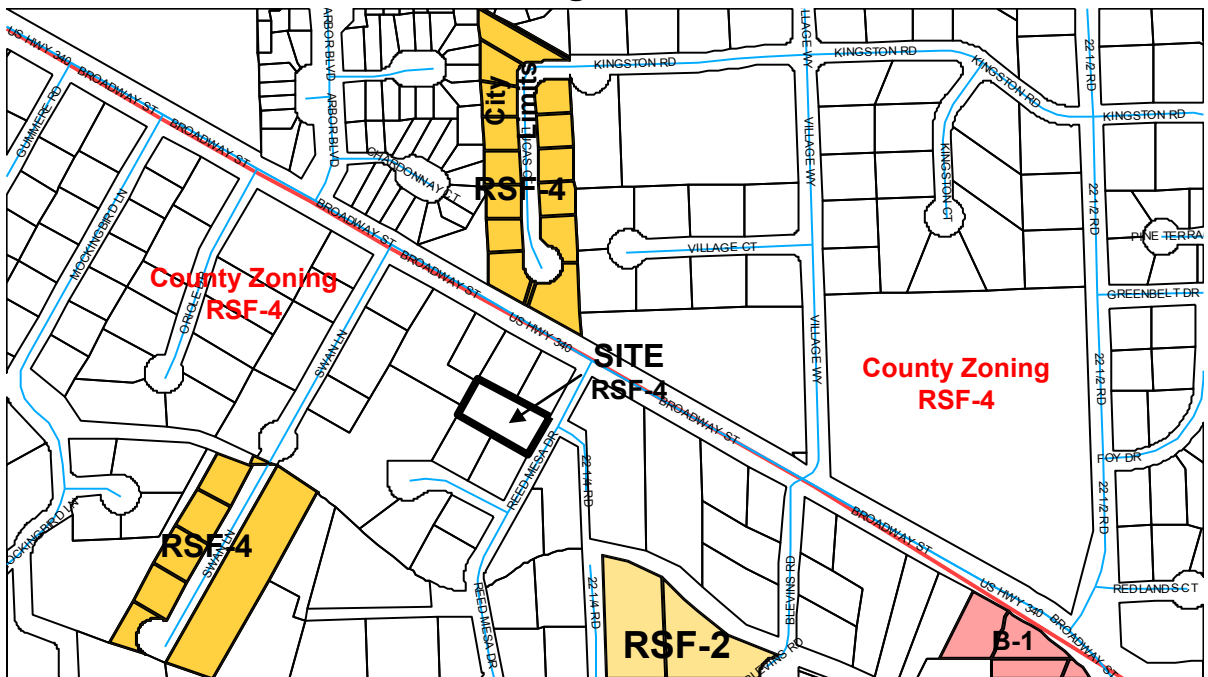
# Future Land Use Map

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 5<sup>th</sup> of July, 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**

**SCHROEDER ANNEXATION**

**LOCATED AT 527 REED MESA DRIVE INCLUDING PORTIONS OF THE  
BROADWAY (HWY 340) AND REED MESA DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 5<sup>th</sup> day of July, 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:

**SCHROEDER ANNEXATION**

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

Beginning at the Northwest corner of Lot 9, Block 8, Reed Mesa Subdivision Amended, as recorded in Plat Book 9, Page 62, public records of Mesa County, Colorado, and assuming the North line of said Lot 9 Block 8, to bear S59°08'46"E with all bearings contained herein relative thereto; thence S59°08'46"E along said North line a distance of 206.00 feet to the Northeast corner of said Lot 9 Block 8, and also being a point on the Westerly right of way of Reed Mesa Drive; thence N30°51'14"E along said Westerly right of way, a distance of 203.00 feet to a point on a line being 5 feet South of and parallel with the Southerly line of Swan Lane Annexation, Ordinance No. 3784, City of Grand Junction; thence N59°08'46"W along said parallel line, a distance of 275.00 feet; thence N30°56'14"E a distance of 5.00 feet to a point on the Southerly line of said Swan Lane Annexation; thence S59°08'46"E along said Southerly line of said Swan Lane Annexation, a distance of 300.00 feet; thence S30°51'14"W along the center line of said Reed Mesa Drive, a distance of 188.00 feet; thence S59°08'46"E a distance of 25.00 feet to a point on the Easterly right of way of said Reed Mesa Drive; thence S30°51'14"W along said Easterly right of way, a distance of 130.00 feet; thence N59°08'46"W a distance of 256.16 feet to the Southwest corner of said Lot 9, Block 8; thence N30°56'14"E along the West line of said Lot 9, Block 8, a distance of 110.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 0.81 acres (35,244 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 16<sup>th</sup> day of August, 2006, in the City Hall auditorium, located at 250 North 5<sup>th</sup> 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>
<b>July 7, 2006</b>
<b>July 14, 2006</b>
<b>July 21, 2006</b>
<b>July 28, 2006</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SCHROEDER ANNEXATION**

**APPROXIMATELY 0.81 ACRES**

**LOCATED AT 527 REED MESA DRIVE INCLUDING PORTIONS OF THE  
BROADWAY (HWY 340) AND REED MESA DRIVE RIGHTS-OF-WAY**

**WHEREAS**, on the 5<sup>th</sup> day of July, 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 16<sup>th</sup> day of August, 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:

**SCHROEDER ANNEXATION**

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

Beginning at the Northwest corner of Lot 9, Block 8, Reed Mesa Subdivision Amended, as recorded in Plat Book 9, Page 62, public records of Mesa County, Colorado, and assuming the North line of said Lot 9 Block 8, to bear S59°08'46"E with all bearings contained herein relative thereto; thence S59°08'46"E along said North line a distance of 206.00 feet to the Northeast corner of said Lot 9 Block 8, and also being a point on the Westerly right of way of Reed Mesa Drive; thence N30°51'14"E along said Westerly right of way, a distance of 203.00 feet to a point on a line being 5 feet South of and parallel with

the Southerly line of Swan Lane Annexation, Ordinance No. 3784, City of Grand Junction; thence N59°08'46"W along said parallel line, a distance of 275.00 feet; thence N30°56'14"E a distance of 5.00 feet to a point on the Southerly line of said Swan Lane Annexation; thence S59°08'46"E along said Southerly line of said Swan Lane Annexation, a distance of 300.00 feet; thence S30°51'14"W along the center line of said Reed Mesa Drive, a distance of 188.00 feet; thence S59°08'46"E a distance of 25.00 feet to a point on the Easterly right of way of said Reed Mesa Drive; thence S30°51'14"W along said Easterly right of way, a distance of 130.00 feet; thence N59°08'46"W a distance of 256.16 feet to the Southwest corner of said Lot 9, Block 8; thence N30°56'14"E along the West line of said Lot 9, Block 8, a distance of 110.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 0.81 acres (35,244 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 8**

**Setting a Hearing on Zoning the Bekon Annex., Located at 2250 Railroad Ave.**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Bekon Annexation, located at 2250 Railroad Avenue.						
<b>Meeting Date</b>	July 5, 2006						
<b>Date Prepared</b>	June 26, 2006				<b>File #ANX-2006-143</b>		
<b>Author</b>	Scott D. Peterson		Senior Planner				
<b>Presenter Name</b>	Scott D. Peterson		Senior Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to zone the Bekon Annexation, located at 2250 Railroad Avenue, to I-1, Light Industrial Zoning District.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for July 19, 2006.

**Background Information:** See attached Staff Report/Background Information.

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2250 Railroad Avenue		
<b>Applicants:</b>		Bekon Properties LLC, Owner		
<b>Existing Land Use:</b>		Vacant land		
<b>Proposed Land Use:</b>		14,400 sq. ft. Office/Warehouse/Shop Building		
<b>Surrounding Land Use:</b>	<b>North</b>	Industrial		
	<b>South</b>	Industrial		
	<b>East</b>	Industrial		
	<b>West</b>	Industrial		
<b>Existing Zoning:</b>		PI, Planned Industrial (County)		
<b>Proposed Zoning:</b>		I-1, Light Industrial		
<b>Surrounding Zoning:</b>	<b>North</b>	I-2, General Industrial		
	<b>South</b>	PI, Planned Industrial (County)		
	<b>East</b>	PI, Planned Industrial (County)		
	<b>West</b>	I-1, Light Industrial		
<b>Growth Plan Designation:</b>		Commercial/Industrial		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the I-1, Light Industrial district is consistent with the Growth Plan density of Commercial/Industrial. The existing County zoning is PI, Planned Industrial. Section 2.14 F. of the Zoning & 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 & Development Code must be made per Section 2.6 A. 3, 4 & 5 as follows:

- **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 other nuisances:**

The proposed zoning of I-1 implements the commercial/industrial land use classification of the Growth Plan. City staff has determined that public infrastructure can address the impacts of any development consistent with the I-1 zoning district, therefore this criterion is met. The property is located in an area of existing industrial development with all public utilities available in the area.

- **The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and policies, the requirements of this Code, and other City regulations and guidelines:**

The proposed zoning of I-1 is consistent with the goals and policies of the Growth Plan, the requirements of the Zoning & Development Code and other City regulations and guidelines.

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

Adequate public facilities are currently available or will be supplied at the time of further development of the property and can address the impacts of development consistent with the I-1 zoning district.

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

- a. I-O, Industrial/Office Park
- b. C-2, General Commercial

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



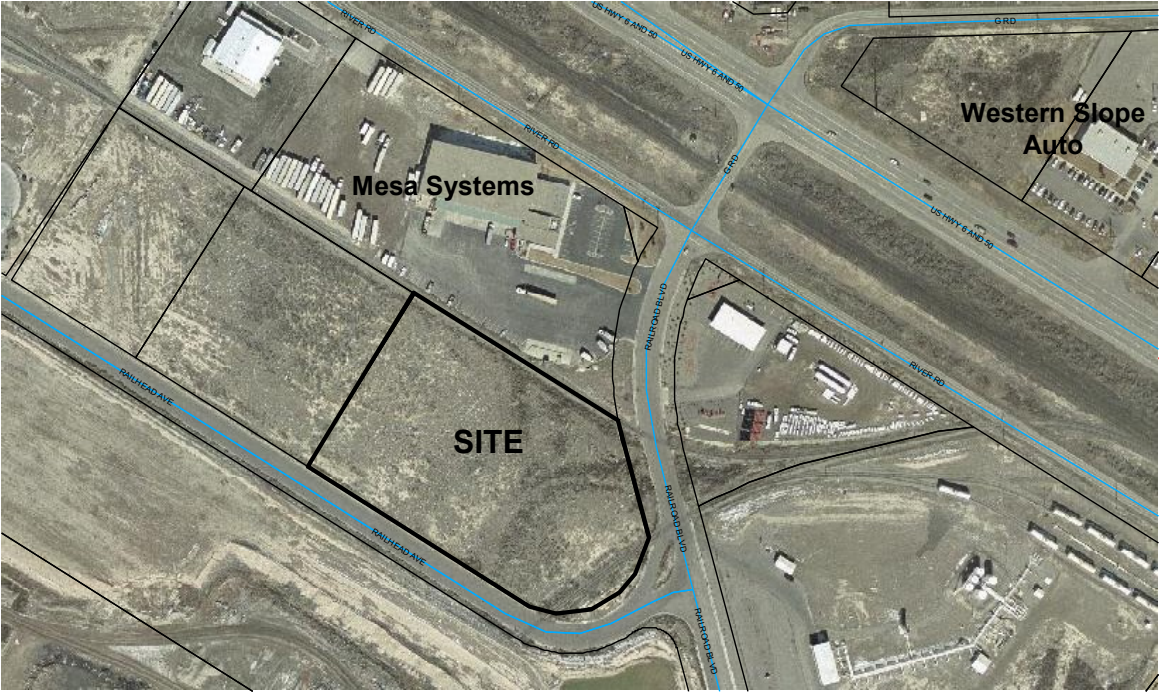
# Site Location Map – Bekon Annexation

Figure 1



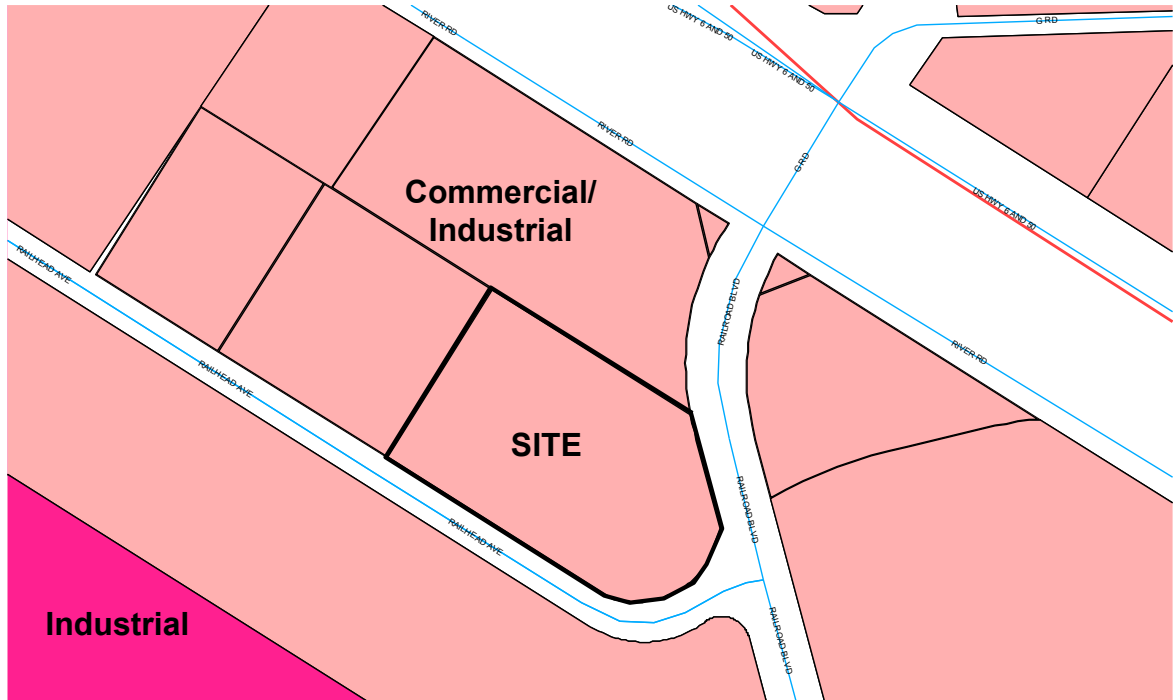
# Aerial Photo Map – Bekon Annexation

Figure 2



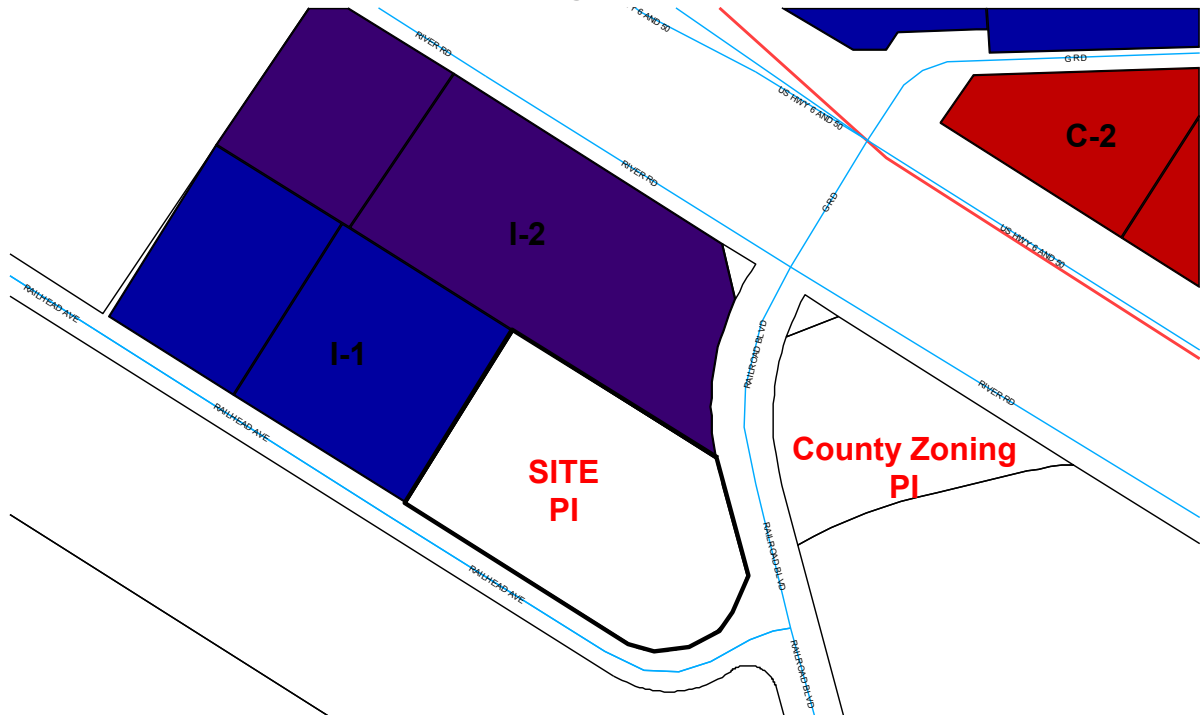
# Future Land Use Map – Bekon Annex.

Figure 3



# Existing City and County Zoning – Bekon

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 BEKON ANNEXATION TO  
I-1, LIGHT INDUSTRIAL**

**LOCATED AT 2250 RAILROAD AVENUE**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of zoning the Bekon Annexation to the I-1, Light Industrial Zoning District, finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1, Light Industrial Zoning District is in conformance with the stated criteria of Section 2.6 & 2.14 of the Grand Junction Zoning & Development Code.

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

The following property be zoned I-1, Light Industrial.

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

**BEKON ANNEXATION**

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

Beginning at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 349.17 feet along the arc of a 482.24 foot radius curve concave East, having a central angle of 41°29'11" and a chord that bears N12°54'57"E a distance 341.59 feet along the Westerly right of way of Railroad Boulevard as is shown on said plat of Railhead Industrial Park As Amended; thence S56°20'34"E along the Southerly right of way of River Road

as is shown on said plat of Railhead Industrial Park As Amended, a distance of 100.00 feet to the East right of way of said Railroad Boulevard; thence along said right of way 313.55 feet along the arc of a 382.24 foot radius curve concave East, having a central angle of 47°00'01" and a chord that bears S10°09'31"W a distance 304.84 feet; thence S13°20'29"E along the East line of said right of way a distance of 358.97 feet; thence S76°39'31"W to a point on the Westerly right of way of said Railroad Boulevard a distance of 100.00 feet; thence 97.36 feet along the arc of a 50.00 foot radius curve concave South, having a central angle of 111°33'40" and a chord that bears N69°07'19"W a distance 82.69 feet to a point on the Southerly right of way of Railroad Avenue; thence along said right of way 214.43 feet along the arc of a 178.15 foot radius curve concave North, having a central angle of 68°57'53" and a chord that bears S89°10'34"W a distance 201.72 feet; thence along said right of way N56°20'29"W a distance of 485.93 feet; thence N33°39'31"E along the East line of Loggains Subdivision, as same is recorded in Book 3977, Page 790 Public Records of Mesa County, Colorado; a distance of 410.00 feet to the Northeast corner of said Loggains Subdivision; thence S56°20'29"E along the Northerly line of said Block Two, a distance of 414.98 feet; thence along said North line, 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 02°45'06" and a chord that bears S57°43'01"E a distance 22.97 feet more or less to the Point of Beginning.

Said parcel contains 7.21 acres (314,092 square feet), more or less, as described.

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

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 9**

**Setting a Hearing on Zoning the Traynor Annex., Located at 748 and 749 24 ¾ Rd.**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Traynor Annexation, located at 748 & 749 24 ¾ Road					
<b>Meeting Date</b>		July 5, 2006					
<b>Date Prepared</b>		June 22, 2006			File #ANX-2006-111		
<b>Author</b>		Faye Hall		Associate Planner			
<b>Presenter Name</b>		Faye Hall		Associate Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to zone the Traynor Annexation located at 748 & 749 24 ¾ Road to RMF-8 (Residential Multi Family, 8 units per acre)

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for July 19, 2006.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		748 & 749 24 ¾ Road		
<b>Applicants:</b>		Owner: Ronald Abeloe Developer: Chaparall West, Inc. – Ron Abeloe Representative: Vista Engineering – Paco Larsen		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-8		
<b>Surrounding Zoning:</b>	<b>North</b>	County AFT		
	<b>South</b>	City Planned Development (8 units/acre)		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RMF-8 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.A.3, 4, 5 as follows:

- 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 as the densities of the surrounding developed properties are in the 5-8 du/ac range. Any issues that arise with any proposal to develop the property will be addressed through the review of that project.

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

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

- 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.

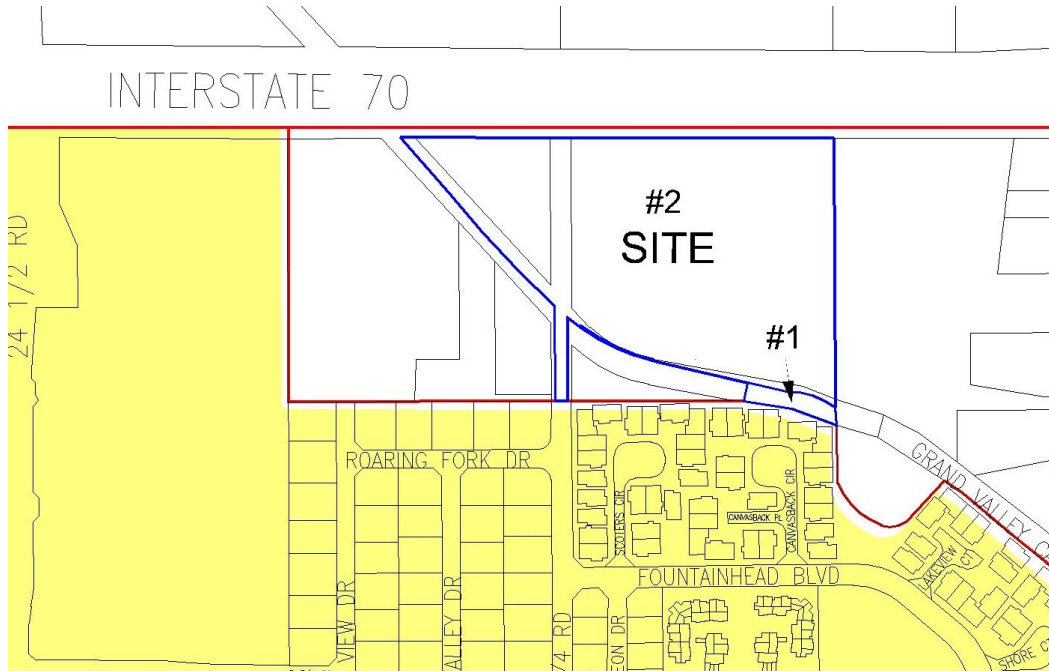
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- c. RSF-4
- d. RMF-5

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

# Site Location Map

Figure 1



# Aerial Photo Map

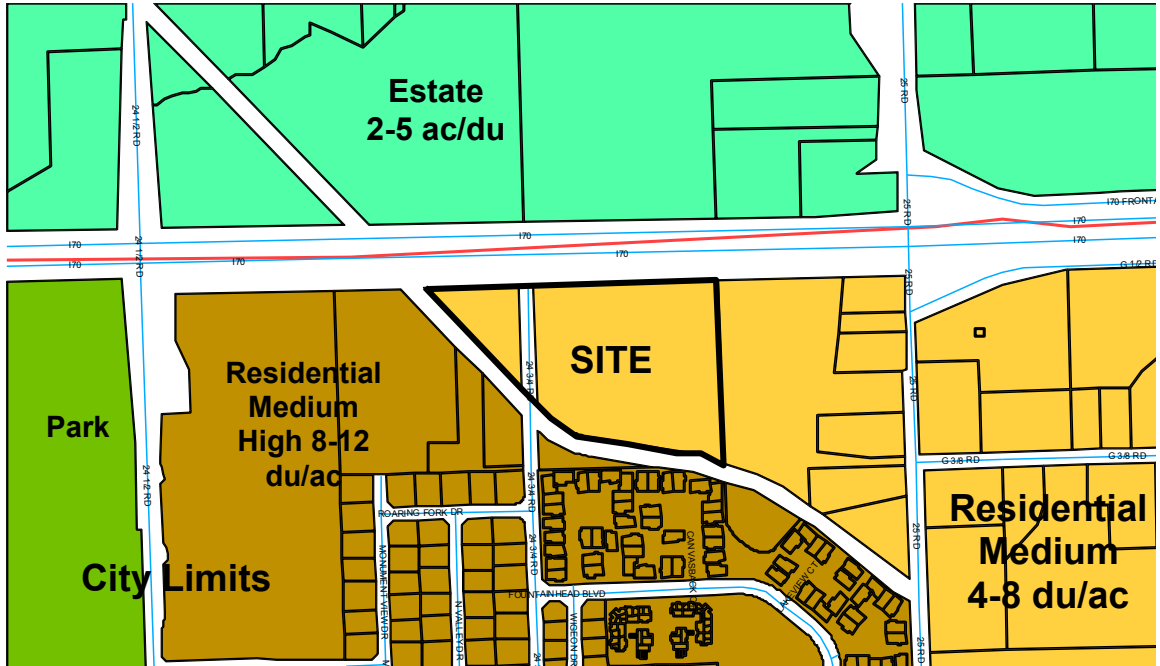
Figure 2





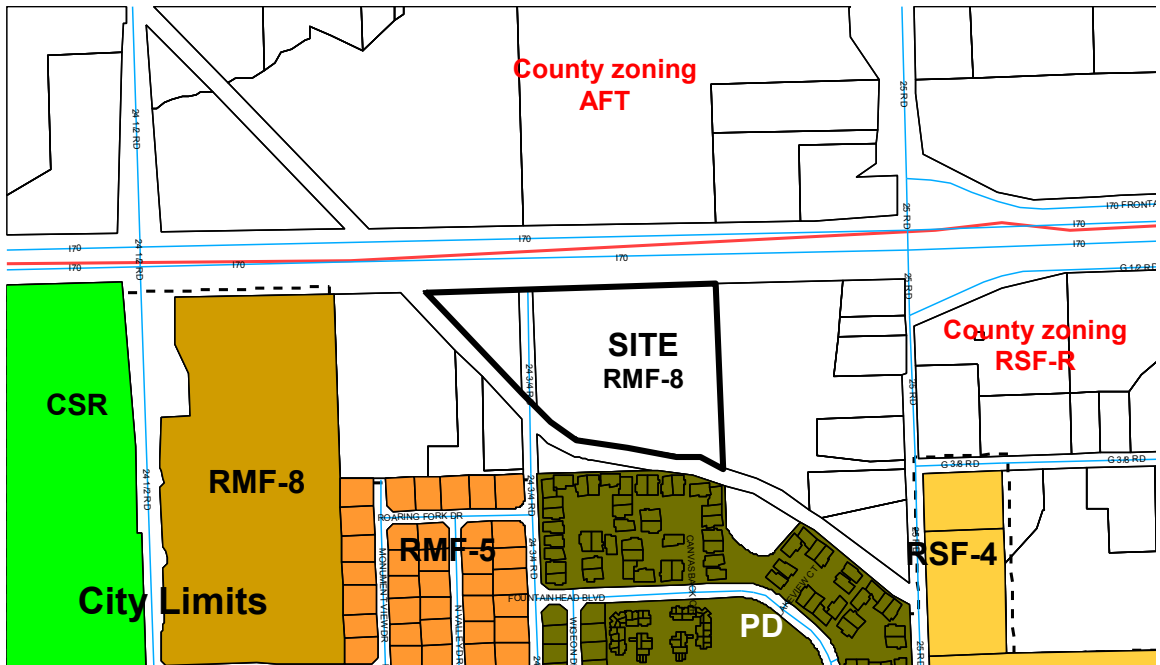
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE TRAYNOR ANNEXATION TO  
RMF-8 (RESIDENTIAL MULTI FAMILY, 8 UNITS PER ACRE)**

**LOCATED AT 748 AND 749 24 <sup>3</sup>/<sub>4</sub> 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 Traynor Annexation to the RMF-8 zone district finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district 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 be zoned RMF-8 with a density not to exceed 8 units per acre.

**TRAYNOR ANNEXATION #1**

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of Fountain Greens Subdivision, Filing No. Three, as same is recorded in Plat Book 19, Pages 181-184, Public Records of Mesa County, Colorado and assuming the North line of said Filing No. Three bears S89°54'05"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S89°54'05"E a distance of 413.45 feet to the Point of Beginning; thence from said Point of Beginning N13°20'58"E a distance of 44.08 feet to a point on the centerline of the Grand Valley Canal; thence N76°39'02"W along said centerline a distance of 231.65

feet; thence 198.94 feet along said centerline and the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 197.63 feet; thence N36°08'48"E a distance of 2.00 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing S65°15'08"E a distance of 196.84 feet; thence S76°39'02"E a distance of 326.69 feet; thence 122.56 feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing S72°25'31"E a distance of 122.45 feet; thence S00°09'16"E a distance of 2.16 feet; thence S08°31'58"E to the North line of said Fountain Greens Subdivision, Filing No. Three a distance of 46.32 feet; thence along said North line N69°15'09"W a distance of 115.14 feet; thence N79°52'31"W a distance of 120.94 feet, more or less, to the Point of Beginning.

Said parcel contains 0.24 acres (10,410 square feet), more or less, as described.

#### TRAYNOR ANNEXATION #2

A certain parcel of land lying NE 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of section 33, 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 Northeast corner of Lot 24 of Pomona Park Subdivision, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and assuming the East line of said Lot 24 bears S00°09'16"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning S00°09'16"E along the East line of said Lot 24 a distance of 647.66 feet; thence 122.56 feet along the arc of a 831.00 foot radius curve concave Southwest, having a central angle of 08°27'01" and a chord bearing N72°25'31"W a distance of 122.45 feet; thence N76°39'02"W a distance of 326.69 feet; thence 198.15 feet along the arc of a 498.00 foot radius curve concave Northeast, having a central angle of 22°47'50" and a chord bearing N65°15'08"W a distance of 196.84 feet; thence S36°08'48"W a distance of 2.00 feet; thence 38.25 feet along the arc of a 500.00 foot radius curve concave Northeast, having a central angle of 04°23'01" and a chord bearing N51°39'42"W a distance of 38.24 feet to a point on the East right of way of 24 3/4 Road as shown on said Pomona Park Subdivision; thence S00°06'56"E along said right of way line a distance of 202.08 feet; thence N89°48'34"W to a point on the West line of right of way of said 24 3/4 Road a distance of 30.00 feet; thence N00°06'56"W along said right of way line a distance of 229.27 feet to a point on the centerline of the Grand Valley Canal; thence 373.01 feet along said centerline and the arc of a 2805.00 foot radius curve concave Northeast, having a central angle of 07°23'09" and a chord bearing N43°10'51"W a distance of 372.74 feet; thence 177.63 feet along said centerline and the arc of a 3089.00 foot radius curve concave Southwest, having a central angle of 03°17'41" and a

chord bearing N41°01'07"W a distance of 177.61 feet to a point on the North line of Lot 25 of said Pomona Park Subdivision; thence S89°53'28"E along a line 25 feet South of and parallel with the North line of NW 1/4 SE 1/4 of Section 33 a distance of 385.78 feet to a point on the East line of NW 1/4 SE 1/4; thence S89°51'33"E along a line 25 feet South of and parallel with the North line of NE 1/4 SE 1/4 of Section 33 a distance of 658.71 feet, more or less, to the Point of Beginning.

Said parcel contains 10.47 acres (456,036 square feet), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-8 zone district.

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

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 10**

**Setting a Hearing on Zoning the Hoffmann II Annexation, Located at 565 22 ½ Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Hoffmann II Annexation, located at 565 22 ½ Road.					
<b>Meeting Date</b>		July 5, 2006					
<b>Date Prepared</b>		June 22, 2006			File #ANX-2006-117		
<b>Author</b>		Faye Hall		Associate Planner			
<b>Presenter Name</b>		Faye Hall		Associate Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to zone the Hoffmann II Annexation located at 565 22 ½ Road to RSF-2 (Residential Single Family, 2 units per acre).

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for July 19, 2006

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		565 22 ½ Road		
<b>Applicants:</b>		Leonard & Kathleen Hoffmann		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-4		
<b>Proposed Zoning:</b>		RSF-2		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4		
	<b>South</b>	City RSF-2		
	<b>East</b>	County RSF-4		
	<b>West</b>	County RSF-4		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

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

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4, 5 as follows:

- 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 is compatible with the surrounding neighborhood and will not create adverse impacts. The surrounding densities range from 1 to 3 units per acre.

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

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

- 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.

