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

WEDNESDAY, AUGUST 16, 2006, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Pastor Mark Quist, New Life Church

Presentations of Certificates of Appointment

To the Riverfront Commission

To the Urban Trails Committee

Appointment

Ratify the Appointment to the Building Code Board of Appeals

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the July 31, 2006 Annual Persigo Meeting and the Minutes of the August 2, 2006 Regular Meeting

2. **Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation** [File #ANX-2005-076]

[Attach 2](#)

Request to continue the Bookcliff Veterinary Hospital Annexation to the December 20, 2006 City Council Meeting. The request to continue is to allow additional time to clarify land ownership issues adjacent to the Grand Valley Canal.

*** Indicates New Item

® Requires Roll Call Vote

Action: Continue the Adoption of the Resolution Accepting the Petition for the Bookcliff Veterinary Hospital Annexation and Public Hearing to Consider Final Passage of the Annexation Ordinance to the December 20, 2006 City Council Meeting

Staff presentation: Scott D. Peterson, Senior Planner

3. **Setting a Hearing on Zoning the Central Grand Valley Sanitation District (CGVSD) Annexation, Located at 541 Hoover Drive** [File #ANX-2006-175]

[Attach 3](#)

Request to zone the 0.94 acre Central Grand Valley Sanitation District (CGVSD) Annexation, located at 541 Hoover Drive to C-1, (Light Commercial).

Proposed Ordinance Zoning the CGVSD Annexation to C-1, Located at 541 Hoover Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

Staff presentation: Senta L. Costello, Associate Planner

4. **Setting a Hearing on Zoning the Halliburton Annexation, Located at 3199 D Road** [File #ANX-2006-210]

[Attach 4](#)

Request to zone the 48.4 acre Halliburton Annexation, located at 3199 D Road to I-1 (Light Industrial).

Proposed Ordinance Zoning the Halliburton Annexation to I-1, located at 3199 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

Staff presentation: Senta L. Costello, Associate Planner

5. **Setting a Hearing on the Colvin Annexation, Located at 2940 B ½ Road** [File #ANX-2006-204]

[Attach 5](#)

Request to annex 9.98 acres, located at 2940 B ½ Road. The Colvin Annexation consists of 1 parcel and is a two part serial annexation.

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

Resolution No. 102-06 – 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, Colvin Annexation, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

®Action: *Adopt Resolution No. 102-06*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #1, Approximately 0.36 Acres, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #2, Approximately 9.62 Acres, Located at 2940 B ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for September 20, 2006*

Staff presentation: Adam Olsen, Associate Planner

6. Setting a Hearing on the Pine E Road Commercial Annexation, Located at 3046 & 3048 E Road [File #ANX-2006-211] [Attach 6](#)

Request to annex 3.48 acres, located at 3046 & 3048 E Road. The Pine E Road Commercial Annexation consists of 2 parcels.

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

Resolution No. 103-06 – 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 E Road Commercial Annexation, Located at 3046 & 3048 E Road

®Action: *Adopt Resolution No. 103-06*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine E Road Commercial Annexation, Approximately 3.48 Acres, Located at 3046 & 3048 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006

Staff presentation: Adam Olsen, Associate Planner

7. **Setting a Hearing on Zoning the Burkey Park II Annexation, Located at 179 28 ½ Road** [File #ANX-2006-179] [Attach 7](#)

Request to zone the 9.68 acre Burkey Park II Annexation, located at 179 28 ½ Road, to CSR (Community, Services and Recreation).

Proposed Ordinance Zoning the Burkey Park II Annexation to CSR, Located at 179 28 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

Staff presentation: Adam Olsen, Associate Planner

8. **Setting a Hearing on Zoning the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182] [Attach 8](#)

Request to zone the 3.23 acre Baldwin Annexation, located at 2102 and 2108 Highway 6 & 50 to I-1 (Light Industrial).

Proposed Ordinance Zoning the Baldwin Annexation to I-1 (Light Industrial), Located at 2102 and 2108

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

Staff presentation: Faye Hall, Associate Planner

9. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-06** [Attach 9](#)

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

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

Resolution No. 104-06 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-06

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-06 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: Adopt Resolution No. 104-06, Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006

Staff presentation: Trent Prall, Engineering Manager

10. **Sale of Remnant Property at 635 West White Avenue** [Attach 10](#)

The remnant parcel of Lot 2, Block 1 WDD Subdivision located at 635 West White is recommended to be sold to the adjacent property owner, West White Avenue Partnership, LLP located at 747 West White for \$79,860.

Resolution No. 105-06 – A Resolution Authorizing the Sale of Lot 2, Block 1, WDD Subdivision to West White Avenue Partnership, LLP.

®Action: *Adopt Resolution No. 105-06*

Staff presentation: Trent Prall, Engineering Manager

***11. **Appointment of Municipal Judge**

[Attach 23](#)

In June of this year, long time Municipal Judge David Palmer succumbed to cancer. For many years prior to Judge Palmer's death Caré McInnis-Raum served the Court as an Associate Judge. The Council having interviewed Judge Raum and having received recommendations from Judge Palmer and City Attorney John Shaver has determined that Associate Judge McInnis-Raum should be appointed as Municipal Court judge beginning immediately.

Resolution No. 110-06 – A Resolution Appointing McInnis-Raum as Municipal Court Judge

®Action: *Adopt Resolution No. 110-06*

Staff presentation: David Varley, Interim City Manager

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

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

12. **Airport Improvement Program Grant at Walker Field Airport for Expansion of Cargo Area and Ramp Construction** [Attach 11](#)

AIP-31 Schedule I is for the placement of sub-base and base material for the expansion of the air cargo area west of the Mesa Maintenance Hangar. The project will place 145,000 square yards of dirt for future ramp construction. Schedule II is for the purchase of a 5-yard wheel loader. The estimated grant amount is \$1,300,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: *Authorize the Mayor to Sign FAA AIP-31 Grant and the City Manager to Sign the Supplemental Co-Sponsorship Agreement for the Capital Improvements at Walker Field Airport*

Staff Presentation: Rex A. Tippetts, Airport Manager

***13. **Airport Improvement Program Grant at Walker Field Airport for Layout Plan Update** [Attach 22](#)

AIP-32 is for an Airport Layout Plan Update. The project will look at a number of the Airport's more immediate projects to help us estimate the costs. The estimated grant amount is \$200,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grand acceptance by the City.

Action: Authorize the Mayor to Sign FAA AIP-32 Grant and the City Manager to Sign the Supplemental Co-Sponsorship Agreement for an Airport Layout Plan Update at Walker Field Airport

Staff Presentation: Rex A. Tippetts, Airport Manager

14. **Carter & Burgess Contract Amendment for the Riverside Parkway Project** [Attach 12](#)

This amendment is the fifth of five planned amendments to the existing contract with the engineering firm of Carter & Burgess. This scope of services covers the construction engineering and field inspection for the Riverside Parkway Phases 2 & 3 for the period beginning in August, 2006 through November, 2008.

Action: Authorize the City Manager to Amend the Existing Contract for Construction Engineering and Field Inspection for the Riverside Parkway with Carter & Burgess for a total fee of \$12,327,520

Staff Presentation: Trent Prall, Engineering Manager

15. **Public Hearing – Request from New Hire Fire Pension Board** [Attach 13](#)

A Resolution authorizing an election by our sworn fire department personnel to change from the City's Defined Contribution Retirement Plan back to one of the Colorado Fire and Police Association (FPPA) sponsored Defined Benefit Plans.

Resolution No. 106-06 – A Resolution Requesting Coverage Under the System Administered by the Fire and Police Pension Association (FPPA) for Members Currently Covered by the New Hire Money Purchase Defined Contribution Plan

®Action: Hold a Public Hearing and Consider Management's Recommendation

Staff presentation: Dave Varley, Interim City Manager
Ron Lappi, Administrative Services & Finance Director

16. **Initiative Petition Regarding a Watershed Protection Ordinance** [Attach 14](#)

Initiative petitions for the adoption of a Watershed Protection Ordinance were received by the City Clerk's Office on August 1, 2006. 186 petitions sections containing 4,270 signatures were submitted. The City Clerk's Office verified 2,635 of those signatures as valid, qualified electors. This is a sufficient number to require that the City Council either adopts the ordinance as presented or refer the matter to an election.

Proposed Ordinance Establishing Watershed and Water Supply Standards; Establishing Requirements for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting and Person from Polluting said Watersheds; and Requiring the City Council to Adopt Implementing Ordinances or Resolutions

Action: Authorize the City Clerk to Enter into an Intergovernmental Agreement with Mesa County Clerk and Recorder and Set a Hearing on the Ordinance for September 6, 2006

Staff presentation: Stephanie Tuin, City Clerk

17. **Public Hearing - Zoning the Arbogast Annexation, Located at 785 24 Road** [Attach 15](#)
[File #GPA-2006-064]

Request to zone the 18.05 acre Arbogast Annexation, located at 785 24 Road, to RSF-E (Residential Single Family Estate with a maximum of one unit per two acres) zone district.

Ordinance No. 3949 - An Ordinance Zoning the Arbogast Annexation to RSF-E (Residential Single Family – Estate, 1 Unit per Two Acres), Located at 785 24 Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3949

Staff presentation: David Thornton, Principal Planner

18. **Public Hearing – Clymer Annexation, Zoning and Vacation of Right-of-Way, Located at 182 27 Road** [File #VR-2006-153] [Attach 16](#)

Request to annex and zone 4.58 acres, located at 182 27 Road, to RSF-2 (Residential Single Family, 2du/ac). The Clymer Annexation consists of two parcels and is a two part serial annexation. Request to vacate a portion of the 27 Road Right-of-Way.

a. Accepting Petition

Resolution No. 107-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Clymer Annexation No. 1 and Clymer Annexation No. 2, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3950 – 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

Ordinance No. 3951 – 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

c. Zoning Ordinance

Ordinance No. 3952 – An Ordinance Zoning the Clymer Annexation to RSF-2, Residential Single Family with a Density not to Exceed Two Units per Acre, Located at 182 27 Road

d. Right-of-Way Vacation Ordinance

Ordinance No. 3953 – An Ordinance Vacating a Portion of the 27 Road Right-of-Way, Located Adjacent to 182 27 Road

®Action: Adopt Resolution No. 107-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3950, 3951, 3952, and 3953

Staff presentation: Ronnie Edwards, Associate Planner

19. **Public Hearing – Schroeder Annexation and Zoning, Located at 527 Reed Mesa Drive** [File #ANX-2006-139] [Attach 17](#)

Request to annex and zone 0.81 acres, located at 527 Reed Mesa Drive, RSF-4 (Residential Single Family 4 du/ac). The Schroeder Annexation consists of 1 parcel.

a. Accepting Petition

Resolution No. 108-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Schroeder Annexation, Located at 527 Reed Mesa Drive Including Portions of the Broadway (Hwy 340) and Reed Mesa Drive Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3954 – 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

c. Zoning Ordinance

Ordinance No. 3955 - An Ordinance Zoning the Schroeder Annexation to RSF-4, Located at 527 Reed Mesa Drive

®Action: Adopt Resolution No. 108-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3954 and 3955

Staff presentation: Lori V. Bowers, Senior Planner

20. **Public Hearing - Zoning and Development Code Amendments Concerning Downtown Residential Density** [File #TAC-2006-190] [Attach 18](#)

A request to amend the Zoning and Development Code to implement the recently-approved Growth Plan Amendment that eliminated the maximum residential density requirement for downtown properties/developments.

Ordinance No. 3956 - An Ordinance Amending Sections 3.2 and 3.4.C. of the Zoning and Development Code Regarding Downtown Residential Density

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3956

Staff presentation: Kristen Ashbeck, Senior Planner

21. **Public Hearing – Coop/Myers Annexation and Zoning, Located at 2997 D Road** [File #ANX-2006-137] [Attach 19](#)

Request to annex and zone 5.48 acres, located at 2997 D Road, to RMF-8 (Residential Multifamily, 8 du/ac). The Coop/Myers Annexation consists of 2 parcels.

a. Accepting Petition

Resolution No. 109-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Coop/Myers Annexation, Located at 2997 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3957 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coop/Myers Annexation, Approximately 5.48 Acres, Located at 2997 D Road

c. Zoning Ordinance

Ordinance No. 3958 - An Ordinance Zoning the Coop/Myers Annexation to RMF-8, Located at 2997 D Road

®Action: Adopt Resolution No. 109-06 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3957 and 3958

Staff presentation: Adam Olsen, Associate Planner

22. **Public Hearing - Rezoning Property Located at 510 Pear Street** [File #RZ-2006-172] [Attach 20](#)

Request to rezone 0.49 acres, located at 510 Pear Street from RMF-8 (Residential Multi-Family – 8 units/acre) to C-1 (Light Commercial).