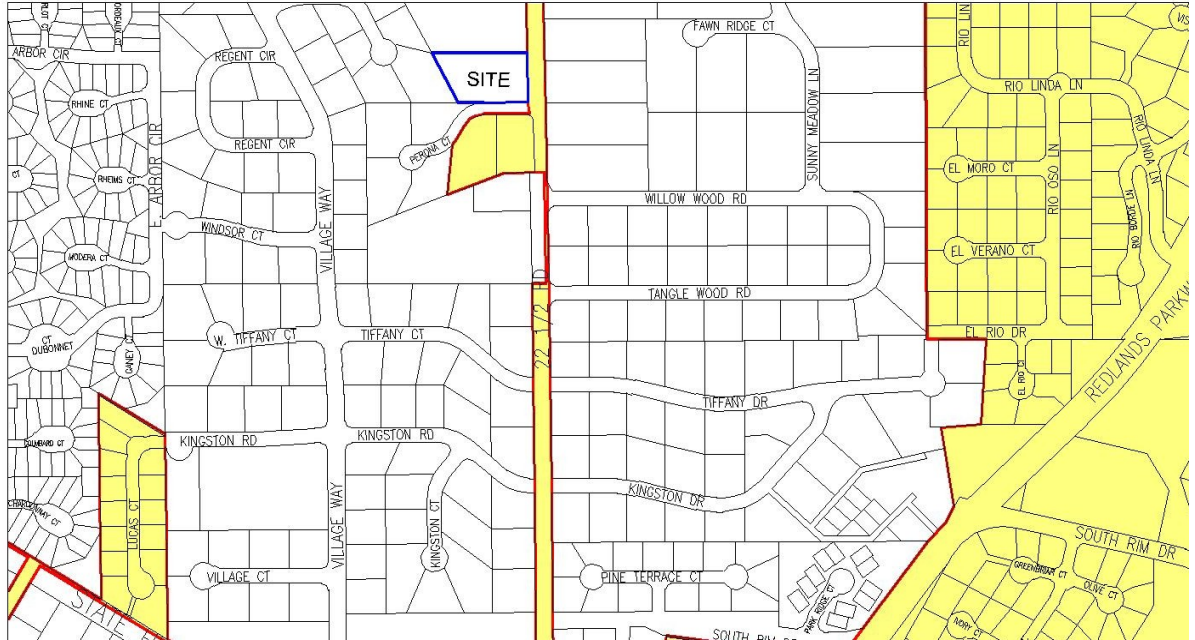
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- e. RSF-4

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

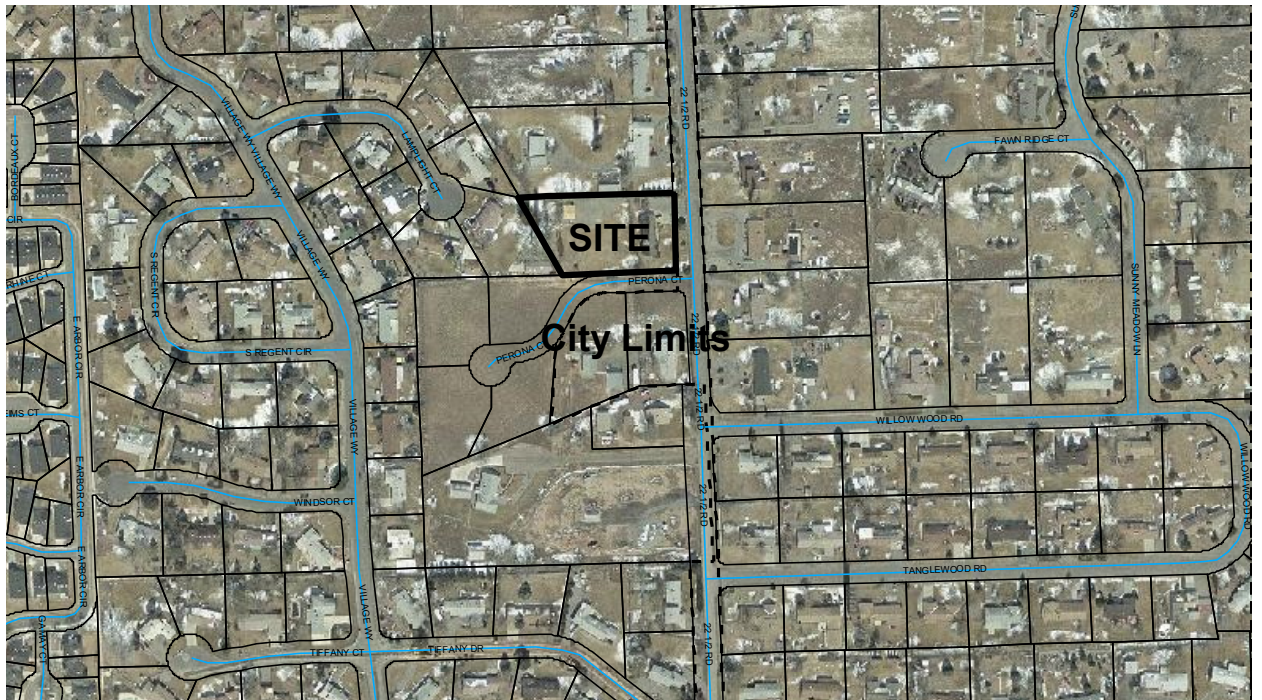
# Site Location Map

Figure 1



# Aerial Photo Map

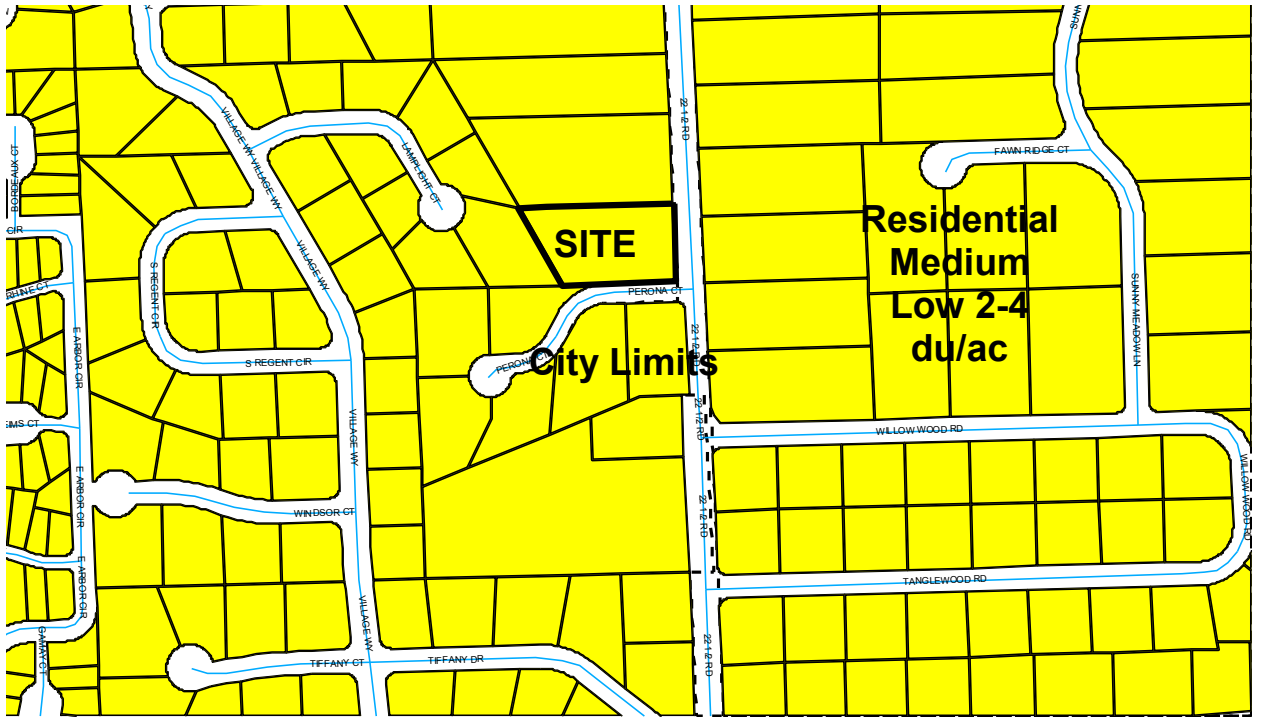
Figure 2





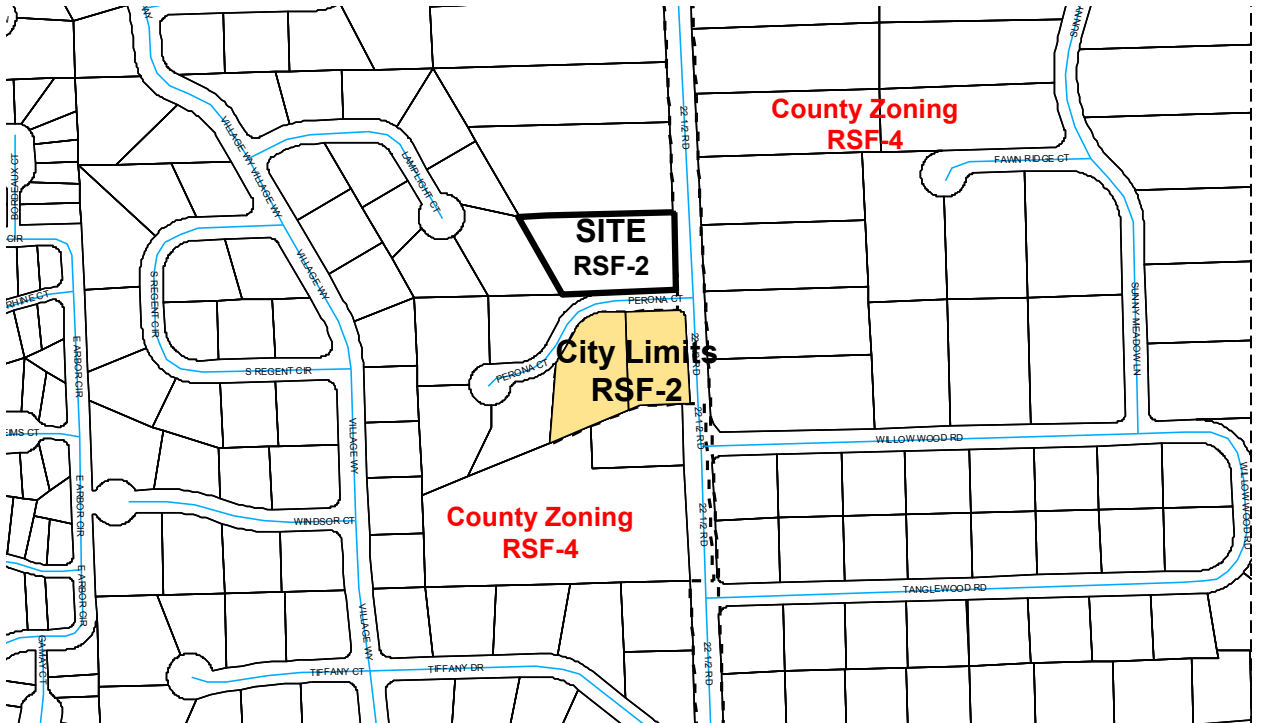
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE HOFFMANN II ANNEXATION TO  
RSF-2 (RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE)**

**LOCATED AT 565 22 ½ ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Hoffmann II Annexation to the RSF-2 zone district finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-2 zone district 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 be zoned Residential Single Family with a density not to exceed 2 units per acre.

**HOFFMANN II ANNEXATION**

A certain parcel of land located in the Northwest Quarter (NW1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Lot 1 in Block 8 of Redlands Village Subdivision Filing No. 4, Mesa County, Colorado.

Said parcel contains 1.12 acres (48971 square feet), more or less, as described.

Housing type, density and bulk standards shall be for the RSF-2 (Residential Single Family, 2 units per acre) zone district.

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

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 11**

**Setting a Hearing on Zoning the Vodopich Annexation, Located at 3023 F ½ Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Zoning the Vodopich Annexation, located at 3023 F ½ Road.					
<b>Meeting Date</b>		July 5, 2006					
<b>Date Prepared</b>		June 22, 2006			File #ANX-2006-109		
<b>Author</b>		Faye Hall		Associate Planner			
<b>Presenter Name</b>		Faye Hall		Associate Planner			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<input checked="" type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to zone the Vodopich Annexation located at 3023 F ½ Road to RSF-4 (Residential Single Family, 4 units per acre)

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for July 19, 2006.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		3023 F ½ Road		
<b>Applicants:</b>		Owner: JBB Corporation – Jurgen Denk Developer: Jurgen Denk Representative: Troy Nesheim		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential		
	<b>South</b>	Residential		
	<b>East</b>	Residential		
	<b>West</b>	Residential		
<b>Existing Zoning:</b>		RSF-R		
<b>Proposed Zoning:</b>		RSF-4		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R		
	<b>South</b>	County RMF-5		
	<b>East</b>	County RSF-R		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium Low 2-4 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-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.A.3, 4, 5 as follows:

- 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 adverse impacts. The Lauradale Subdivision in the county located Southwest of this property, across the canal, is zoned RMF-5. The Stonegate Subdivision in the county located approximately ¼ mile East is zoned PD with a density of 5 units per acre. The Monarch Glen Subdivision located to the south is zoned RSF-4. The properties that are directly adjacent, have not yet been developed and have a county zoning of RSF-R, but have the potential of being developed at a density of 4 units per acre. The properties that are located on the north side of F ½ Road are restricted to a density of 1 unit per 5 acres due to the Critical Zone of the airport, which is the approach and departure path of the airport where accidents are more apt to happen due to the takeoff and landing of aircraft.

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

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

- 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.

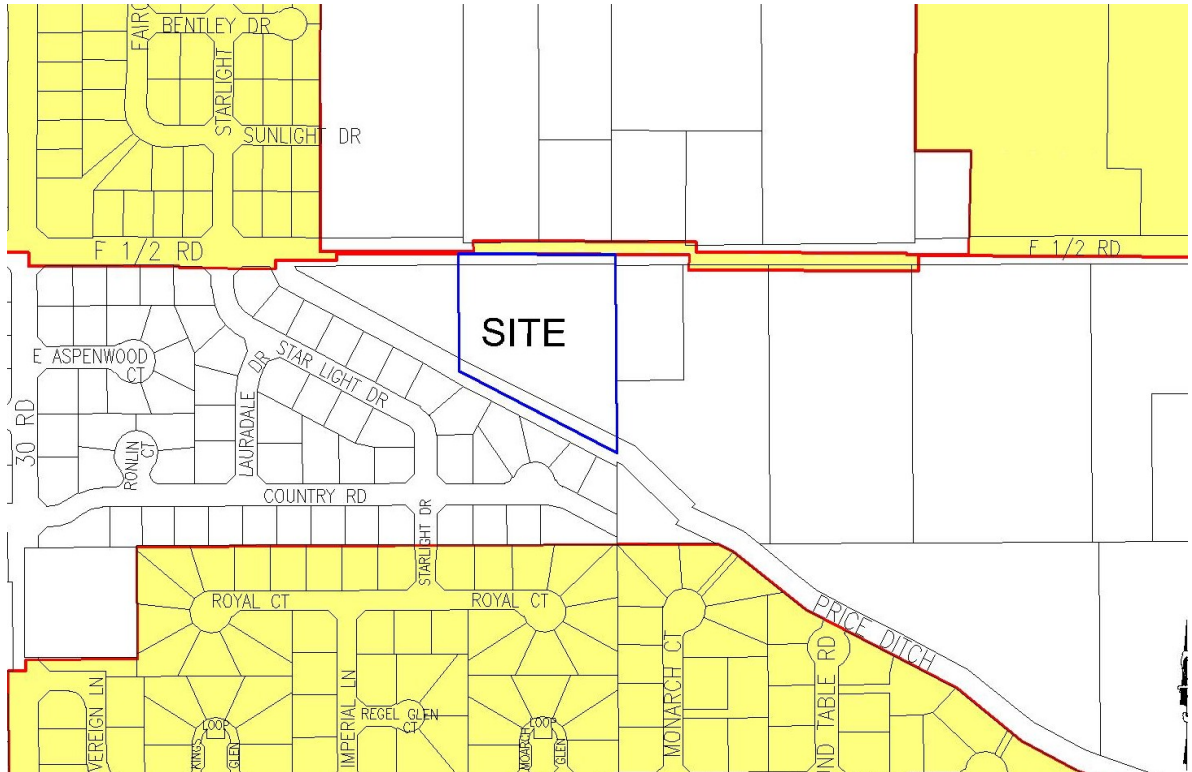
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

f. RSF-2

**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 (Residential Single Family, 4 units per acre) district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

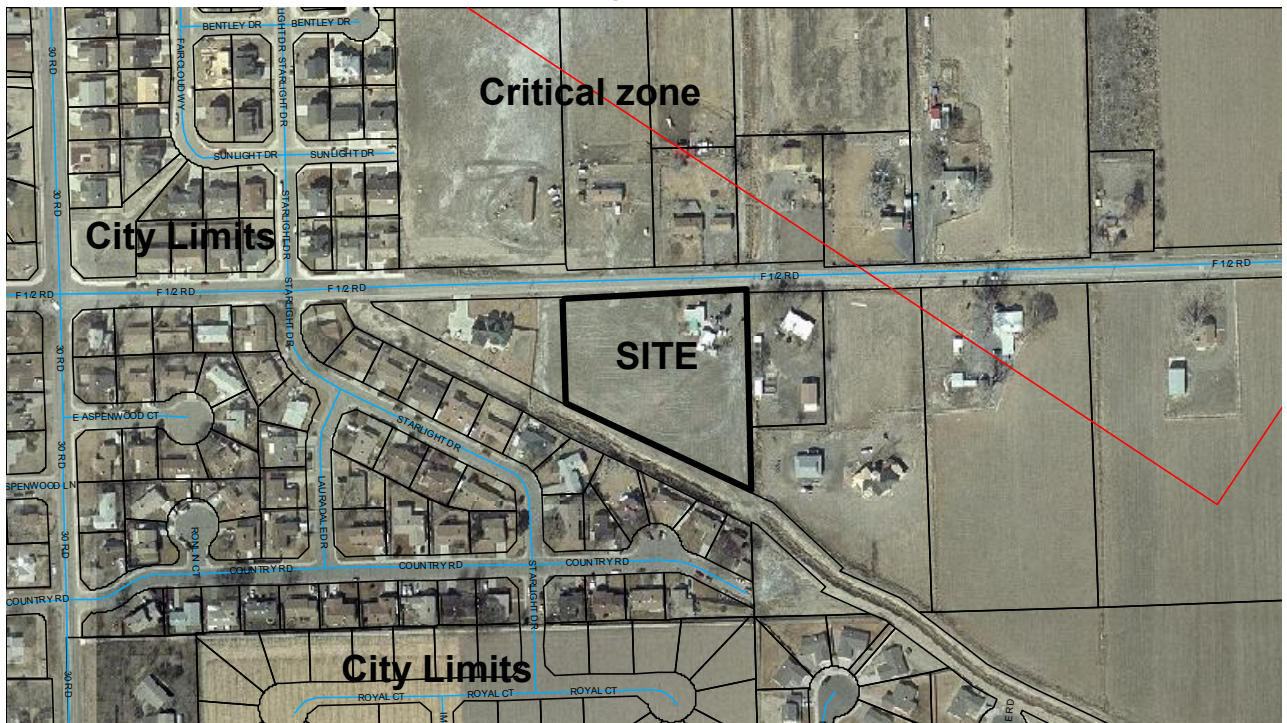
# Site Location Map

Figure 1



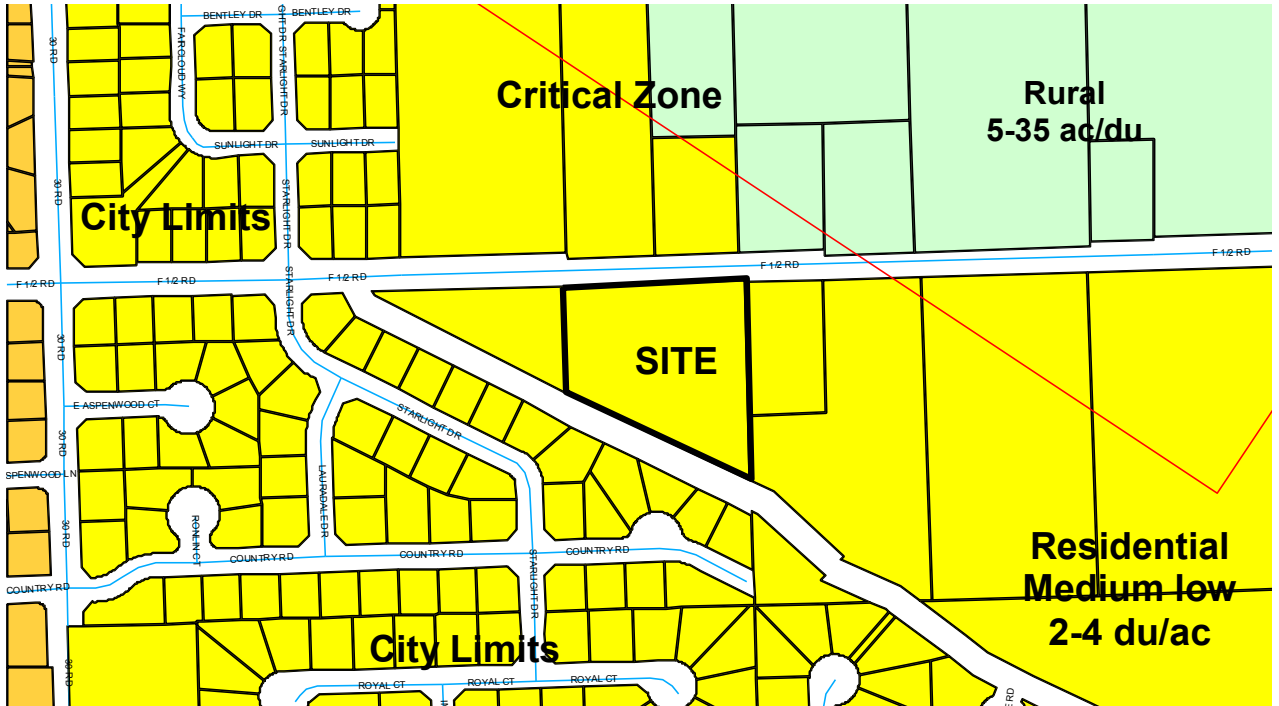
# Aerial Photo Map

Figure 2



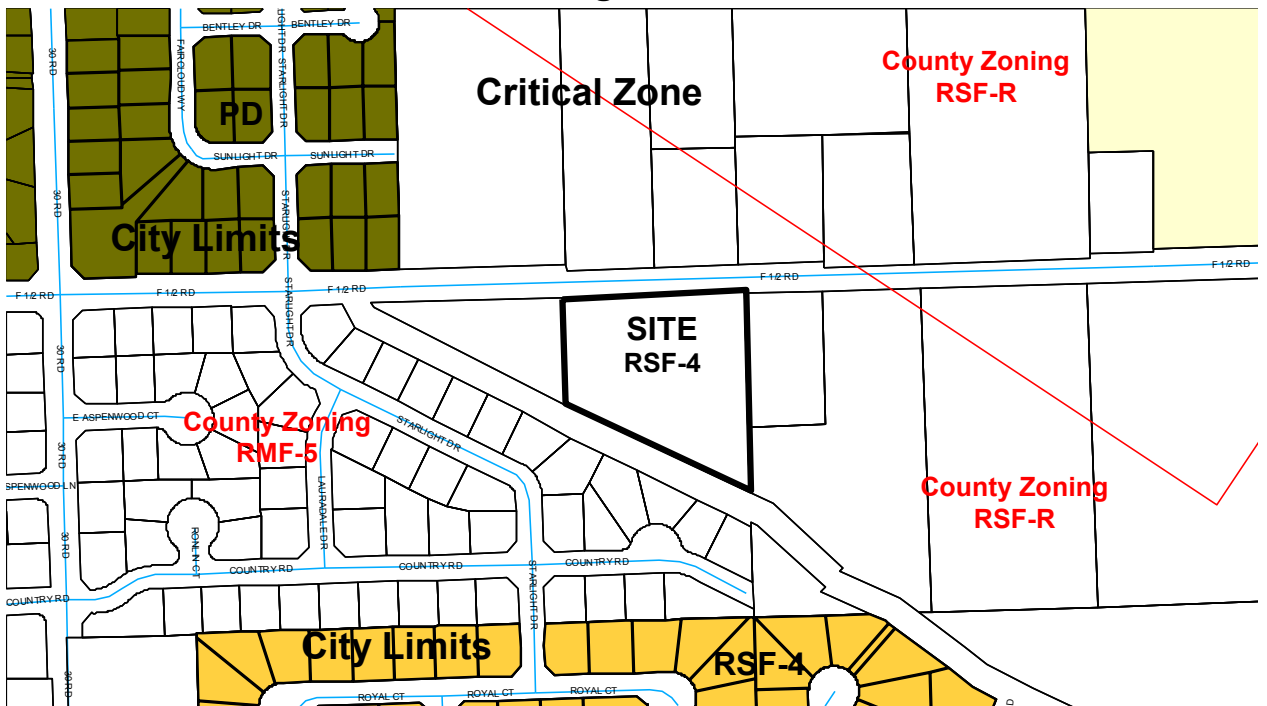
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE VODOPICH ANNEXATION TO  
RSF-4 (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE)**

**LOCATED AT 3023 F ½ ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Vodopich Annexation to the RSF-4 zone district finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district 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 be zoned RSF-4 with a density not to exceed 4 units per acre.

**VODOPICH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the NW1/4 SW1/4 of said Section 4 and assuming the East line of the NW1/4 SW1/4 of said Section 4 bears S00°10'25"E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S00°10'25"E along the East line of the NW1/4 SW1/4 of said Section 4 a distance of 453.62 feet to the Price Ditch, as described in Book 2266, Page 760 of the Mesa County, Colorado Public Records; thence N62°01'59"W along said Price Ditch a distance of 461.46; thence N00°01'57"W a distance of 236.96 feet to a point on the North line of the

NW1/4 SW1/4 of said Section 4; thence N89°57'52"E along the North line of the NW1/4 SW1/4 of said Section 4, a distance of 406.33, more or less to the POINT OF BEGINNING.

Said parcel contains 3.23 acres (140,707 square feet), more or less, as described.

Housing type, density and bulk standards shall be for the RSF-4 zone district.

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

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 12**  
**Reconsideration of Ambulance Fee Schedule**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Ambulance Fee Schedule					
<b>Meeting Date</b>		July 5, 2006					
<b>Date Prepared</b>		June 27, 2006				<b>File #</b>	
<b>Author</b>		John Howard			<b>EMS Coordinator</b>		
<b>Presenter Name</b>		Jim Bright			<b>Interim Fire Chief</b>		
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** On February 13, 2006, City Council recommended that the GJFD expand services to include ambulance service for the Grand Junction Ambulance Service Area. Mesa County Commissioners subsequently approved that recommendation at their February 27, 2006 meeting.

The ambulance fee schedule recommended in this report will result in charges at or below those of the private ambulance provider prior to July 1.

An integral component of this expansion of services is setting the ambulance fee schedule with the objective of balancing system revenues to meet incremental costs of providing the ambulance transport services and to do so within the requirements of the Mesa County EMS Resolution. This includes the ability to negotiate contractual arrangements in specific situations in the non-emergent segment of the business.

**Budget:** The recommended fee structure is consistent with the financial analysis used to develop the 2006 budget as adopted by the City Council as part of the 2006 1st Supplemental Appropriation Ordinance. The total subsidy projected for the years 2006 thru 2010 is \$1,545,000. If the new rate structure is not adopted and the City utilizes the current rate structure that has been in place for twenty-plus years the required subsidy over that same time period is projected at \$4.5 million.

**Action Requested/Recommendation:** Approve ambulance fee schedule as proposed.

**Attachments:** Ambulance Transport Projected Gain (Loss)  
 Mesa County EMS Resolution, Article V: Rates and Fees  
 Mesa County EMS Rules, Section 7 – Rates and

Fees

Grand Junction Fire Department Proposal and Implementation  
 Plan, Billing structure  
 Resolution

**Background Information:**

The following table contains the recommended rate structure. Fees are based on the 2005 Mesa County maximum allowable rates plus mileage. The GJFD is proposing to use a “bundled” rate, where all costs except mileage are included in the base rate. Additional charges for supplies and procedures will not be added.

Medicare Code	Description	Charge
AO428	Basic Life Support Non-Emergent	\$572.00
AO429	Basic Life Support Emergent	\$572.00
AO426	Advanced Life Support Non-emergent	\$781.00
AO427	Advanced Life Support One	\$781.00
AO433	Advanced Life Support Two	\$781.00
AO434	Specialty Care (SCT)	\$850.00
AO425	Ground Mileage	\$9.97
A0420	Standby	
	ALS Ambulance	\$80/hour
	BLS Ambulance	\$70/hour
	PM	\$40/hour
	EMT-B	\$30/hour

Currently the City charges a “base rate” and adds charges for supplies and procedures used on each ambulance transport. While the current base rates were set under the now expired Medicare rules, which included a base rate billing structure, the new fees will follow the current Medicare billing standards where services are “bundled”. Additionally, the GJFD proposal includes a fee increase by Mesa County to a more appropriate level. The current rates are consistent with other fire district charges for rural responses, but are very low when compared to the urban services on the Front Range and other urban areas nationally. The current base rates have not been increased in over 10 years.

The proposed fees are based on the Mesa County maximum rates which are calculated on the Western Slope average ambulance base rate plus 10%. The Mesa County Emergency Manager and EMS Coordinator have indicated that the County plans to review the process used to establish the County maximum billing rates in February, 2007. When this occurs GJFD will re-evaluate the existing fee structure and adjust fees as needed to meet the enterprise fund goals.

We have been approached by several facilities and service providers that wish to explore contractual agreements that may involve reduced rates in certain situations. The Grand Junction Fire Department intends to enter into contractual agreements that comply with the Mesa County rules and Federal anti-kickback statutes in situations where we are able to offset costs by:

- pre-scheduling patient transfers
- setting billing arrangements that improve collection rates or speed of reimbursement
- special needs requests that can be provided with reduced staffing
- long distance transport considerations (prescheduled)
- or, when it is mutually beneficial to share patient transport costs for those indigent or otherwise uncollectible accounts

When applicable, and with appropriate contracts in place, the following rates would apply for non-emergent patient transfer services. These are in compliance with the Mesa County EMS Resolution and Federal statutes. All contracts would be reviewed and approved by the City Attorney John Shaver.

Medicare Code	Description	Medicare Allowable
AO428	Basic Life Support Non-Emergent	\$199.56
AO429	Basic Life Support Emergent	\$319.30
AO426	Advanced Life Support Non-emergent	\$239.48

AO427	Advanced Life Support One	\$379.17
AO433	Advanced Life Support Two	\$548.80
AO434	Specialty Care (SCT)	\$648.58
AO425	Ground Mileage	\$6.05

Summary: The proposed fee schedule meets the regulatory requirements of Mesa County and Federal Medicare Compliance standards; the fee schedule is fair, practical, and includes customary discounting provisions provided to the non-emergent customers of transport services.

## AMBULANCE TRANSPORT PROJECTED GAIN (LOSS)

	<b>Original Projection Approved February 13<sup>th</sup>, 2006</b>	<b>Current Projection Supplemental Appropriation May 17<sup>th</sup>, 2006</b>	<b>Without Rate Increase July 5, 2006</b>
<b>2006</b>	\$ (584,000)	\$ (1,100,000)	\$ (1,217,000)
<b>2007</b>	65,000	(95,000)	( 788,000)
<b>2008</b>	43,000	(121,000)	( 812,000)
<b>2009</b>	(80,000)	(117,000)	( 837,000)
<b>2010</b>	<u>(53,000)</u>	<u>(112,000)</u>	<u>( 862,000)</u>
<b>Total</b>	<b><u>\$ (609,000)</u></b>	<b><u>\$ (1,545,000)</u></b>	<b><u>\$ (4,516,000)</u></b>

The GJFD, at minimum, will need to make staffing adjustments to provide the 3.5 ambulances per day for 12 weeks while the 9 new firefighter/paramedics and 9 firefighter/EMT-B personnel go through their fire training academy, and will not be available to work their regular duty. Since the SAFER grant application was approved by Council, the staffing adjustment will need to be in place potentially for up to 25 weeks. These positions will be hired approximately October 1, 2006, and the personnel will be on line by January 1, 2007.

By staffing adjustments, we mean the use of our current staff, the EMTs and Paramedics hired for non-emergency calls, and the use of overtime & part-time personnel, while the 18 are in training.

## Mesa County EMS Resolution MCM 2004-220-2

### ARTICLE V: RATES AND FEES

1. County Regulation of Maximum Rates. The Director shall recommend a schedule of maximum ambulance rates that can be charged for ambulance transports that originate in Mesa County. The maximum rates shall be set by resolution of the Board. The Director may recommend changes to the initial maximum rates, or may recommend temporary variances. Rates set by resolution of the Board shall apply throughout the County, except as otherwise provided by the Board in its resolution establishing those rates.

a. Maximum rates that are set by resolution or by variance may be increased annually by notice given by the Director to the ambulance providers pursuant to this Resolution.

b. The Board may set maximum rates for ambulance categories used by the U.S. Center for Medicare and Medicaid Services (CMS), or it may set rates according to a maximum average patient charge (APC).

2. Rate Established for Non-Transport. For those services that do not require a transport, the Board may authorize a "first aid" fee. A "first aid" fee may be applied only when

a. An ambulance remains on the scene for at least 30 minutes, or

b. Ambulance personnel use advanced life support interventions, or

c. An ambulance provider uses an extraordinary amount of supplies and equipment.

3. Annual Increases. Each year, the Director may adjust for inflation the maximum ambulance rates established under this Resolution, for Ambulance Licensees. The inflation adjustment shall become effective on the date specified in a notice given by the Director to such Ambulance Licensees. The Director shall endeavor to give such notice not later than March 1 of each year. The Director shall consider a percentage increase for the inflation adjustment based on the following National Consumer Price Index (CPI) factors, and according to the following ratios, over the most recent 12-month period for which published figures are then available.

a. The CPI-Transportation Index (40 percent); and

b. The CPI-Health Care Index (40 percent); and

c. The CPI All Components (20 percent).

4. Rate Adjustment in Extraordinary Circumstances. In the event of circumstances beyond an Ambulance Licensee's control which cause substantial and unforeseen increases in costs (not including increased personnel and labor costs), the Licensee may ask the Board to adjust the maximum rates set pursuant to this section. The request shall be set forth in writing, shall be filed with the clerk of the Board, and shall include a written explanation of and justification for the proposed adjustment(s).

a. The Board may require that the Licensee furnish a financial audit to verify its request for an increase in the ambulance rates.

b. The Director shall recommend that the Board grant, modify, or deny the requested adjustments.



c. The Board shall determine, by resolution, any rate adjustments under this section. Rate adjustments granted pursuant to this section will apply County-wide and may be given for a limited period of time.

5. Discounts. Discounts based on volume of business or group membership for ambulance transports are prohibited, unless specifically authorized by the Board for service to a group at least 50 percent of whose members have incomes below the Federal Labor Market Index (LMI) level. The Board may approve other payment arrangements, so long as unacceptable "cost shifting" does not result.

a. Discounts based on residential status are allowed so long as they comply with CMS rules for discounting by municipal agencies and special districts.

b. Subscription programs for ambulance services are allowed so long as those programs comply with state and federal law.

6. Medical Standby Services. Rates, if any, for standby services shall be determined by the Licensee providing the service.

7. Regulatory Fee Required. A regulatory fee of five dollars (\$5) for each ambulance transport that originates in Mesa County, and a fee of five percent for each dedicated EMS Medical Standby is hereby established.

a. The regulatory fee shall apply to both emergency and non-emergency transports, and to "first-aid" events.

b. Licensees shall not include the regulatory fee as an additional line item on ambulance invoices.

c. Fees shall be paid semi-annually by licensees, no more than 30 days following the end of the second and fourth calendar quarter.

d. If requested by a Licensee, the Board may waive Medical Standby Service fees for events conducted by public agencies and schools.

e. If requested by Licensee, the Board may, at its option, waive regulatory fees for municipal and special district providers of ambulance service that use volunteers to provide services.

f. Revenues from regulatory fees shall be used to fund regulatory oversight and to enhance the Mesa County EMS system.

## **Mesa County Emergency Medical Services Rules**

### **Section 7 - Rates and Fees**

#### **7.1 County Regulation of Maximum Rates. The Director shall recommend a schedule of maximum ambulance rates that can be charged for ambulance transports that originate in Mesa County. Article V, Paragraph 1.**

7.1.1 The maximum ambulance base rate schedule is based on the Western Slope average ambulance base rate plus ten (10) percent.

7.1.2 The maximum ambulance base rates are;

- i) Advanced Life Support (ALS) \$781.00
- ii) Basic Life Support (BLS) \$572.00
- iii) ALS Critical Care Transport \$850.00
- iv) BLS Critical Care Transport \$650.00

#### **7.1.3 Annual Increases**

The Director will review, in February of each year, the CPI numbers for the preceding calendar year and make a determination whether to recommend an increase in rates or not. Such notice will be delivered by March 1<sup>st</sup> of each year as defined pursuant to Article V, ¶ 3.

#### **7.2 First Aid Fee Authorized**

A “First Aid” fee is hereby authorized pursuant to Article V, ¶ 2.

#### **7.3 Discounts**

**7.3.1 Discounts based on volume of business or group membership for ambulance transports are prohibited, unless specifically authorized by the Board for service to a group at least 50 percent of whose members have incomes below the Federal Labor Market Index (LMI) level. Article V, Paragraph 5.**

**7.3.2 The Board may approve other payment arrangements, so long as unacceptable “cost shifting” does not result. Article V, Paragraph 5.**

7.3.3 With regard to “other payment arrangements” (as discussed in the preceding paragraph), the Board hereby approves the following as an “acceptable” “other payment arrangement”: So long as a Licensee, as a condition of their licensing, certifies, signs, and attests, on their applications with the Director, that they will not discount below Medicare allowable rates, and further, that by their signature, they consent to Mesa County reviewing their contracts to ensure compliance with this section, this will be considered an acceptable “other payment arrangement.”

7.3.4 When a Licensee certifies as set forth in the previous paragraph, the Licensee thereby consents that Mesa County may, at its discretion, review their Ambulance Service contracts with third parties to ensure discounting is not causing a cost-shifting detrimental to the Mesa County EMS system.

Final Version April 25, 2005

GRAND JUNCTION FIRE DEPARTMENT PROPOSAL AND  
IMPLEMENTATION PLAN

*Billing structure*

The following table contains the recommended user fee rate structure. Fees are based on the Mesa County Maximum Allowable rates plus mileage. The plan understands the County Maximum to be the bundled rate and that itemized costs are not allowed. The Mesa County Emergency Manager has indicated that the County plans to review the process used to establish the County Maximum in future.

The practice of discounting rates for certain interests is a common practice and is controlled under the Mesa County EMS Resolution. Discounting may be considered for skilled care facilities as long as the practice does not fall below the Medicare allowable and/or where provision in the Mesa County EMS Resolution allows.

Medicare Code	Description	Charge	Comment
AO428	Basic Life Support Non-Emergent	\$572.00	Interfacility/scheduled Dispatched as omega
AO429	Basic Life Support Emergent	\$572.00	Dispatched as Alpha, Bravo
AO426	Advanced Life Support Non-emergent	\$781.00	Dispatched as Omega, requiring ALS personnel
AO427	Advanced Life Support One	\$781.00	Dispatched as Charlie, Delta, or pt. condition warrants upgrade to ALS
AO433	Advanced Life Support Two	\$781.00	Dispatched as Echo or pt. condition warrants upgrade to ALS <sub>2</sub>
AO434	Specialty Care (SCT)	\$850.00	Interfacility, utilizing critical care certified staffing
AO425	Ground Mileage	\$9.97	Mileage is "rounded" up to nearest whole number
A0420	Standby		Based on customer need. Non-profit events referred to Bike Medics and/or other volunteer organization
	ALS Amb.	\$80/hour	
	BLS Amb.	\$70/hour	
	PM	\$40/hour	
	EMT-B	\$30/hour	

**Assumptions/Recommendation:**

- The revised fee schedule is based on the Mesa County maximum rates plus mileage
- The latest revenue/expense calculations based on 2400 non-emergent transports and 4320 emergent transports the first year.
- The instructions to the committee were to base the Grand Junction Fire Department’s fee schedule at the Mesa County maximum rates. The proposal breaks-even based on the above assumptions.

The proposal calls for the ambulance service to operate under enterprise accounting. That approach ensures fees based on the costs of providing the service and our latest figures at the above fee schedule break even between costs and revenues.

**Options:**

If revenues exceed expectations and we have built a sufficient fund balance, there are a number of options available to align the fee schedule with system costs. They are:

- Medicare allows governmental ambulance services to waive co-pay fees for tax-paying residents. This would decrease revenues minimally, but would benefit citizens in that use of ambulance services would entail no out-of-pocket expenses for those enrolled in Medicare.
- Medicare allows taxing entities to charge reduced rates for residents of their taxing district and higher rates for those residing outside the taxing district. Reducing fees for City residents could be a way of customizing in-City fees for certain services, while allowing for higher fees to offset costs for services outside the City.
- Mesa County does not allow price discounting below the Medicare allowable for facility or special interests, such as hospitals, Hospice and skilled nursing facilities unless authorized by the Board of County Commissioners or in cases where 50% of the members have incomes below the Federal Labor Market Index. Acceptable “other payment arrangements” must be no lower than the Medicare allowable rates. Currently, our minimum rate is \$572. This is approximately \$374 higher than the BLS non-emergent rate, other rates are:

Medicare Code	Description	Medicare Allowable	Difference between fee and allowable
AO428	Basic Life Support Non-Emergent	\$197.79	\$374.21

AO429	Basic Life Support Emergent	\$316.46	\$255.54
AO426	Advanced Life Support Non-emergent	\$237.35	\$334.65
AO427	Advanced Life Support One	\$375.80	\$405.20
AO433	Advanced Life Support Two	\$543.92	\$237.08
AO434	Specialty Care (SCT)	\$642.81	\$138.19
AO425	Ground Mileage	\$5.90	\$4.07
A0420	Standby	N.A.	N.A.

If revenues allow, these rates could be reduced, especially in the non-emergent categories, to support other services impacted by Medicare rates, and reduce their overall costs of utilizing GJFD non-emergent services.

**RESOLUTION NO. \_\_\_\_**

**A Resolution Authorizing the 2006 Ambulance Transport Fees**

Recitals.

In the year 2004 the Mesa County Commission adopted the County ambulance service resolution, MCM 2004-220. Among other things that resolution sought to establish methodologies for consistent delivery of ambulance services throughout the incorporated and unincorporated areas of Mesa County.

In February of 2006 the City and the County designated the Grand Junction Fire Department as the ambulance service provider for the Grand Junction Ambulance Service Area (GJASA). Before, during and after the designation there was significant time and effort devoted to developing a business model for the City's delivery of ambulance service to the GJASA. As part of the effort the City carefully reviewed the fee structure that is included in the Mesa County resolution. Based on that review the City has proposed a fee schedule that it finds to be more consistent with the rates charged by other communities for the delivery of comparable services, is more consistent with the Medicare allowable rates and that will serve to more accurately reflect the cost of providing the ambulance service.

Mesa County has agreed to review the rates in early 2007; however, until that review is completed the City believes that the rates provided for in following table are appropriate and shall be the prevailing rates for ambulance services provided by the City.

Emergency transport rates:

<b>Medicare Code</b>	<b>Description</b>	<b>Charge</b>
AO428	Basic Life Support Non-Emergent	\$572.00
AO429	Basic Life Support Emergent	\$572.00
AO426	Advanced Life Support Non-emergent	\$781.00
AO427	Advanced Life Support One	\$781.00
AO433	Advanced Life Support Two	\$781.00
AO434	Specialty Care (SCT)	\$850.00
AO425	Ground Mileage	\$9.97
A0420	Standby	
	ALS Ambulance	\$80/hour
	BLS Ambulance	\$70/hour
	PM	\$40/hour
	EMT-B	\$30/hour

Non-Emergency transport rates:

<b>Medicare Code</b>	<b>Description</b>	<b>Medicare Allowable</b>
AO428	Basic Life Support Non-Emergent	\$199.56
AO429	Basic Life Support Emergent	\$319.30
AO426	Advanced Life Support Non-emergent	\$239.48
AO427	Advanced Life Support One	\$379.17
AO433	Advanced Life Support Two	\$548.80
AO434	Specialty Care (SCT)	\$648.58
AO425	Ground Mileage	\$6.05

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

1. The dollar amount of the ambulance service fees shall be set as provided herein. The City Council incorporates by this reference the evidence and supporting documentation developed by the Fire Department.
2. The ambulance service fees shall become effective on July 1, 2006.
3. The City Council adopts, confirms and ratifies the actions taken when it approved Resolution \_\_\_ and that the same shall to the extent necessary or required amend, continue and extend the resolution first approving and designating the Grand Junction Fire Department as the ambulance service provider for the Grand Junction Ambulance Service Area as the same is defined by Mesa County resolution 2004-220.



PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2006.

---

James J. Doody  
President of the Council

Attest:

---

Stephanie Tuin  
City Clerk

**Attach 13**  
**Public Hearing – Amendment to the DGJBID Assessments**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Amendment to the Downtown BID Assessments					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 28, 2006				<b>File #</b>	
<b>Author</b>	Stephanie Tuin John Shaver		<b>City Clerk</b> <b>City Attorney</b>			
<b>Presenter Name</b>	Stephanie Tuin John Shaver		<b>City Clerk</b> <b>City Attorney</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Additional information has been received from property owners at 359 Colorado Avenue (St. Regis) that requires a correction to the special assessment billing that was approved in December, 2005. Proper notice to the affected property owners has been given. The resolution approves the assessments and orders the preparation of the assessment roll. If the resolution is approved following the hearing, then the corrected Special Assessments will be certified to the County Treasurer for immediate collection.

**Budget:** The net Special Assessment remains the same.

**Action Requested/Recommendation:** Adopt the resolution approving the amendments to the Special Assessment for the Downtown Grand Junction Business Improvement District.

**Attachments:** Proposed Resolution

**Background Information:** Upon passage of the Downtown BID at the November 1, 2005 election, the assessments for the various commercial properties within the BID were compiled in a data base and the appropriate formula for assessment applied to each. This formula calls for an assessment of \$.026 per square foot of land and \$.076 per square foot of buildings on the first floor of properties located on Main St. For those properties located off Main St., the assessment is \$.019 per square foot of land and \$.057 per square foot of the first floor of each building. The total assessment was \$121,772.23 for all commercial properties within the District.

The assessment roll was initially approved December 7, 2005. After tax bills were received by the property owners early this year, Mr. Ebe Eslami, an owner at the St. Regis, came forward with additional detail as to the ownership of the common areas and surface parking associated with the St. Regis Condominiums. Further legal

research ensued and the proposed assessment appears to correspond to the legal documents filed on the condominium association and the information provided by Mr. Eslami. The net amount remains the same; a reallocation is what is being proposed.

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_\_\_\_-06**

**A RESOLUTION APPROVING THE AMENDED ASSESSMENT AND ORDERING THE PREPARATION OF AN AMENDED ASSESSMENT ROLL FOR PROPERTIES AT 359 COLORADO AVENUE**

**Recitals.**

On November 1, 2005 the eligible electors of the City of Grand Junction approved the formation of a Business Improvement District for downtown Grand Junction. In order to defray the cost of providing services, the Board of the District, formerly the Grand Junction City Council, imposed special assessments on real property located within the District.

Prior to imposing a special assessment, the City Council, acting as the District Board, held a hearing on the question of the imposition of special assessments and the benefit to be derived by the property upon which the special assessment will be imposed. The assessment roll was subsequently approved and certified to the Mesa County Treasurer for collection in 2006.

In 2006, information came to light that there was need of an amendment to that assessment roll. Since the amendment is to the assessment roll adopted and approved by the Grand Junction City Council, the manner and process by which the original assessment was approved shall be followed in order to amend said assessment roll.

On June 7, 2006, the City Council adopted a resolution setting a date, a time and a location for a hearing on the question of the amending the special assessment for properties at 359 Colorado Avenue for July 5, 2006.

A notice describing the property on which the assessments shall be levied, the purposes for which the assessments are levied, the proposed method of assessment and manner of payment therefore, and the right of the owners of the property to be assessed to file objections was published in the Daily Sentinel and a copy mailed by first-class mail to each owner of the property to be assessed at his last-known address, as disclosed by the tax records of the County.

On the date and time specified, July 5, 2006, at the hour of seven o'clock, at the regular meeting of the Grand Junction City Council, a hearing was held for the purpose of considering the desirability of and the need for providing the service and imposing the assessment therefor and determining the special benefits to be received by the properties to be assessed.

The City Council did find that there is a need for the service to be provided and the properties to be assessed will benefit from the Special Assessment.

**NOW, THEREFORE**, for the reasons stated in the recitals above, be it resolved that the City Council has determined that:

- 1) The amended Special Assessments as proposed and attached as Exhibit A are hereby approved.
- 2) A local assessment roll shall be prepared and certified to the Treasurer of the County of Mesa for collection through a corrected assessment in 2006.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
James J. Doody, President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin, City Clerk

### Exhibit A

<b>PARCEL_NUM</b>	<b>LOCATION</b>	<b>OLD ASSESSMENT</b>	<b>NEW ASSESSMENT</b>	<b>AMT WITH COLLECTION FEE</b>
2945-143-50-001	359 COLORADO AVE 101	102.44	137.71	140.52
2945-143-50-002	359 COLORADO AVE 102	72.44	107.71	109.91
2945-143-50-003	359 COLORADO AVE 103	534.54	146.55	149.54
2945-143-50-004	359 COLORADO AVE 104	76.05	76.05	77.61
2945-143-50-005	359 COLORADO AVE 201	0.00	35.27	35.99
2945-143-50-006	359 COLORADO AVE 202	0.00	17.64	18.00
2945-143-50-007	359 COLORADO AVE 203	0.00	35.27	35.99
2945-143-50-008	359 COLORADO AVE 204	0.00	35.27	35.99
2945-143-50-009	359 COLORADO AVE 205	0.00	35.27	35.99
2945-143-50-010	359 COLORADO AVE 206	0.00	17.64	18.00
2945-143-50-011	359 COLORADO AVE 301	0.00	35.27	35.99
2945-143-50-012	359 COLORADO AVE 302	0.00	35.27	35.99
2945-143-50-013	359 COLORADO AVE 303	0.00	35.27	35.99
2945-143-50-014	359 COLORADO AVE 304	0.00	35.27	35.99

**Attach 14**

**Public Hearing – Formation of the State Leasing Authority, Inc., Appoint Directors and Authorize Issuance of Revenue Bonds**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Formation of the Grand Junction, Colorado, State Leasing Authority, Inc., Appoint Directors and Authorize Issuance of Revenue Bonds					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 23, 2006				<b>File #</b>	
<b>Author</b>	Sheryl Trent		Assistant to the City Manager			
<b>Presenter Name</b>	Sheryl Trent Ann Driggers		Assistant to the City Manager GJEP President and CEO			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** This is a request to authorize the establishment of a new non-profit corporation, the "Grand Junction Colorado, State Leasing Authority, Inc."; approve the form of the Articles of Incorporation and Bylaws for the entity; appoint the original directors of the entity; and approve the issuance by the entity of up to \$18,000,000 in revenue bonds. This financing authority will be established to fund the construction of a building for the Colorado Bureau of Investigation (CBI) in accordance with the Memorandum of Understanding (MOU) already executed by the Grand Junction Economic Partnership (GJEP) and others.

**Budget:** This action will have no affect on the City of Grand Junction budget.

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage and Final Publication of Proposed Ordinance.

**Attachments:**

- GJEP Request Letter
- Chronology of Events
- Ordinance which includes the Corporate documents

**Background Information** The first reading and consideration of the proposed ordinance was held by the City Council on June 7, 2006. The entity formed by adoption of the ordinance will be able to carry out tax-exempt financing for other economic development projects, not just CBI, therefore it could be an ongoing tool for economic development programs and a good partnership opportunity. The City of Grand Junction staff is very excited and pleased to be able to participate as a partner in the actual provision of crime lab services with CBI.

*Financial Model:* This is not a lease purchase option for CBI. As written, the ordinance and articles form a nonprofit corporation for the purpose of issuing up to \$18,000,000 in revenue bonds for the construction of the new CBI building. The State will have the option to buy out (defease) the bonds and therefore, the current project (CBI) for the entity may be short-lived.

*City's obligation:* The revenue bonds are payable solely from revenues generated by the lease on the newly constructed building and are not an obligation of the City.

*Corporation:* The corporation will be called the Grand Junction, Colorado, State Leasing Authority, Inc. The proposed Board members are:

Bill Sisson  
Sam Baldwin  
Jim Fleming  
The City Manager of Grand Junction  
The President and CEO of Grand Junction Economic Partnership

*Effective Date:* Assuming that Council approves the ordinance to set up the corporation on July 5th, there will then follow a 32 day period before the organization can incorporate. If approved, we anticipate the corporation will incorporate on August 8th. At the first meeting of the Board, the anticipation is to introduce everyone and get the future Board members educated with regard to their duties upon incorporation. At that time, the future Board members will also be reviewing the draft lease agreement between the corporation and CBI, contracts between the corporation and the general contractor and the documentation for the land transfer from Industrial Development, Inc. (IDI) to the corporation.

*Property Taxes:* With the financing structure that has evolved (revenue bonds issued by an instrumentality of the city instead of a certificated lease), the property tax question has not been fully resolved by GJEP. They feel that the corporation can move away from the common "16/40ths" purchase price under the lease envisioned by the MOU to a more nominal purchase price, and that would satisfy the property tax statute's requirements.



If the Department of Public Safety's counsel and staff aren't comfortable with that, it might be necessary for GJEP to get state legislation passed before 2008 granting a property tax exemption to properties being acquired by the state pursuant to CRS 24-82-1201. GJEP feels that it seems to be a legislative oversight that such property is not automatically exempt. Also, GEJP is still looking at whether the corporation, as an "instrumentality" of the City, could claim the tax exemption that local governments are granted under CRS 31-15-1802. The state property tax division has provided what GJEP considers some reassuring feedback on this question.

*Legal Representation:* The City Attorney will not act as counsel to the corporation. The new entity will select private legal counsel once formed. It is anticipated the entity will choose the firm serving as bond and disclosure counsel who are already working on the lease. It will be necessary for the City Attorney to give an opinion that the City of Grand Junction's actions duly and validly created the corporation.

*Issues for Consideration:* It should be noted that, had the City been materially involved in the original response to CBI and the subsequent Memorandum of Understanding (MOU), there would have been other options discussed and considered at a staff level. Those options would have included going out to bid for construction costs, bond counsel, and other costs of services associated with the issuance of debt.

As the private entity that performed all of the work on the response to the RFP, and negotiated the MOU, GJEP has selected all of the parties to perform the necessary duties. The State of Colorado and CBI have also determined that this is how they want to proceed and are fully aware of the costs and considerations involved in that decision.

As a result, City staff does not have a formal recommendation for the City Council to consider, as we were not involved in a material way during those considerations. Due to the nature of this overall project, staff feels that while reservations may exist as to the actual services provided as a part of the bond process, the City Council should consider the request favorably.

Mayor Jim Doody and Council Members  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

June 26, 2006

Dear Mayor Doody and Council Members,

As you know the Grand Junction Economic Partnership has been working with the Colorado Bureau of Investigation to establish their Western Slope Facility in Grand Junction. Attached is a chronology of the process.

In May 2005 GJEP presented a proposal to CBI with a number of site and financing options for its facility. Based upon our proposal, CBI announced in June 2005 it selected for its new facility a Grand Junction site (owned by IDI), a local contractor and architect, and a financing option that involved tax-exempt bonds issued through a local government finance authority. In July 2005 the team members and CBI entered into a Memorandum of Understanding to complete the project while CBI requested funding. In May 2006 funding for the CBI Western Slope facility was confirmed and we are now in the first stages of project implementation.

We are therefore requesting the formation of a finance authority for the purposes of constructing, owning and leasing a facility to CBI. The details of this request are:

- Approve the adoption of an ordinance authorizing the establishment of a new non-profit corporation, the "Grand Junction Colorado State Leasing Authority Inc."
- Approve the form of the Articles of Incorporation and Bylaws for the entity
- Appoint the original directors for the entity, and
- Approve the issuance by the entity of up to \$18,000,000 in revenue bonds.

The economic impact of the CBI project is significant. In addition to the substantial capital investment, the payroll of the new, highly skilled positions in Mesa County will create an estimated economic impact of approximately \$22 million over the next five years. Mesa State College will be working with CBI to assist in skill training and providing the future workforce of CBI.

Your assistance in generating quality and diverse economic growth through projects such as this is of great importance to the strength of our local economy. Thank you for your consideration of our request.

Sincerely,



Ann Driggers  
President and CEO

cc. Norm Franke, Chair of the Board  
Rick Taggart, Chair GJEP Prospect Committee

## **Chronology of CBI West Slope Office Selection and Implementation**

*January 2005:* CBI announces that it will shortly initiate a site selection process for its new Western Slope facility. CBI Site Selection Consultant (Arne Ray) briefs a group of local government staff and law enforcement on the project needs and process for site selection and responds to questions.

*January – March 2005:* GJEP coordinates series of local meetings involving Cities of Grand Junction and Fruita, Town of Palisade and County staff and law enforcement leaders to:

- ascertain level of interest in Mesa County,
- confirm local coordinator (GJEP),
- determine potential respondents and;
- perform preliminary research on local options and critical site selection factors.

*March 2005:* CBI releases Request for Proposals (RFP) for a Build-to-Suit Lease or Lease Purchase Agreement for a CBI Western Slope Facility, to select West Slope city designated economic development groups; CBI/state site selection team meets with GJEP and City staff to answer questions regarding RFP;

*March – April 2005:* Meetings and research continue within and outside the local group to solicit multiple site options and proposals. The steering committee decides the proposal, coordinated by GJEP, will have multiple site, financing, and contractor options, the final selection of which will be the choice of CBI.

*May 2005:* GJEP submits a proposal on behalf of the Grand Junction area/Mesa County. The proposal contains two potential sites, two contractor proposals, and five financing options. CBI and state evaluation team review proposals and visit sites and communities.

*June 2005:* Announcement of winning bid to Grand Junction and the selection of a local team of builder, architect, bond financing, counsel, and IDI site in Airtech Park.

*July 2005:* Memorandum of Understanding with CBI, signed by all parties, to hold the property while CBI requests funding for an operating lease for the build-to-suit building.

*September 2005:* City of Grand Junction approves a relocation incentive for the CBI project.

*May 2006:* CBI request for funding is approved by the State Legislature.

*June 2006:* Implementation of the project commences.

### **Projected:**

*August 2006:* Formation of Grand Junction Colorado State Leasing Authority, Inc.

*September 2006:* Issuance of revenue bonds.

*November 2006:* Planned ground breaking of new facility.

*March 2008:* Construction complete and facility available for CBI.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING THE GRAND JUNCTION, COLORADO, STATE LEASING AUTHORITY, INC., PRESCRIBING CERTAIN REQUISITE TERMS FOR ITS OPERATION AND GOVERNANCE, AND AUTHORIZING IT TO CONSTRUCT AND LEASE A FACILITY TO THE COLORADO DEPARTMENT OF PUBLIC SAFETY AND TO ISSUE REVENUE BONDS TO DEFRAY THE COSTS THEREOF**

**Recitals**

The City of Grand Junction ("City") has for many years worked to attract and maintain high quality private and governmental employers to the Grand Junction area.

Among the City's partners in such economic development efforts is the Grand Junction Economic Partnership ("G.J.E.P."), a Colorado not-for-profit 501(c)(3) corporation.

G.J.E.P. has entered into a Memorandum of Understanding ("MOU") dated August \_\_, 2005, which contemplates the location of a Colorado Bureau of Investigation ("CBI") facility in Grand Junction (the "CBI Facility"). A copy of that MOU is attached as Attachment A.

The parties to the MOU envision creating a nonprofit corporation to construct, finance and own the CBI Facility and lease it to CBI for a period of years, subject to annual appropriation by the State of Colorado.

G.J.E.P. has requested the City to form such a corporation in furtherance of the City's stated municipal objective of attracting and maintaining diverse and high paying jobs to the community, and within the City's authority as a Colorado home rule city.

The City's staff and City Attorney have reviewed and considered the MOU, the Articles of Incorporation and By-Laws for the Grand Junction, Colorado, State Leasing Authority, Inc., a Colorado non-profit corporation (the "Corporation"), such Articles and Bylaws are attached as Attachment B to this Ordinance;

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

A. The City Council hereby finds and determines that attracting and retaining diverse and high paying jobs to Grand Junction and its environs (the "Community") is a matter of local concern.

B. The City Council hereby finds and determines that forming the Corporation to acquire, construct, finance and own the CBI Facility would further the City's stated municipal objective of attracting and retaining diverse and high paying jobs to the Community.

C. The City Attorney and City staff are hereby authorized and directed to, with the assistance of bond counsel, complete the formation of the Grand Junction, Colorado State Leasing Authority, Inc. at the earliest possible date with the following five persons to serve as the initial Board of Directors:

Ann Driggers, Executive Director of Grand Junction Economic Partnership  
David Varley, Interim City Manager  
W. T. Sisson, Citizen of Grand Junction  
James Fleming, Citizen of Grand Junction  
Sam Baldwin, Citizen of Grand Junction

D. The Corporation shall be a body formed in and pursuant to the laws of the State of Colorado.

E. The Articles of Incorporation and Bylaws of the Corporation, substantially in the form attached hereto, are hereby approved.

F. The Corporation's Articles of Incorporation or Bylaws, as appropriate, shall provide in perpetuity as follows:

1. Upon dissolution of the Corporation, all assets shall be distributed to the City or an entity that is an instrumentality of the City for federal income tax purposes for a public purpose;
2. The members of the Board of Directors of the Corporation shall be appointed by the Grand Junction City Council, and the Corporation's Board of Directors or any one of them will resign promptly upon the request of the Grand Junction City Council;
3. The City shall be provided with copies of the Corporation's annual audit. The Books, records and other documents shall be kept and maintained in accordance with the Colorado Open Records Act;
4. The members of the Corporation's Board of Directors shall serve without compensation, and no part of the funds or earnings of the Corporation may inure for the benefit of or be distributed to its employees, officers, directors, members or any private individual or entity, except that the Corporation is authorized to pay reasonable compensation for services rendered and to reimburse its Directors for reasonable and necessary expenses related to their duties as Directors;

G. The Corporation is hereby authorized to issue revenue bonds not to exceed \$18,000,000 in face value (the "Bonds") payable solely from amounts paid by the lessee pursuant to a lease of the CBI Facility and proceeds derived from a foreclosure of any mortgage on the CBI Facility granted by the lessor in connection with the issuance of the Bonds, pursuant to its articles, bylaws and applicable law and will be considered to have been issued on behalf of the City for purposes of federal and state tax law, such Bonds to be sold at prices and upon terms as determined by the Corporation. The Bonds, however, shall be payable purely from revenues derived from the CBI Facility and shall not constitute a financial obligation of the City;

H. The Bonds hereby authorized to be issued by the Corporation shall be issued only when a fixed price contract for the completion of the CBI Facility has been executed and a lease of the CBI Facility, calling for lease payments sufficient to pay all occupancy costs and the principal and interest on the Bonds, all subject however to annual appropriation, has been entered into with the Colorado Department of Public Safety or Colorado Bureau of Investigation.

**PASSED for PUBLICATION this 5th day of June, 2006.**

**ADOPTED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
James J. Doody, President of City Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin, City Clerk

# Attachment A

## **IDI COUNSEL**

C. Joseph Croker  
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## **GJEP**

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## **UNDERWRITER**

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**MEMORANDUM OF UNDERSTANDING**  
(Grand Junction CBI Project)

THIS MEMORANDUM OF UNDERSTANDING is made the \_\_\_\_ day of July, 2005, between **GRAND JUNCTION ECONOMIC PARTNERSHIP, INC.**, a Colorado non-profit corporation ("GJEP"), **COLORADO BUREAU OF INVESTIGATION ("CBI")**, a division of the Colorado Department of Public Safety ("CDPS"), **COLORADO DEPARTMENT OF PERSONNEL AND ADMINISTRATION ("CDPA")**, by and through State Buildings Real Estate Programs, **FCI CONSTRUCTORS, INC.**, a Colorado corporation ("FCI"), **BLYTHE DESIGN +, CO.**, a Colorado corporation ("Blythe"), **STIFEL, NICOLAUS & COMPANY, INCORPORATED, Hanifen Imhoff Division ("Stifel")**, and **INDUSTRIAL DEVELOPMENTS, INC.**, a Colorado non-profit corporation ("IDI"), all collectively referred to herein as the "Parties."

**RECITALS:**

A. CBI wishes to construct, equip, operate and eventually acquire a criminal justice facility in Grand Junction, Colorado; such construction and acquisition and the financing of such construction and acquisition is referred to herein as the "Project."

B. State Buildings Real Estate Programs has assisted CBI in developing and applying appropriate criteria in selecting the Project site, and in choosing among contracting, design and financing participants.

C. CBI has completed a competitive site selection process addressed not only to the choice of sites but also to the choice of project design, contractor, and financing structure. The Parties hereto have all devoted substantial time and resources to the solicitation of site proposals, the preparation and submission of such proposals, and the evaluation of all proposals.

D. IDI, in its role as a local economic development affiliate of the Grand Junction Chamber of Commerce, owns, *inter alia*, certain real estate (the "Real Estate") more specifically described at Exhibit A hereto, which IDI is willing, on the terms and conditions generally set forth herein and on Exhibit F, to make available for the Project at no cost.

E. GJEP, in its role as one of the primary economic development organizations in Mesa County, Colorado, seeks to facilitate the completion of the Project in Mesa County, by assembling the optimal combination of site, general contractor, and finance team, and by coordinating government and private sector cooperation.

F. The Parties currently plan to finance the Project with revenue bonds issued by an "on behalf of" issuer as more fully outlined on Exhibit B hereto, which entity would be established by the City of Grand Junction. The Parties have considered a secondary option for financing the Project through the issuance of lease purchase certificates of participation ("COPs"), which structure is also outlined as an alternative on Exhibit B. However, pending final adjudication by the Colorado Supreme Court of whether COPs are debt, and pending specific legislative approval of COPs financing for the Project, the Parties are not pursuing COPs financing at this time.



G. The parties envision CDPS's acting as Lessee of the Project, acting for the use and benefit of CBI, which will actually occupy the facilities and make the rental payments. CDPS, where appearing hereafter in this Memorandum, shall mean "CDPS, for the use and benefit of the Colorado Bureau of Investigation."

H. FCI is a licensed general contractor capable of building facilities such as the planned CBI criminal justice facility. FCI, with the assistance of Blythe as architect, and all other contractors submitted budget estimates in response to that Roth-Sheppard Project Program Plan (one-story option) dated March 7, 2005, which with all attachments is hereinafter referred to as the "Program Plan" and incorporated herein by reference. The updated FCI budget estimate is now designated the "Preliminary GMP" and appears as Exhibit C hereto.

I. FCI, with the assistance of Blythe as architect, has tendered a form of Preliminary Guaranteed Maximum Price Design-Build Contract to govern the construction of the Project, which contract appears as Exhibit D hereto.

J. Stifel is a reputable underwriter of taxable and tax-exempt government obligations capable of structuring and selling the bonds or COPs to finance the Project in the most advantageous way possible for CBI.

K. The Parties wish to establish and memorialize their understanding for the completion of the Project, and their respective roles, rights and obligations, contingent upon the satisfaction of certain conditions set forth herein.

NOW, THEREFORE, in witness of the foregoing, the parties agree:

1. CDPS will diligently pursue legislative approval of the lease or lease purchase transaction and the Project, to the exclusion of other sites and other construction and financing alternatives.

2. IDI will hold the Real Estate for a period of twelve (12) months from August 15, 2005 for conveyance to a building authority or other Lessor able to participate in a lease or lease purchase transaction with CBI as lessee. Set forth on Exhibit F are the terms and conditions of the IDI conveyance.

3. FCI, with the assistance of Blythe as architect, will enter into a design-build contract generally in the form of that contract attached hereto as Exhibit D, with a building authority, non-profit corporation or corporate trustee acting as Lessor and nominal owner of the Project.

4. FCI, upon receipt of notice to proceed, shall complete the construction of the Project in accordance with the Preliminary GMP appearing as Exhibit C hereto, and pursuant to a contract in the form of that design-build contract appearing as Exhibit D hereto.

5. Stifel will structure and market the "on behalf of" revenue bonds or COPs financing as generally set forth in Exhibit G, subject to the conditions and assumptions set forth in paragraph 10 below.

6. GJEP and Stifel will assist in the formation by the City of Grand Junction of an "on behalf of" entity for the purposes of financing the Project and leasing it to CDPS.

7. GJEP will coordinate all local project efforts among the City of Grand Junction, FCI, IDI and Stifel, as well as seeking \$200,000 in financial relocation assistance for CBI from the City of Grand Junction. GJEP will also support IDI's efforts to obtain future land acquisition funding from traditional governmental partners.

8. IDI will diligently pursue all land use approvals for the development containing the Real Estate, and complete the installation of all infrastructure required by the Project as set forth on the Schedule/Task List appearing as Exhibit H hereto.

9. FCI will, in the course of its subcontracting the Project work, request bids from at least three (3) responsible subcontractors for each major Project component.