Ordinance No. 3959 - An Ordinance Rezoning the Property Known as the Pear Street Rezone to C-1, Light Commercial, Located at 510 Pear Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3959

Staff presentation: Scott D. Peterson, Senior Planner

23. **Public Hearing - Vacating the Alley at Mesa County Corrections and Treatment Facility, Located at 636 South Avenue** [File #VR-2006-076]

[Attach 21](#)

Request to amend and correct Ordinance No. 3898, vacating rights-of-way for an alleyway located at the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues.

Ordinance No. 3960 - An Ordinance Amending and Correcting Ordinance No. 3898 Vacating Rights-of-Way for an Alleyway, Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6th and 7th Streets and Pitkin and South Avenues, Mesa County Correction and Treatment Facility – 636 South Avenue

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3960

Staff presentation: Senta L. Costello, Associate Planner

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

25. **Other Business**

26. **Adjournment**

Attach 1

Minutes from the Previous Meetings

**CITY OF GRAND JUNCTION CITY COUNCIL
and
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY**

**ANNUAL JOINT PERSIGO MEETING MINUTES
JULY 31, 2006**

Call to Order

The Grand Junction City Council and the Mesa County Commissioners met at 7:00 p.m. on July 31, 2006 in the City Auditorium, City Hall, 250 N. 5th Street for the Annual Joint Persigo meeting.

President of the Council Jim Doody convened the meeting at 7:15 p.m. Councilmembers present were Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar and Doug Thomason.

From Mesa County, County Commissioner Chair Tilman Bishop and Commissioners Janet Rowland and Craig Meis were present.

Also present were City staffers interim City Manager David Varley, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, interim Community Development Director Sheryl Trent, Assistant Public Works and Utilities Director Tim Moore, Public Works and Utilities Operations Manager Greg Trainor, Wastewater Services Superintendent Dan Tonello, Assistant Community Development Director Kathy Portner, Utilities Engineer Bret Guillory, Environmental Coordinator Eileen List, Management Intern Angela Harness and City Clerk Stephanie Tuin.

County staffers present were County Administrator Jon Peacock, County Attorney Lyle Dechant, Assistant County Attorney Valerie Robison, Assistant County Administrator Stefani Conley, Planning and Development Director Kurt Larsen, Development Planner Linda Dannenberger, Public Works Director Pete Baier, Mesa County Attorney Office Administrator Brenda Stratton and Clerk to the Board Bert Raley.

Variance Requests

Public Works and Utilities Director Mark Relph advised that both applicants have withdrawn their requests for a variance. Mr. Relph then gave the joint board a brief overview of the agenda.

Public Works and Utilities Operations Manager Greg Trainor explained that due to Staff's recommendation to deny the variance requests, the developers have decided to rethink their development plans. The request was from two potential developers along Monument Road to allow dry line sewer and deferral of the sewer construction requirement. The two adjacent owners of the property, located at 2476 Monument Road (David Fricke) and 2454 Monument Road (Steve Reimer), have requested that they be allowed to subdivide their property, construct septic systems, install dry line service connections, and agree to connect to sewer sometime in the future when it is constructed. Both are within the 201 Sewer Service Area boundary. Both would prefer low density development of 2-acres per dwelling unit.

Commissioner Meis asked if there is a development agreement where a developer would pay for the installation of infrastructure and then he gets repaid as other developments tap on. Public Works and Utilities Operations Manager Trainor said there is that plan or a second alternative which is the trunk line extension program – that is when it looks like there will be a considerable amount of development in a basin. The sewer system will pay for the extension with the developer paying 15% and others repay as they tap on.

Commissioner Meis then asked Mesa County Public Works Director Pete Baier to make sure that sewer is installed in the ground as the road improvements occur along Monument Road. Mr. Baier responded that the first phase is just widening the road. He agreed that utilities will be reviewed before any overlay or improvements occur.

Nutting Boundary Adjustment Request

Public Works and Utilities Operations Manager Trainor reviewed a request from Dave Nutting, 290 Little Park Road, for a change to the 201 Sewer Service Area boundary to include his property into the 201 boundary, allowing him to eventually be served by sewer. Mr. Trainor noted that his request would affect other surrounding property owners so it was suggested that all the neighbors make the request together.

Councilmember Palmer asked if some of the areas include properties that have been previously removed from the 201 boundary. Mr. Trainor affirmed that to be correct.

Councilmember Coons inquired if Mr. Nutting's septic is working. Mr. Trainor answered that currently it is working. Councilmember Coons then asked if Mr. Nutting is concerned his septic will fail. Mr. Trainor said he does, as do others in the area. Councilmember Coons asked what recourse Mr. Nutting will have if his septic were to fail. Mr. Trainor said the joint board could look at approving a variance until sewer could be provided to the area.

Staff recommended to Mr. Nutting that, since most of this area was removed from the 201 in 1999 and a further area removed in 2005, it did not seem to be timely to bring

the question before the policy makers again, since nothing had changed significantly since then.

It was recommended that this area wait for discussion for inclusion until the adjacent "Rosevale South (R30)" sewer improvement district came closer to formation and construction. At that time the lower Little Park Road area could consider, as a group, whether to request inclusion and pay for the sewer extension of \$346,700 and also determine if this extension could be included into the Rosevale South Sewer Improvement District.

Report on Temporary Modification Studies

Environmental Coordinator Eileen List reviewed this item. A temporary modification (variance) of water quality standards on Persigo Wash was issued by the State in 2001 and expires in 2008. The variance was provided so studies could be performed to determine the proper discharge limits and future outfall location of the Persigo Wastewater Treatment Facility. She explained the various options the joint board has in order to comply with the proper stream standards.

Preliminary results show that the limits could be met with the exception of ammonia. Some capital improvements to the plant will be required to meet the ammonia requirements. There is anticipated to be additional standards to be met in the future. Staff will provide an update about the work and engineering studies performed.

Commission Chair Bishop inquired if the costs are being reviewed too. Ms. List said they are. She advised that one possibility is to relocate the discharge but that would require boring under the Interstate. Chairman Bishop asked about the time frame. Ms. List said they are looking at the cost to relocate the discharge. Persigo will have to go before the Water Quality Commission in order to continue the temporary modification permit. The cost range for the improvements is \$8 to \$9 million and they are targeted for years 2009-2010. Chairman Bishop asked if there are any grants available. Environmental Coordinator List responded that they could pursue grants through the Fish and Wildlife Division or possibly the Colorado River Recovery Program but funding is limited.

Councilmember Palmer asked if the studies have shown that Persigo is harming the wildlife. Ms. List said the fish are living but the Fish and Wildlife Division is concerned with reproduction. She does not feel the City has the ability to conduct the studies that would satisfy the Fish and Wildlife Division concerns.

Councilmember Coons wondered if it makes sense to make the modifications without knowing what new standards will be forthcoming. Although Ms. List agreed, she pointed out that the Fish and Wildlife Division prefers that Persigo discharge into the

Colorado River because they consider the Persigo Wash as backwater habitat for the fish. Ultimately, it will be the Fish and Wildlife Division making the decision.

Councilmember Spehar inquired how they determine the impact just from Persigo when there are upstream contributors. Ms. List advised that only point sources such as discharge plants are regulated.

Councilmember Hill questioned why the level is acceptable in the Colorado River, but not in the Wash. Ms. List replied that there is more dilution in the River; the minimum flow in the River is 750 cubic feet per second whereas Persigo Wash, at the low season, is 1 cubic foot per second.

Public Works and Utilities Operations Manager Trainor advised that in 2001, the City was able to convince the Water Quality Commission that there was a question on the impact of the discharge into the Persigo Wash which is why they granted the temporary modification permit. However, there are different offices within the Commission which include the regulatory sections and the fish biologists. The City and the consultants do not believe there is any harm being done to the habitat, so they will continue to study the situation and have conversations with the scientists. At this time Staff is just providing an update on the effort.

Report on Septic System Elimination Program

Public Works and Utilities Operations Manager Greg Trainor introduced this topic. He asked Utilities Engineer Bret Guillory to update the joint board on the program. Mr. Guillory reviewed the history of this program. He noted that since 2000, 19 sewer districts have been constructed at a cost of \$8,707,967 which includes construction of 21.1 miles of sewer lines benefiting 1,076 properties.

The cost of construction has affected the program lately. There are two districts currently being designed that will hopefully be constructed this winter. There are three districts that are slated for meetings next year.

Mr. Guillory explained how districts are formed and worked into the schedule.

Commission Chair Bishop asked Mr. Guillory to explain the incentive provided to form districts. Mr. Guillory responded that Persigo funds 30% of the cost. The goal of the program is to try to get gravity sewer infrastructure to the properties at about the same cost it would be to repair a septic system. If there is a way to combine districts, economies of scale are reaped. For a district to be formed, at least 51% of the property owners must be in favor. Mesa County Health Department also identifies trouble spots and then Staff makes contacts in those areas.

Summary Report and Discussion of Rate Study Findings

Public Works and Utilities Operations Manager Greg Trainor advised a rate study occurs every five years. The next item is a review of the most recent study. In hand is a draft of the study, which Staff is currently reviewing. The actual rates to be charged will be determined during the budget process toward the end of the year.

Councilmember Palmer asked if the proposed rates support ongoing operations or do they also include funding for improvements in the future. Public Works and Utilities Operations Manager Trainor replied that there is a ten year projection for all operating, maintenance, and capital expense; it is reviewed annually and extended out so it is constantly updated. The sewer system is in good shape financially, the consultant is recommending that the current projected rate of increase of 2.5% is still adequate. There have been years when no increase was made due to the amount of the fund balance. Mr. Trainor explained that there is excess capacity at present that is already paid for; the plant investment fee (PIF) is to buy into that capacity. The PIF being recommended for one EQU (one single family unit) is \$3,220, which is calculated on replacement cost of the plant divided by the current EQUs. The proposed increase is \$1,220. This is different from previous recommendations as the replacement value of the plant has been recalculated to include other aspects of the plant asset such as large interceptors and collectors. Mr. Trainor advised that between now and the matter coming before these two governing bodies for budget consideration, meetings will occur with the users and developers to educate them and explain how the recommendation was calculated.

Staff compared the PIF rates in other communities prior to the meeting and found that the sewer plant investment fees per EQU are: Fruita - \$4,000, Delta - \$5,100, Montrose - \$4,700, Rifle - \$3,500, Longmont - \$3,000. The western slope average is about \$4,325. The average monthly rate statewide is about \$22. Grand Junction's monthly fee is proposed to increase from \$13.90 to \$14.25. Persigo is able to keep the rates low due to the size of the system and the number of customers. In contrast, Clifton Sanitation District #1 and #2 is building a new plant and will have a relatively small number of customers. Therefore they are projecting a monthly rate of about \$25. He noted that fees are calculated specifically for the specific system; it is helpful to compare fees with other entities but cautioned that fees should be relative to the specific system.

Commission Chair Bishop asked Mr. Trainor to clarify the debt service coverage portion of the fees. Mr. Trainor advised that the debt service coverage ratio is calculated as the net operating income compared against what the debt service is. It is currently for 2006 a 2.34 ratio which is a healthy coverage.

Councilmember Spehar pointed out that the higher the ratio, the better the interest rate when borrowing occurs. Mr. Trainor said that is correct. He noted that projections allow them to look at different scenarios for fund balances and reserves.

Councilmember Hill asked if the proposed improvements to meet water quality standards, as identified by Environmental Coordinator List, were included in the numbers provided. Mr. Trainor answered that the summary number in the report does include those improvements plus other projected improvements for the next ten years.

Public Works and Utilities Operations Manager Trainor continued that the plant has excess capacity right now that can be bought into; if there was no capacity for additional customers, the Persigo Fund would have to borrow funds to expand the plant. Funds collected to buy into the plant (PIF) would go into a fund for future expansion of the plant.

Councilmember Hill asked if hypothetically, Persigo could be charging a \$5,000 plant investment fee in five years even if the balance is not spent as it is dependent on plant replacement costs. Mr. Trainor said that is a decision for the policymakers. Another consideration is additional areas for inclusion into the boundary as that would result in the need for additional capacity.

Councilmember Spehar asked how close the plant is to capacity. Wastewater Services Superintendent Dan Tonello responded that the plant is at 68% capacity. That, however, will go to 80% capacity if the changes are made to meet the new standards. When 80% is reached, planning must begin for the next increment of capacity.

Councilmember Hill asked if that includes meeting the ammonia standards. Mr. Tonello responded affirmatively noting expanded capacity is also planned in the ten year capital plan as well.

Councilmember Hill confirmed that the joint board has the option of charging less if they so choose but would not want to charge more than that. Mr. Trainor agreed noting the numbers being provided are a benchmark.