10. The obligations of IDI, CDPS and GJEP set forth in numbered paragraphs 2. and 8. (for IDI) and 1. (for CDPS) and 6. and 7. (for GJEP) are not conditional in any way. All other obligations of the Parties hereunder are based upon certain assumptions, such as legislative approval of the operating lease or relatively stable financial markets, and moderate inflation in Project costs; the failure of such assumptions to remain correct may impair the Parties' collective ability to complete the Project, despite their most diligent and expert efforts.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the Parties hereto have set their hands the day and year first above written.

GRAND JUNCTION ECONOMIC PARTNERSHIP, a Colorado non-profit organization

By Ann Driggets  
Ann Driggets, President

COLORADO DEPARTMENT OF PUBLIC SAFETY, COLORADO BUREAU OF INVESTIGATION

By \_\_\_\_\_  
Robert Cantwell, Director

FCI CONSTRUCTORS, INC., a Colorado corporation

By Shane Haas  
Ed Forsman, President  
Shane Haas - Vice President

BLYTHE DESIGN +, CO., a Colorado corporation

By Roy Blythe  
Roy Blythe, Secretary/Treasurer

COLORADO DEPARTMENT OF PERSONNEL AND ADMINISTRATION STATE BUILDINGS AND REAL ESTATE PROGRAMS

By \_\_\_\_\_  
Mike Karbach, for the Executive Director

STIFEL, NICOLAUS & COMPANY, INCORPORATED  
Hanifen Imhoff Division

By \_\_\_\_\_  
Steven D. Jeffers, Managing Director

INDUSTRIAL DEVELOPMENTS, INC., a Colorado non-profit corporation

By Rob Bickley  
Rob Bickley, President

Index to MOU Exhibits

- Exhibit A Real Estate Legal Description
- Exhibit B Transaction Structure
- Exhibit C Preliminary G.M.P.
- Exhibit D Form of Design Build Contract (Lessor/CBI/FCI)
- Exhibit E Lease Purchase Agreement Term Sheet
- Exhibit F IDI Grant Terms
- Exhibit G Project Funds Sources and Uses Statement; Debt Service Schedule
- Exhibit H Project Time Line/Task Checklist
- Exhibit I Distribution List

**EXHIBIT A**  
(Real Estate Legal Description)

Lots 4 and 5 of the Replat of Lot 2, 3D Minor Subdivision, City of Grand Junction, County of Mesa.

**EXHIBIT B**  
(Transaction Structure)

**"On behalf of" Financing**

The essential participants in an "on behalf of" financing are:

- CDPS as the Lessee "for the use and benefit of CBI";
- A 501(c)(3) corporation or special purpose authority formed by a municipality to construct and own property "on behalf of" such municipality under IRC § 150(a)(5);
- Investors; and
- a corporate trustee.

The City of Grand Junction, as a Colorado home rule city, has the authority to form such an entity. Such entity's board members must be appointed by the City and be subject to removal by the City for cause, etc. The entity will have the power to acquire, lease and sell property and issue bonds in furtherance of its public purpose. The entity would issue tax-exempt revenue bonds with the consent and approval of the City, payable solely from lease revenues from the facility.

The lease would be an "operating lease," and CBI would not build equity as such in the facility during its occupancy. It is not possible under Colorado law for CDPS to take title to the property at nominal cost, or occupy it at nominal rent, following the end of the lease term. However, it will be possible for CDPS to purchase the property then at depreciated book value. Operations and maintenance expenses would be borne by CBI, either directly or as pass-through items under the lease.

At this point, the parties anticipate legislative approval for the operating lease in Summer of 2006, and an issuance of the authority's revenue bonds shortly thereafter. Appropriations for the 2006-2007 and 2007-2008 budget years in amounts not less than \$900,000 and \$290,000, respectively, will be sought for project design and engineering in order to reduce the total amount of the financing and reduce the CBI occupancy costs over time accordingly.

The finance team has also examined Lease-Purchase Certificates of Participation ("COPs") as a means of financing the facility. While COPs offer a better long-term occupancy cost to the state, they carry political disadvantages or risks that presently seem too weighty to accept. Nevertheless, the COPs structure is reviewed below just in case circumstances allow their use in the months ahead.

**Lease Purchase COPs Financing**

The essential participants in a Lease Purchase Financing would be:

- CDPS as the Lessee/Purchaser of the Project "for the use and benefit of CBI;"
- A building authority, corporate trustee or non-profit corporation to act as Owner/Lessor of the Project;

- Investors; and
- A corporate trustee.

The Lessor will own the Project but only in a bare legal sense to facilitate the financing. CBI will generally exercise all rights, and have all duties, of an owner of the Project. CBI will occupy the Project pursuant to an annual-appropriation lease that has been specifically approved by the Colorado state legislature (and initially approved outside the general appropriations bill - C.R.S. 24-82-801). While this annual-appropriation feature is essential and must be unrestricted, the lease will not contain additional discussions of "co-locations" of the CBI facility at some later time.

The lease is purely a "net lease;" that is, the rental payments are composed only of amounts necessary to pay principal and interest on the COPs issued to finance the Project. CBI will be responsible for all operations and maintenance expenses as though it were the owner of the Project.

The COPs represent fractional interests in the revenue stream that lease payments will constitute over the term of the lease. These payments are in turn comprised of interest and principal components the interest portion of which is generally tax-exempt to investors. If the transaction is structured as a lease purchase and if CDPS requests that CDPA acts as Lessee, the actual Lease-purchase Lessee will be the Colorado Department of Personnel and Administration "for the use and benefit of the Colorado Bureau of Investigation." Following the due payment of all lease payments under the lease purchase agreement, the CDPA would be free to convey the facility to CBI at no cost.

At the closing of the COPs financing, then, CDPS, acting for the use and benefit of CBI will execute the Lease Purchase Agreement with the Lessor entity. The Lessor will then execute an Indenture of Trust with the Trustee, assigning all its rights and obligations under the Lease Purchase Agreement to the Trustee, along with a mortgage interest in the Project, all for the benefit of the COPs investors. Going forward, the lease payments are made by CBI to the Trustee, who in turn remits appropriate payments to the COPs investors.

In the case of a non-appropriation event, the Trustee takes steps on behalf of the COPs investors to recover the Project and either sell it or re-lease it on the best possible terms. If the COPs are insured, the insurer makes the scheduled COPs payments and directs the Trustee's attempts to realize on the collateral. At this point, the parties anticipate legislative approval for the described financing in Summer of 2006, and an issuance of the COPs shortly thereafter.

**EXHIBIT C**  
(Preliminary G.M.P.)

EXHIBIT C  
(Preliminary G.M.P.)



PROJECT:

COLORADO BUREAU OF INVESTIGATION  
WEST SLOPE FACILITY

PREPARED FOR:

GRAND JUNCTION ECONOMIC PARTNERSHIP  
GRAND JUNCTION, CO.

PRELIMINARY GMP FOR DESIGN / BUILD LEASE PROPOSAL  
1 STORY BUILDING OPTION - ID1 (NORTH CREST) SITE GRAND JUNCTION, CO.  
July 1, 2005  
REVISION #1



## FCI Constructors, Inc.

Project:  
 COLORADO BUREAU OF INVESTIGATION  
 WEST SLOPE FACILITY  
 PRELIMINARY GMP FOR DESIGN / BUILD LEASE  
 PROPOSAL  
 PROJECT COST SUMMARY

Date: July 1, 2005  
 NEW CONSTR. 37,920 SINGLE STORY OPTION  
 RENOVATION - GRAND JUNCTION - IDI  
 SITE

DESCRIPTION	COSTS	NOTES
<b>CONSTRUCTION COSTS</b>		
SUBTOTAL- BUILDING & SITE COSTS -INCLUDING ARCHITECTURAL & ENGINEERING FEES \$	11,617,988	TOTAL CARRIED FORWARD
<b>PROJECT DEVELOPMENT COSTS</b>		
ARCHITECTURE & ENGINEERING COSTS INCLUDED ABOVE		SEE DIRECT COST SUMMARY
PROPERTY SURVEY \$	10,000	ALLOWANCE
GEO TECHNICAL SURVEY & SOILS REPORT \$	7,500	ALLOWANCE
SPECIAL INSPECTION FEES \$	15,000	ALLOWANCE
UTILITY/TESTING FEES \$	2,000	ALLOWANCE
EXCEL ENERGY- GAS SERVICE TO SITE \$	5,000	ALLOWANCE
GRAND VALLEY POWER- ELECTRICAL SERVICE TO SITE \$	20,000	ALLOWANCE
QUEST - TELEPHONE SERVICE TO SITE \$	10,000	ALLOWANCE
FIBER OPTIC SERVICE TO SITE-ALLOWANCE \$	60,000	ALLOWANCE
TAP FEE- WATER SERVICE \$	52,500	LTE WATER ALLOWANCE
TAP FEE- SANITARY SEWER SERVICE \$	30,000	
TAP FEE- STORM SEWER	N/A	
SUBTOTAL- PROJECT DEVELOPMENT COSTS \$	212,000	
<b>PROJECT FINANCING COSTS</b>		
BOND FINANCING COST OF ISSUANCE \$	90,000	
BOND FINANCING UNDERWRITER'S DISCOUNT \$	101,100	
BOND CERTIFICATE INSURANCE \$	149,867	
DEBT SERVICE RESERVE FUND \$	1,180,621	
CAPITALIZED INTEREST \$	1,223,500	
ACCRUED INTEREST \$	8,138	
CONTINGENCY \$	250,000	
ADDITIONAL PROCEEDS \$	507	
SUBTOTAL- PROJECT FINANCING COSTS \$	3,003,733	
<b>PROJECT F F &amp; E COSTS</b>		
OFFICE FURNITURE & FURNISHINGS \$	-	BY CBI/DPS
OFFICE EQUIPMENT \$	-	BY CBI/DPS
TELEPHONE SYSTEM- HARDWARE \$	-	BY CBI/DPS
DATA SYSTEM- HARDWARE \$	-	BY CBI/DPS
SECURITY SYSTEM- CBI UPGRADES \$	-	BY CBI/DPS
AUDIO VISUAL EQUIPMENT \$	-	BY CBI/DPS
VEHICLE SERVICE EQUIPMENT \$	-	BY CBI/DPS
LAB/FORENSICS EQUIPMENT \$	-	BY CBI/DPS
ARTWORK \$	-	BY CBI/DPS
SUBTOTAL- PROJECT F F & E COSTS \$	-	
<b>TOTAL ESTIMATED PROJECT COST \$ 14,833,721</b>		

## FCI Constructors, Inc.

Project:  
 COLORADO BUREAU OF INVESTIGATION  
 WEST SLOPE FACILITY  
 PRELIMINARY UMF FOR DESIGN / BUILD LEASE  
 PROPOSAL

Date: July 1, 2005  
 NEW CONSTR. 37,920 SINGLE STORY OPTION  
 RENOVATION - GRAND JUNCTION- IDI SITE

### DIRECT COST SUMMARY

DESCRIPTION	TOTAL SF	37,920	
	TOTAL COST	COST/SF	NOTES
1000 GENERAL CONDITIONS	\$ 396,888	\$ 10.47	14 MONTHS
2000 SITE WORK	\$ 594,789	\$ 15.69	IDI NORTH CREST SITE
2000 SITEWORK - BUILDING	\$ 254,947	\$ 6.72	INCLUDES DEEP FDNS
3000 CONCRETE	\$ 195,773	\$ 5.16	
4000 MASONRY	\$ 313,201	\$ 8.26	
5000 METALS	\$ 442,024	\$ 11.66	
6000 WOOD & PLASTICS	\$ 115,107	\$ 3.04	
7000 THERMAL & MOISTURE PROTECTION	\$ 464,207	\$ 12.24	
8000 DOORS & WINDOWS	\$ 302,712	\$ 7.98	
9000 FINISHES	\$ 848,415	\$ 22.37	
10000 SPECIALTIES	\$ 118,369	\$ 3.12	
11000 EQUIPMENT	\$ 567,864	\$ 14.98	
12000 FURNISHINGS	\$ 710,682	\$ 18.74	
13000 SPECIAL CONSTRUCTION	\$ -	\$ -	
14000 CONVEYING SYSTEMS	\$ -	\$ -	
15000 MECHANICAL	\$ 2,045,784	\$ 53.95	
16000 ELECTRICAL	\$ 1,050,384	\$ 27.70	
<b>SUBTOTAL - DIRECT COST</b>	<b>\$ 8,421,145</b>	<b>\$ 222.08</b>	
ESCALATION	\$ 505,269	\$ 13.32	6% ALLOWANCE
PRECONSTRUCTION FEE	\$ -	\$ -	IN CM/GC FEE
BID CONTINGENCY	\$ 168,423	\$ 4.44	2.00%
CONSTRUCTION CONTINGENCY	\$ 429,478	\$ 11.33	5.00%
BUILDERS RISK INSURANCE	\$ 22,785	\$ 0.60	
GENERAL LIABILITY INSURANCE	\$ 43,400	\$ 1.14	
PROPERTY SURVEY	\$ -	\$ -	
SOILS INVESTIGATION/GEOTECHNICAL ENGINEERING	\$ -	\$ -	SEE PROJECT DEV. COST
MATERIALS TESTING / INSPECTION	\$ -	\$ -	SEE PROJECT DEV. COST
PLANNING APPLICATIONS/PERMIT/PLAN REVIEW FEES	\$ 50,000	\$ 1.32	ALLOWANCE
ARCHITECTURAL DESIGN & ENGINEERING (A/C/S/M&E)	\$ 16,600	\$ 0.44	
ARCHITECTURAL DESIGN & ENGINEERING (A/C/S/M&E)	\$ 1,133,583	\$ 29.89	AMOUNT TO BE VERIFIED
DESIGN BUILDER PAYMENT/PERFORMANCE BONDS	\$ 67,250	\$ 1.77	
DESIGN BUILDER CONSTRUCTION PHASE FEE	\$ 760,055	\$ 20.04	7.00%
<b>TOTAL ESTIMATED COST</b>	<b>\$ 11,617,988</b>	<b>\$ 306.38</b>	

Colorado Bureau of Investigation  
West Slope Facility  
Grand Junction, CO.

Preliminary GMP 1 Story Option  
Clarifications & Assumptions  
May 06, 2005

**A. Project Information**

1. Project size: New Construction; 37,920 SF (total gross building area, on 1 floor)
2. Estimated design and construction schedule/duration: 18 Months  
Start date: July 1, 2006  
Completion: January 1, 2008

**B. General Clarifications**

1. This estimate is based on a single story 37,920 sf building. The building footprint is assumed to be approximately 230 ft. by 165 ft. This estimate is based on RFP programming documents, as prepared by Roth + Sheppard, dated 3/7/05.
2. This estimate represents specifically identified construction costs only. Therefore all other costs identified as "Owner's Costs" are not included. The following items are considered to be Owner's Costs:
  - CBI administrative costs or fees.
  - Program Management/Owner Representative fees, or reimbursables.
  - Legal fees or expenses.
  - F, F. & E. items (Furniture, Fixtures, and Equipment).
  - Land costs.
  - Development fees.
  - Interior Plantings/Landscaping.
  - Artwork.
  - Owner's Construction Contingency.
  - Owner's Design Contingency.
  - Public Relations Costs.
3. This estimate does not include any costs associated with hazardous materials abatement.
4. Sales tax is not included. This project is tax exempt.
5. Pricing depicted in this estimate is predicated on a minimum of three (3) acceptable manufacturers for each item specified. If the Owner has a preferred material vendor/equipment supplier, any premium cost associated with that item will result in a corresponding adjustment in the cost of the work.

Colorado Bureau of Investigation  
West Slope Facility  
Grand Junction, CO.

Preliminary GMP 1 Story Option  
Clarifications & Assumptions  
May 06, 2005

**B. General Clarifications**

6. An allowance of 6% of direct construction cost has been included for escalation. Based on the un-certainties of the market and the start date of this project, it is anticipated that the escalation allowance be adjusted to a mutually acceptable cost index when the actual project start date has been determined.

**C. Exclusions**

1. Unloading, handling, or installation of Owner provided materials or equipment.
2. Telephone/data equipment (telephone switching, handsets, PBX units, computers, network servers, printers, scanners, etc.)
3. All loose equipment and furnishings equipment.
  - Office furniture- tables, chairs, desks, modular furniture, demountable office partitions, etc.
  - Office furnishings – loose shelving, filing cabinets, trash bins, loose storage cabinets.
  - Vending machines or equipment.
4. Cable or Satellite TV cabling or equipment.
5. Commercial food service equipment and food preparation areas.

Colorado Bureau of Investigation  
West Slope Facility  
Grand Junction, CO.

Preliminary GMP 1 Story Option  
Clarifications & Assumptions  
May 06, 2005

#### D. Clarifications/Assumptions

##### Site Work

1. This estimate is based on an improved building site of 3.0 acres. The improvements installed prior to complete site development include sanitary sewer and water service brought to the property line.
2. Due to anticipated soil conditions, the cost of over-excavating within the building footprint and beneath vehicular pavement areas has been included. Within the building footprint, 24" of existing material will be removed and replaced with 36" of imported structural fill material – enabling the building floor elevation to be raised approximately 1 foot. An additional 24" will be over-excavated from beneath building foundations and replaced with structural fill.  

The soil within vehicular pavement areas will be over-excavated 18" and replaced with structural fill material.
3. Paved vehicular parking and circulation is 3" of asphalt over 12" of roadway base material.
4. Sidewalks and the pavement at the "Public Plaza" are constructed as follows:
  - 4" thick concrete, reinforced with 6 X 6/ W2.1 wire mesh.
  - Control/ scored joints are at 6 feet on center.
  - Standard light broom finish.
  - No premiums are provided for integral or stained color additives or special surface treatments such as exposed aggregate.
5. Concrete curbs are provided at the perimeter of parking areas.
6. Concrete slabs (8" thick w/24" turned down edge) are provided for the "Large Evidence Storage" area, the emergency generator, and the trash compactor.
7. The 8" thick perimeter site security wall – constructed with 4" CMU and a 4" brick veneer is supported by:
  - A continuous wall footing – 24"W X 12" D, reinforced at 50#/CY.
  - A concrete stem wall – 12" H X 8" TH, reinforced at 80#/CY.
8. The following scope allowances have been made for site utility services:
  - Storm sewer – 500 lf of piping (15" average diameter) 3 manhole/inlet structures, and 1 oil / water separator (for the vehicle garage).
  - Sanitary sewer – 125 lf of piping (8" diameter), 2 manhole structures, and 1 acid neutralization tank.

Colorado Bureau of Investigation  
West Slope Facility  
Grand Junction, CO.

Preliminary GMP 1 Story Option  
Clarifications & Assumptions  
May 06, 2005

#### D. Clarifications/Assumptions

##### Site Work

- Water service – 100 lf of domestic water piping (6" diameter), 600 lf of fire water piping, and 3 fire hydrants.
  - Gas service – 100 lf of gas piping to the meter.
  - Electrical service- 150 lf underground duct banks.
9. An allowance of \$10,000 has been included for parking lot lighting.
10. An allowance of \$2,500 has been provided for lighting at the Public Plaza.
11. Chain link fencing (8" H) has been included for enclosure of Large Property Storage, emergency generator, and the trash compactor.
12. Two (2) ground set flagpoles have been included.
13. The barricades at the Public Plaza are based on the use of precast concrete planters filled with soil and plant materials.
14. An allowance of \$33,500 has been included for landscaping and irrigation work (not including the cost of the precast planters).

##### Foundations / Substructure

15. Building columns are supported by pile foundations. Pricing for pile foundation work is based on 10" diameter concrete-filled pipe piles-driven to an average depth of 45 feet (refusal). A pile load test is not anticipated to be required and is therefore not included in this estimate.
16. Exterior building walls are supported by continuous concrete grade beams (30" D X 12" TH, reinforced at 12#/lf) that span between perimeter column foundations (pile caps).
17. The building floor slab is a 5" thick slab placed over 6" of stone drainage base material. The floor slab is reinforced with a single layer of #4 bars at 18" on center, each way. Floor slabs will receive a standard trowel finish. The cost of slab tolerances exceeding 1/8" in 10 feet ("super flat" floor slab) is not included. The building slab at the Evidence Archive Storage Room has been supplemented with additional concrete (7") and reinforcing steel (2.0#/SF).
18. Bituminous dampproofing is provided at the perimeter grade beams.
19. 2" thick rigid insulation (24" wide) is provided at the perimeter foundations.

Colorado Bureau of Investigation  
West Slope Facility  
Grand Junction, CO.

Preliminary GMP 1 Story Option  
Clarifications & Assumptions  
May 06, 2005

#### D. Clarifications/Assumptions

##### Superstructure

20. The building superstructure costs are based on the following parameters:
- A steel framed building with a floor to roof structure height of 16 feet.
  - Steel columns are spaced on approximate 28' foot centers in both directions.
  - The steel structure is a moment frame with welded connections at columns to beams along the grid lines in both directions.
  - Infill roof framing is open web steel joists.
- The overall steel framing system is based on an average weight of 7.50#/sf of framed area. In addition, an allowance of 500#/ea has been provided for additional framing at HVAC roof-top units.
21. The roof deck is 1 1/4" deep 20 gage (type B) material. The roof deck has a G60 coating. Perimeter edge stops at roof edges and roof openings are gage metal material. Concrete fill at roof decking is not included.
22. A hung lintel system (allowance of 35#/lf) is provided at the exterior walls above window openings for support and attachment.
23. Fireproofing of the steel structure is not included.

##### Exterior Closure

24. The typical exterior wall veneer is 4" face brick (allowance of \$500/M for material) attached to the wall framing system-described below. The brick is set in a running bond. No premiums have been included for the use of special coursing or the use of multiple masonry materials.
25. Perimeter exterior wall construction consists of:
- 6" metal stud framing (assumed 16 gage) spaced at 16" on center.
  - 5/8" exterior wall sheathing.
  - 6" wall insulation.
  - Tyvek vapor barrier.
  - 5/8" gypsum board at inside face- taped and finished (smooth).
26. Perimeter exterior windows and curtainwalls are aluminum-framed systems with 1" thick insulating glass with a solar tint. The aluminum framing is based on the use of the manufacturer's standard extrusions. Aluminum surfaces will have an anodized finish. Operable window units are not included. Ballistic rated glazing is provided as indicated.
27. Horizontal blinds are provided at windows.

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#### D. Clarifications/Assumptions

##### Roofing

28. The roofing system is a single ply membrane system (EPDM) fully adhered. Positive drainage of the roof surface to roof drains and overflow scuppers will be achieved by sloping of the roof structure. Therefore roofing insulation is typically not tapered (except as required around roof openings).
29. A 24" high roof parapet is provided-framed from the same materials as the typical exterior wall system. The coping at the parapet is a break-formed aluminum piece with a painted (kynar) or anodized finish.
30. Aluminum and glass skylights are provided as indicated on the conceptual design documents. The continuous lean-to skylight unit over the corridor is assumed to have one side wall 5 feet high and another sidewall 1 foot high. The other smaller skylights over the labs are assumed to be double sloped gable ended units. Barrier bars are not provided at the skylight units.
31. Two roof access hatches are provided.

##### Interior Construction / Finishes

32. Full height concrete masonry walls (8" TH CMU) are provided at the Fire Arms Test Range. The walls are grouted solid and reinforced vertically at 32' on center.
33. 12" thick CMU walls are provided at the perimeter of the Vehicle Garage and Processing area.
34. Drywall partitions are provided as the typical interior wall construction. Full height rated walls are provided at all corridors, at all lab partitions (except where noted above as CMU). Ceiling height walls are provided at demising walls between offices. The typical interior wall assembly consists of 3 5/8" metal stud framing, one layer of 5/8" gypsum board – each side, and acoustical insulation. Drywall surfaces are taped and finished smooth. Textured or knock-down finishes are not included.
35. All millwork has a plastic laminate veneer. Countertops for base cabinets are plastic laminate.
36. Lavatory countertops are included as solid surface material – no integral bowls.
37. An allowance of \$10,000 has been included for the Lobby reception desk/counter.



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#### D. Clarifications/Assumptions

##### Interior Construction / Finishes

38. Interior door frames are typically 3' X 7' hollow metal (6' X 7' at designated double openings), 16 gage with welded corners. All frames have a standard throat profile- 2" face at jams and head. Hospital door stops are not provided.
39. Interior doors are solid core wood with a plain sliced (assumed red oak) veneer. Doors are pre-machined and pre-finished.
40. An allowance of \$350/set has been included for the purchase of door hardware.
41. Three (3) 12' X 14' coiling overhead doors are provided at the vehicle garage area. The doors are insulated and electrically operated.
42. One (1) coiling counter shutter is provided at the Evidence Intake counter.
43. Hollow metal windows (interior) are provided at interview rooms (as indicated). For borrow light frames at laboratories, an allowance of 210 lf of 48" high windows has been included. Glazing for borrow light frames is ¼" thick clear tempered glass.
44. Ceramic floor tile is installed with thin set material.
45. Ceramic wall tile is adhesive set to the wall substrate. Wall tile in toilet rooms is placed to ceiling height on all walls. Tile backer board is provided at walls in showers.
46. Acoustical ceilings are typically 2' X 2" panels set in an exposed tee grid system- direct hung from the structure. The grid system is painted steel (white). Vinyl coated ceiling panels are provided in lab areas.
47. Drywall ceilings are provided in toilet/shower rooms and the Main Lobby. Pricing for DW ceilings is based on a single layer application on black-iron suspension system. Premiums for light coves or ceiling coffers are not included.
48. All carpeting is broadloom material, direct glue down. An allowance of \$22.00/SY is included for the purchase (including adhesive) and delivery of the carpet material.
49. Paint at office areas is latex material. In laboratories and associated support areas, epoxy paint is provided.

##### Specialties

50. One (1) 8' X 4" dry marker board is provided at each laboratory and two (2) each at the Training room.

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#### D. Clarifications/Assumptions

##### Specialties

51. Toilet partitions are painted steel, overhead braced material.
52. Stainless steel crash rails are provided at lab corridors.
53. Kevlar is provided at the walls of the Gun Cleaning Room – to ceiling height.
54. Lockers are single – tier, painted steel units with a factory base.
55. One (1) vinyl faced operable wall unit is provided at the Training Room.
56. Shelving (high density moveable units) is provided at the Evidence Archive Storage Room.

##### Equipment

57. The following break room residential appliances are provided:
  - Refrigerator – 1 each.
  - Microwave oven – 1 each.
58. One ceiling mounted projection screen is provided at the Training Room.
59. A two-post vehicle lift (10,000 lb. capacity) is provided at the Vehicle Processing garage.
60. Allowances for the following types/pieces of laboratory equipment has been included as part of the construction cost (refer to the FCI cost Estimate detail for specific items and allowance amounts):
  - Fume hoods.
  - Bio-safety cabinets.
  - Walk-in freezer & refrigerator.
  - Task exhaust lights.
  - Bullet recovery system.
  - Passive bullet trap.
  - Fire arms test range system.
  - Light tables.
  - Photo sinks.
  - Lab glassware washers.
  - Water mixing panels.
  - X-ray film viewers.
  - Silver recovery units.
  - Lab refrigerators & freezers.
  - Autoclave.

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**D. Clarifications/Assumptions**

**Furnishings**

61. Two (2) recessed/framed entry mats are provided.
62. Laboratory casework, including storage cabinets and lockers is provided per the lab layouts. Casework cabinets (base and wall) are wood veneer material. Countertops are epoxy resin material.

**Mechanical**

63. It is assumed that the building will be fully protected with fire sprinklers. Pricing for the fire protection system is based on a ordinary hazard rating. It is assumed that sufficient pressure exists in the existing water service. The cost of a booster pump has not been included.
64. Plumbing costs are based on historical costs for office/laboratory facilities.
65. HVAC costs are based on the following parameters:
- Packaged roof-top units.
  - Ducted return system.
  - Lab exhaust requirements.
  - DDC Controls.

**Electrical**

66. Electrical costs are based on historical costs for office/laboratory facilities.

**End of Clarifications & Assumptions.**

**EXHIBIT D**  
(Form of Design Build Contract (Lessor/CBI/FCI))



## Standard Form of Agreement Between Owner and Design-Builder With Cost Plus Fee with an Option for a Guaranteed Maximum Price

*This document has important legal consequences. Consultation with  
an attorney is recommended with respect to its completion or modification.*

This **AGREEMENT** is made as of the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of **2005** by and between the following parties, for services in connection with the Project identified  
below:

**OWNER:**

*(Name and address)*

**Building Authority???**

**DESIGN-BUILDER:**

*(Name and address)*

**FCI Constructors, Inc.  
PO Box 1767  
Grand Junction, CO 81502**

**PROJECT:**

*(Include Project name and location  
as it will appear in the Contract  
Documents)*

**Colorado Bureau of Investigations  
West Slope Facility  
Grand Junction, CO**

In consideration of the mutual covenants and obligations contained herein, Owner and Design-Builder agree  
as set forth herein.

### Article 1

#### Scope of Work

1.1 Design-Builder shall perform all design and construction services, and provide all material, equipment, tools and labor, necessary to complete the Work described in and reasonably inferable from the Contract Documents.

### Article 2

#### Contract Documents

2.1 The Contract Documents are comprised of the following:

- .1 All written modifications, amendments (including, as applicable, the GMP Exhibit referenced in Section 6.5.1.1 hereof or the GMP Proposal accepted by Owner in accordance with Section 6.5.2 hereof) and change orders to this Agreement issued in accordance with DBIA Document No. 535, *Standard Form of General Conditions of Contract Between Owner and Design-Builder* (1998 Edition) ("General Conditions of Contract");
- .2 This Agreement, including all exhibits (but excluding, if applicable, the GMP Exhibit) and attachments;
- .3 Written Supplementary Conditions, if any, to the General Conditions of Contract;
- .4 The General Conditions of Contract;
- .5 Construction Documents prepared and approved in accordance with Section 2.4 of the General Conditions of Contract;
- .6 Owner's Project Criteria; and
- .7 The following other documents, if any: *(List, for example, Unit Price Schedules, Design-Builder's allowances, Performance Standard Requirements, Owner's Permit List and any other documents Owner and Design-Builder elect to make a Contract Document)*

FCI Rental Rate Sheet

### Article 3

#### Interpretation and Intent

3.1 The Contract Documents are intended to permit the parties to complete the Work and all obligations required by the Contract Documents within the Contract Time(s) for the Contract Price. The Contract Documents are intended to be complementary and interpreted in harmony so as to avoid conflict, with words and phrases interpreted in a manner consistent with construction and design industry standards. In the event of any inconsistency, conflict, or ambiguity between or among the Contract Documents, the Contract Documents shall take precedence in the order in which they are listed in Section 2.1 hereof.

3.2 Terms, words and phrases used in the Contract Documents, including this Agreement, shall have the meanings given them in the General Conditions of Contract.

3.3 The Contract Documents form the entire agreement between Owner and Design-Builder and by incorporation herein are as fully binding on the parties as if repeated herein. No oral representations or other agreements have been made by the parties except as specifically stated in the Contract Documents.

### Article 4

#### Ownership of Work Product

4.1 **Work Product.** All drawings, specifications and other documents and electronic data furnished by Design-Builder to Owner under this Agreement ("Work Product") are deemed to be instruments of service and Design-Builder shall retain the ownership and property interests therein, including the copyrights thereto.

4.2 **Owner's Limited License Upon Payment in Full.** Upon Owner's payment in full for all Work performed under the Contract Documents, Design-Builder shall grant Owner a limited license to use the Work Product in connection with Owner's occupancy of the Project, conditioned on Owner's express understanding that its use of the Work Product is at Owner's sole risk and without liability or legal exposure to Design-Builder or anyone working by or through Design-Builder, including Design Consultants of any tier (collectively the "Indemnified Parties").

4.3 **Owner's Limited License Upon Owner's Termination for Convenience or Design-Builder's Election to Terminate.** If Owner terminates the Project for its convenience as set forth in Article 8 hereof, or if Design-Builder elects to terminate this Agreement in accordance with Section 11.4 of the General Conditions of Contract, Design-Builder shall, upon Owner's payment in full of the amounts due Design-Builder under the Contract Documents, grant Owner a limited license to use the Work Product to complete the Project and subsequently occupy the Project, conditioned on the following:

- .1 Use of the Work Product is at Owner's sole risk without liability or legal exposure to any Indemnified Party; and
- .2 Owner agrees to pay Design-Builder the additional sum of Dollars (\$ \_\_\_\_\_) as compensation for the right to use the Work Product in accordance with this Article 4 if Owner resumes the Project through its employees, agents, or third parties.

4.4 **Owner's Limited License Upon Design-Builder's Default.** If this Agreement is terminated due to Design-Builder's default pursuant to Section 11.2 of the General Conditions of Contract and (i) it is determined that Design-Builder was in default and (ii) Owner has fully satisfied all of its obligations under the Contract Documents, Design-Builder shall grant Owner a limited license to use the Work Product in connection with

Owner's completion and occupancy of the Project. This limited license is conditioned on Owner's express understanding that its use of the Work Product is at Owner's sole risk and without liability or legal exposure to any Indemnified Party.

**4.5 Owner's Indemnification for Use of Work Product.** If Owner uses the Work Product under any of the circumstances identified in this Article 4, Owner shall defend, indemnify and hold harmless the Indemnified Parties from and against any and all claims, damages, liabilities, losses and expenses, including attorneys' fees, arising out of or resulting from the use of the Work Product.

#### Article 5

##### Contract Time

**5.1 Date of Commencement.** The Work shall commence within five (5) days of Design-Builder's receipt of Owner's Notice to Proceed ("Date of Commencement") unless the parties mutually agree otherwise in writing.

**5.2 Substantial Completion and Final Completion**

**5.2.1** Substantial Completion of the entire Work shall be achieved no later than **TBD** \_\_\_\_\_ (\_\_\_\_\_) calendar days after the Date of Commencement ("Scheduled Substantial Completion Date").

**5.2.2** Interim milestones and/or Substantial Completion of identified portions of the Work shall be achieved as follows: *(Insert any interim milestones for portions of the Work with different scheduled dates for Substantial Completion)*

**All work to be completed in sufficient time to allow for full use of the facility of on or before June 30, 2008.**

**5.2.3** Final Completion of the Work or identified portions of the Work shall be achieved as expeditiously as reasonably practicable.