Mr. Trainor reiterated that the rate study will be presented to the community, developers, engineers, and other interested parties before being brought back to the two governing boards for budget consideration.

Other Business

Pete Baier, Mesa County Public Works Director and Land Fill Manager, brought back the issue of the rate for accepting biosolids that was on the agenda but not covered at the last annual meeting. He anticipates a change to the cost, an increase as it has not changed since the early 1990's. With that increase, Persigo may look at a better way to dispose of wet biosolids. It will also be a discussion during budget. It is a small percentage to the entire Persigo budget.

Councilmember Coons inquired if the biosolids being composted are sold out to the community. Mr. Baier answered they do, although the stigma for that compost creates a need for a little different marketing.

On another matter, Councilmember Coons advised that she received and distributed a memo from Ted Munkres, a developer, asking the two entities to consider some implications of when zoning takes place after annexation.

Commissioner Meis asked when the Persigo Agreement expires.

County Administrator Jon Peacock responded that “the line” went away this year; annexation can take place outside the 201 boundary as of the year 2008. The rest of the terms of the agreement are perpetual.

City Attorney John Shaver concurred that the agreement itself contemplates perpetual existence.

Commissioner Meis inquired about the financial statements being provided to the two governing bodies. Public Works Director Pete Baier advised that during the budget process Public Works and Utilities Operations Manager Trainor will present budget information to the Commissioners and that will be followed by a public hearing on the budget. The County and the City jointly adopt the Persigo budget.

Commissioner Meis asked for assurance that any rate increase would be a joint decision. County Administrator Peacock affirmed that both bodies must approve.

Public Works and Utilities Operations Manager Trainor reviewed how the budget process has worked in the past. He welcomed any additional input.

Adjournment

There being no further business, City Council President Doody adjourned the meeting at 8:37 p.m.

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

August 2, 2006

The City Council of the City of Grand Junction convened into regular session on the 2nd day of August 2006, at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Bruce Hill, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Absent were Councilmembers Bonnie Beckstein and Gregg Palmer. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Mike MacFarlane, New Day Ministries.

Presentations of Certificates of Appointment

To the Avalon Theatre Advisory Committee

Marianne North, Ron Beach, and Stephan Schweissing were present to receive their certificates for the Avalon Theatre Advisory Committee.

Appointments

Ratify Appointments to the Urban Trails Committee

Councilmember Thomason moved to ratify the appointment of David Cooper, Steve Bliss, and John Borgen to the Urban Trails Committee with terms ending June 30, 2009, and ratify the appointment of Joseph Moreng to the Urban Trails Committee with an unexpired term ending June 30, 2007. Councilmember Spehar seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

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

It was moved by Councilmember Coons, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Calendar items #1 through #12.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the July 17, 2006 Workshop, the Minutes of the July 19, 2006 Regular Meeting, and the July 26, 2006 Special Meeting

2. **Setting a Hearing on Zoning and Development Code Amendments – Downtown Residential Density** [File #TAC-2006-190]

A request to amend the Zoning and Development Code to implement the recently-approved Growth Plan Amendment that eliminated the maximum residential density requirement for downtown properties/developments.

Proposed Ordinance Amending Sections 3.2 and 3.4.C. of the Zoning and Development Code Regarding Downtown Residential Density

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

3. **Setting a Hearing on Zoning the Arbogast Annexation, Located at 785 24 Road** [File #GPA-2006-064]

Request to zone the 18.05 acre Arbogast Annexation, located at 785 24 Road, to RSF-E (Residential Single Family Estate with a maximum of one unit per two acres) zone district.

Proposed Ordinance Zoning the Arbogast Annexation to RSF-E (Residential Single Family – Estate, 1 Unit per Two Acres), Located at 785 24 Road

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

4. **Setting a Hearing on Zoning the Clymer Annexation and Vacation of Right-of-Way, Located at 182 27 Road** [File #VR-2006-153]

Introduction of a proposed zoning ordinance to zone the Clymer Annexation RSF-2 (Residential Single Family with a density not to exceed 2 du/ac) zone district, located at 182 27 Road and introduction of a proposed ordinance to vacate the south half of the cul-de-sac at the south end of 27 Road.

Proposed Ordinance Zoning the Clymer Annexation to Residential Single Family with a Density Not to Exceed Two Units per Acre (RSF-2), Located at 182 27 Road

Proposed Ordinance Vacating Right-of-Way, Located Adjacent to 182 27 Road

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

5. **Setting a Hearing on Zoning the Coop/Myers Annexation, Located at 2997 D Road** [File #ANX-2006-137]

Request to zone the 5.48 acre Coop/Myers Annexation, located at 2997 D Road, to RMF-8 (Residential Multi Family, 8 units per acre).

Proposed Ordinance Zoning the Coop/Myers Annexation to RMF-8, Located at 2997 D Road

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

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

Request to zone the 0.81 acre Schroeder Annexation, located at 527 Reed Mesa Drive to RSF-4 (Residential Single Family 4 du/ac).

Proposed Ordinance Zoning the Schroeder Annexation to RSF-4, Located at 527 Reed Mesa Drive

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

7. **Setting a Hearing on Rezoning Property Located at 510 Pear Street** [File #RZ-2006-172]

Request to rezone 0.49 acres, located at 510 Pear Street from RMF-8, Residential Multi-Family – 8 units/acre to C-1, Light Commercial.

Proposed Ordinance Rezoning the Property Known as the Pear Street Rezone to C-1, Light Commercial, Located at 510 Pear Street

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

8. **Setting a Hearing on the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

Request to annex 3.23 acres, located at 2102 and 2108 Highway 6 & 50. The Baldwin 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. 94-06 – 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, Baldwin Annexation #1 and #2, Located at 2102 and 2108 Highway 6 & 50 and a Portion of the Highway 6 & 50 Right-of-Way

Action: Adopt Resolution No. 94-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #1, (Located at 2102 and 2108 Highway 6 & 50), Approximately .10 Acres, which includes a Portion of the Highway 6 & 50 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #2, Approximately 3.13 Acres, Located at 2102 and 2108 Highway 6 & 50 and a Portion of the Highway 6 & 50 Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for September 6, 2006

**9. Setting a Hearing on the CGVSD Annexation, Located at 541 Hoover Drive
[File #ANX-2006-175]**

Request to annex 0.94 acres, located at 541 Hoover Drive. The CGVSD Annexation consists of 1 parcel.

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

Resolution No. 95-06 – 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, CGVSD Annexation, Located at 541 Hoover Drive

Action: Adopt Resolution No. 95-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, CGVSD Annexation, Approximately 0.94 Acres, Located at 541 Hoover Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

10. **Setting a Hearing on the Halliburton Annexation, Located at 3199 D Road**
[File #ANX-2006-210]

Request to annex 48.4 acres, located at 3199 D Road. The Halliburton Annexation consists of 2 parcels and is a 2 part serial annexation.

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

Resolution No. 96-06 – 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, Halliburton Annexation #1 and #2, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

Action: Adopt Resolution No. 96-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #1, Approximately 0.29 Acres, Located at 3199 D Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #2, Approximately 48.11 Acres, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for September 6, 2006

11. **Setting a Hearing on Vacating the Alley at Mesa County Corrections and Treatment Facility, Located at 636 South Avenue** [File #VR-2006-076]

Request to amend and correct Ordinance No. 3898, vacating rights-of-way for an alleyway located at the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues.

Proposed Ordinance Amending and Correcting Ordinance No. 3898 Vacating Rights-of-Way for an Alleyway, Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6th and 7th Streets and Pitkin and South Avenues, Mesa County Correction and Treatment Facility – 636 South Avenue

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

12. **Agreement with CDOT for Rotomilling and Asphalt Overlay on I-70 B, S.H. 340, and U.S. 50**

The State has requested that the City perform rotomilling and asphalt overlays of I-70B between North Avenue to Grand Avenue, SH 340 between Mulberry to Grand Avenue, the frontage road connecting I-70B with SH 340, and US 50 from Ute Avenue to South Avenue. A Memorandum of Understanding was approved at the July 19, 2006 meeting. This resolution formalizes that approval.

Resolution No. 97-06 – A Resolution Authorizing an Agreement Between the City of Grand Junction and the State of Colorado Department of Transportation for the Rotomilling and Asphalt Overlay for I-70B from North Ave (MP 4.1) and Grand Ave (MP 4.9), SH340 Between Mulberry St (MP 13.2) and Grand Ave (MP 13.34), Frontage Road Connecting I-70B and SH 340, and 5th Street (US 50) Between Ute Ave (MP 32.0) and South Ave (MP 32.14)

Action: Adopt Resolution No. 97-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Lincoln Park Golf Course Irrigation System Replacement

This approval request is for the replacement of the Lincoln Park Golf Course irrigation system.

Joe Stevens, Parks and Recreation Director, reviewed this item. He gave a brief history of the current system and noted the number of irrigation breaks that are occurring with the aging system. He said the installation contractor will utilize local vendors and said the City purchased much of the pipe earlier when the price of pipe was lower. However, there will still be an additional \$22,558 to meet the estimated shortfall. Mr. Stevens said Staff asks that the funds come from the General Fund contingency. Mr. Stevens also added that the golf course will not be closed during the installation.

Councilmember Spehar inquired about the efficiency of the new system. Mr. Stevens said the new system will be one of the most efficient golf course irrigation systems there

is. He said it will have sensors that will not water when there has been precipitation among other efficiencies.

Councilmember Hill moved to authorize the City Purchasing Division to enter into a contract, in the amount of \$700,958, with Formost Construction, Murrieta, California for the completion of the irrigation system replacement and transfer \$22,558 from General Fund contingency to cover the shortfall. Councilmember Coons seconded the motion. Motion carried.

Public Hearing – Zoning the Hamilton Annexation, Located at 3124 D Road [File #ANX-2006-105]

Request to zone the 8.33 acre Hamilton Annexation, located at 3124 D Road to RMF-5 (Residential Multi-Family 5 du/ac).

The public hearing was opened at 7:19 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the current use and the Future Land Use designation. She also noted the surrounding zoning, including the recently zoned adjacent properties. She briefed the City Council on how the application went through the Planning Commission, where it was heard once, and said RSF-4 zone was recommended by Planning Commission. She said Staff requested a rehearing which was granted and said the Planning Commission changed their recommendation at the subsequent rehearing to RMF-5.

Council President Doody asked Ms. Costello to differentiate between RSF-4 and RMF-5. Ms. Costello said RMF-5 has a smaller minimum lot size, a smaller side yard setback, 5 feet versus 7 feet and RMF-5 allows townhomes whereas RSF-2 allows duplexes on corner lots but not townhomes.

Councilmember Thomason asked if the development will then go before Planning Commission for the plat. City Attorney Shaver responded affirmatively.

Councilmember Spehar asked for clarification on the rehearing. City Attorney Shaver advised that Staff asked for the rehearing based on the determination that perhaps the Planning Commission did not fully understand all the facts.

Jenette Traynor, 3124 D Road, the applicant, was present but had nothing to add.

Sue Miller, 413 West Mallard Way, said she lives in the Grove Creek Subdivision and her back yard is adjacent to this property. She is concerned about negative impact to her property and said she is disappointed in the Planning Commission's decision. She was opposed to the townhomes and did not feel that would be compatible to the surrounding area. She asked that RMF-5 not be approved.

Earla Jean Bailey-Roy, 3122 D Road, said she lives just south of this development and was the previous owner of the subject property. She is concerned about the increase in traffic and asked that a privacy fence be built. She is also concerned with the loss of views if townhomes were to be built.

Howard B. Walitt, 416 West Mallard Way, had a letter from another neighbor, Natalie Liesman, 419 West Mallard Way. Mr. Walitt read the letter which asked that the Planning Commission's original decision be considered by the City Council. She expressed concerns about sidewalks and traffic. Then Mr. Walitt made additional comments and said Planning Commission did reject the request for RMF-8, even though RMF-5 was discussed and the majority voted for RSF-4. Mr. Walitt said the Grove Creek Subdivision is all single family homes (300+). He noted that Ms. Traynor does not plan to develop the property but will sell the subject property to a developer. He said the Pear Park Plan recommends 2 to 4 units per acre. Although Staff requested the rehearing, the request was really from the applicant. He asked for RSF-4 zoning be approved, since that is what is currently built in the surrounding neighborhoods.

Dustin McPhail, 421 West Mallard Way, asked that two story buildings not be allowed which will take away their privacy.

There were no additional public comments.

Councilmember Hill asked how fencing will be dealt with for this development. Ms. Costello said fencing can be addressed at the Preliminary Plan stage as well as perimeter fencing. Regarding street improvements, the developer can be required to improve half of adjacent streets. Councilmember Hill inquired if they will have two accesses into the subdivision. Ms. Costello said there will only be one access with stub streets for future access, which is a requirement, and said there are also irrigation issues that will need to be resolved.