**5.2.4** All of the dates set forth in this Article 5 ("Contract Time(s)") shall be subject to adjustment in accordance with the General Conditions of Contract.

**5.3 Time is of the Essence.** Owner and Design-Builder mutually agree that time is of the essence with respect to the dates and times set forth in the Contract Documents.

**5.4 Liquidated Damages.** Design-Builder understands that if Substantial Completion is not attained by the Scheduled Substantial Completion Date, Owner will suffer damages which are difficult to determine and accurately specify. Design-Builder agrees that if Substantial Completion is not attained by **N/A** \_\_\_\_\_ (\_\_\_\_\_) days after the Scheduled Substantial Completion Date (the "LD Date"), Design-Builder shall pay Owner **N/A** \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) as liquidated damages for each day that Substantial Completion extends beyond the LD Date. The liquidated damages provided herein shall be in lieu of all liability for any and all extra costs, losses, expenses, claims, penalties and any other damages, whether special or consequential, and of whatsoever nature incurred by Owner which are occasioned by any delay in achieving Substantial Completion. *(If a GMP is not established upon execution of this Agreement, the parties should consider setting liquidated damages after GMP negotiation. If liquidated damages are applicable in any case set forth in Section 5.2.2 hereof, this Section 5.4 will need to be modified accordingly.)*



**5.5 Early Completion Bonus.** If Substantial Completion is attained on or before \_\_\_\_\_ (\_\_\_\_\_) days before the Scheduled Substantial Completion Date (the "Bonus Date"), Owner shall pay Design-Builder at the time of Final Payment under Section 7.3 hereof an early completion bonus of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for each day that Substantial Completion is attained earlier than the Bonus Date. *If a GMP is not established upon execution of this Agreement, the parties should consider setting the early completion bonus after GMP negotiation. If an early completion bonus is applicable to any dates set forth in Section 4.2.2 hereof, this Section 5.5 will need to be modified accordingly.*

## Article 6

### Contract Price

#### 6.1 Contract Price

**6.1.1** Owner shall pay Design-Builder in accordance with Article 6 of the General Conditions of Contract a contract price ("Contract Price") equal to Design-Builder's Fee (as defined in Section 6.2 hereof) plus the Cost of the Work (as defined in Section 6.3 hereof), subject to any GMP established in Section 6.5 hereof and any adjustments made in accordance with the General Conditions of Contract.

**6.1.2** For the specific Work set forth below, Owner agrees to pay Design-Builder, as part of the Contract Price, on the following basis: *(This is an optional section intended to provide the parties with flexibility to identify and price limited preliminary services, such as a lump sum or cost-plus arrangement for preliminary design, programming, or services necessary to enable Design-Builder to furnish Owner with a GMP before execution of this Agreement.)*

**Prior to establishing the GMP, the Owner agrees to pay for all Design and Engineering costs required plus the Design Builder's fee, as outlined in 6.2.1, on those costs. All these costs will be included within the final GMP.**

#### 6.2 Design-Builder's Fee

##### 6.2.1 Design-Builder's Fee shall be:

*(Choose one of the following)*

Dollars (\$ \_\_\_\_\_), as adjusted in accordance with Section 6.2.2 below,

or

Seven \_\_\_\_\_ percent (7 \_\_\_\_\_ %) of the Cost of the Work, as adjusted in accordance with Section 6.2.2 below.

##### 6.2.2 Design-Builder's Fee will be adjusted as follows for any changes in the Work: *(Insert formula or percentage for adjustments)*

**Cost of the Work plus seven percent (7%)**

**6.3 Cost of the Work.** The term Cost of the Work shall mean costs reasonably incurred by Design-Builder in the proper performance of the Work. The Cost of the Work shall include only the following:

- .1 Wages of direct employees of Design-Builder performing the Work at the Site or, with Owner's agreement, at locations off the Site, provided, however, that the costs for those employees of Design-Builder performing design services shall be calculated on the basis of prevailing market rates for design professionals performing such services or, if applicable, those rates set forth in an exhibit to this Agreement.
- .2 Wages or salaries of Design-Builder's supervisory and administrative personnel engaged in the performance of the Work and who are located at the Site or working off-Site to assist in the production or transportation of material and equipment necessary for the Work.
- .3 ~~Wages or salaries of Design-Builder's personnel stationed at Design-Builder's principal or branch offices and performing the following functions. The reimbursable costs of personnel stationed at Design-Builder's principal or branch offices shall include a \_\_\_\_\_ percent (\_\_\_\_%) markup to compensate Design-Builder for the Project-related overhead associated with such personnel. *(Insert the names, job descriptions or job titles of personnel)*~~
- .4 Costs incurred by Design-Builder for employee benefits, premiums, taxes, insurance, contributions and assessments required by law, collective bargaining agreements, or which are customarily paid by Design-Builder, to the extent such costs are based on wages and salaries paid to employees of Design-Builder covered under Sections 6.3.1 through 6.3.3 hereof. Payroll taxes and labor burden are at the rate of 68%.
- .5 The reasonable portion of the cost of travel, accommodations and meals for Design-Builder's personnel necessarily and directly incurred in connection with the performance of the Work.
- .6 Payments properly made by Design-Builder to Subcontractors and Design Consultants for performance of portions of the Work, including any insurance and bond premiums incurred by Subcontractors and Design Consultants.
- .7 Costs incurred by Design-Builder in repairing or correcting defective, damaged or nonconforming Work, provided that such defective, damaged or nonconforming Work was beyond the reasonable control of Design-Builder, or caused by the ordinary mistakes or inadvertence, and not the negligence, of Design-Builder or those working by or through Design-Builder. If the costs associated with such defective, damaged or nonconforming Work are recoverable from insurance, Subcontractors or Design Consultants, Design-Builder shall exercise best efforts to obtain recovery from the appropriate source and credit Owner if recovery is obtained.
- .8 Costs, including transportation, inspection, testing, storage and handling, of materials, equipment and supplies incorporated or reasonably used in completing the Work.
- .9 Costs less salvage value of materials, supplies, temporary facilities, machinery, equipment and hand tools not customarily owned by the workers that are not fully consumed in the performance of the Work and which remain the property of Design-Builder, including the costs of transporting, inspecting, testing, handling, installing, maintaining, dismantling and removing such items.

- .10 Costs of removal of debris and waste from the Site.
- .11 The reasonable costs and expenses incurred in establishing, operating and demobilizing the Site office, including the cost of facsimile transmissions, long-distance telephone calls, postage and express delivery charges, telephone service, photocopying and reasonable petty cash expenses.
- .12 Rental charges and the costs of transportation, installation, minor repairs and replacements, dismantling and removal of temporary facilities, machinery, equipment and hand tools not customarily owned by the workers, which are provided by Design-Builder at the Site, whether rented from Design-Builder or others, and incurred in the performance of the Work.
- .13 Premiums for insurance and bonds required by this Agreement or the performance of the Work.
- .14 All fuel and utility costs incurred in the performance of the Work.
- .15 Sales, use or similar taxes, tariffs or duties incurred in the performance of the Work.
- .16 Legal costs, court costs and costs of mediation and arbitration reasonably arising from Design-Builder's performance of the Work, provided such costs do not arise from disputes between Owner and Design-Builder.
- .17 Costs for permits, royalties, licenses, tests and inspections incurred by Design-Builder as a requirement of the Contract Documents.
- .18 The cost of defending suits or claims for infringement of patent rights arising from the use of a particular design, process, or product required by Owner, paying legal judgments against Design-Builder resulting from such suits or claims, and paying settlements made with Owner's consent.
- .19 Deposits which are lost, except to the extent caused by Design-Builder's negligence.
- .20 Costs incurred in preventing damage, injury or loss in case of an emergency affecting the safety of persons and property.
- .21 Other costs reasonably and properly incurred in the performance of the Work to the extent approved in writing by Owner.

#### 6.4 Non-Reimbursable Costs

The following shall be excluded from the Cost of the Work:

- .1 Compensation for Design-Builder's personnel stationed at Design-Builder's principal or branch offices, except as provided for in Sections 6.3.1, 6.3.2 and 6.3.3 hereof.
- .2 Overhead and general expenses, except as provided for in Section 6.3 hereof, or which may be recoverable for changes to the Work.
- .3 The cost of Design-Builder's capital used in the performance of the Work.

- .4 If the parties have agreed on a GMP, costs that would cause the GMP, as adjusted in accordance with the Contract Documents, to be exceeded.

*(The parties shall comply with the following Section 6.5 based upon whether the GMP is agreed upon before the execution of this Agreement or will be developed and agreed upon after execution of this Agreement. If the parties do not use a GMP, this Section 6.5 shall be deemed inapplicable and compensation to Design-Builder shall be based on those fees and costs identified in the balance of this Article 6.)*

## 6.5 The Guaranteed Maximum Price

### 6.5.1 GMP Established Upon Execution of this Agreement

6.5.1.1 Design-Builder guarantees that it shall not exceed the GMP of **TBD at a mutually agreeable date in accordance with 6.5.2.1 below** Dollars (\$ \_\_\_\_\_). Design-Builder does not guarantee any specific line item provided as part of the GMP, but agrees that it will be responsible for paying all costs of completing the Work which exceed the GMP, as adjusted in accordance with the Contract Documents. Documents used as a basis for the GMP shall be identified in an exhibit to this Agreement ("GMP Exhibit").

6.5.1.2 The GMP includes a Contingency in the amount of (5%) Dollars (\$ \_\_\_\_\_) which is available for Design-Builder's exclusive use for costs that are incurred in performing the Work that are not included in a specific line item or the basis for a Change Order under the Contract Documents. By way of example, and not as a limitation, such costs include trade buy-out differentials, overtime, acceleration, costs in correcting defective, damaged or nonconforming Work, design errors or omissions and Subcontractor defaults. The Contingency is not available to Owner for any reason, including changes in scope or any other item which would enable Design-Builder to increase the GMP under the Contract Documents. Design-Builder shall provide Owner with notice of all anticipated charges against the Contingency.

### 6.5.2 GMP Established after Execution of this Agreement

6.5.2.1 **GMP Proposal.** If requested by Owner, Design-Builder shall submit a GMP Proposal to Owner which shall include the following, unless the parties mutually agree otherwise:

- .1 A proposed GMP, which shall be the sum of:
  - i. Design-Builder's Fee as defined in Section 6.2.1 hereof;
  - ii. the estimated Cost of the Work as defined in Section 6.3 hereof, inclusive of any Design-Builder's Contingency as defined in Section 6.5.1.2 hereof; and
  - iii. if applicable, any prices established under Section 6.1.2 hereof.
- .2 A list of the drawings and specifications, including all addenda, used as the basis for the GMP proposal;
- .3 A list of the assumptions and clarifications made by Design-Builder in the preparation of the GMP Proposal, which list is intended to supplement the information contained in the drawings and specifications;
- .4 The Scheduled Substantial Completion Date upon which the proposed GMP is based, to the extent said date has not already been established under Section 5.2 hereof, and a schedule upon which the Scheduled Substantial Completion Date is based;
- .5 If applicable, a list of allowances and a statement of their basis;
- .6 If applicable, a schedule of alternate prices;

- .7 If applicable, a schedule of unit prices;
- .8 If applicable, a statement of Additional Services; and
- .9 The time limit for acceptance of the GMP Proposal.

**6.5.2.2 Review and Adjustment to GMP Proposal.** After submission of the GMP Proposal, Design-Builder and Owner shall meet to discuss and review the GMP Proposal. If Owner has any comments regarding the GMP Proposal, or finds any inconsistencies or inaccuracies in the information presented, it shall promptly give written notice to Design-Builder of such comments or findings. If appropriate, Design-Builder shall, upon receipt of Owner's notice, make appropriate adjustments to the GMP Proposal.

**6.5.2.3 Acceptance of GMP Proposal.** If Owner accepts the GMP Proposal, as may be amended by Design-Builder, the GMP and its basis shall be set forth in an amendment to this Agreement.

**6.5.2.4 Failure to Accept the GMP Proposal.** If Owner rejects the GMP Proposal, or fails to notify Design-Builder in writing on or before the date specified in the GMP Proposal that it accepts the GMP Proposal, the GMP Proposal shall be deemed withdrawn and of no effect. In such event, Owner and Design-Builder shall meet and confer as to how the Project will proceed, with Owner having the following options:

- .1 Owner may suggest modifications to the GMP Proposal, whereupon, if such modifications are accepted in writing by Design-Builder, the GMP Proposal shall be deemed accepted and the parties shall proceed in accordance with Section 6.5.2.3 above;
- .2 Owner may authorize Design-Builder to continue to proceed with the Work on the basis of reimbursement as provided in Section 6.1 hereof without a GMP, in which case all references in this Agreement to the GMP shall not be applicable; or
- .3 Owner may terminate this Agreement for convenience in accordance with Article 8 hereof; provided, however, in this event, Design-Builder shall not be entitled to the payment provided for in Section 8.2 hereof.

If Owner fails to exercise any of the above options, Design-Builder shall have the right to (i) continue with the Work as if Owner had elected to proceed in accordance with Item .2 above, and be paid by Owner accordingly, unless and until Owner notifies it in writing to stop the Work, or (ii) suspend performance of Work in accordance with Section 11.3.1 of the General Conditions of Contract, provided, however, that in such event Design-Builder shall not be entitled to the payment provided for in Section 8.2 hereof.

### 6.5.3 Savings

6.5.3.1 If the sum of the actual Cost of the Work and Design-Builder's Fee (and, if applicable, any prices established under Section 6.1.2 hereof) is less than the GMP, as such GMP may have been adjusted over the course of the Project, the difference ("Savings") shall be shared as follows:

*(Choose one of the following)*

Zero percent (0 %) to Design-Builder and one hundred percent (100 %) to Owner.

or

The first \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) of Savings shall be provided to ~~whomever Design-Builder or Owner~~ \_\_\_\_\_, with the balance of Savings, if any, shared \_\_\_\_\_ percent (     %) to Design-Builder and \_\_\_\_\_ percent (     %) to Owner.

6.5.3.2 Savings shall be calculated and paid as part of Final Payment under Section 7.3 hereof, with the understanding that to the extent Design-Builder incurs costs after Final Completion which would have been payable to Design-Builder as a Cost of the Work, Design-Builder shall be entitled to payment from Owner for that portion of such costs that were distributed to Owner as Savings.

## Article 7

### Procedure for Payment

#### 7.1 Progress Payments

7.1.1 Design-Builder shall submit to Owner on the twenty-fifth (25th) day of each month, beginning with the first month after the Date of Commencement, Design-Builder's Application for Payment in accordance with Article 6 of the General Conditions of Contract.

7.1.2 Owner shall make payment within ten (10) days after Owner's receipt of each properly submitted and accurate Application for Payment in accordance with Article 6 of the General Conditions of Contract, but in each case less the total of payments previously made, and less amounts properly withheld under Section 6.3 of the General Conditions of Contract.

7.1.3 If Design-Builder's Fee under Section 6.2.1 hereof is a fixed amount, the amount of Design-Builder's Fee to be included in Design-Builder's monthly Application for Payment and paid by Owner shall be proportional to the percentage of the Work completed, less payments previously made on account of Design-Builder's Fee.

#### 7.2 Retainage on Progress Payments

7.2.1 Owner will retain five percent (5 %) of each Application for Payment provided, however, that when fifty percent (50%) of the Work has been completed by Design-Builder, Owner will not retain any additional amounts from Design-Builder's subsequent Applications for Payment. Owner will also reasonably consider reducing retainage for Subcontractors completing their work early in the Project.

**7.2.2** Upon Substantial Completion of the entire Work or, if applicable, any portion of the Work, pursuant to Section 6.6 of the General Conditions of Contract, Owner shall release to Design-Builder all retained amounts relating, as applicable, to the entire Work or completed portion of the Work, less an amount equal to the reasonable value of all remaining or incomplete items of Work as noted in the Certificate of Substantial Completion.

**7.3 Final Payment.** Design-Builder shall submit its Final Application for Payment to Owner in accordance with Section 6.7 of the General Conditions of Contract. Owner shall make payment on Design-Builder's properly submitted and accurate Final Application for Payment within ten (10) days after Owner's receipt of the Final Application for Payment, provided that Design-Builder has satisfied the requirements for final payment set forth in Section 6.7.2 of the General Conditions of Contract.

**7.4 Interest.** Payments due and unpaid by Owner to Design-Builder, whether progress payments or final payment, shall bear interest commencing five (5) days after payment is due at the rate of one percent (1%) compounded monthly.

**7.5 Record Keeping and Finance Controls.** Design-Builder acknowledges that this Agreement is to be administered on an "open book" arrangement relative to Costs of the Work. Design-Builder shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management, using accounting and control systems in accordance with generally accepted accounting principles and as may be provided in the Contract Documents. During the performance of the Work and for a period of three (3) years after Final Payment, Owner and Owner's accountants shall be afforded access from time to time, upon reasonable notice, to Design-Builder's records, books, correspondence, receipts, subcontracts, purchase orders, vouchers, memoranda and other data relating to the Work, all of which Design-Builder shall preserve for a period of three (3) years after Final Payment.

#### Article 1

##### Termination for Convenience

**8.1** Upon ten (10) days' written notice to Design-Builder, Owner may, for its convenience and without cause, elect to terminate this Agreement. In such event, Owner shall pay Design-Builder for the following:

- .1 All Work executed and for proven loss, cost or expense in connection with the Work;
- .2 The reasonable costs and expenses attributable to such termination, including demobilization costs and amounts due in settlement of terminated contracts with Subcontractors and Design Consultants; and

.3 *(Choose one of the following)*

The fair and reasonable sums for overhead and profit on the sum of items .1 and .2 above.

or

Overhead and profit in the amount of seven percent (7%) on the sum of items .1 and .2 above.

**8.2** In addition to the amounts set forth in Section 8.1 above, Design-Builder shall be entitled to receive one of the following as applicable:

- .1 If Owner terminates this Agreement prior to commencement of construction, Design-Builder shall be paid zero percent (0%) of the remaining balance of the Contract

Price or, if a GMP has not been established, the remaining balance of the most recent estimated Contract Price.

2. If Owner terminates this Agreement after commencement of construction, Design-Builder shall be paid zero percent (0%) of the remaining balance of the Contract Price or, if a GMP has not been established, the remaining balance of the most recent estimated Contract Price.

8.3 If Owner terminates this Agreement pursuant to Section 8.1 above and proceeds to design and construct the Project through its employees, agents or third parties, Owner's rights to use the Work Product shall be as set forth in Section 4.3 hereof.

*(The following Article 9 should only be used if the Owner and Design-Builder agree to establish their respective representatives at the time the Agreement is executed rather than during the performance of the Project.)*

#### **Article 9**

##### **Representatives of the Parties**

###### **9.1 Owner's Representatives**

9.1.1 Owner designates the individual listed below as its Senior Representative ("Owner's Senior Representative"), which individual has the authority and responsibility for avoiding and resolving disputes under Section 10.2.3 of the General Conditions of Contract: *(Identify individual's name, title, address and telephone numbers)*

????

9.1.2 Owner designates the individual listed below as its Owner's Representative, which individual has the authority and responsibility set forth in Section 3.4 of the General Conditions of Contract: *(Identify individual's name, title, address and telephone numbers)*

????

###### **9.2 Design-Builder's Representatives**

9.2.1 Design-Builder designates the individual listed below as its Senior Representative ("Design-Builder's Senior Representative"), which individual has the authority and responsibility for avoiding and resolving disputes under Section 10.2.3 of the General Conditions of Contract: *(Identify individual's name, title, address and telephone numbers)*

**Shane Haas - Vice President Western Slope Operations**

9.2.2 Design-Builder designates the individual listed below as its Design-Builder's Representative, which individual has the authority and responsibility set forth in Section 2.1.1 of the General Conditions of Contract: *(Identify individual's name, title, address and telephone numbers)*

TBD



**Article 10**  
**Bonds and Insurance**

**10.1 Insurance.** Design-Builder shall procure in accordance with Article 5 of the General Conditions of Contract the following insurance coverages: *(Attach Insurance Schedule indicating the required coverage, amount of required coverage, duration of coverage, required rating of insurance carriers and any other insurance requirements required of the parties)*

**10.2 Bonds and Other Performance Security.** Design-Builder shall provide the following performance bond and labor and material payment bond or other performance security: *(Indicate the amount of bonds and any other conditions of the bonds or other security)*

TBD

**Article 11**  
**Other Provisions**

**11.1** Other provisions, if any, are as follows: *(Insert any additional provisions)*

In executing this Agreement, Owner and Design-Builder each individually represents that it has the necessary financial resources to fulfill its obligations under this Agreement, and each has the necessary corporate approvals to execute this Agreement, and perform the services described herein.

**OWNER:**

**DESIGN-BUILDER:**

**Building Authority???**

**FCI Constructors, Inc.**

*(Name of Owner)*

*(Name of Design-Builder)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Title)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Caution:** You should sign an original DBIA document which has this caution printed in blue. An original assures that changes will not be obscured as may occur when documents are reproduced.

**EXHIBIT E**  
(Operating Lease Term Sheet)

Lease Date:	On or about July 1, 2006
Lessor:	A 501(c)(3) authority to be established by the City of Grand Junction
Lessee:	Colorado Department of Public Safety, for the benefit of Colorado Bureau of Investigation
Property:	Lots 4 and 5 of Replat of Lot 2, 3D Minor Subdivision
Facility:	As generally specified in Roth-Sheppard Project Program Plan (one-story option) dated March 8, 2005, with all attachments, as designed and built by F.C.I., Inc. and Blythe Design +, Co.
Lease Term:	26 years, commencing on or about July 1, 2006
Occupancy Date:	January 1, 2008
First Lease Payment Date (part year):	June 1, 2008
Estimated Annual Lease Payment (excluding Operations and Maintenance):	\$870,000
Estimated Annual Operations and Maintenance Costs -- year 1:	\$151,680
Final Lease Payment Date:	June 1, 2032
Purchase Option:	One-time only at end of Lease Term, for depreciated book value, based on 40-year straight line depreciation; presently estimated at \$4,800,000 (16/40ths of estimated \$12,000,000 project cost); subject to legislative approval at that time.
Other Lease Terms:	<p>Operations, maintenance, utilities all to be paid by Lessee. Lessee will be responsible for all structural and mechanical portions of the Property during the Term of the Lease, as fully as if Lessee were the owner of the property and whether or not such items are customarily considered operation and maintenance expenses.</p> <p>No actions or failures to act by Lessee that will jeopardize tax-exemption of Bonds.</p>

No fiscal obligation of City of Grand Junction or State of Colorado.

Lease will be subject to annual appropriation, but will not include typical state lease "co-location" verbiage.

Lessee will designate a person to perform the function of "Owner's Representative" under the G.M.P. construction contract between Lessor and F.C.I., Inc. and Blythe Design + Co.

Should Lessor, with Lessee's prior approval, elect to refund the revenue bonds issued to finance the Facility, Lessee's annual rentals shall be reduced to reflect any resulting reduction in debt service on the bonds.

**EXHIBIT F**  
(IDI Grant Terms and Conditions)

IDI will cause its affiliate Colorado West Improvements, Inc. to complete the replat of Lot 2, 3D Minor Subdivision, in such a way that Lots 4 and 5 will constitute a compact contiguous parcel of approximately 3.2 acres. These Lots, complete with normal commercial infrastructure (streets, curb, gutter, storm drainage, and utilities to the property line) will be held by IDI or its affiliate for conveyance to a Lessor created to facilitate the Project's financing. No such conveyance will be made until CBI has received legislative approval for the relocation of its existing operations to the IDI property.

IDI will be granted a right of first refusal should the Project become available for purchase at some future time. This right of first refusal shall terminate if the State elects to purchase the Project at the end of the Operating Lease term.

If the Project is disposed of by the Trustee following non-appropriation, for a price greater than that necessary to retire all Bonds or COPs obligations and pay costs and expenses of sale and related expenses, IDI shall be paid up to \$300,000 from any surplus, which payment right may be secured by a subordinate lien at IDI's election. GJEP will next be entitled to recover its incentive funds from any such surplus, with the balance, if any, to be paid to IDI.

**EXHIBIT G**  
(Sources and Uses; Debt Service Schedule)

**EXHIBIT G**

## SOURCES AND USES OF FUNDS

State of Colorado  
Revenue Bonds, Series 2005

Dated Date 07/06/2006  
Delivery Date 07/06/2006

## Sources:

Bond Proceeds:	
Par Amount	13,505,000.00
Other Sources of Funds:	
Arch. and Design Paid By CBI	1,190,000.00
	<u>14,695,000.00</u>

## Uses:

Project Fund Deposits:	
Project Construction Fund	10,484,405.00
Design Costs	1,133,583.00
Utility/Testing Fees	212,000.00
Contingency	250,000.00
	<u>12,079,988.00</u>
Other Fund Deposits:	
Debt Service Reserve Fund	1,145,272.54
Capitalized Interest	1,123,658.11
	<u>2,268,930.65</u>
Delivery Date Expenses:	
Cost of Issuance	90,532.00
Underwriter's Discount	101,287.50
Certificate Insurance	154,261.85
	<u>346,081.35</u>
	<u>14,695,000.00</u>

BOND DEBT SERVICE  
State of Colorado  
Revenue Bonds, Series 2005

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/06/2006					
12/01/2006			236,797.08	236,797.08	
06/01/2007	335,000	2.800%	293,955.00	628,955.00	
06/30/2007					865,732.08
12/01/2007			289,265.00	289,265.00	
06/01/2008	305,000	3.100%	289,265.00	594,265.00	
06/30/2008					883,530.00
12/01/2008			284,537.50	284,537.50	
06/01/2009	300,000	3.300%	284,537.50	584,537.50	
06/30/2009					869,075.00
12/01/2009			279,587.50	279,587.50	
06/01/2010	310,000	3.400%	279,587.50	589,587.50	
06/30/2010					869,175.00
12/01/2010			274,317.50	274,317.50	
06/01/2011	320,000	3.450%	274,317.50	594,317.50	
06/30/2011					868,635.00
12/01/2011			268,797.50	268,797.50	
06/01/2012	330,000	3.550%	268,797.50	598,797.50	
06/30/2012					867,595.00
12/01/2012			262,940.00	262,940.00	
06/01/2013	340,000	3.620%	262,940.00	602,940.00	
06/30/2013					865,880.00
12/01/2013			256,735.00	256,735.00	
06/01/2014	355,000	3.800%	256,735.00	611,735.00	
06/30/2014					868,470.00
12/01/2014			249,990.00	249,990.00	
06/01/2015	370,000	3.900%	249,990.00	619,990.00	
06/30/2015					869,980.00
12/01/2015			242,775.00	242,775.00	
06/01/2016	385,000	3.950%	242,775.00	627,775.00	
06/30/2016					870,550.00
12/01/2016			235,171.25	235,171.25	
06/01/2017	400,000	4.050%	235,171.25	635,171.25	
06/30/2017					870,342.50
12/01/2017			227,071.25	227,071.25	
06/01/2018	415,000	4.150%	227,071.25	642,071.25	
06/30/2018					869,142.50
12/01/2018			218,460.00	218,460.00	
06/01/2019	430,000	4.200%	218,460.00	648,460.00	
06/30/2019					866,920.00
12/01/2019			209,430.00	209,430.00	
06/01/2020	450,000	4.250%	209,430.00	659,430.00	
06/30/2020					868,860.00
12/01/2020			199,867.50	199,867.50	
06/01/2021	470,000	4.300%	199,867.50	669,867.50	
06/30/2021					869,735.00
12/01/2021			189,762.50	189,762.50	

## BOND DEBT SERVICE

State of Colorado  
Revenue Bonds, Series 2005

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2022	490,000	4.750%	189,762.50	679,762.50	
06/30/2022					869,525.00
12/01/2022			178,125.00	178,125.00	
06/01/2023	510,000	4.750%	178,125.00	688,125.00	
06/30/2023					866,250.00
12/01/2023			166,012.50	166,012.50	
06/01/2024	535,000	4.750%	166,012.50	701,012.50	
06/30/2024					867,025.00
12/01/2024			153,306.25	153,306.25	
06/01/2025	560,000	4.750%	153,306.25	713,306.25	
06/30/2025					866,612.50
12/01/2025			140,006.25	140,006.25	
06/01/2026	590,000	4.750%	140,006.25	730,006.25	
06/30/2026					870,012.50
12/01/2026			125,993.75	125,993.75	
06/01/2027	615,000	4.750%	125,993.75	740,993.75	
06/30/2027					866,987.50
12/01/2027			111,387.50	111,387.50	
06/01/2028	645,000	4.750%	111,387.50	756,387.50	
06/30/2028					867,775.00
12/01/2028			96,068.75	96,068.75	
06/01/2029	675,000	4.750%	96,068.75	771,068.75	
06/30/2029					867,137.50
12/01/2029			80,037.50	80,037.50	
06/01/2030	710,000	4.750%	80,037.50	790,037.50	
06/30/2030					870,075.00
12/01/2030			63,175.00	63,175.00	
06/01/2031	740,000	4.750%	63,175.00	803,175.00	
06/30/2031					866,350.00
12/01/2031			45,600.00	45,600.00	
06/01/2032	1,920,000	4.750%	45,600.00	1,965,600.00	
06/30/2032					2,011,200.00
	13,505,000		10,227,592.08	23,732,592.08	23,732,592.88



## BOND PRICING

State of Colorado  
Revenue Bonds, Series 2005

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Certificates:					
	06/01/2007	335,000	2.800%	2.800%	100.000
	06/01/2008	305,000	3.100%	3.100%	100.000
	06/01/2009	300,000	3.300%	3.300%	100.000
	06/01/2010	310,000	3.400%	3.400%	100.000
	06/01/2011	320,000	3.450%	3.450%	100.000
	06/01/2012	330,000	3.550%	3.550%	100.000
	06/01/2013	340,000	3.650%	3.650%	100.000
	06/01/2014	355,000	3.800%	3.800%	100.000
	06/01/2015	370,000	3.900%	3.900%	100.000
	06/01/2016	385,000	3.950%	3.950%	100.000
	06/01/2017	400,000	4.050%	4.050%	100.000
	06/01/2018	415,000	4.150%	4.150%	100.000
	06/01/2019	430,000	4.200%	4.200%	100.000
	06/01/2020	450,000	4.250%	4.250%	100.000
	06/01/2021	470,000	4.300%	4.300%	100.000
		5,515,000			
Term Certificates Due 2032:					
	06/01/2032	7,990,000	4.750%	4.750%	100.000
		13,505,000			

Dated Date	07/06/2006	
Delivery Date	07/06/2006	
First Coupon	12/01/2006	
Par Amount	13,505,000.00	
Original Issue Discount		
Production	13,505,000.00	100.000000%
Underwriter's Discount	-101,287.50	-0.750000%
Purchase Price	13,403,712.50	99.250000%
Accrued Interest		
Net Proceeds	13,403,712.50	

## NET DEBT SERVICE

State of Colorado  
Revenue Bonds, Series 2005

Period Ending	Total Debt Service	Debt Service Reserve Fund	Capitalized Interest	Net Debt Service
06/30/2007	865,752.08		865,752.08	
06/30/2008	883,530.00		289,265.00	594,265.00
06/30/2009	869,075.00			869,075.00
06/30/2010	869,175.00			869,175.00
06/30/2011	868,635.00			868,635.00
06/30/2012	867,595.00			867,595.00
06/30/2013	865,880.00			865,880.00
06/30/2014	868,470.00			868,470.00
06/30/2015	869,980.00			869,980.00
06/30/2016	870,550.00			870,550.00
06/30/2017	870,342.50			870,342.50
06/30/2018	869,142.50			869,142.50
06/30/2019	866,920.00			866,920.00
06/30/2020	868,860.00			868,860.00
06/30/2021	869,735.00			869,735.00
06/30/2022	869,525.00			869,525.00
06/30/2023	866,250.00			866,250.00
06/30/2024	867,025.00			867,025.00
06/30/2025	866,612.50			866,612.50
06/30/2026	870,012.50			870,012.50
06/30/2027	866,987.50			866,987.50
06/30/2028	867,775.00			867,775.00
06/30/2029	867,137.50			867,137.50
06/30/2030	870,075.00			870,075.00
06/30/2031	866,350.00			866,350.00
06/30/2032	2,011,200.00	1,145,272.54		865,927.46
	23,732,592.08	1,145,272.54	1,155,017.08	21,432,302.46

## BOND SUMMARY STATISTICS

State of Colorado  
Revenue Bonds, Series 2005

Dated Date	07/06/2006
Delivery Date	07/06/2006
Last Maturity	06/01/2032
Arbitrage Yield	4.660487%
True Interest Cost (TIC)	4.730726%
Net Interest Cost (NIC)	4.637149%
All-In TIC	4.794197%
Average Coupon	4.591676%
Average Life (years)	16.493
Duration of Issue (years)	10.950
Par Amount	13,505,000.00
Bond Proceeds	13,505,000.00
Total Interest	10,227,592.08
Net Interest	10,328,879.58
Bond Years from Dated Date	222,742,013.89
Bond Years from Delivery Date	222,742,013.89
Total Debt Service	25,732,592.08
Maximum Annual Debt Service	2,011,200.00
Average Annual Debt Service	916,218.03
Underwriter's Fees (per \$1000)	
Average Take-down	
Other Fee	7.500000
Total Underwriter's Discount	7.500000
Bid Price <sup>1</sup>	99.250000

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Certificates	5,515,000.00	100.000	3.997%	8.495
Term Certificates Due 2032	7,990,000.00	100.000	4.750%	22.014
	13,505,000.00			16.493

## BOND SUMMARY STATISTICS

State of Colorado  
Revenue Bonds, Series 2005

	TIC	All-In TIC	Arbitrage Yield
Par Value	13,505,000.00	13,505,000.00	13,505,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-101,287.50	-101,287.50	
- Cost of Issuance Expense		-90,532.00	
- Other Amounts	-154,261.85	-154,261.85	-154,261.85
Target Value	13,249,450.65	13,158,918.65	13,350,738.15
Target Date	07/06/2006	07/06/2006	07/06/2006
Yield	4.730726%	4.794197%	4.660487%

## EXHIBIT H

CBI WEST SLOPE FACILITY  
LEASE PURCHASE COPs  
SCHEDULE/TASK LIST

07/22/05

D  
R  
A  
F  
T

DATE	TASK & RESPONSIBILITY	WHO RESP.
06/30/05	FCI updated budget numbers	FCI
07/30/05	Submit 2006 budget request for \$900,000 design and engineering work	CBI
10/11/05	City acts to form Building Authority to facilitate Project and act as Lessor, subject to satisfaction of City Attorney, bond counsel and A.G. (for Colo. Dept. of Public Safety)	GJ, Y&H
11/01/05	Obtain City approval of IDI development plan for replat of 3D Minor Subdivision, including the Project Real Estate	IDI
03/06	Obtain title insurance commitment on Project Real Estate	Y&H
05/15/06	Utilities, streets, infrastructure completed at project site	IDI
06/06 (no later than)	Obtain legislative approval of lease purchase, plus Governor's signature	CBI, CDPA, Y&H
06/06 (no later than)	Obtain appropriation of not less than \$900,000 for Design and Engineering	CBI
06/06	Design work commences	BD, FCI
	Primary transaction document drafts circulated	Y&H
	Circulate draft P.O.S. for comments	Y&H
	Seek Rating	SN
	Bond insurance obtained	SN
	Offer Bonds for pricing	SN
07/01/06	Convey Project Real Estate to lessor	IDI
07/01/06	Closing of Bond transaction	SN, Y&H, LSR, CBI
07/06	Project schedule completed	BD, FCI
10/06	Foundation design complete	BD
11/06	Foundation work commenced	FCI
12/15/06	All design work finalized	BD
01/16/08	Project completed	FCI

BD = Blythe Design  
CBI = Colorado Bureau of Investigation  
CDPA = Colorado Department of Personnel and Administration  
FCI = FCI Constructors, Inc.  
GJ = City of Grand Junction  
GJEP = Grand Junction Economic Partnership  
IDI = Industrial Developments, Inc.  
LSR = Lessor/Owner  
SN = Stifel, Nicolaus & Company, Incorporated; Hanifen Imhoff Division  
Y&H = Younge & Hockensmith, P.C.

## Exhibit I

## GJEP/CBI PROJECT

## Distribution List

**STATE OF COLORADO**

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**Colorado Bureau of Investigation**  
**Department of Public Safety**  
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**IDI**  
**Industrial Developments, Inc.**  
360 Grand Avenue  
Grand Junction, CO 81501

Rob Bickley, President  
Telephone: 970-244-8983  
FAX: 970-244-8986  
E-Mail: [rbickley@mountainairresidentialsupply.com](mailto:rbickley@mountainairresidentialsupply.com)

Diane Schwenke, Administrator  
Telephone: 970-242-3214  
FAX: 970-242-3694  
E-Mail: [diane@gjchamber.org](mailto:diane@gjchamber.org)

## Attachment B

### **ARTICLES OF INCORPORATION**

The undersigned incorporator, a natural person of the age of 21 years or more, desiring to form a nonprofit corporation under the provisions of the Colorado Nonprofit Corporation Act, Articles 20 through 29, inclusive, of Title 7 of the Colorado Revised Statutes, as amended, does execute, acknowledge, and deliver in duplicate to the Secretary of State of the State of Colorado the following Articles of Incorporation.

#### **ARTICLE I - NAME**

The name of the corporation shall be "Grand Junction, Colorado State Leasing Authority, Inc."

#### **ARTICLE II - DURATION**

The corporation shall exist in perpetuity, from and after the date of filing of these Articles of Incorporation with the Secretary of State of the State of Colorado, unless dissolved according to law.

#### **ARTICLE III - PURPOSES**

The purposes for which the corporation is organized are as follows:

(a) To acquire by purchase, lease or otherwise, real or personal property, including, without limitation, interests in real or personal property, or any combination thereof, to construct or install improvements, to renovate, expand and improve buildings, and to lease or otherwise convey interests in real or personal property or improvements or any combination thereof to the economic development clients and/or entities approved or formed by the City of Grand Junction, Colorado (the "City").

(b) To borrow money, to become indebted, and to execute and deliver bonds, notes, certificates of purchase or debentures or other securities, instruments or obligations for the purposes of acquiring such real or personal property, or interests in real or personal property, constructing or installing such improvements, renovating, expanding and improving such buildings, or any combination thereof, and for such other purpose or purposes as may be necessary or desirable to accomplish the objectives of the corporation. Such indebtedness may be unsecured, may be secured by any mortgage, trust deed or other lien upon the property to be acquired or any other property of the corporation, or may be otherwise secured.

(c) To otherwise assist in or facilitate the acquisition or financing of real or personal property or improvements for or to be used by the economic development clients of the City.

(d) To exercise all powers, privileges and rights necessary or advisable to carry out the objects and purposes for which the corporation is formed, and the incorporator and directors hereby claim for the corporation all the benefits, privileges, rights and powers created, extended or conferred by the provisions of all applicable laws of the State of Colorado pertaining to corporations not for profit, as the same may be amended from time to time.

#### **ARTICLE IV - ADDRESS AND REGISTERED AGENT**

The address of the initial registered office of the corporation is 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506. The registered agent of the corporation is Kirk Rider, Esq. The address of the principal office of the corporation is 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

#### **ARTICLE V - MEMBERSHIP AND CAPITAL STOCK**

The corporation shall have no members, and the corporation shall issue no membership certificates and shall have no capital stock.

#### **ARTICLE VI - BOARD OF DIRECTORS**

The affairs and management of the corporation shall be under the control of a board of directors. The initial board of directors of the corporation shall consist of five directors, and the names and addresses of the persons who shall serve as the initial directors of the corporation until the first meeting of the board and until their successors are elected and shall qualify are:

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>
David Varley	City of Grand Junction 250 North 5th Street Grand Junction, CO 81501
W. T. Sisson	530 Heron Court Grand Junction, CO 81503
James Fleming	2235 Fernwood Court Grand Junction, CO 81506



Ann Driggers

Grand Junction Economic  
Partnership  
2828 Walker Field Drive, #302  
Grand Junction, CO 81506

Sam Baldwin

800 Belford Avenue  
Grand Junction, CO 81501

The directors shall serve for terms of three years (except that the initial terms of such directors may be for a lesser period if so stated in the by-laws of the corporation); but any of the directors shall promptly resign upon the written request of a majority of the City Council of the City (the "City Council"). Whenever a vacancy shall occur in the membership of the board of directors, such vacancy or vacancies shall be filled by appointment of the City Council.

#### **ARTICLE VII - INCORPORATOR**

The name and address of the incorporator is Kirk Rider, 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

#### **ARTICLE VIII - REGULAR AND SPECIAL MEETINGS**

The annual, regular and special meetings of the corporation, and the place, time and manner of giving notice of such meetings, shall be in accordance with applicable law and as prescribed by the by-laws of the corporation.

#### **ARTICLE IX - INTEREST OF DIRECTORS**

The directors of the corporation shall have no private or proprietary interest in the corporation. The directors shall serve as such without compensation, and no part of the corporation's net earnings, income or assets will inure to the benefit of any private entity or individual; provided, however, that the board of directors may allow reimbursement of reasonable expenses incurred by a director in the performance of his duties as a director or officer.

#### **ARTICLE X - DISSOLUTION**

In the event of the dissolution of the corporation, no part of its property shall be distributed to any private entity or individual, and any property of the corporation not required to pay corporate debts and corporate expenses shall be distributed only to the City or an entity that is an instrumentality of the City for federal income tax purposes for a public purpose.

#### **ARTICLE XI - BY-LAWS OF THE CORPORATION**

The directors shall have the power to adopt and amend by-laws of the corporation, as they may deem proper for the management of the affairs of the corporation, and which are not inconsistent with law or these Articles of Incorporation, or that Ordinance No. \_\_\_\_\_ of the City, establishing the corporation.

## **ARTICLE XII – AMENDMENT**

These Articles of Incorporation may be amended from time to time by the affirmative vote of a majority of the directors; provided, however, that Article III, Article V, Article VI, Article IX, Article X, Article XI and this Article XII shall not be amended or repealed without the approval of the City Council in a form specified by the City and approved by the City Attorney and an opinion of nationally recognized bond counsel that such amendment will not adversely affect the tax characteristics of any outstanding bonds of the corporation.

## **ARTICLE XIII - EXCULPATION AND INDEMNIFICATION**

(a) No director of the corporation shall be personally liable to the corporation for monetary damages for breach of fiduciary duty as a director, but this provision shall not eliminate or limit the liability of a director to the corporation for monetary damages for (1) any breach of the director's duty of loyalty to the corporation, (2) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (3) acts specified in Section 7-24-111 of the Colorado Revised Statutes (involving loans to directors and officers), or (4) any transaction from which the director derived an improper personal benefit.

(b) Except as provided in paragraph (c) below, the corporation may indemnify against liability incurred in any proceeding to which an individual was made a party because the individual is or was a director if (1) such individual conducted himself or herself in good faith; (2) such individual reasonably believed (a) in the case of conduct in such individual's official capacity with the corporation, that such individual's conduct was in the corporation's best interests, or (b) in all other cases, that such individual's conduct was at least not opposed to the corporation's best interests; and (3) in the case of any criminal proceeding, such individual had no reasonable cause to believe such individual's conduct was unlawful. Indemnification under this paragraph (b) in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding. Indemnification under this paragraph (b) may not be made unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in the first sentence of this paragraph [b], and shall be made in accordance with the requirements of Section 7-109-106 of the Colorado Revised Statutes.

(c) The corporation may not indemnify a director under paragraph (b) either: (1) in connection with a proceeding by or in the right of the corporation in which the director was adjudged liable to the corporation, or (2) in connection with any proceeding charging improper personal benefit to the director, whether or not involving an action in the director's official capacity, in which he or she was adjudged liable on the basis that personal benefit was improperly received by the director.

(d) A director or officer of the corporation who is or was a party to a proceeding may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction, in either case in accordance with Section 7-109-105 of the Colorado Revised Statutes.

(e) The corporation shall indemnify a person who is or was a director of the corporation or who is an officer of the corporation and who was wholly successful, on the merits or otherwise, in defense of any proceeding to which such person was a party, against reasonable expenses incurred by such person in connection with the proceeding.

(f) The corporation may pay for or reimburse the reasonable expenses incurred by a director or officer of the corporation who is a party to a proceeding in advance of the final disposition of the proceeding if (1) the director or officer furnishes the corporation a written affirmation of the director's or officer's good faith belief that he or she has met the standard of conduct described in the first sentence of paragraph (b) of this Article Thirteen, (2) the director or officer furnishes the corporation a written undertaking, executed personally or on such person's behalf, to repay the advance if it is determined that such person did not meet such standard of conduct; and (3) a determination is made that the facts then known to those making the determination would not preclude indemnification under this paragraph (f). The undertaking required by (2) above shall be an unlimited general obligation of the director or officer, but need not be secured and may be accepted without reference to financial ability to make repayment.

(g) In addition to the foregoing, the corporation may pay or reimburse expenses incurred by a director in connection with the director's appearance as a witness in a proceeding at a time when the director has not been made a named defendant or respondent in the proceeding.

(h) The corporation may indemnify and advance expenses to officers, employees or agents of the corporation to the extent permitted by law.

(i) The corporation may purchase and maintain insurance from any insurance company designated by the board of directors, on behalf of an individual who is or was a director, officer, employee, fiduciary, or agent of the

corporation, and who, while a director, officer, employee, fiduciary, or agent of the corporation, is or was serving at the request of the corporation as a director, officer, employee, fiduciary, or agent of any other foreign or domestic corporation or of any partnership, joint venture, trust, or other enterprise, or employee benefit plan against any liability asserted against or incurred by such individual in any such capacity or arising out of his or her status as such, whether or not the corporation would have the power to indemnify such individual against such liability under the provisions of this Article Thirteen and the provisions of law.

(j) The terms "directors", "expenses", "liability", "official capacity", "party", and "proceeding" are intended to have the meanings given to such terms under Section 7-109-101 of the Colorado Revised Statutes.

These Articles of Incorporation, consisting of pages 1 to 7, inclusive, have been duly adopted by the incorporator.

**IN WITNESS WHEREOF**, the incorporator of the Grand Junction, Colorado State Leasing Authority, Inc. has caused these Articles of Incorporation to be signed, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

INCORPORATOR

**BY-LAWS**  
**OF**  
**GRAND JUNCTION, COLORADO**  
**STATE LEASING AUTHORITY, INC.**

**ARTICLE I**  
**OFFICE OF THE CORPORATION**

The principal office of the Grand Junction, Colorado State Leasing Authority, Inc. (the "Corporation") shall be located at 743 Horizon Court, Suite 200, Grand Junction, Colorado 81506.

**ARTICLE II**  
**NATURE OF CORPORATION**

**Section 1. INTEREST OF OFFICERS AND DIRECTORS.** No officer or director of the Corporation shall have any right, title or interest in or to any real or personal property or other assets of the Corporation either during its existence or upon its dissolution.

**Section 2. NON-LIABILITY FOR DEBTS.** The private property of the directors and officers shall be exempt from execution or other liability for any debts of the Corporation and no director or officer shall be liable or responsible for the debts or liabilities of the Corporation.

**Section 3. INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES; LIMITATION OF LIABILITY.** The Corporation shall indemnify any director, officer, employee or former director, officer or employee of the Corporation, to the extent allowed by law and as provided in the articles of incorporation, against the obligation to pay a judgment, settlement, penalty, fine, or reasonable expense (including attorney fees) incurred with respect to the defense of any threatened, pending or completed action, suit, or proceeding, civil, criminal, administrative or investigative (whether formal or informal), or for any loss or claim resulting from such action, suit or proceeding, in which he is made a party by reason of being or having been a director, officer or employee. The Corporation is authorized to obtain a policy or policies of insurance for the purpose of providing such indemnification of the directors, officers and employees of the Corporation.

As provided in the Articles of Incorporation, except as otherwise provided by law, no director shall have any personal liability to the Corporation or its members (if there are ever any members) for monetary damages for breach of fiduciary duty as a director.

**ARTICLE III  
BOARD OF DIRECTORS**

**Section 1. GENERAL.** The business and affairs of the Corporation shall be managed by a board of directors consisting of five directors, as provided in the Articles of Incorporation. Those directors who shall serve as the first board of directors (as set forth in the Articles of Incorporation), shall hold office for the terms indicated below:

<u><b>Directors</b></u>	<u><b>Term</b></u>
David Varley	Until January 1, 2009
W. T. Sisson	Until January 1, 2009
James Fleming	Until January 1, 2008
Ann Driggers	Until January 1, 2008
Sam Baldwin	Until January 1, 2008

Thereafter the terms of office for the five directors shall be for a period of three years, subject to removal by the City Council of the City of Grand Junction, Colorado (the "City Council" and the "City", respectively) as provided in the Articles of Incorporation. Directors shall hold office until their successors have been appointed and qualified. A director may be appointed for one or more terms.

**Section 2. ANNUAL MEETING.** A regular annual meeting of the directors of the Corporation shall be held at the principal place of business, or at such other place as a majority of the directors shall determine, on the second Tuesday of January in each year, at 7:00 p.m., or at such other time as a majority of the directors may determine, for the purpose of electing officers and for the transaction of such other business as may come before the meeting.

**Section 3. SPECIAL MEETINGS.** Special meetings of the directors may be called by any director, and it shall then be the duty of the Secretary-Treasurer to cause notice of such meeting to be given as hereinafter provided. Special meetings may be held at any place within the State.

**Section 4. NOTICE OF MEETINGS.** Written notice of the date, time and place of each special meeting shall be delivered personally or mailed by first class United States mail to each director at least 24 hours prior to the meeting. Waiver of the notice of any meeting may be given by any director, either before or after the time of such meeting, and attendance at any meeting shall constitute

a waiver of the notice of such meeting. Notice shall generally comply with the Colorado Open Meetings law.

**Section 5. TELEPHONE MEETINGS; ACTION WITHOUT MEETING.** Notwithstanding any other provision of these by-laws, the board of directors may conduct any meeting by telephone conference call. Notwithstanding any other provision of these by-laws, all of the directors may execute written consents setting forth any action, in substitution for any meeting, and any action of the board of directors (not inconsistent with law or the Articles of Incorporation) evidenced by such a written consent shall be the valid action of the board of directors.

**Section 6. QUORUM.** A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting. All resolutions or motions for the transaction of the business of the Corporation shall require the affirmative vote of a majority of the board of directors.

**Section 7. VACANCY.** Whenever a vacancy shall occur in the membership of the board of directors, such vacancy or vacancies shall be filled by appointment by the City Council. If there are no remaining members of the board of directors, the vacancies shall be filled by the City Council.

**Section 8. COMPENSATION.** No director of the Corporation shall receive any salary or compensation for his services nor shall any director of the Corporation receive from the Corporation any pecuniary profit from the operations of the Corporation; provided that any director may, from time to time, be reimbursed for his reasonable expenses incurred in the performance of his duties as a director or officer.

## **ARTICLE IV OFFICERS**

**Section 1. OFFICERS.** The officers of the Corporation shall be a President, Vice President, and a Secretary-Treasurer.

**Section 2. ELECTION AND TERM OF OFFICE.** The initial officers of the Corporation shall be elected by the board of directors at the organizational meeting. Officers shall thereafter be elected annually by the board of directors at the regular annual meeting, and upon the appointment of one or more new directors. Each officer shall be a director and shall hold office until his successor as such officer shall have been duly elected as herein provided.

**Section 3. PRESIDENT.** The President shall be the principal executive officer of the Corporation and shall in general supervise and control all of the business and affairs of the Corporation. The President shall preside at meetings of the board of directors, and may sign, together with the Secretary-Treasurer or any other proper officer of the Corporation authorized by the board of directors,

or alone if no additional signature is required by the authorizing action of the board of directors, any leases, deeds, conveyances, mortgages, bonds, notes, debentures, securities, certificates, instruments, waivers, consents, obligations, agreements or contracts which the board of directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the board of directors or by statute to some other officer or agent of the Corporation; and in general the President shall perform all duties incidental to the office of President and such other duties as may be prescribed by the board of directors from time to time.

**Section 4. VICE PRESIDENT.** In the absence of the President or in the event of the inability or refusal of the President to act, the Vice President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall perform such other duties as from time to time may be assigned by the President or by the board of directors.

**Section 5. SECRETARY-TREASURER.** If required by the board of directors, the Secretary-Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the board of directors may determine. The Secretary-Treasurer shall have charge and custody of and be responsible for any funds and securities of the Corporation unless otherwise provided by the board of directors; and in general perform all the duties incidental to the office of treasurer and such other duties as from time to time may be assigned by the President or by the board of directors. The Secretary-Treasurer shall keep the minutes of the meetings of the board of directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these by-laws and as required by law; be custodian of the corporate records and of the seal of the Corporation and affix the seal of the Corporation to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized in accordance with the provisions of these by-laws; and in general perform all duties incidental to the office of secretary and such other duties as from time to time may be assigned by the President or by the board of directors. In the absence of the Secretary-Treasurer or in the event of the inability or refusal of the Secretary-Treasurer to act, the President may designate another director as Acting Secretary-Treasurer to assume the powers, duties and functions of the Secretary-Treasurer.

## **ARTICLE V SEAL**

The corporate seal of the Corporation shall be in the form of a circle and shall have inscribed thereon the words "Grand Junction, Colorado State Leasing Authority, Inc." and the words "Corporate Seal" (or abbreviations thereof).



**ARTICLE VI  
FISCAL YEAR; AUDITS**

The fiscal year of the Corporation shall begin on the first day of January of each year and shall end on the thirty-first day of December of such year. The Corporation's financial statements shall be audited annually, and a copy of each audit shall be provided to the City.

**ARTICLE VII  
AMENDMENTS**

These by-laws may be altered, amended or repealed by the affirmative vote of a majority of the members of the board of directors voting at any special or regular meeting. Notwithstanding the foregoing, these by-laws may not be altered, amended or repealed so as to be inconsistent with the Articles of Incorporation, that Ordinance No. \_\_\_\_\_ of the City establishing the Corporation, or with applicable law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Varley, Interim City Manager

\_\_\_\_\_  
W. T. Sisson

\_\_\_\_\_  
James Fleming

\_\_\_\_\_  
Sam Baldwin

\_\_\_\_\_  
Ann Driggers

**Attach 15**

**Public Hearing – Zoning the Charlesworth Annexation Located at 248 28 Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Zoning the Charlesworth Annexation, located at 248 28 Road					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 21, 2006				<b>File #</b> GPA-2006-062	
<b>Author</b>	David Thornton		Principal Planner			
<b>Presenter Name</b>	David Thornton		Principal Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** Request to zone the 10.85 acre Charlesworth Annexation, located at 248 28 Road, to RMF-5 (Residential Multi-family with a maximum of five units per acre) zone district.

**Budget:** N/A

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

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing Zoning Map
4. Petitioner’s General Project Report
5. Zoning Ordinance

## **ANALYSIS**

### **1. Background**

The 10.64 acre Charlesworth Annexation located at 248 28 Road on Orchard Mesa is proposed to be a single family subdivision. The property is currently zoned Planned Development and RSF-4 in Mesa County. The property to the southeast, Mesa Estates is zoned RMF-8. Arrowhead Acres II, located to the east was zoned as RMF-5 when it was annexed in 1999. Durango Acres located to the north is zoned RSF-4. The properties to the west are zoned Commercial C-1 and C-2 and to the south are zoned Planned Commercial and C-2.

### **2. Consistency with the Growth Plan:**

A Growth Plan Amendment for this property to Residential Medium 4 to 8 units per acre was approved by City Council on June 7, 2006. The requested zone district of RMF-5 is consistent with the Future Land Use designation of Residential Medium.

### **3. Section 2.6.A.3, 4, 5 of the Zoning and Development Code:**

Zone of Annexation: The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan density of four to eight units per acre. The existing County zoning is Planned (Residential) Development (PD) and RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4, 5 as follows:

- 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: RMF-5 zoning is compatible with the neighborhood and will make for a better transition from the existing RSF-4 zoning to the north and the Commercial zoning to the south. Infrastructure capacity will not be compromised nor create adverse impacts to surrounding development.

- 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.

The zoning is consistent with the following goals and policies of the Growth Plan:

Goal 4: To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

Policy 4.1: The City will place different priorities on growth depending on where growth is located...to locations...with adequate public facilities....

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

Policy 28.3: The City's elected officials and leadership will consistently advocate and promote the planning, fiscal, and quality of life advantages and benefits achievable through infill and redevelopment.

- 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.

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.

RSF-4 or RMF-8

If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

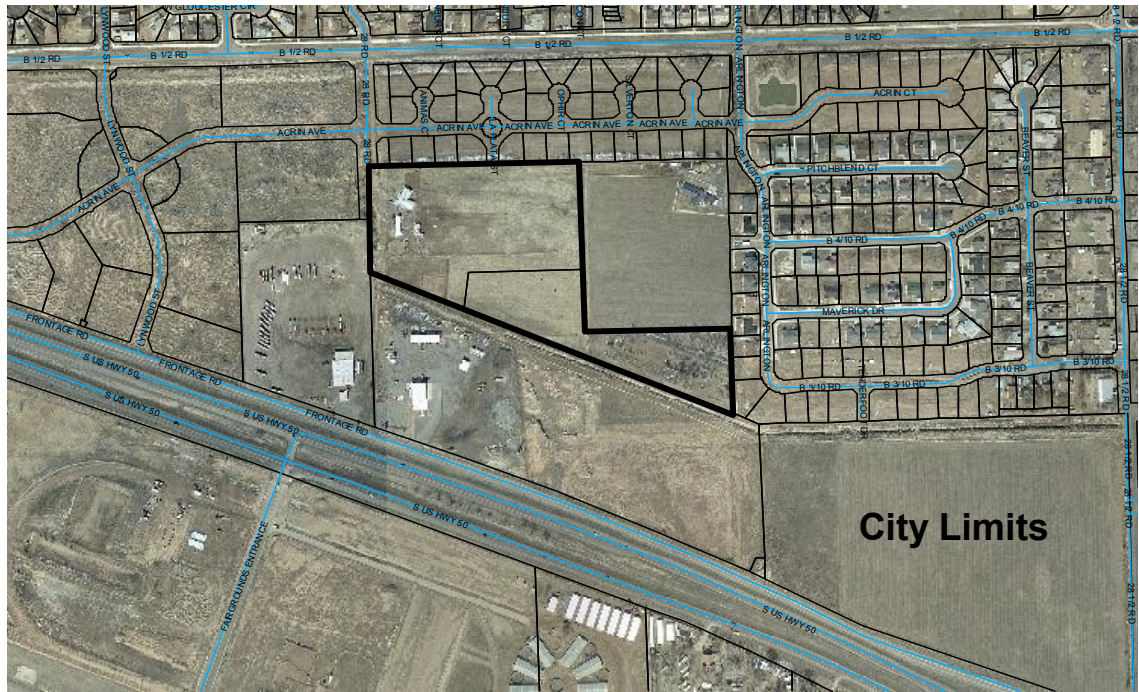
FINDINGS OF FACT/CONCLUSIONS:

1. The requested zone is consistent with the Growth Plan
2. The review criteria in Section 2.6.A and 2.14 of the Zoning and Development Code have all been met.

**PLANNING COMMISSION RECOMMENDATION:**

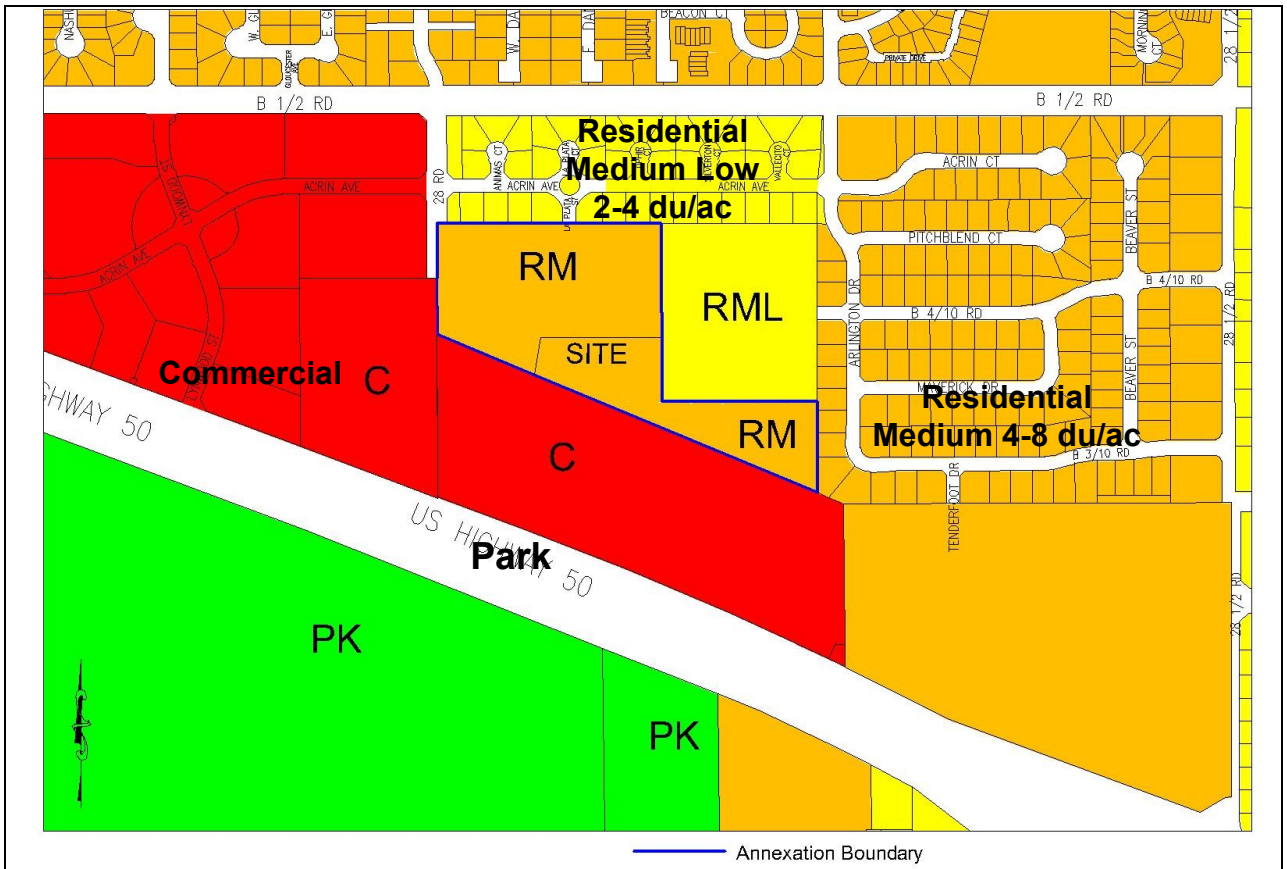
On June 13, 2006 Planning Commission recommended approval of the requested zone of Annexation of RMF-5 (Residential Multi-family with a maximum density of five units per acre), with a vote of 7 to 0, with the findings and conclusions listed above.





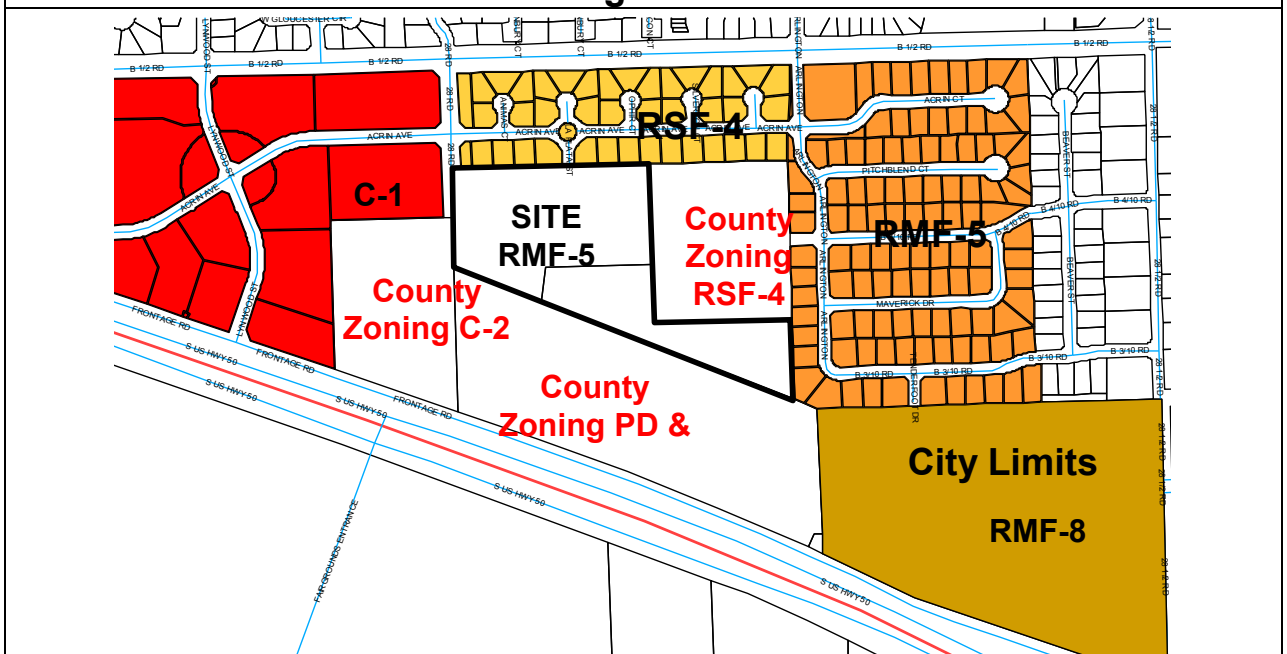
# Future Land Use Map

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."



**Charlesworth Property**  
**Growth Plan Ammendment and Annexation**  
**April 20, 2006**  
**General Project Report**

**Project Overview**

Owner of the subject property is Darrell and Eldora Charlesworth but is under contract for purchase by La Cima III, LLC. The owner is seeking a Growth Plan Amendment and Annexation by the City of Grand Junction for a subdivision involving two (2) parcels known as the Charlesworth Property. The first parcel, 6.7 acres, is east and adjacent to the recently approved Meridian Commercial Park and Groendyke Transport Inc. which is east of the existing City Market on Orchard Mesa. The second parcel, 4.2 acres, is directly east of the first. Per the checklist received from the City of Grand Junction the annexation petition request is included with this Growth Plan Amendment submittal.

**A. Project Description**

Location and Site Features

- These two (2) parcels, totaling approximately 11 acres, are vacant. Generally, these parcels are located north of Highway 50 between and adjacent to the east side of the 28 Road right of way. Access to these parcels will be from 28 Road and from La Plata Street.
- Topography of the two (2) parcels gently slopes down from the southeast corner to the northwest corner, with approximately 8 feet of grade variation (avg. 0.5% grade).

Existing Zoning

- The first parcel having a parcel number of 2943-303-00-213 is presently zoned RSF-4 in Mesa County. The second parcel having a parcel number of 2943-303-00-226 is presently zoned PD in Mesa County. The current Growth Plan indicates Residential - 2 to 4 units per acre.

Proposed Plan

- The proposed plan is to subdivide these parcels into single family residential lots under RMF-5 zoning. We believe the RMF-5 zoning is a better transition between the adjacent commercial to the south and the existing residential to the north and east. The plan will include the appropriate open space and detention areas that will be owned and maintained by the homeowners association. In addition, the plan will have an internal road system which provides interconnectivity to the adjacent parcels and subdivisions that meets TEDS requirements. All residential lots will meet the RMF-5 Zone setback standards, as described in The City Of Grand Junction Zoning and Development Code. Lot layout and dimensions shall be designed to meet current City standards.

## **B. Public Benefit**

The proposed Growth Plan amendment and the subsequent development will create a residential neighborhood that provides a transition from the commercial zoning to the south and west to the existing residential neighborhoods to the north and east.

Public benefits include:

- the development of property adjacent to existing City services;
- smooth transition from commercial zoning to medium low density residential zoning;
- consistent zoning with that of adjacent subdivisions to the east;
- ROW land dedications and utility stubs that provide connectivity to adjacent developable parcels;
- the creation of maintained open space for detention;

## **C. Neighborhood Meeting**

A neighborhood meeting is currently scheduled for 6pm on April 3, 2006 at 1015 N. 7<sup>th</sup> Street, which is Bray and Company's Education Center.