Councilmember Coons asked if both zone districts being discussed allows two story homes. Ms. Costello replied that they both do. She then reviewed the surrounding zone districts and said Grove Creek is zoned RMF-5. She said the subdivision to the north is a Planned Unit Development (PUD) in the County and is essentially 4.97 units per acre. Ms. Costello said there are different setbacks in the County that are in the City zone districts.

Councilmember Spehar asked if all of the streets in the area are public streets. Ms. Costello said they are.

Councilmember Spehar asked if there is any question as to the validity of the rehearing. City Attorney Shaver did not have any question and explained what his and Staff's discussions were with the Planning Commission.

Councilmember Spehar spoke to the fact that zone districts do allow multiple uses and that is for a reason. He said the streets are public streets and the D ¼ stub street was installed for the purpose of connectivity. He pointed out that Grove Creek was zoned RMF-5 and was built at 4.2 units per acre and gave other examples. He contended that it is unlikely that it will be developed out at 5 units per acre and said he recognizes the neighborhood's concerns.

Councilmember Hill expressed appreciation for those who spoke. He noted the Growth Plan has designated this area for 4 to 8 units per acre. He said the objections to residential medium did not happen at the Pear Park Plan meetings.

Councilmember Coons said it appears that the zoning is compatible with the other neighborhoods in the area and the request fits the Growth Plan.

Council President Doody expressed his appreciation to those that came to speak. He agreed with Councilmembers Spehar and Hill.

The public hearing was closed at 8:00 p.m.

Ordinance No. 3941 – An Ordinance Zoning the Hamilton Annexation to RMF-5,
Located at 3124 D Road

Councilmember Thomason moved to adopt Ordinance No. 3941 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Abeyta-Weaver Growth Plan Amendment, Located at 432
30 ¼ Road** [File #GPA-2005-188]

Request to change the Growth Plan designation of 8.42 acres, located at 432 30 ¼ Road from "Residential Medium 4-8 du/ac" to "Public".

The public hearing opened at 8:01 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and noted this location is for the new elementary school, which is under construction. She said the request is to amend the Growth Plan so it matches the Public designation. All the requirements have been met for a Growth Plan amendment.

Councilmember Spehar asked why this is being done after the fact. Ms. Costello said that they were proceeding through a subdivision process. City Attorney Shaver stated

that when dealing with school district projects there are some special statutory rules that allow schools special consideration regarding development.

There were no public comments.

The public hearing was closed at 8:04 p.m.

Resolution No. 98-06 – A Resolution Amending the City of Grand Junction Growth Plan to Designate Approximately 8.42 Acres, Located at 432 30 ¼ Road, from Residential Medium 4-8 Du/Ac to Public, Abeyta-Weaver Growth Plan Amendment

Councilmember Hill moved to adopt Resolution No. 98-06. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Pine Industrial No. 1 Annexation and Zoning, Located at 2769 D Road [File #ANX-2006-124]

Request to annex and zone 5.08 acres, located at 2769 D Road, to I-2 (General Industrial). The Pine Industrial No.1 Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 8:06 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the location and the current uses. She then described surrounding zone districts and the existing uses of the nearby areas. She said Staff has found that the request meets the criteria of the Zoning and Development Code and fits the Future Land Use designation.

Council President Doody inquired about enclaves. Ms. Costello explained the rules on enclaves.

Tracy Moore, Development Concept Services, was present representing the applicant but had nothing to add.

There were no public comments.

The public hearing was closed at 8:09 p.m.

a. Accepting Petition

Resolution No. 99-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pine Industrial No. 1 Annexation #1 and #2, Located at 2769 D Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3942 – An 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

Ordinance No. 3943 – An 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

c. Zoning Ordinance

Ordinance No. 3944 – An Ordinance Zoning the Pine Industrial No.1 Annexation to I-2, Located at 2769 D Road

Councilmember Spehar moved to adopt Resolution No. 99-06 and Ordinance Nos. 3942, 3943, and 3944 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Harris Annexation and Zoning, Located at 2730 B Road [File #ANX-2006-125]

Request to annex and zone 9.38 acres, located at 2730 B Road, RSF-4 (Residential Single Family 4 du/ac). The Harris Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 8:11 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the request, the location, and the site. She said the current use is residential and the Future Land Use Map has designated the property as Residential Medium. Ms. Costello said Staff has found that the request meets the criteria of the Zoning Development Code and the Growth Plan. She said both Staff and Planning Commission recommend approval.

Brynn Boyd, Rhino Engineering, 1229 N. 3rd Street, was present representing the applicant but had nothing to add.

Jack Drake, 2745 B Road, is opposed to the annexation. He said the City is getting closer to his property and said that he does not want to be in the City limits.

There were no other public comments.

Council President Doody asked City Attorney Shaver to explain annexation relative to the Persigo Agreement. Mr. Shaver stated that the City under the Persigo Agreement

only annexes property that is subject to development. If Mr. Drake is already developed then he would not be subject to annexation.

Councilmember Spehar pointed out the exception would be an enclave, which is required to be annexed by State Law. City Attorney Shaver concurred and advised this annexation does not create an enclave.

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

a. Accepting Petition

Resolution No. 100-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Harris Annexation #1 and #2, Located at 2730 B Road Including a Portion of the B Road and 27 Road Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3945 – An 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

Ordinance No. 3946 – An 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

c. Zoning Ordinance

Ordinance No. 3947 – An Ordinance Zoning the Harris Annexation to RSF-4, Located at 2730 B Road

Councilmember Coons moved to adopt Resolution No. 100-06 and Ordinance Nos. 3945, 3946, and 3947 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – 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.

The public hearing was opened at 8:18 p.m.

David Thornton, Principal Planner, reviewed this item. He described the location of the subject property and advised that there are three parts to this project. First the annexation, then a Growth Plan Amendment, and subsequently there will be a zoning. He said the site is currently agricultural and said the current land use designation is Estate. He said the applicant anticipates asking for commercial designation. Staff finds that the request meets all statutory requirements for annexation.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:21 p.m.

a. Accepting Petition

Resolution No. 101-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the 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 is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3948 – An 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

Councilmember Hill moved to adopt Resolution No. 101-06 and Ordinance No. 3948 on Second Reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Interim Community Development Director Sheryl Trent introduced Kent Kovalchik, the new Senior Planner. Mr. Kovalchik gave the Council a brief overview of his background and qualifications.

Other Business

City Clerk Stephanie Tuin advised that her office received an initiative petition with 186 sections regarding a watershed protection ordinance. She and her Staff are verifying signatures and anticipates completion by mid next week. If there are sufficient signatures, she will bring a report to City Council at the August 16th Council meeting.

Adjournment

The meeting adjourned at 8:25 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

**Continue Public Hearing for the Bookcliff Veterinary Hospital Annexation
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Request to Continue Bookcliff Veterinary Hospital Annexation located at 564 29 Road					
Meeting Date	August 16, 2006					
Date Prepared	August 7, 2006				File #ANX-2005-076	
Author	Scott D. Peterson		Senior Planner			
Presenter Name	Scott D. Peterson		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Request to continue the Bookcliff Veterinary Hospital Annexation to the December 20, 2006 City Council Meeting. The request to continue is to allow additional time to clarify land ownership issues adjacent to the Grand Valley Canal.

Budget: N/A

Action Requested/Recommendation: Continue the adoption of the Resolution accepting the Petition for the Bookcliff Veterinary Hospital Annexation and Public Hearing to consider Final Passage of the Annexation Ordinance to the December 20, 2006 City Council Meeting.

Attach 3
Setting a Hearing on Zoning the CGVSD Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Central Grand Valley Sanitation District (CGVSD) Annexation, located at 541 Hoover Drive.						
Meeting Date	August 16, 2006						
Date Prepared	August 10, 2006				File #ANX-2006-175		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to zone the 0.94 acre Central Grand Valley Sanitation District (CGVSD) Annexation, located at 541 Hoover Drive to C-1 (Light Commercial).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for September 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		541 Hoover Drive		
Applicants:		Owner: Central Grand Valley Sanitation – Lori Cosslett; Representative: Merritt LS, LLC – Thomas W. Sylvester		
Existing Land Use:		Office		
Proposed Land Use:		Office		
Surrounding Land Use:	North	Residential		
	South	Commercial		
	East	Commercial		
	West	Vacant Commercial / Office		
Existing Zoning:		County B-2		
Proposed Zoning:		City C-1		
Surrounding Zoning:	North	City RSF-4; County RSF-4		
	South	City C-1		
	East	City C-1		
	West	City C-1		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the C-1 district is consistent with the Growth Plan designation of Commercial. The existing County zoning is B-2. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zone district is consistent with the other commercial properties in the area. The office use that currently exists on the site will remain.

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.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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.

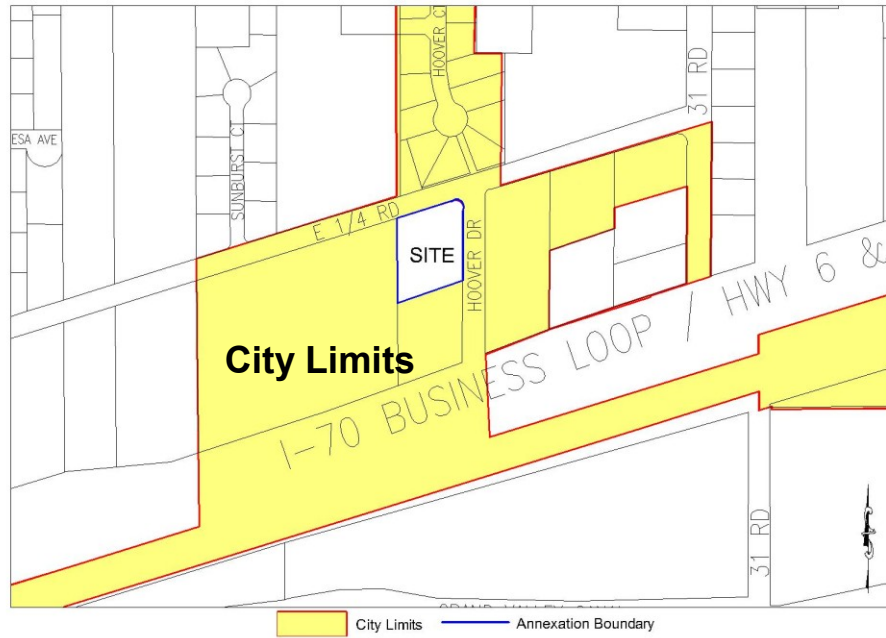
- a. R-O
- b. B-1
- c. B-2
- d. C-2

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

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

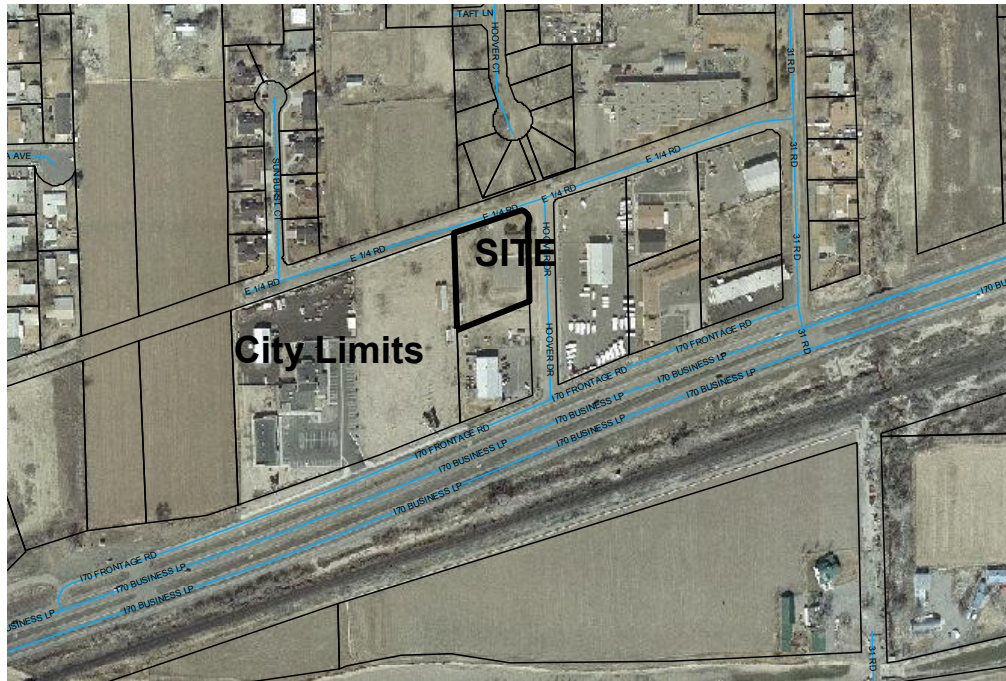
Site Location Map

Figure 1
CGVSD Annexation



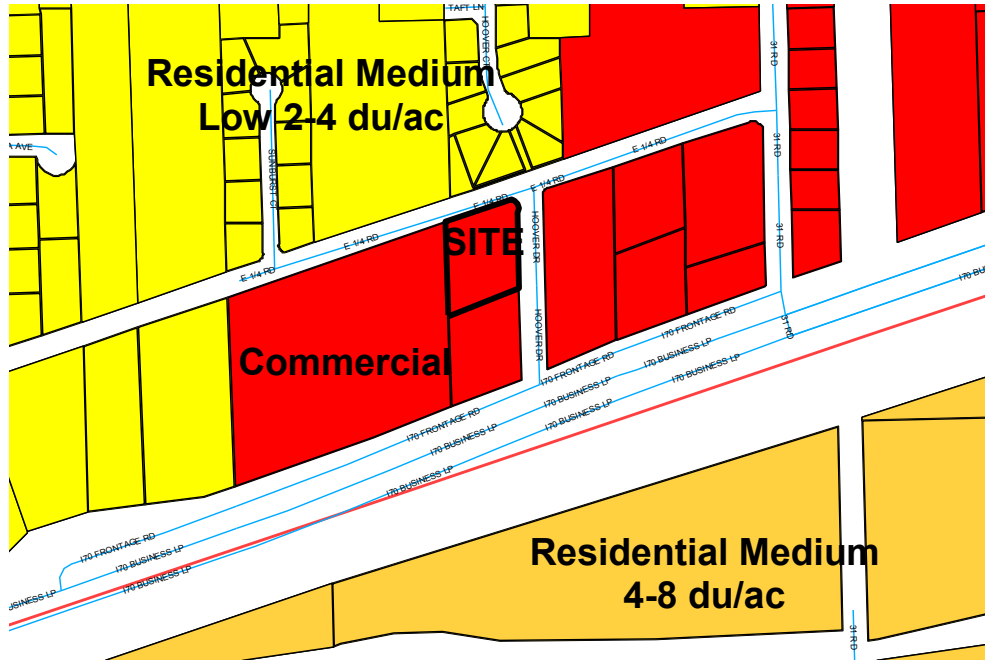
Aerial Photo Map

Figure 2



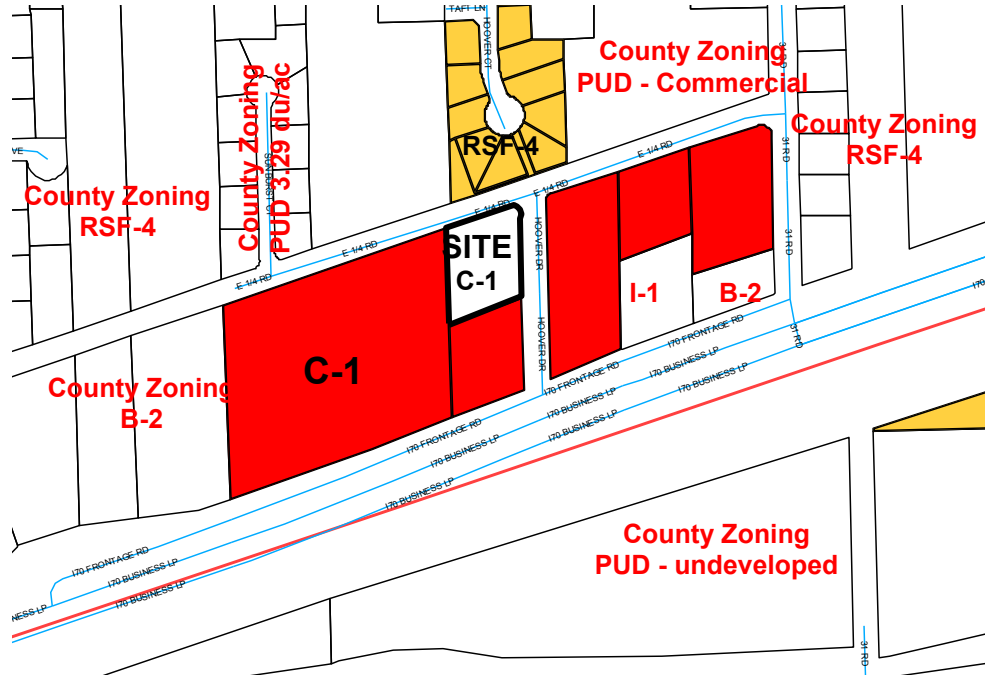
Future Land Use Map

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 CGVSD ANNEXATION TO
C-1**

LOCATED AT 541 HOOVER DRIVE

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 CGVSD Annexation to the C-1 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 C-1 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 C-1.

CGVSD ANNEXATION

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Lot 4 of 31 Road Business Park as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado

Said parcel contains 0.94 acres (41,162 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 4
Setting a Hearing on Zoning the Halliburton Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Halliburton Annexation, located at 3199 D Road.					
Meeting Date	August 16, 2006					
Date Prepared	August 10, 2006			File #ANX-2006-210		
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Request to zone the 48.4 acre Halliburton Annexation, located at 3199 D Road to I-1 (Light Industrial).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for September 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3199 D Road		
Applicants:		Owner/Applicant: Halliburton Energy Services – Wayne Brookshire; Representative: John Galloway		
Existing Land Use:		Halliburton Energy Services		
Proposed Land Use:		Halliburton Energy Services		
Surrounding Land Use:	North	Vacant residential		
	South	Corn Lake State Park		
	East	Mesa County Sewer Ponds		
	West	Commercial/Industrial; Residential; Church		
Existing Zoning:		County PUD		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	County RMF-8		
	South	County PUD		
	East	County RSF-R		
	West	City C-2; RSF-4; County AFT		
Growth Plan Designation:		Commercial / Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan designation of Commercial / Industrial. The existing County zoning is PUD. 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 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zoning is compatible with the neighborhood. The property is adjacent to other commercial / industrial uses as well as Corn Lake State Park to the south. There are residential uses on the west side of 31 5/8 Road and north of D Road. The park and residential uses will be buffered from operations on site through various measure, including landscaping and a buffer wall.

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.

- Adequate public facilities and services area available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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. C-2
- f. I-O
- g. M-U

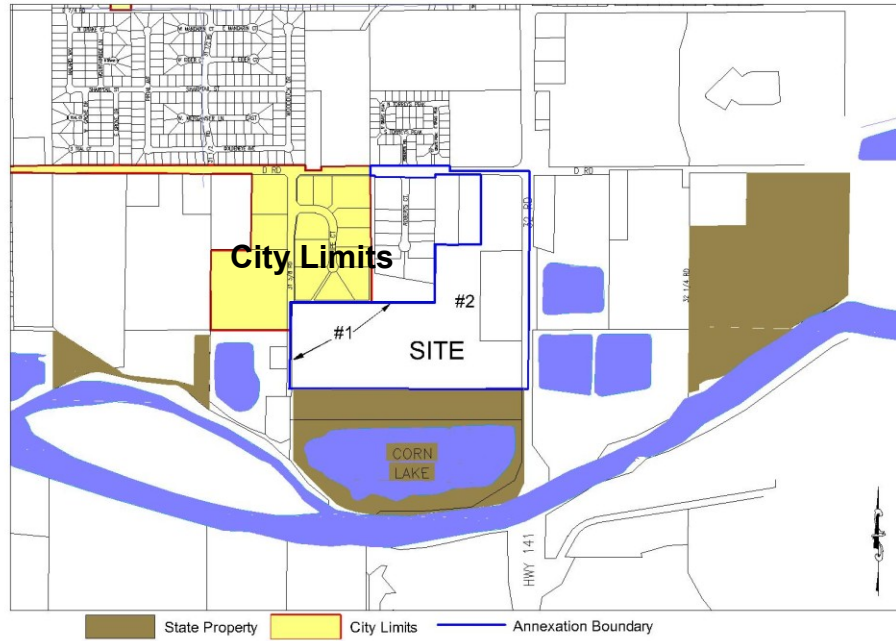
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

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

Site Location Map

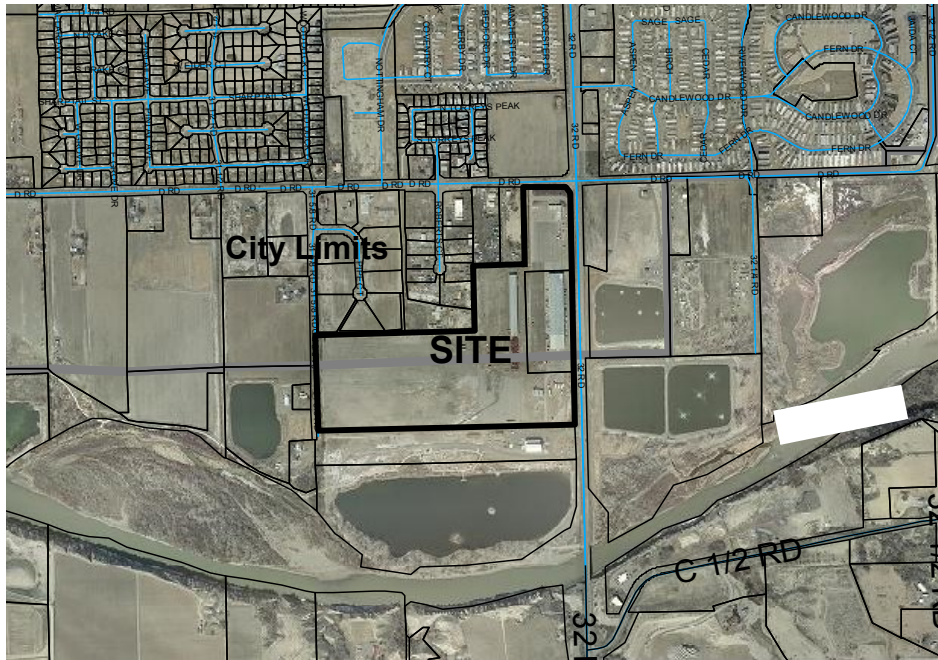
Figure 1

Halliburton Annexations #1 & #2



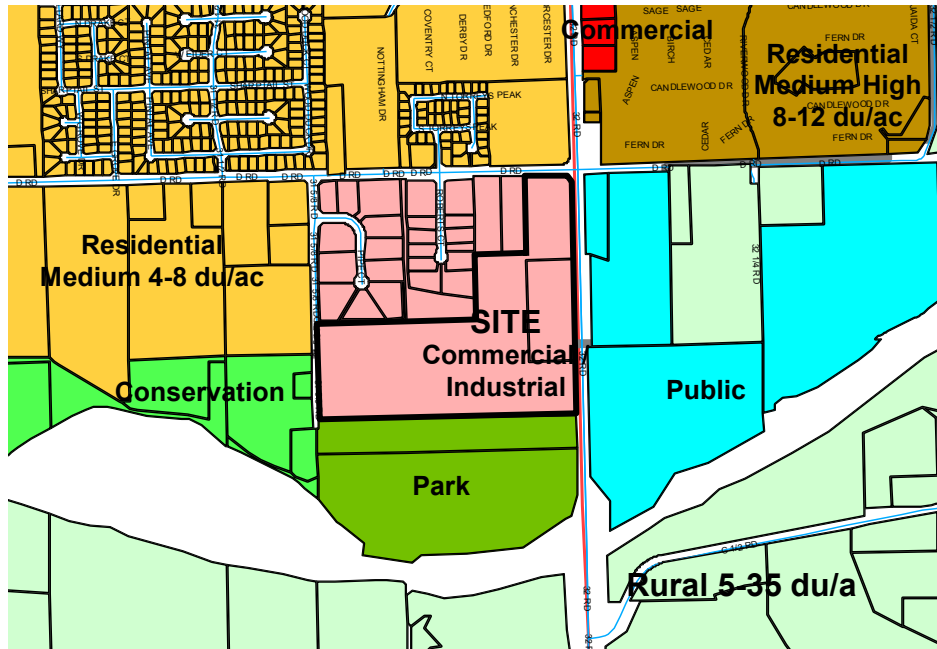
Aerial Photo Map

Figure 2



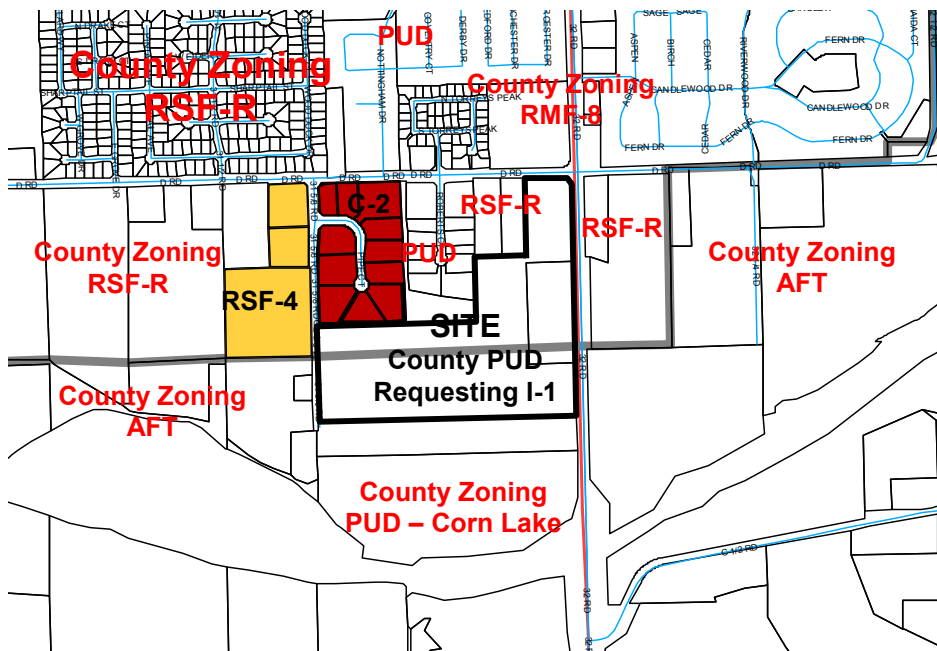
Future Land Use Map

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 HALLIBURTON ANNEXATION TO
I-1**

LOCATED AT 3199 D 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 Halliburton Annexation to the I-1 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 I-1 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 I-1.