## **D. Project Compliance, Compatibility, And Impact**

### Adopted Plans and Policies

The proposed growth plan amendment and subdivision will meet the goals outlined in the Orchard Mesa Neighborhood Growth Plan, including but not limited to:

- the General Services Action Plan;
- the Land Use/Zoning Action Plan;
- The Annexation Action Plan.

It does so by: providing in-fill development between existing leap frog developments; providing urban services of water, sewer, roads, and street lighting; approximating zoning density suggested for the south Orchard Mesa area;

Although we are requesting a Growth Plan Amendment, the Charlesworth proposal will meet the following goals of the adopted Growth Plan by complying with the following:

- Policy 5.2 - Proposed zoning will encourage development compatible with existing development;
- Policy 6.5. Charlesworth will use existing irrigation water for home irrigation systems as well as open space irrigation;
- Policies 7.1-7.4. Charlesworth will pay its appropriate share of development and open space fees;
- Policy 9.1 - 9.2 - Proposed zoning will support Neighborhood Area Plans;
- Policies 13.1-13.3. Charlesworth will plan areas for landscaped detention;

## Growth Plan Amendment and Annexation Criteria

### Growth Plan Amendment Criteria

Growth Plan Amendments must be reviewed for conformance with the criteria established by Section 2.5 Growth Plan Amendment (GPA), as follows:

1. *There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for.* It is unknown if there was an error; however, there are two notable inconsistencies.
  - These properties and the properties immediately to the north comprise a limited 'enclaved' Residential Medium Low (2 to 4) zone that is surrounded by Residential Medium (4 to 8) and Commercial zones;
  - In reviewing the Growth Plan, typically where residential abuts commercial it is proposed as a Residential Medium (4 to 8) zone.
2. *Subsequent events have invalidated the original premises and findings.* With the exception of the Durango acres Subdivision to the north, the surrounding residential properties have developed according to the Growth Plan (at RMF 5, well within the Residential Medium 4 to 8 of the Growth Plan). Durango Acres, which is zoned RSF-4 and has a Residential Medium Low 2 to 4 Growth Plan designation, is a platted subdivision in which over 25% of the lots are smaller than the RSF-4 minimums ... that is, they are technically RMF-5 lots.
3. *The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan.* The character of the area is predominantly Residential Low (4 to 8 units per acre). The density of the abutting developed residential subdivisions is 4 to 5 units per acre ... at the upper end of the Residential Medium Low 2-4 Growth Plan designation, and at the lower end of the Residential Medium 4-8 Growth Plan designation. This is not a change, but rather further support that the area should continue to develop with the existing character.
4. *The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.* The proposal conforms, or will conform, with City Code and known City regulations, with respect to this request for an amendment to the Growth Plan. Note: the unusual shape of the property will prohibit maximizing the RMF-5 density, resulting in densities closer to the 4 to 4.3 range.
5. *Public and community facilities are adequate to serve the type and scope of land use proposed.* Yes.
6. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use.* In that the marketplace is demanding single family lots, there is an inadequate supply of suitably designated land in the community.
7. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.* The slight increase in density being requested makes the project economically feasible. The development of this property will demand attention to circulation, drainage and irrigation issues that will benefit the abutting properties.

### Annexation Criteria

Annexation must be reviewed for conformance with the criteria established by Section 2.6. REZONING of the Zoning and Development Code, as follows:

1. *The existing zoning was in error at the time of adoption.* The existing zoning is County zoning RSF-4, and per Persigo must be annexed and zoned within the City. Our request for RMF-5 is consistent with the GPA noted above.
2. *There has been a change of character in the neighborhood due to installation of public facilities, or other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan.* With the exception of the Durango acres Subdivision to the north, the adjacent residential properties have developed at RMF 5. Durango Acres, which is zoned RSF-4, is a platted subdivision in which over 25% of the lots do not meet the RSF-4 minimums, however, they do meet the RMF-5 minimums.
3. *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.* The proposed rezone is compatible with adjacent neighborhoods. The unusual shape of the property will prohibit maximizing the RMF-5 density, resulting in densities closer to 4 than to 5 units per acre. Impacts will not be in excess of those normally associated with this type of zoning.
4. *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines.* The proposal conforms to the Orchard Mesa Neighborhood Plan, the City Code, and known City regulations, but is requesting an amendment to the Growth Plan.
5. *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.* Yes.
6. *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.* In that it is more desirable to have higher density next to commercial, there is an inadequate supply of land.
7. *The community or neighborhood will benefit from the proposed zone.* The slight increase in density being requested makes the project economically feasible. The development of this property will demand attention to circulation, drainage and irrigation issues that will benefit the abutting properties.

### Surrounding Land Use

The land surrounding the two (2) parcels to be planned has gradually converted from agricultural uses to residential uses to the north and east, and commercial to the west through the City of Grand Junction subdivision process. A parcel of agricultural land exists adjacent to the northeast corner and a commercial parcel exists adjacent to the south of the site in Mesa County. Vacant land and large in-fill lots are common in the area.

Site Access and Traffic

Access to the subject parcels will be from 28 Road to the west and La Plata St. to the north. The plan will develop internal roads consistent with the City of Grand Junction standards and TEDS.

Availability of Utilities

Water, sewer, gas and electric services are available and will be extended from existing developments adjacent to the site. Irrigation is available from Orchard Mesa Irrigation District. Water is provided by Ute, Sewer by Orchard Mesa Sanitation/Persigo, gas by Xcel, and electric by Grand Valley Rural Power.

Effects On Public Facilities

The addition of more residential sites and the resulting new homes will have expected, but not unusual impacts on the fire department, police department, and the public school system.

Site Soils

Soils do not appear to provide any unusual constraints.

**E. Development Schedule and Phasing**

A Growth Plan amendment, Annexation and Rezone is being requested concurrently with the submission of this General Project Report. The goal is to start the preliminary planning process when the amendment, annexation and rezone approval have been obtained. These parcels will be constructed as a single phase.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE CHARLESWORTH ANNEXATION TO RMF-5  
(RESIDENTIAL MULTI-FAMILY – 5 UNITS PER ACRE)**

**LOCATED AT 248 28 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 Charlesworth Annexation to RMF-5 (Residential Multi-family with a maximum of 5 units per acre), finding that it conforms with 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 is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district 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 be zoned RMF-5 (Residential Multi-Family, 5 units per acre).

**CHARLESWORTH ANNEXATION**

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 30, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest Corner of the NW 1/4 SW 1/4 of said Section 30 and assuming the West line of the NW 1/4 SW 1/4 of said Section 30 to bear N00°03'02"W with all bearings contained herein relative thereto; thence N00°03'02"W along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 555.63 feet to the Point of Beginning; thence N00°03'02"W continuing along the West line of the NW 1/4 SW 1/4 of said Section 30 a distance of 359.30 feet; thence S89°54'15"E along the Southerly line and the

Westerly extension of Durango Acres Filing One, recorded in Plat Book 19, Pages 105 and 106, and Durango Acres Filing Two, recorded in Plat Book 20, Page 49 of the Mesa County, Colorado public records a distance of 733.78 feet; thence S00°03'45"W a distance of 580.99 feet; thence S89°54'15"E a distance of 509.96 feet to a point on the West line of Arrowhead Acres II Filing No. 3, recorded in Plat Book 18, Page 329 and 330 of the Mesa County, Colorado public records; thence S00°04'39"W along the West line of said Arrowhead Acres II Filing No. 3 a distance of 296.71 feet; thence N67°16'10"W a distance of 1347.01 feet to the Point of Beginning.

Said parcel contains 10.85 acres (472,670 square feet), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

**INTRODUCED** on first reading this 19<sup>th</sup> day of June, 2006 and ordered published.

**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

President of the Council

\_\_\_\_\_  
City Clerk

**Attach 16**

**Public Hearing – Growth Plan Amendment (Text) – Residential Density in Downtown Commercial Core**

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject</b>	Growth Plan Amendment (Text) – Residential Density in Downtown Commercial Core					
<b>Meeting Date</b>	July 5, 2006					
<b>Date Prepared</b>	June 29, 2006				<b>File</b> GPA-2006-066	
<b>Author</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		Senior Planner			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	X	<b>Yes</b>		<b>No</b>	<b>Name</b>	Harold Staf, Downtown Development Authority
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Grand Junction Downtown Development Authority is requesting a revision to the text of the Growth Plan to eliminate the maximum residential density requirement for downtown developments/properties.

**Budget:** N/A

**Action Requested/Recommendation:** Public hearing for consideration of resolution for Growth Plan text amendment.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Background Information
2. Map of Existing DDA Boundaries with Existing Zoning
3. Letter of Request from DDA
4. Planning Commission Minutes
5. Proposed Growth Plan Text Amendment Resolution



BACKGROUND INFORMATION	
Location:	Downtown Area
Applicant:	Grand Junction Downtown Development Authority – Harold Stalf, Executive Director
Existing Land Use:	Business/Commercial – Maximum Residential Density of 24 units per acre
Proposed Land Use:	Same with no limitation on maximum residential density

## ANALYSIS/BACKGROUND

The DDA is proposing to participate in and/or encourage developers to create residential and mixed-use commercial-residential projects in the downtown area. In order to facilitate this goal, it is recognized that the current valley-wide residential density cap of 24 units per acre is an impediment to such projects. Therefore, the DDA is proposing that there be no maximum residential density applicable to the downtown area. Downtown projects would not be restricted to a maximum density provided they are in compliance with all other applicable plans and regulations in effect at the time of development.

For purposes of this change to the Growth Plan the “Downtown area” could be defined as the area currently zoned Downtown Business B-2 or zoned Neighborhood Business B-1 and B-2 within the DDA boundaries. The specifics of its application will be determined with the subsequent amendments to the Zoning and Development Code required to implement this element of the Growth Plan.

This change requires an amendment to the City-County Growth Plan and subsequent amendment to the City’s Zoning and Development Code. The Growth Plan amendment is a revision to the policy statements in the Plan included on the following page. Once the Growth Plan is revised, the DDA and Community Development staff will propose appropriate changes to the Zoning and Development Code.

The proposed new language for the Growth Plan would read as follows:  
(proposed new language in *italics*):

### CHAPTER 5

#### Exhibit V.2

Add the following footnote (2) under the Intensity heading:

(2) *Residential Density in the Downtown Commercial Core Area may exceed the maximum 24 du/ac*

## F. Goals and Policies

### Community Character/Image

Goal 8: To support the long-term vitality of existing centers of community activity as shown in Exhibit V.5 (Existing Centers of Activity Map, Pages 25-26)

#### Downtown Commercial Core Area

Policy 8.1: The City will evaluate major capital improvement projects to determine their impact on Downtown vitality. The City will support improvement projects that foster growth of residential, office, cultural, entertainment and specialty retail business areas within the Downtown area.

Policy 8.2: The City and County will maintain the majority of governmental operations Downtown to help support the area's economic stability/vitality.

Policy 8.3: The City and County will support efforts to increase the vitality of the Downtown.

*Policy 8.4: The City will support residential and mixed residential-commercial projects in the business areas of downtown, recognizing the need for a variety of housing types including affordable units for workforce housing. The City will allow residential densities in the downtown area to exceed those specified in Exhibit V.2, Future Land Use Categories, for residential and mixed commercial-residential developments.*

## 2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.  
*The Growth Plan only contemplated residential densities of up to 24 units per acre but did not specifically analyze how this might relate to development of downtown residential projects.*
- b. Subsequent events have invalidated the original premises and findings.  
*As housing costs in the Grand Junction community have continued to escalate since initial adoption of the Growth Plan in 1996, it has become apparent that there is an overwhelming need for centrally*

*located, affordable housing. There are housing types that could be developed in the downtown area at that could meet this need if developed at a higher density than currently allowed by the Growth Plan.*

- c. The character and/or condition of the area have changed enough that the amendment is acceptable.  
*Since adoption of the Growth Plan in 1996, there has been a more coordinated effort between the Downtown Development Authority and various agencies and developers to pursue the development of residential projects in the downtown area. There are a number of larger acreages downtown that have recently become available that have the potential for development or redevelopment to create housing units downtown.*
- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.  
*Since this proposed amendment would only be applicable in the downtown area, the change would not impact the plans and policies adopted for other areas in the urbanized area.*

*The change is consistent with general principles of the Growth Plan listed in Section 5.E:*

- *Concentrate Urban Growth – higher densities in the downtown area would maximize use of existing infrastructure*
- *Reinforce Existing Community Centers – a vital downtown was a major part of the Growth Plan. Additional residential uses downtown would support improved vibrancy downtown.*
- *Disperse Higher Density Housing – higher density housing downtown would be centrally located therefore closer to jobs, transportation and commercial uses than other neighborhoods of the urbanized area.*

*In addition, Goal 8 of the Growth Plan specifically addresses and supports this change: To support the long-term vitality of existing centers of community activity.*

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.  
*Public facilities and infrastructure in the downtown area are adequate to serve high density residential uses.*
- f. An inadequate supply of suitably designated land is available in the proposed land use.

*There is a limited amount of land available in the urbanized area for high density residential use and, of that, much of it is not as centrally located to existing infrastructure and needs of future residents.*

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.  
*The community will derive benefit from increased residential density downtown to help meet the need for affordable, centrally located housing and it will support the community's desire for a vital downtown.*

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the proposed downtown residential density application for an amendment to the text of the Growth Plan, staff and Planning Commission make the following findings of fact and conclusions:

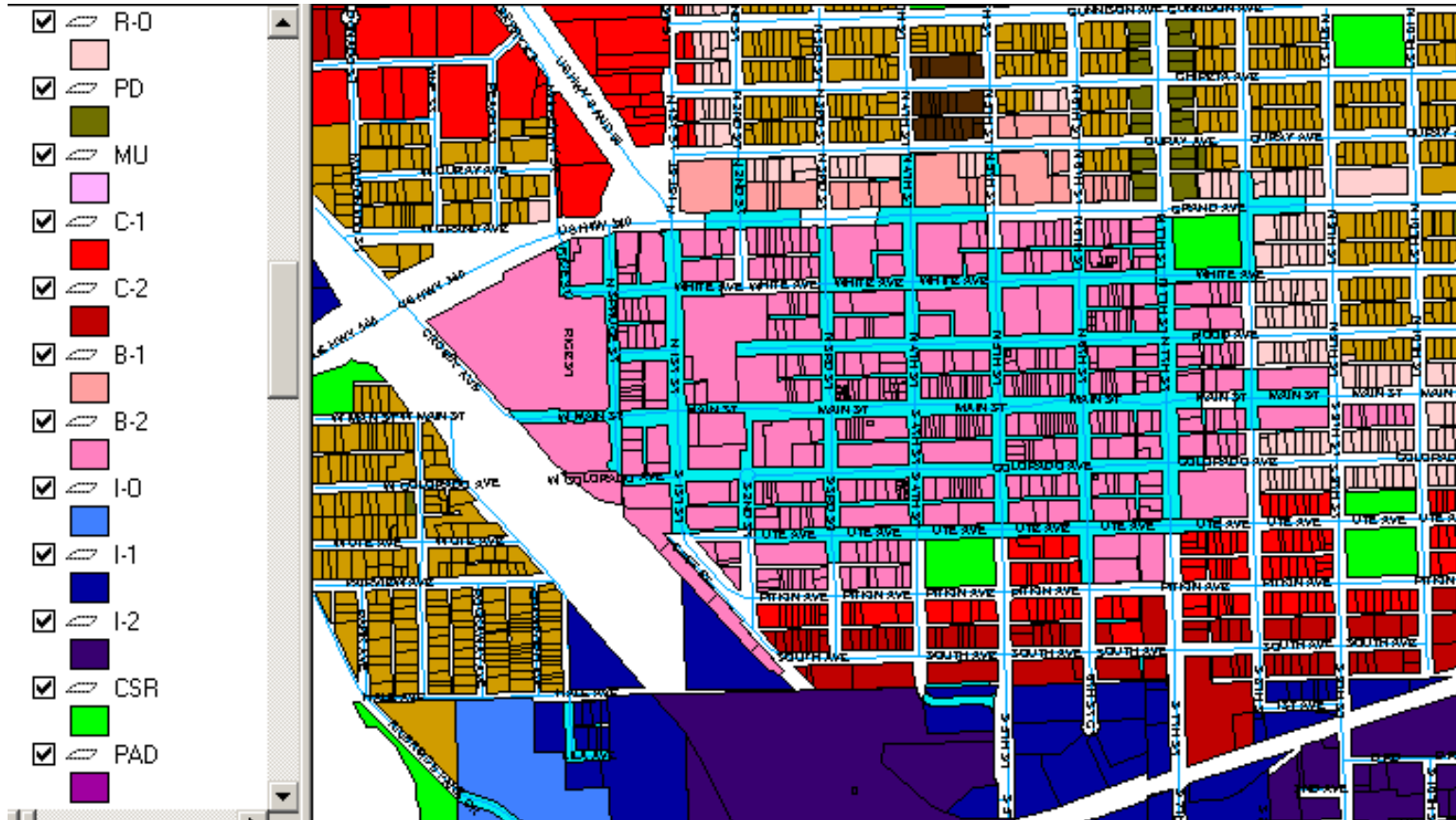
- 3. The proposed amendment is consistent with the purpose and intent of the Plan.
- 4. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

## PLANNING COMMISSION RECOMMENDATION (6/13/06 hearing 7-0):

The Planning Commission recommended approval of the request to amend the text of the Growth Plan.

Footnote (2): Residential Density in the Downtown Commercial Core Area may exceed the maximum 24 du/ac

Policy 8.4: The City will support residential and mixed residential-commercial projects in the business areas of downtown, recognizing the need for a variety of housing types including affordable units for workforce housing. The City will allow residential densities in the downtown area to exceed those specified in Exhibit V.2, Future Land Use Categories, for residential and mixed commercial-residential developments.



DDA BOUNDARIES ARE PARCELS BORDERED BY LIGHT TURQUOISE  
 B-1 Zoning (Light Pink/Salmon Areas)  
 B-2 Zoning (Bright Pink Areas)

>>> Harold Stalf 1/9/2006 4:30:47 pm >>>  
Kathy,

Thanks for the info. We are planning on discussing this issue at Thursday's DDA Board meeting, although we don't have a great deal of time. It is on the agenda at 7:50 a.m. for ten minutes. We have chatted about it and I believe our desire is to redefine density uniquely for downtown and not have it base solely on the number of units, but rather on total sq. footage of the building along with # of units. For example, it is currently 24 units per acre (1/2 block) and this may be fine in other parts of the city, but we feel that there is a market here that is similar to Denver where units can range from 400 sq. ft. to 4,000 or more. So, we may want to say that an average unit may be 1,200 to 1,500 sq. ft. and with common area, garages, storage, could be 1,800 to 2,000 sq. ft. this would tell us that 40-50,000 sq. ft., or a 1:1 FAR may be appropriate. Building height would be another issue, but I believe we are OK up to 65 feet, currently, so that would allow a footprint of 10,000 sq. ft and a four or five story building. How does this translate to allowable development for an office building. Perhaps it should be the same FAR as commercial in the B-1 or B-2 zones.

I am concerned that we not allow this to spill into the residential areas of the Original Townsite, so attaching it to commercial zoning may be appropriate.

Your thoughts?

H

**GRAND JUNCTION PLANNING COMMISSION  
JUNE 13, 2006 MINUTES  
7:00 p.m. to 8:15 p.m.**

**GPA-2006-066 GROWTH PLAN AMENDMENT – DOWNTOWN RESIDENTIAL DENSITY**

**Request approval to amend the Growth Plan adding a policy under the Downtown Commercial Core Area to allow for residential densities greater than 24 units per acre.**

**Petitioner: Harold Staf, Downtown Development Authority**

**Location: Downtown Development Authority boundaries**

**Staff: Kristen Ashbeck, Senior Planner**

**STAFF'S PRESENTATION**

Kristen Ashbeck gave a PowerPoint presentation and an overview of the request. The Grand Junction Downtown Development Authority is requesting a revision to the text of the Growth Plan to eliminate the maximum residential density requirement for downtown developments/properties. The DDA is proposing to participate in and/or encourage developers to create residential and mixed-used commercial-residential projects in the downtown area. In order to facilitate this goal, it is recognized that the current valley-wide residential density cap of 24 units per acre is an impediment to such projects. Therefore, the DDA is proposing that there be no maximum residential density applicable to the downtown area. Downtown projects would not be restricted to a maximum density provided they are in compliance with all other applicable plans and regulations in effect at the time of development.

If the Growth Plan Amendment is approved the staff will work with the DDA on bringing forward to you zoning and development changes fairly soon to the various zone districts where this might apply to implement the proposed Growth Plan Amendment.

For purposes of this change to the Growth Plan the "Downtown area" could be defined as the area currently zoned Downtown Business B-2 or zoned Neighborhood Business B-1 and B-2 within the DDA boundaries. The specifics of that will come forward with the text amendments to the Zoning and Development Code. This change requires an amendment to the City-County Growth Plan and subsequent amendment to the City Zoning and Development Code.

The Growth Plan amendment criteria is contained in Section 2.5.C of the Zoning and Development Code.

1. There are facts, projects and trends that were not initially accounted for, when the Growth Plan was first adopted in 1996 it only contemplated residential densities of up to 24 units per acre but did not specifically analyze how this might relate to development of downtown residential projects.

2. Subsequent events have invalidated the original premises of the Growth Plan, as housing cost in the community have continued to escalate since initial adoption of the Growth Plan 10 years ago, it has become apparent that there is an overwhelming need for centrally located, affordable housing. There are housing types that could be developed in the downtown area that could meet this need if developed at a higher density than currently allowed by the Growth Plan.
3. The character and/or condition of the area have changed enough that the amendment is acceptable. Since adoption of the Growth Plan in 1996, there has been a more coordinated effort between the DDA and various agencies such as the Grand Junction Housing Authority and private developers to try to meet some of the need of affordable housing and they see Downtown as a good location where people can use transportation as well as Downtown being a central area for jobs.
4. The change is consistent with and would not impact the plans and policies adopted for other areas in the urbanized area; again this is just an amendment that would impact Downtown.

The change is consistent with general principles of the Growth Plan listed in Section 5.E:

- Concentrate Urban Growth – higher densities in the downtown area would maximize use of existing infrastructure.
- Reinforce Existing Community Centers – adding residential uses downtown will make the vibrancy of downtown increase.
- Disperse Higher Density Housing – most of the areas that are zoned for higher density housing are in out-lying areas and this would bring some of that back downtown.

In addition, Goal 8 of the Growth Plan specifically addresses and supports this change: To support the long-term vitality of existing centers of community.

5. Public facilities and infrastructure in the downtown area are adequate to serve high density residential uses.
6. There is a limited amount of land available in the urbanized area for high-density residential use and, of that much of it is not as centrally located to existing infrastructure and needs of future residents.
7. The benefit derived from this proposal would be helping to meet the need for affordable, centrally located housing and it will support the community's desire for a vital downtown.

Staff's findings of facts and conclusions are:

- a) The proposed amendment is consistent with the purpose and intent of the Growth Plan.
- b) The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.



Staff recommends approval of the requested Growth Plan Amendment and would add policy 8.4 under Goal 8 and stated in the proposed resolution. And then renumber accordingly the policies under Goal 8 that would follow 8.4.

Commissioner Sublett was concerned about downtown housing costs and size and asked how it will be managed. Ms. Ashbeck replied ultimately it will be balanced with all the other elements of the Code, including landscaping and parking. These will certainly dictate density to a certain extent.

Commissioner Sublett stated that he assumed that if each project would be looked at individually in conjunction with the Code requirements. Ms. Ashbeck said that each project would be subject to the Code requirements such as landscaping, parking, etc.

Commissioner Lowrey stated that he felt that each project needed to be looked at to make sure there are adequate facilities i.e. roadways, etc. Ms. Ashbeck said that she agreed.

Chairman Dibble was concerned about not putting a cap on the density. What is size of units within Ratekin Towers? Kristen Ashbeck stated that the DDA could answer that question. At 7<sup>th</sup> and Main, office below and housing above not submitted yet. There will be restrictions, height, setback, parking, landscaping.

Harold Stalf, Downtown Development Authority, want an urban neighborhood downtown with pedestrian traffic, not increased automobile traffic the idea is to create an urban neighborhood. The density of Ratekin Towers is about 40 to 50 units per acre. Each unit is 475 square feet. The Reed Building on Main Street has units from 2300 to 3400 square feet, which have been very hard to market but also add a very important mix to the neighborhood. He would like to see 800 square foot units, 1400-1600 square feet for loft units. The Code allows hotels with 200 square foot units under the current code with 100 units in it. But right now you couldn't but 18 residential units in the same size building. There are approximately 3000 people who work in the downtown area and at 5:00 they all go home. Residences in downtown would make it a safer downtown. Our goal is to have 1000 units available in the downtown area in the next 10 years. A lot of people want to live downtown. One project is with the GJHA that is waiting on outcome of tonight's hearing.

Chairman Dibble asked about parking. Mr. Stalf said that they are hoping to add more parking garages. One of the proposals will provide its own parking. \$3 million is budgeted over the next few years for Colorado Avenue for improvements.

Chairman Dibble wanted to know if the proposed units be more high end units? Mr. Stalf said that we will see a mix of all of it over the next 10 years, some high-end and some lower also.

## **PUBLIC COMMENT**

FOR:

G. Moon, 855 Hall Avenue, on GJHA board gave a clarification on Ratekin Towers. The units are 580 square feet each and there are a 107 of them on more than 1 acre. This request isn't to create towers of units. We are more likely to do more projects with the DDA if the density was greater than 24 units. Ms. Moon asked the planning commission that if they put cap on density, to please be generous with it.

Jodi Kole, Executive Director of the GJHA brought up the fact that the GJHA and the DDA looked at a number of ideas and concepts that will be mixed income and mixed use. We are looking for the ability to provide affordable housing and the ability to walk to work for those people who work downtown who aren't making more than \$8 to \$10 an hour, it would make it easier and cheaper for them to live, work and shop in the same area. There are proposals for projects in the works that would be 40 to 60 units per acre. It would be more financially viable to be able to build more units to even out the cost of building verses the cost of rent. A number of things can make a development a viable quality development, not necessarily the density. She let everyone know that she would be available for questions.

Closed public hearing.

## **COMMENTS**

Commissioner Pitts felt it was a good thing and commended the DDA for progressive thinking. He felt that the density issue could be resolved with DDA and planning staff. The parking, setbacks will control the density.

Commissioner Cole concurred with Commissioner Pitts.

Chairman Dibble agreed that the density will be controlled by other factors and DDA and city staff will manage the quality.

Commissioner Carlow stated that the unique aspects of the DDA make it possibly the only zone that would lend it self to this sort of mix without a lot of controversy. So he is in favor.

Commissioner Sublett based on reassurances from planning staff, stated that he agreed that this is a good idea. Increasing housing density is good but needs to be carefully managed. There are plenty of examples of high density/poor housing.

Commissioner Pavelka-Zarkesh said that she concurs with Commissioner Pitts it is a great opportunity for the Downtown to grow, create jobs and create efficiencies.

**MOTION: (Commissioner Pitts) “Mr. Chairman, on item GPA-2006-066, a request to amend the text of the Growth Plan to add the following policy under Goal 8: Policy 8.4 : The City will support residential and mixed residential-commercial projects in the business areas of downtown, recognizing the need for a variety of housing types including affordable units for workforce housing. The City will allow residential densities in the downtown area to exceed those specified in Exhibit V.2, Future Land Use Categories, for residential and mixed commercial-residential developments. And renumber the remaining policies under Goal 8 accordingly, I move we forward a recommendation of approval to the City Council.”**

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

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_-06**

**A RESOLUTION AMENDING THE TEXT OF THE GROWTH PLAN  
TO ELIMINATE THE MAXIMUM RESIDENTIAL DENSITY REQUIREMENT IN THE  
DOWNTOWN AREA**

Recitals

A request for the an amendment to the text of the Growth Plan has been submitted in accordance with the Zoning and Development Code. The applicant (Downtown Development Authority (DDA) is proposing to participate in and/or encourage developers to create residential and mixed-use commercial-residential projects in the downtown area. In order to facilitate this goal, it is recognized that the current valley-wide residential density cap of 24 units per acre is an impediment to such projects. Therefore, the DDA is proposing that there be no maximum residential density applicable to the downtown area. Downtown projects would not be restricted to a maximum density provided they are in compliance with all other applicable plans and regulations in effect at the time of development.

The Grand Junction Planning Commission, at its hearing on June 13, 2006 reviewed the amendment request and determined that it satisfied the criteria as set forth and established in Section 2.5 of the Zoning and Development Code. The proposed amendment is also consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GROWTH PLAN BE REVISED TO READ AS FOLLOWS (proposed new language in *italics*):

CHAPTER 5

Exhibit V.2

Add the following footnote (2) under the Intensity heading:

(2) *Residential Density in the Downtown Commercial Core Area may exceed the maximum 24 du/ac*

G. Goals and Policies

Community Character/Image

Goal 8: To support the long-term vitality of existing centers of community activity as shown in Exhibit V.5 (Existing Centers of Activity Map, Pages 25-26)

Downtown Commercial Core Area

Policy 8.1: The City will evaluate major capital improvement projects to determine their impact on Downtown vitality. The City will support improvement projects that foster growth of residential, office, cultural, entertainment and specialty retail business areas within the Downtown area.

Policy 8.2: The City and County will maintain the majority of governmental operations Downtown to help support the area's economic stability/vitality.

Policy 8.3: The City and County will support efforts to increase the vitality of the Downtown.

*Policy 8.4: The City will support residential and mixed residential-commercial projects in the business areas of downtown, recognizing the need for a variety of housing types including affordable units for workforce housing. The City will allow residential densities in the downtown area to exceed those specified in Exhibit V.2, Future Land Use Categories, for residential and mixed commercial-residential developments.*

The following policies are renumbered accordingly:

**Airport Environs/Horizon Drive**

*Policy 8.5:* The City and County will encourage the development of uses that are compatible with the airport and the image of this area as a gateway into Grand Junction, particularly: office/warehousing; and light industrial/indoor manufacturing near the airport; and highway-oriented commercial development serving tourists and visitors (e.g., lodging, recreation and restaurants) along Horizon Drive between Crossroads Blvd. and G Road.

*Policy 8.6:* The City and County will prohibit inappropriate development within the airport's noise and approach zones.

**Mesa Mall Environs**

*Policy 8.7:* The City will encourage the conversion of heavy commercial and industrial uses along 24 Road, Patterson Road and Highway 6/50 near the Mall to a mixture of retail/service commercial and multi-family uses.

*Policy 8.8:* The City and County will support integrated commercial development using shared access points along 24 Road, Patterson Road and Highway 6/50 in areas designated for commercial use. The intent of this policy is to minimize the number of driveways, encourage coordinated signage, promote shared parking and consistent, high-quality landscaping.

*Policy 8.9:* The City and County will ensure that capital improvement and land use decisions are consistent with the development of 24 Road as an arterial parkway and community gateway.

Exhibit V.5 (Existing Centers of Activity Map, Pages 25-26)

**Clifton**

*Policy 8.10:* The County will enhance the Clifton area through investments in plans and public infrastructure.

**Hospital Environs**

*Policy 8.11:* The City should encourage the growth and development of retail, office and service uses related to hospital operations. Retail businesses should be of an appropriate scale to serve the needs of clients, employees and visitors to the hospital and adjacent medical offices.

*Policy 8.12:* The City will prevent the encroachment of parking areas and non-residential development into stable single-family residential neighborhoods near hospitals and clinics.

**Mesa State College**

*Policy 8.13:* The City and County will encourage Mesa State College to retain its main campus in the City of Grand Junction at its current location, and will support the growth of the college at its current campus or at facilities located within non-residential portions of the Urbanizing Area.

*Policy 8.14:* The City will encourage the College to maximize the use of its existing land through increased height allowances, but will support the planned westward growth of the College as identified in the Mesa State College Facilities Master Plan.

The remainder of the Growth Plan shall remain in full force and effect.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of Council

**Attach 17**

**Public Hearing – Vacating Portions of Hoesch Street and West Grand Avenue, East of River Road and Designation of the Remainder of Hoesch Street as an Alley**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Vacation of portions of Hoesch Street and West Grand Avenue east of River Road and designation of the remainder of Hoesch Street as an alley.							
<b>Meeting Date</b>		July 5, 2006							
<b>Date Prepared</b>		June 29, 2006				File #VR-2006-114			
<b>Author</b>		Senta L. Costello			Associate Planner				
<b>Presenter Name</b>		Senta L. Costello			Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** An ordinance to vacate portions of Hoesch Street and West Grand Avenue east of River Road. The vacation request is in conjunction with the design of the Riverside Parkway with these sections of right-of-way no longer being necessary or usable. The applicant is also requesting that the remainder of Hoesch Street be designated an alley.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and adopt the vacation ordinance.

Background Information: See attached Staff report/Background information

Attachments:

1. Staff report/Background information
2. Vicinity Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Ordinance
5. Exhibits “A” – “D”

AGENDA TOPIC: Vacation of Public Right-of-Way, VR-2006-114.

ACTION REQUESTED: Vacation of Public Right-of-Way and designation of alley

BACKGROUND INFORMATION					
Location:		Portions of Hoesch Street and West Grand Avenue east of River Road			
Applicants:		Owner/Developer/Representative: City of Grand Junction – Jim Shanks			
Existing Land Use:		Hoesch Street and W. Grand Avenue			
Proposed Land Use:		N/A			
Surrounding Land Use:	North	Riverside Parkway / Railroad property			
	South	Light Industrial/Heavy Commercial			
	East	Riverside Parkway / Railroad property			
	West	City Shops			
Existing Zoning:		N/A			
Proposed Zoning:		I-1			
Surrounding Zoning:	North	I-1			
	South	I-1			
	East	I-1			
	West	I-1			
Growth Plan Designation:		Commercial / Industrial			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to vacate portions of Hoesch Street and West Grand Avenue east of River Road and designate the remainder of Hoesch Street as an alley.

RECOMMENDATION: Conditional approval of the vacation and alley designation.