HALLIBURTON ANNEXATION

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

Beginning at the Southeast corner of Pipe Trades Subdivision, as same is recorded in Plat Book 18, Page 292, Mesa County, Colorado Public Records, and assuming the South line of said Pipe Trades Subdivision to bear S89°53'16"E with all bearings contained herein relative thereto; thence S89°53'16"E a distance of 523.39 feet to the Southeast corner of that certain parcel as described in Book 4076, Page 371, Mesa County, Colorado Public Records; thence N00°06'44"E a distance of 489.73 feet to the Southwest corner of that certain parcel as described in Book 4040, Page 954, Mesa County, Colorado Public Records; thence S89°53'16"E a distance of 207.25 feet to the Southeast corner of said parcel; thence S00°06'44"W a distance of 5.00 feet; thence N89°53'16"W along a line being 5.00 feet South of and parallel to the south line of said parcel, a distance of 202.25 feet; thence S00°06'44"W along a line being 5.00 feet East of and parallel with the East line of "D" Road Commercial Park, as same is recorded in Plat Book 13, Page 14, Mesa County, Colorado Public Records, and said parcel as described in Book 4076, Page 371, a distance of 489.73 feet; thence N89°53'16"W along a line being 5.00 feet South of and parallel with the South line of said parcel as

described in Book 4076, Page 371 and said Pipe Trades Subdivision, a distance of 1187.70 feet; thence S00°26'37"W along a line being 5.00 feet East of and parallel with the East right of way of 31-5/8 Court as described in Book 1280, Page 421, public records of Mesa County, Colorado, a distance of 717.72 feet; thence S89°59'52"W a distance of 5.00 feet to a point on the East line of said right of way; thence N00°26'37"W a distance of 722.73 feet to the Northwest corner of Corn Industrial Park Two, as same is recorded in Plat Book 4188, Pages 570 through 571, Mesa County, Colorado Public Records; thence S89°53'16"E along the South line of said Pipe Trades Subdivision a distance of 664.28 feet , more or less, to the Point of Beginning. All lying within said plat of Corn Industrial Park Two. Said parcel contains 0.29 acres (13,011 square feet), more or less, as described.

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

Beginning at the Northeast corner of Section 22 Twp. 1S, Rge. 1E, U.M. and assuming the East line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE1/4) of said Section 22 to bear S00°22'24"W with all bearings contained herein relative thereto; thence S00°22'24"W along said East line a distance of 1319.84 feet to the Southeast corner of said NE 1/4 NE1/4 of Section 22; thence S00°21'54"W a distance of 494.03 feet to a point on the East line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4); thence S89°59'52"W along the South line of Lot 1(A), Block 1(A) of Corn Industrial Park Two, as same is recorded in Book 4188, Pages 570 and 571, Public Records of Mesa County, Colorado, a distance of 1966.22 feet, to a point on a line being 5.00 feet East of and parallel with the East right of way of 31-5/8 Court as described in Book 1280, Page 421, Mesa County, Colorado, Public Records; thence N00°26'37"E a distance of 717.72 feet along said parallel line, to a point on a line being 5.00 feet South of and parallel to the South line of Pipe Trades Subdivision, as same is recorded in Plat Book 18, Page 292, Mesa County, Colorado Public Records, and that certain parcel as described in Book 4076, Page 371, Mesa County, Colorado, Public Records; thence S89°53'16"E along said parallel line, a distance of 1187.70 feet to a point on a line being 5.00 feet East and parallel with the East line of "D" Road Commercial Park, as same is recorded in Plat Book 13, Page 14, Mesa County, Colorado Public Records, and said parcel as described in Book 4076, Page 371; thence N00°06'44"E a distance of 489.73 feet, to a point on a line being 5.00 feet South of and parallel to the South line of that certain parcel as described in Book 4040, Page 954, Mesa County, Colorado, Public Records; thence S89°53'16"E along said parallel line, a distance of 202.25 feet; thence N00°06'44"E a distance of 5.00 feet to the Southeast corner of said parcel; thence S89°53'37"E a distance of 180.00 feet to the Southeast corner of that certain parcel as described in Book 3118, Page 323, Mesa County, Colorado, Public Records; thence N00°22'25"E a distance of 575.30 feet to the Northeast corner of said parcel; thence N89°53'30"W a distance of 389.88 feet, to the Northwest corner of said parcel as described in Book 4040, Page 954; thence S00°06'38"W a distance of 20.00 feet, to the Northeast corner of Lot 1 of said "D" Road Commercial Park; thence N89°53'30"W a distance of 492.44 feet to the Northwest corner of Lot 12 of said "D" Road Commercial Park; thence N00°06'30"E a distance of 10.00 feet to the Northeast corner of said parcel as described in Book 4076, Page 371; thence N00°06'30"E a distance of 10.00 feet to the Northeast corner of said Pipe Trades Subdivision; thence N00°03'11"W a distance of 80.00 feet to the Southwest corner of Outlot A of The Peaks, as same is recorded in Plat Book 16, Page 258, Mesa

County, Colorado Public Records; thence S89°53'30"E a distance of 656.23 feet to the Southeast corner of Lot 7, Block One of said The Peaks; thence S00°09'18"E a distance of 40.00 feet to a point on the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 22; thence S89°53'30"E along said North line a distance of 656.37 feet, more or less, to the Point of Beginning.

Said parcel contains 48.11 acres (2,095,679 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 5
Setting a Hearing on the Colvin Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Colvin Annexation - Located at 2940 B ½ Road					
Meeting Date	August 16, 2006					
Date Prepared	August 10, 2006			File #ANX-2006-204		
Author	Adam Olsen		Associate Planner			
Presenter Name	Adam Olsen		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Request to annex 9.98 acres, located at 2940 B ½ Road. The Colvin Annexation consists of 1 parcel and is a two part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Colvin Annexation and introduce the proposed Ordinance and set a hearing for September 20, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		2940 B ½ Road		
Applicants:		Applicant: Hunter Construction Representative: Development Construction Services, Inc.		
Existing Land Use:		Residential/Agriculture		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Agriculture		
	South	Residential		
	East	Residential/Agriculture		
	West	Residential/Agriculture		
Existing Zoning:		RSF-R		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	RSF-R (County)		
	South	RSF-4		
	East	RSF-R (County)		
	West	RSF-R (County)		
Growth Plan Designation:		RML (Residential Medium Low 2-4 du/ac)		
Zoning within density range?		x	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 9.98 acres of land and is comprised of 1 parcel and is a two part serial annexation. 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 Colvin Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;

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

The following annexation and zoning schedule is being proposed.

<i><u>ANNEXATION SCHEDULE</u></i>	
August 16, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
August 22, 2006	Planning Commission considers Zone of Annexation
September 6, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
September 20, 2006	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 22, 2006	Effective date of Annexation and Zoning

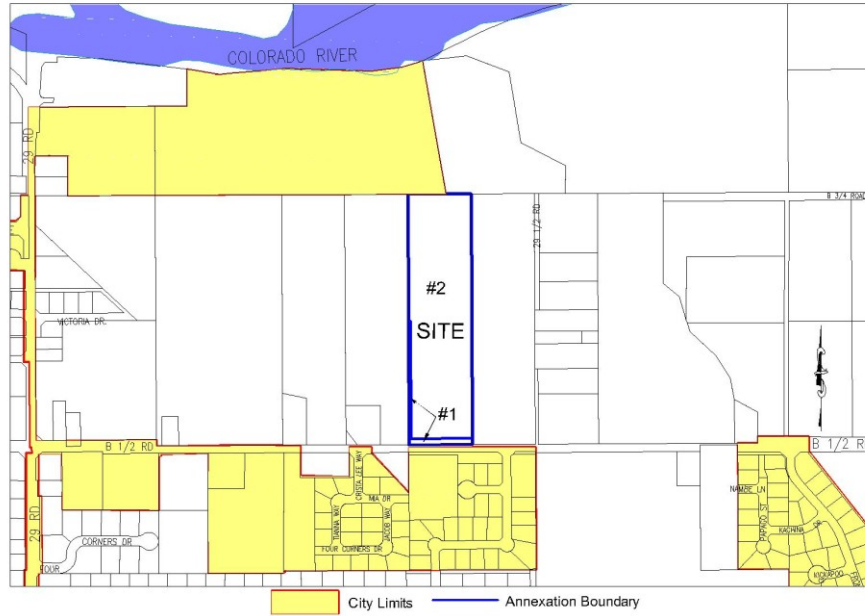
COLVIN ANNEXATION SUMMARY

File Number:	ANX-2006-204	
Location:	2940 B ½ Road	
Tax ID Number:	2943-292-00-022	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	9.98	
Developable Acres Remaining:	0	
Right-of-way in Annexation:	16,098 sq. ft. B ½ Road right-of-way	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RSF-4	
Current Land Use:	Residential/Agriculture	
Future Land Use:	RML (Residential Medium Low 2-4 du/ac)	
Values:	Assessed:	\$6,810
	Actual:	\$74,800
Address Ranges:	2946 & 2948 B ½ Road	
Special Districts:	Water:	Ute
	Sewer:	Orchard Mesa
	Fire:	GJ Rural
	Irrigation/ Drainage:	Orchard Mesa Irrigation
	School:	District 51
	Pest:	Grand River Mosquito