## ANALYSIS

### 1. Background

The applicant is requesting to vacate a portion of Hoesch Street and West Grand Avenue east of River Road. The areas requested to be vacated are pieces that will not be needed for right-of-way after construction of the Riverside Parkway.

Upon the vacation of the right-of-way the land will revert back to the land from which it came. WDD Properties, LLLP, ("WDD") is the owner of some of the land to which it will revert. WDD has an application before the City to do a subdivision which will include the vacated right-of-way. The subdivision plat will also include a dedication of right-of-way from WDD to the City for the Riverside Parkway.

Hoesch Street was originally dedicated as a public street in 1894 as a part of The Grand River Subdivision with a total of 18'. An additional 10' was dedicated in 1980 as a part of the West Grand Subdivision. While the right-of-way width is now at 28' it does not meet the 44' minimum required for a commercial street. The street has approximately 23' of pavement; minimum requirement for an alley is 20'. The street functions more like an alley rather than a street for purposes of circulation (trash truck traffic, rear yard access). It has been determined by the Public Works Department that this section of right-of-way is not needed as a full street and can adequately function as an alley.

### 2. Consistency with the Growth Plan

This project is consistent with the following Goals and Policies of the Growth Plan:

- Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.
  - Policy 5.1: The City and County will target capital investments to serve developed areas of the community prior to investing in capital improvements to serve new development, except when there are unmet community needs that the new development will address.
- Goal 23: To foster a well-balanced transportation system that supports the use of a variety of modes of transportation, including automobile, local transit, pedestrian and bicycle use.
  - Policy 23.3: The City and County should maintain levels of service consistent with the goals of the Grand Valley circulation Plan and Transportation Engineering Design Standards manual.
- Goal 24: To develop and maintain a street system which effectively moves traffic throughout the community.

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

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

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
  - The request conforms to the Growth Plan, Major Street Plan and other adopted Plans and policies of the City of Grand Junction.
- b. No parcel shall be landlocked as a result of the vacation.
  - No parcels will be landlocked as a result of the vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
  - Access will not be restricted to any parcels.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
  - The health, safety, and/or welfare of the general community will not be adversely affected and the quality of public facilities and services will not be reduced.
- 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.
  - Adequate public facilities and services will not be inhibited.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
  - The proposal provides benefits to the City of Grand Junction through improved traffic circulation with the construction of the Riverside Parkway.

Staff has reviewed the project and finds that all applicable review criteria as listed above have been met conditioned upon the recording of a plat and dedication of right-of-way for Riverside Parkway.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the WDD request for right-of-way vacation application, VR-2006-114, for the vacation of a public right-of-way, staff makes the following findings of fact and conclusions:

5. The requested right-of-way vacation is consistent with the Growth Plan.
6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
7. Hoesch Street will be designated as an alley
8. The right-of-way vacation will not be effective until a plat is recorded and right-of-way dedicated for the Riverside Parkway.

**PLANNING COMMISSION RECOMMENDATION:**

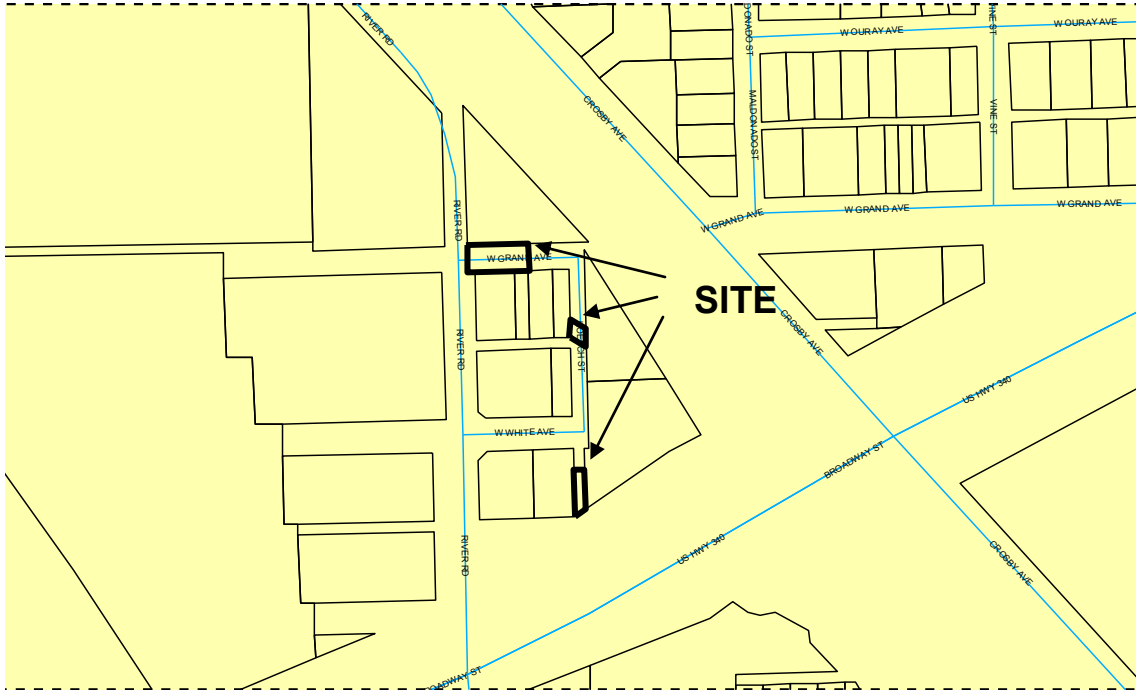
Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, VR-2006-114, to the City Council with the findings and conclusions listed above.

**Attachments:**

Vicinity Map / Aerial Photo  
Growth Plan Map / Zoning Map  
Ordinance  
Exhibits "A" – "D"

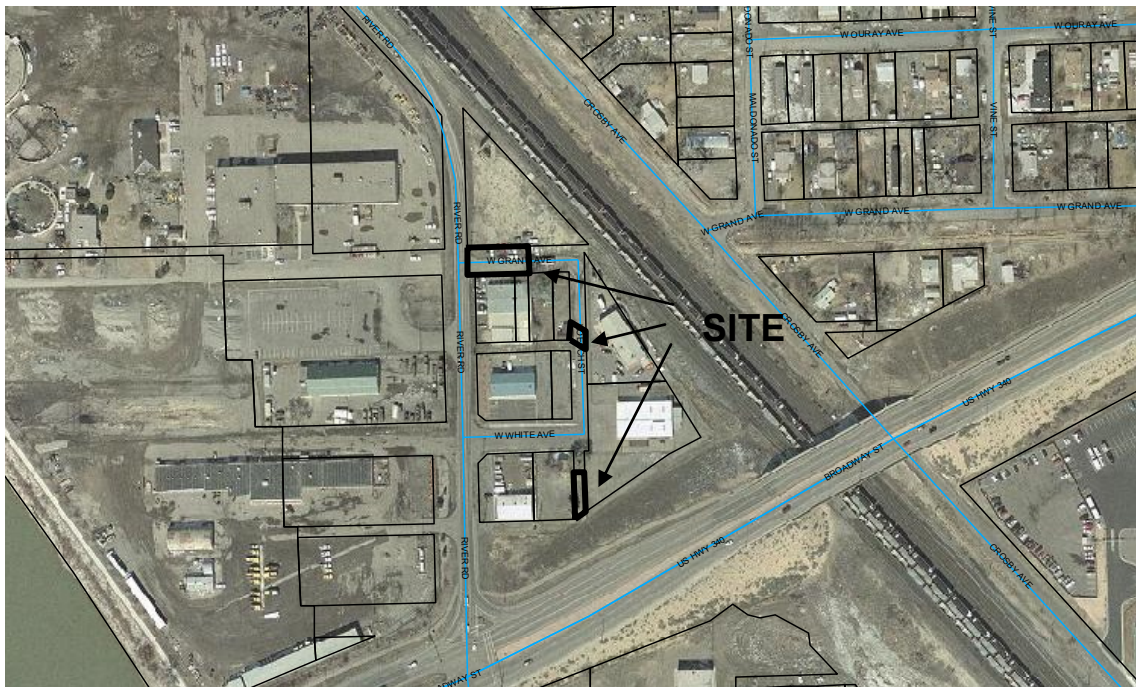
# Site Location Map

Figure 1



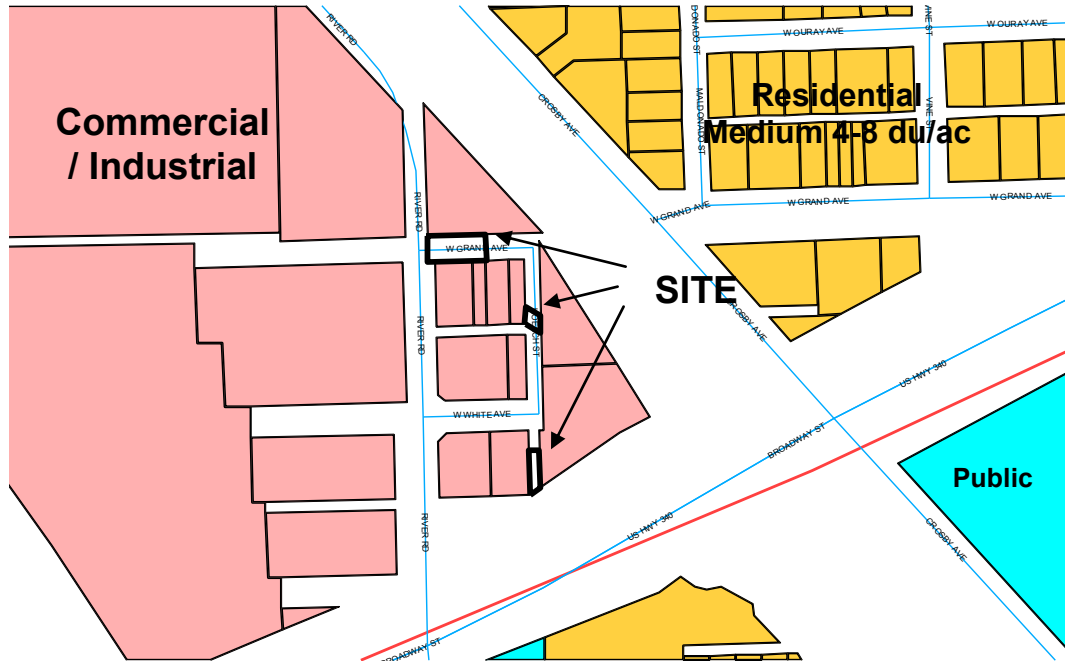
# Aerial Photo Map

Figure 2



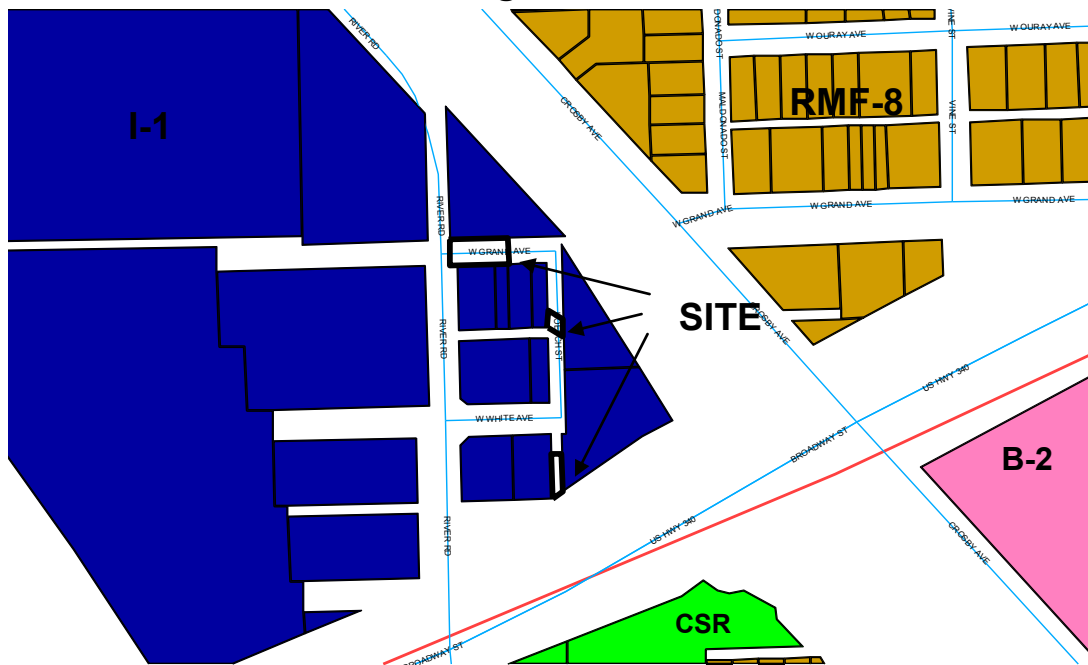
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHTS-OF-WAY FOR PORTIONS OF HOESCH STREET AND WEST GRAND AVENUE**

RECITALS:

A vacation of the dedicated right-of-way for a portion of Hoesch Street and West Grand Avenue has been requested by the City of Grand Junction.

WDD Properties, LLLP, ("WDD") is the owner of some of the land to which the vacated right-of-way will revert. WDD has an application before the City to do a subdivision which will include the vacated right-of-way. The subdivision plat will also include a dedication of right-of-way from WDD to the City for the Riverside Parkway. The vacation of the right-of-way shall be conditioned upon a subdivision plat being recorded granting the right-of-way required for Riverside Parkway from the land owned by WDD with City approval.

Hoesch Street was originally dedicated as a public street in 1894 as a part of The Grand River Subdivision with a total of 18'. An additional 10' was dedicated in 1980 as a part of the West Grand Subdivision. While the right-of-way width is now at 28' it does not meet the 44' minimum required for a commercial street. The street has approximately 23' of pavement; minimum requirement for an alley is 20'. The street functions more like an alley rather than a street for purposes of circulation (trash truck traffic, rear yard access). It has been determined by the Public Works Department that this section of right-of-way is not needed as a full street and can adequately function as an alley.

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

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.

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

The following described dedicated right-of-way is hereby vacated upon the recording of a plat dedicating the right-of-way determined necessary by staff for the Riverside Parkway:

The following right-of-way is shown on Exhibit "A" – "D" respectively as part of this vacation of description.

Dedicated right-of-way to be vacated:

"A" - A portion of West Grand Avenue between River Road (dedicated as West Street) and Hoesch Street as shown on THE GRAND RIVER SUBDIVISION, recorded at Reception Number 18387 in the Mesa County Clerk and Recorder's Office, lying in the SE1/4 of SEC 15, T1S, R1W of the UM, being more particularly described as follows: Commencing at the Center ¼ COR of said SEC 15, (a 3" aluminum cap stamped "MESA COUNTY SURVEY MARKER c1/4-S15-LS 32824-2003") whence the Center East1/16 COR of said SEC 15, (a brass cap stamped "E1/16-S15-543-2280") bears N89°39'30"E (Basis-of-Bearing Assumed) a DIS of 1323.42 ft; thence S83°34'07"E a DIS of 329.15 ft to a pt on the extension of the westerly line of Block 6 of said THE GRAND RIVER SUBDIVISION, being the POB; thence N00°03'54"E along the extension of the westerly line of said Block 6 a DIS of 17.73 ft; thence N71°57'55"E a DIS of 52.92 ft; thence S79°48'20"E a DIS of 24.03 ft; thence S40°26'24"E a DIS of 45.88 ft; thence S89°39'30"W along the northerly line of said Block 6 a DIS of 18.30 ft; thence N40°26'24"W a DIS of 25.56 ft; thence S89°59'42"W a DIS of 34.21 ft; thence S71°57'55"W a DIS of 36.44 ft to the POB. Containing 1660 sq ft (0.038 acres) more or less.

"B" - A portion of West Grand Avenue between River Road (dedicated as West Street) and Hoesch Street as shown on THE GRAND RIVER SUBDIVISION, recorded at Reception Number 18387 in the Mesa County Clerk and Recorder's Office, lying in the SE1/4 of SEC 15, T1S, R1W of the UM, being more particularly described as follows: Commencing at the Center ¼ COR of said SEC 15, (a 3" aluminum cap stamped "MESA COUNTY SURVEY MARKER C1/4-S15-LS 32824-2003") whence the Center East1/16 COR of said SEC 15, (a brass cap stamped "E1/16-S15-543-2280") bears N89°39'30"E (Basis-of-Bearing Assumed) a DIS of 1323.42 ft; thence S83°34'07"E a DIS of 329.15 ft to a pt on the extension of the westerly line of Block 6 of said THE GRAND RIVER SUBDIVISION, being the POB; thence N71°57'55"E a DIS of 36.44 ft; thence N89°59'42"E a DIS of 34.21ft; thence S40°48'26'24"E a DIS of 25.56 ft; thence S89°39'30"W along the northerly line of said Block 6 DIS of 85.45 ft; thence N00°03'54"E along the extension of the westerly line of said Block 6 a DIS of 85.45 ft; thence N00°03'54"E along the extension of the westerly line of said Block 6 a DIS of 8.68 ft; to the POB. Containing 1327 sq ft (0.030 acres) more or less.

"C" - A parcel of land being a portion of Hoesch Street lying between West Grand Avenue and West White Avenue in the Southeast Quarter of Section 15, T1S, R1W of the Ute Meridian, City of Grand Junction, Mesa County, Colorado being more particularly described as follows: COMMENCING at the Center Quarter Corner of said Section 15 (3" aluminum cap stamped "T1S R1W C ¼ S 15 2003 NO. 1271-2 LS 23824"); WHENCE Center-East Sixteenth Corner of said Section 15 (a 2 ½" brass cap stamped "E1/16 S 15 543 2280") bears N89°39'30"E (Basis of Bearing-assumed) a

distance of 1323.42 feet; THENCE S71°21'23"E a distance of 529.72 feet to the southeast corner of Lot 1 Block 6 of THE GRAND RIVER SUBDIVISION, recorded May 2, 1894 in Plat Book 1 at Page 29 in the Mesa County Clerk and Recorder's Office, being the POINT OF BEGINNING; THENCE N00°03'54"E along the easterly line of said Lot 1 a distance of 40.93 feet; THENCE S40°26'24"E along the southerly right-of-way line of the Riverside Parkway a distance of 42.43 feet; THENCE S00°23'25"E along the westerly line of Lot 1 of the WEST GRAND SUBDIVISION, recorded April 11, 1980 in Plat Book 12 at Page 250 in the Mesa County Clerk and Recorder's Office, non-tangent with the following described curve a distance of 36.456 feet; THENC along the arc of a curve to the left, having a central angel of 89°13'58", a radius of 28.00 feet, a chord bearing N45°00'22"W a distance of 39.33 feet, and an arc distance of 43.61 feet to the POINT OF BEGINNING. Containing 0.019 acres (849 sq ft) more or less.

"D" - A parcel of land being a portion of Hoesch Street lying between West White Avenue and Highway 340, in the Southeast Quarter of Section 15, T1S R1W of the Ute Meridian, City of Grand Junction, Mesa County, Colorado being more particularly described as follows: COMMENCING at the Center Quarter Corner of said Section 15 (3" aluminum cap stamped "T1S R1W C ¼ S 15 2003 NO. 1271-2 LS 23824"); WHENCE Center-East Sixteenth Corner of said Section 15 (a 2 ½" brass cap stamped "E1/16 S 15 543 2280) bears N89°39'30" (Basis of Bearing-assumed) a distance of 1323.42 feet; THENCE S51°55'35"E a distance of 660.03 feet the POINT OF BEGINNING; THENCE S00°16'56"W along the westerly line of Lot 2 of the WEST GRAND SUBDIVISION, recorded April 11, 1980 in Plat Book 12 at Page 250 in the Mesa County Clerk and Recorder's Office, a distance of 82.42 feet; THENCE S56°43'45"W along the northerly right-of-way line of Highway 340 a distance of 21.60 feet to the southeast corner of Lot 1, of Block 5 of THE GRAND RIVER SUBDIVISION, recorded May 2, 1894 in Plat Book 1 at Page 29 in the Mesa County Clerk and Recorder's Office; THENCE N00°16'56"E along the easterly line of said Lot 1 a distance of 94.28 feet; THENCE S89°57'36"E a distance of 18.00 feet to the POINT OF BEGINNING. Containing 0.037 acres (1590 sq ft), more or less.

HENCEFORTH, Hoesch Street is designated as an alley.

Introduced for first reading on this 19<sup>th</sup> day of June, 2006

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

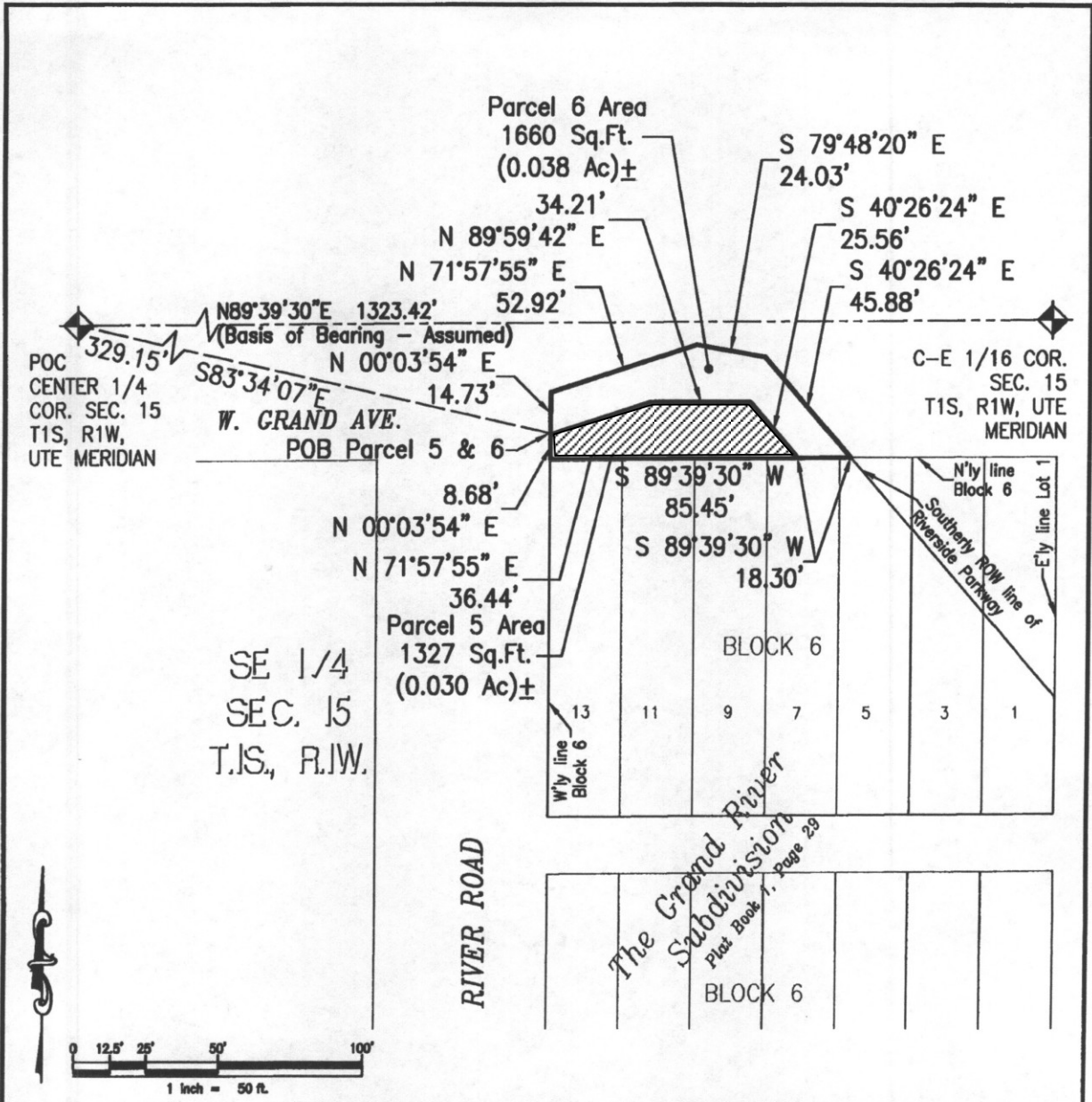
\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk





Exhibit "B"



CARTER & BURGESS PROJECT NO. 071514.408

CLIENT PROJECT NO.

REVISION DESCRIPTION

DRAWN jak DATE 3/23/08 SCALE 1"=50'

**Carter-Burgess**  
707 Seventeenth St., #2300, Denver, CO 80202  
(303) 820-0240 Fax (303) 820-1012

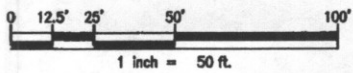
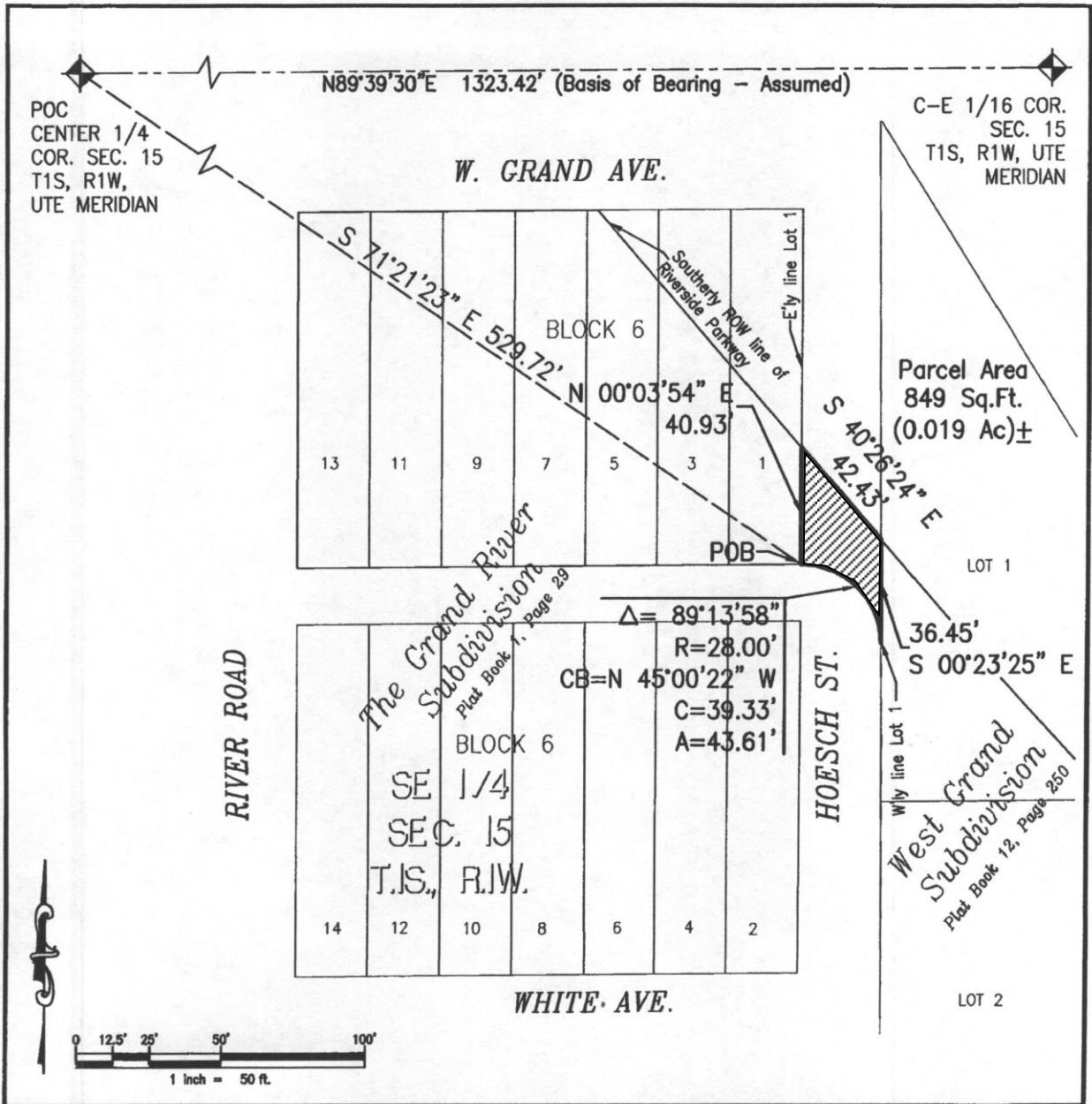
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY CARTER & BURGESS, INC. FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF CARTER & BURGESS SHALL BE AT THE SOLE RISK OF THE USER.

RIGHT OF WAY VACATIONS  
SE 1/4 SEC. 15  
T1S R1W UTE MERIDIAN

TITLE: CITY OF GRAND JUNCTION  
MESA COUNTY, COLORADO

REVISION: 0	DRAWING NO. RoadVac3.DWG	SHEET NO. 3 of 3
-------------	--------------------------	------------------

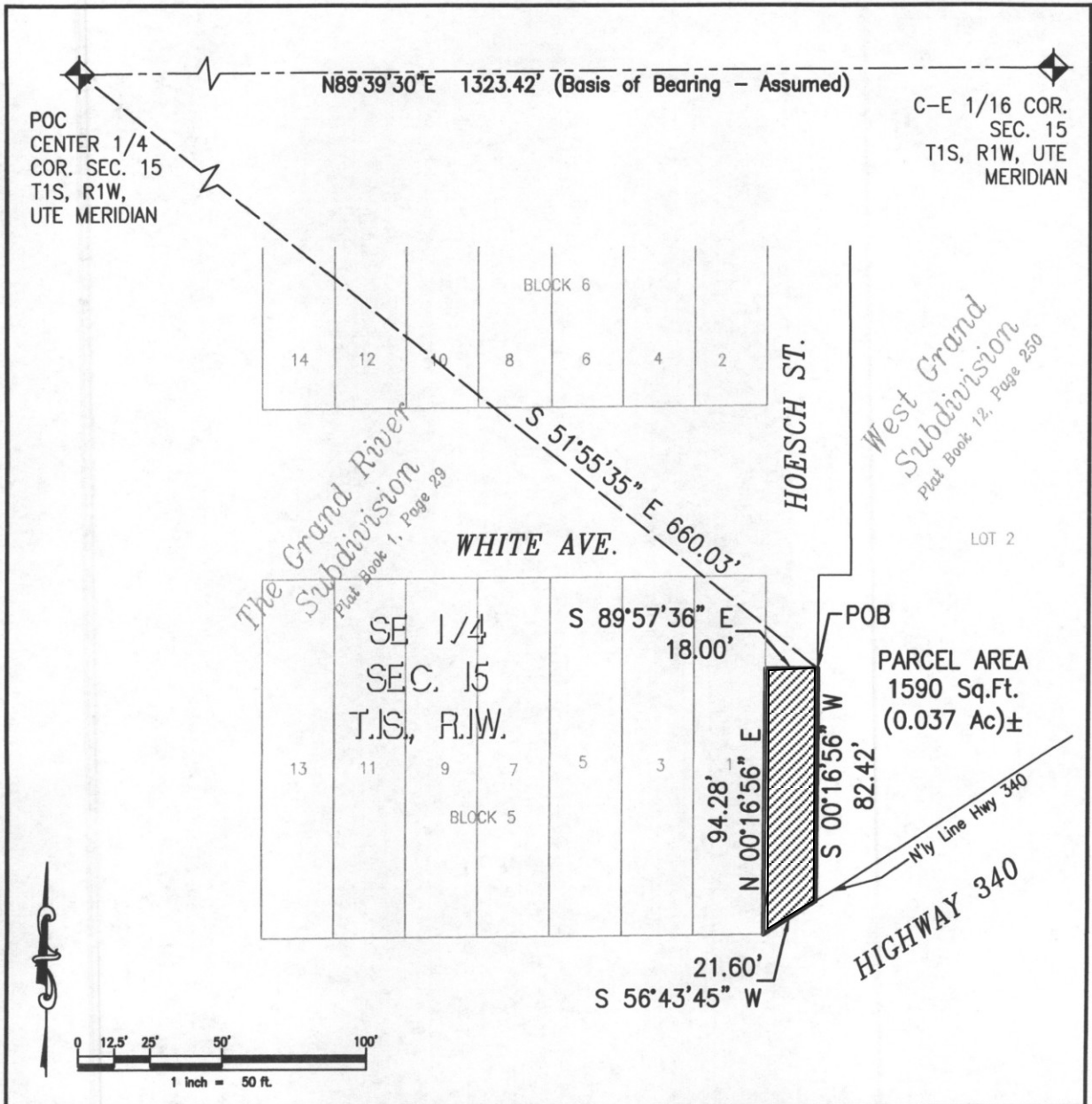
Exhibit "C"



CARTER & BURGESS PROJECT NO.		071514.406	
CLIENT PROJECT NO.			
REVISION DESCRIPTION			
DRAWN	jsk	DATE	3/20/06
SCALE		1"=50'	
<b>Carter - Burgess</b>			
707 Seventeenth St., #2300, Denver, CO 80202 (303) 820-5248 Fax (303) 820-4942			
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY CARTER & BURGESS, INC. FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF CARTER & BURGESS SHALL BE AT THE SOLE RISK OF THE USER.			

RIGHT OF WAY VACATION SE 1/4 SEC. 15 T1S R1W UTE MERIDIAN		
TITLE: CITY OF GRAND JUNCTION MESA COUNTY, COLORADO		
REVISION: 0	DRAWING NO. RoadVac1.DWG	SHEET NO. 2 of 2

Exhibit "D"



CARTER & BURGESS PROJECT NO.		071514.406	
CLIENT PROJECT NO.		3/30/06 Revised parcel	
REVISION DESCRIPTION			
DRAWN	jsk	DATE	3/20/06
		SCALE	1"=50'
<b>Carter-Burgess</b>			
707 Seventeenth St., #2300, Denver, CO 80202 (303) 820-8240 Fax (303) 820-4842			
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY CARTER & BURGESS, INC. FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF CARTER & BURGESS SHALL BE AT THE SOLE RISK OF THE USER.			

RIGHT OF WAY VACATION SE 1/4 SEC. 15 T1S R1W UTE MERIDIAN		
TITLE: CITY OF GRAND JUNCTION MESA COUNTY, COLORADO		
REVISION: 1	DRAWING NO. RoadVac2Rev.DWG	SHEET NO. 2 of 2