Site Location Map

Figure 1

Colvin Annexations #1 & #2



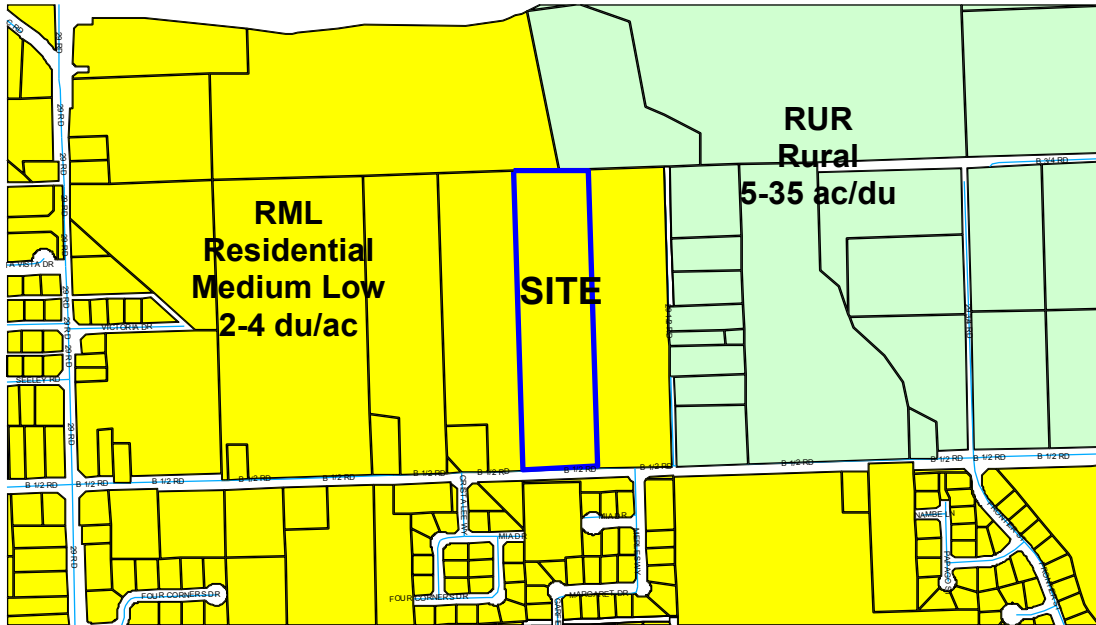
Aerial Photo Map

Figure 2



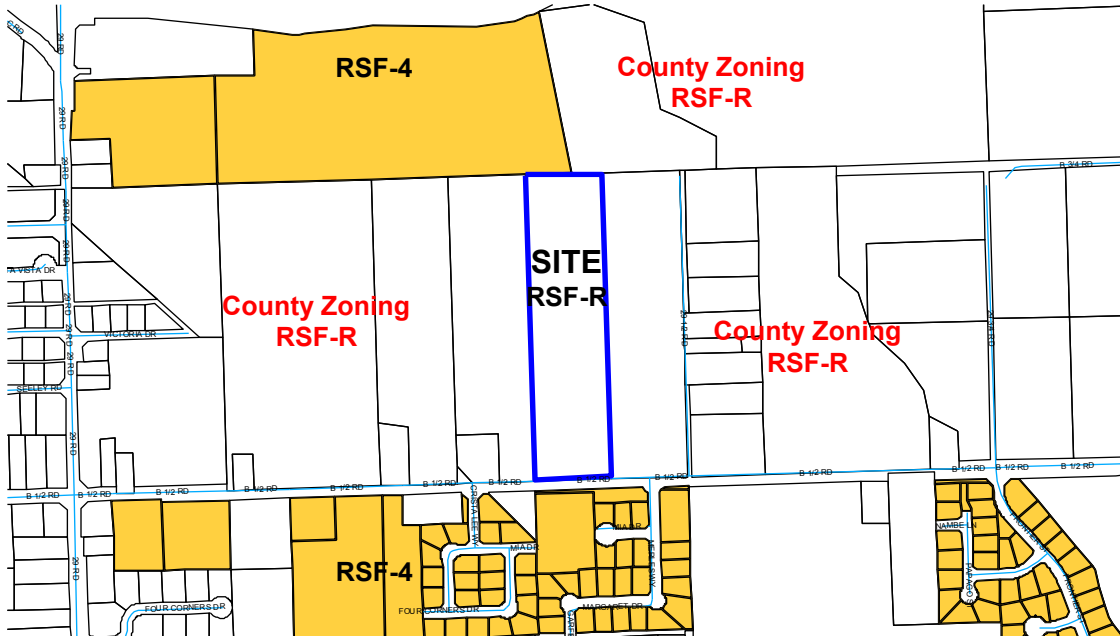
Future Land Use Map

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 16th of August, 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**

COLVIN ANNEXATION

**LOCATED AT 2940 B ½ ROAD AND INCLUDING A PORTION OF THE B ½ ROAD
RIGHT-OF-WAY.**

WHEREAS, on the 16th day of August, 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:

COLVIN ANNEXATION

COLVIN ANNEXATION NO. 1

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Southeast corner of the Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence S89°50'36"W along the South line of the SE1/4 NW1/4 of said Section 29 a distance of 329.91 feet to the Southwest corner of said parcel; thence N00°09'45"W along the West line of said parcel a distance of 650.00 feet; thence N89°50'36"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence S00°09'45"E along said parallel line a distance of 620.00 feet to a point on a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29; thence N89°50'36"E along said parallel line a distance of 319.91 feet to a point on the East line of said parcel; thence S00°09'25"E along said East line a distance of 30.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.36 acres (16,098 square feet), more or less, as described.

COLVIN ANNEXATION NO.2

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Southeast corner of the Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado; thence N00°09'25"W a distance of 30.00 feet to a point on the East line of said and being the POINT OF BEGINNING; thence from said Point of Beginning S89°50'36"W along a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29 a distance of 319.91 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence N00°09'45"W along said parallel line a distance of 620.00 feet; thence S89°50'36"W a distance of 10.00 feet to a point on the West line of said parcel; thence N00°09'45"W along said West line a distance of 669.93 feet to the Northwest corner of said parcel; thence N89°50'55"E along the North line of said parcel a distance of 330.03 feet to the Northeast corner of said parcel; thence S00°09'25"E along the East line of said parcel a distance of 1289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 9.62 acres (419,430 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 20th day of September, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning

approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 18, 2006
August 25, 2006
September 1, 2006
September 8, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

COLVIN ANNEXATION #1

APPROXIMATELY 0.36 ACRES

**LOCATED AT 2940 B ½ ROAD AND INCLUDING A PORTION OF THE B ½ ROAD
RIGHT-OF-WAY**

WHEREAS, on the 16th day of August, 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 20th day of September, 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:

COLVIN ANNEXATION NO.1

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Southeast corner of the Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence S89°50'36"W along the South line of the SE1/4 NW1/4 of said Section 29 a distance of 329.91 feet to the Southwest corner of said parcel; thence N00°09'45"W along the West line of said parcel a distance of 650.00 feet; thence N89°50'36"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with the West line of

said parcel; thence S00°09'45"E along said parallel line a distance of 620.00 feet to a point on a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29; thence N89°50'36"E along said parallel line a distance of 319.91 feet to a point on the East line of said parcel; thence S00°09'25"E along said East line a distance of 30.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.36 acres (16,098 square feet), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

COLVIN ANNEXATION #2

APPROXIMATELY 9.62 ACRES

LOCATED AT 2940 B 1/2 ROAD

WHEREAS, on the 16th day of August, 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 20th day of September, 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:

COLVIN ANNEXATION NO.2

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, 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 Southeast corner of the Northwest Quarter of said Section 29, and assuming the South line of the SE1/4 NW1/4 of said Section 29 bears S89°50'36"W with all other bearings contained herein being relative thereto; thence S89°50'36"W along said South line a distance of 329.90 feet to the Southeast corner of that certain parcel of land as described in book 4163, page 485, Public Records of Mesa County, Colorado; thence N00°09'25"W a distance of 30.00 feet to a point on the East line of said and being the POINT OF BEGINNING; thence from said Point of Beginning S89°50'36"W along a line being 30.00 feet North of and parallel with the South line of the SE1/4 NW1/4 of said Section 29 a distance of 319.91 feet to a point on a line being 10.00 feet East of and parallel with the West line of said parcel; thence N00°09'45"W along said parallel line a distance of 620.00 feet; thence S89°50'36"W a distance of 10.00 feet to a point on the West line of said parcel; thence N00°09'45"W along said West line a distance of 669.93 feet to the Northwest corner of said parcel; thence N89°50'55"E along the North line of said parcel a distance of 330.03 feet to the Northeast corner of said parcel; thence S00°09'25"E along the East line of said parcel a distance of 1289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 9.62 acres (419,430 square feet), more or less, as described.

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

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

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

Attest:

President of the Council

City Clerk

Attach 6
Setting a Hearing on the Pine E Road Commercial Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Pine E Road Commercial Annexation - Located at 3046 & 3048 E Road						
Meeting Date	August 16, 2006						
Date Prepared	August 10, 2006				File #ANX-2006-211		
Author	Adam Olsen		Associate Planner				
Presenter Name	Adam Olsen		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 3.48 acres, located at 3046 & 3048 E Road. The Pine E Road Commercial Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Pine E Road Commercial Annexation and introduce the proposed Ordinance and set a hearing for September 20, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		3046 & 3048 E Road		
Applicants:		Applicant: 3P Development, LLC Representative: Development Construction Services, Inc.		
Existing Land Use:		Residential/Agriculture		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Commercial		
	South	Residential		
	East	Agriculture		
	West	Agriculture		
Existing Zoning:		RSF-4 (County)		
Proposed Zoning:		C-1		
Surrounding Zoning:	North	PUD (County)		
	South	RSF-4 (County)		
	East	RSF-4 (County)		
	West	RSF-4 (County)		
Growth Plan Designation:		Commercial		
Zoning within density range?	x	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.48 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 Pine E Road Commercial Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;

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

The following annexation and zoning schedule is being proposed.

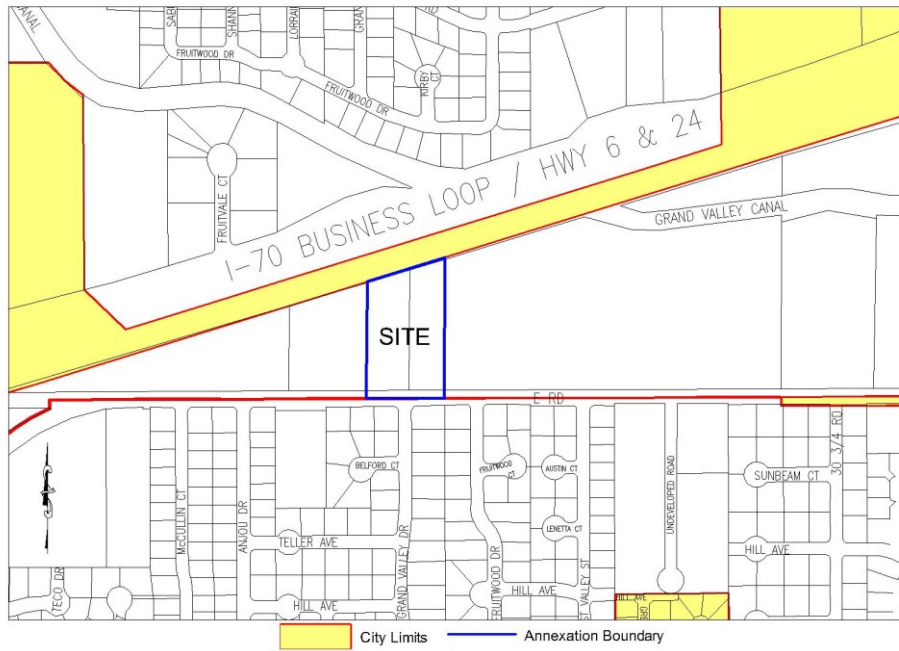
<i><u>ANNEXATION SCHEDULE</u></i>	
August 16, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
September 12, 2006	Planning Commission considers Zone of Annexation
September 20, 2006	Introduction Of A Proposed Ordinance on Zoning by City Council
September 20, 2006	Acceptance of Petition and Public Hearing on Annexation by City Council
October 22, 2006	Effective date of Annexation
October 4, 2006	Public Hearing on Zoning by City Council
November 5, 2006	Effective date of Zoning

PINE E ROAD COMMERCIAL ANNEXATION SUMMARY

File Number:	ANX-2006-211	
Location:	3046 & 3048 E Road	
Tax ID Numbers:	2943-093-00-084, 2943-093-00-085	
Parcels:	2	
Estimated Population:	5	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	2	
Acres land annexed:	3.48	
Developable Acres Remaining:	3.48	
Right-of-way in Annexation:	None	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	C-1	
Current Land Use:	Residential/Agriculture	
Future Land Use:	Commercial	
Values:	Assessed:	\$21,670
	Actual:	\$272,390
Address Ranges:	3046 & 3048 E Road	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Grand Mosquito Pest

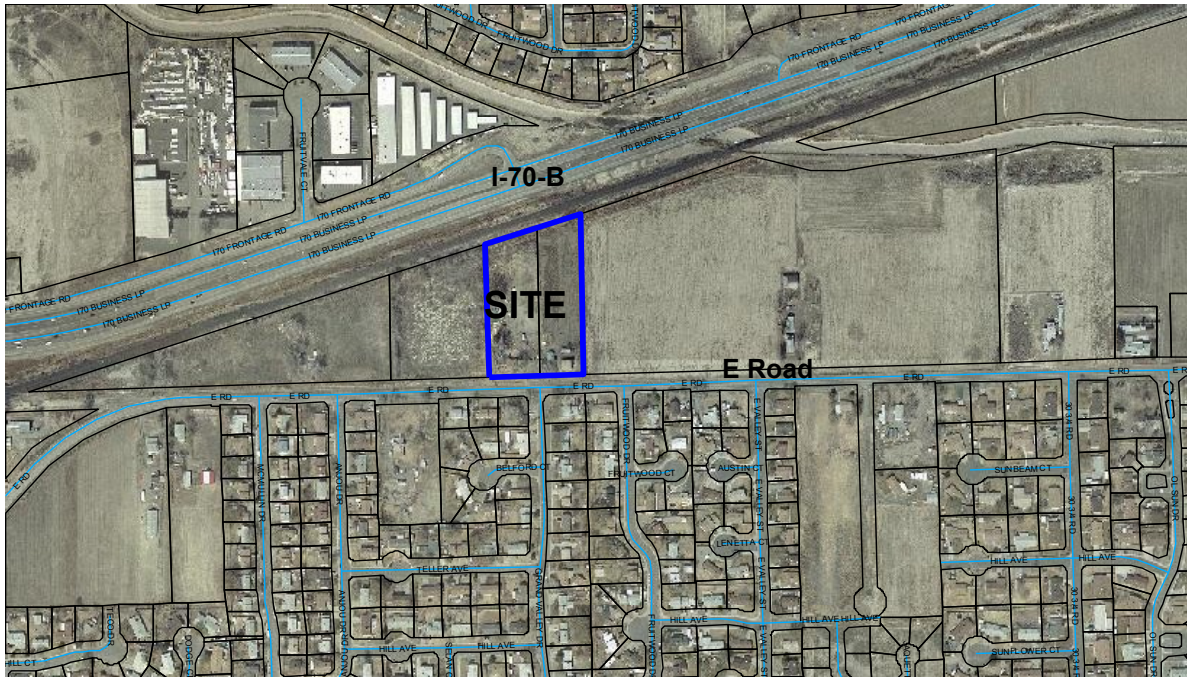
Site Location Map

Figure 1
Pine E Road Annexation



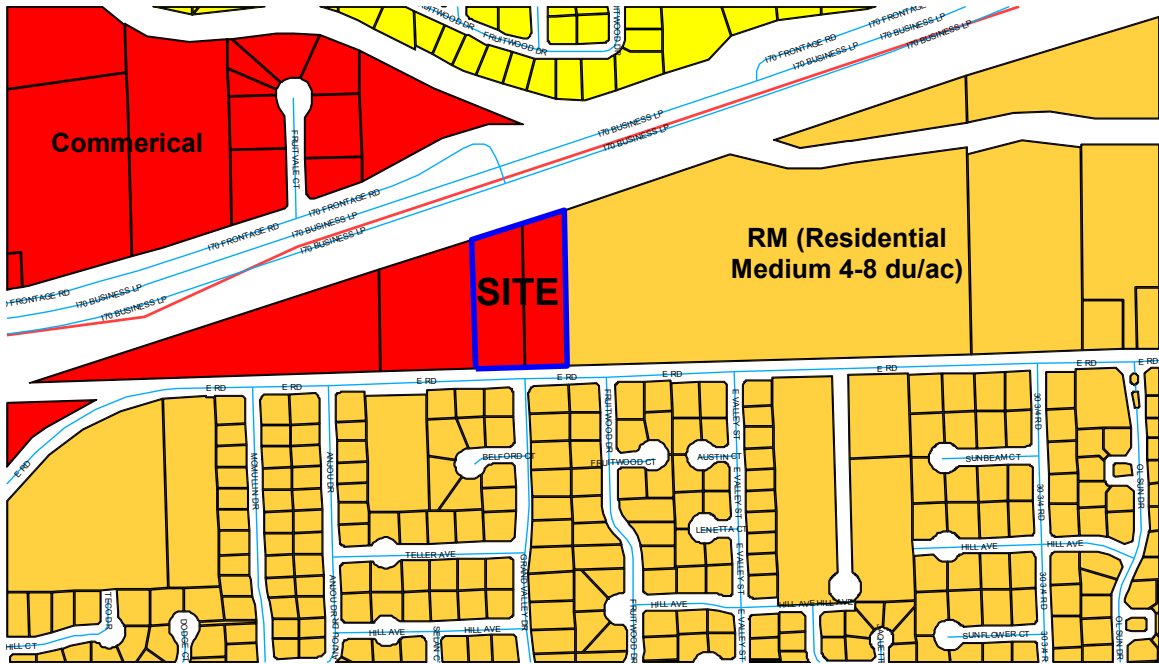
Aerial Photo Map

Figure 2



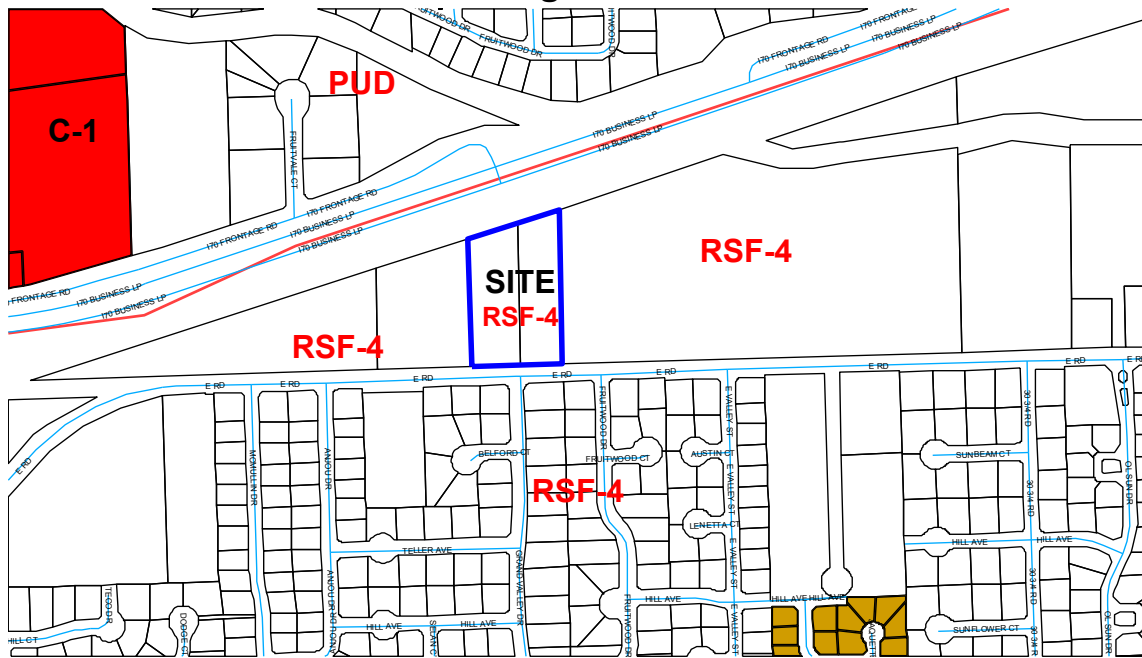
Future Land Use Map

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 16th of August, 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**

PINE E ROAD COMMERCIAL ANNEXATION

LOCATED AT 3046 & 3048 E ROAD.

WHEREAS, on the 16th day of August, 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:

PINE E ROAD COMMERCIAL ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 9 and assuming the South line of said Southeast Quarter of the Southwest Quarter bears S89°54'32"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement N00°05'46"W a distance of 2.00 feet to the Point of Beginning; thence from said Point of Beginning S89°54'32"W along a line being the North line of Timm Annexation No. 2 City of Grand Junction Ordinance No. 3186 and 2.00 feet North of and parallel with the South line of said Southwest Quarter a distance of 201.67 feet to the East line of Timm Annexation No. 1 City of Grand Junction Ordinance No. 3185; thence N00°05'37"W along the East line of said Timm Annexation No. 1 a distance of 2.00 feet; thence S89°54'32"W along the North line of said Timm Annexation No. 1 a distance of 100.34 feet to the West line of that certain parcel of land described in Book 4091, Page 577 of the Mesa County, Colorado Public Records; thence N00°05'24"W along the West line of said parcel a distance of 454.71 feet to the South line of the Southern Pacific Transportation Company right of way; thence N73°01'25"E along said South right of way and also being the South line of Southern Pacific Railroad Annexation No. 2 City of Grand Junction Ordinance No. 3159 a distance of 315.55 feet to the East line of that certain parcel of land described in Book 4091, Page 579 of the Mesa County, Colorado Public Records said line also being the East line of the said SE1/4 SW1/4; thence S00°05'46"E along the East line of said parcel said line being the East line of the said SE1/4 SW1/4, a distance of 548.36 feet, more or less, to the Point of Beginning.

Said parcel contains 3.48 acres (151,551 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 20th day of September, 2006, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 18, 2006
August 25, 2006
September 1, 2006
September 8, 2006

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PINE E ROAD COMMERCIAL ANNEXATION

APPROXIMATELY 3.48 ACRES

LOCATED AT 3046 & 3048 E ROAD

WHEREAS, on the 16th day of August, 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 20th day of September, 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:

PINE E ROAD COMMERCIAL ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 9 and assuming the South line of said Southeast Quarter of the Southwest Quarter bears S89°54'32"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement N00°05'46"W a distance of 2.00 feet to the Point of Beginning; thence from said Point of Beginning S89°54'32"W along a line being the North line of Timm Annexation No. 2 City of Grand Junction Ordinance No. 3186 and 2.00 feet North of and parallel with the South line of said Southwest Quarter a distance of 201.67 feet to the East line of Timm Annexation No. 1 City of Grand Junction Ordinance No. 3185; thence N00°05'37"W along the East line of said Timm Annexation No. 1 a distance of 2.00 feet; thence S89°54'32"W along the North line of said Timm Annexation No. 1 a distance of 100.34 feet to the West line of that certain parcel of land described in Book 4091, Page 577 of the Mesa County, Colorado Public Records;

thence N00°05'24"W along the West line of said parcel a distance of 454.71 feet to the South line of the Southern Pacific Transportation Company right of way; thence N73°01'25"E along said South right of way and also being the South line of Southern Pacific Railroad Annexation No. 2 City of Grand Junction Ordinance No. 3159 a distance of 315.55 feet to the East line of that certain parcel of land described in Book 4091, Page 579 of the Mesa County, Colorado Public Records said line also being the East line of the said SE1/4 SW1/4; thence S00°05'46"E along the East line of said parcel said line being the East line of the said SE1/4 SW1/4, a distance of 548.36 feet, more or less, to the Point of Beginning.

Said parcel contains 3.48 acres (151,551 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 7
Setting a Hearing on Zoning the Burkey Park II Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Burkey Park II Annexation, located at 179 28 ½ Road.						
Meeting Date	August 16, 2006						
Date Prepared	August 10, 2006			File #ANX-2006-179			
Author	Adam Olsen		Associate Planner				
Presenter Name	Adam Olsen		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to zone the 9.68 acre Burkey Park II Annexation, located at 179 28 ½ Road, to CSR (Community, Services and Recreation).

Budget: N/A

Action Requested/Recommendation: Introduce the proposed zoning ordinance and set a public hearing for September 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		179 28 ½ Road		
Applicants:		City of Grand Junction		
Existing Land Use:		Vacant/Agriculture		
Proposed Land Use:		Future City Park		
Surrounding Land Use:	North	Residential		
	South	Residential/Agriculture		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-4 (County)		
Proposed Zoning:		CSR		
Surrounding Zoning:	North	RSF-4 (County)		
	South	RSF-4 (County)		
	East	RSF-4 (City)		
	West	RSF-4 (County)		
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)		
Zoning within density range?		x	Yes	No

Background:

This property consists of 9.68 acres and is located south of Highway 50 and along the west side of 28 ½ Road, in the Orchard Mesa area. It was given to the City by the Burkey family in 1967 for the purposes of one day becoming a park. The property is currently being used as a tree farm. The Parks and Recreation Department has stated that although no master plan exists for this parcel, it is planned to be a neighborhood park. This will most likely consist of a shelter, playground, and turf areas.

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the CSR district is consistent with the Growth Plan. Section 3.4.I.1 of the Zoning and Development Code allows for the use of the CSR zone district for public property regardless of the land use classification. 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 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the General Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

Response: The proposed zone will not create any adverse impacts and is compatible with the neighborhood. When developed as a park, adequate parking will be available and any nighttime lighting will be directed inward toward the park so as to not be a nuisance to surrounding property owners.

The CSR zone district is in conformance with the following goals and policies of the Growth Plan and the Orchard Mesa Neighborhood Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities.

Goal 13: To enhance the aesthetic appeal and appearance of the community's built environment.

Policy 17.3: The City will support public and private projects which increase the attractiveness of the community for residents and tourists.

Goal 26: To develop and maintain an interconnected system of neighborhood and community parks, trails and other recreational facilities throughout the urban area.

Policy 26.2: The City will develop and maintain a network of recreation areas and facilities.

Policy 26.5: The City will obtain adequate park land needed to meet neighborhood, community, and regional park needs, as urban development occurs, through the subdivision process and other appropriate mechanisms.

Goal 1, Orchard Mesa Plan: Ensure there are adequate parks and recreational opportunities to meet the needs of the area.

Implementation Strategy #3, Beyond Long Term (2006+): Develop Burkey/Orchard Mesa neighborhood park.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development allowed by the proposed zoning;

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.

- h. RSF-2
- i. RSF-4

FINDINGS OF FACT/CONCLUSIONS:

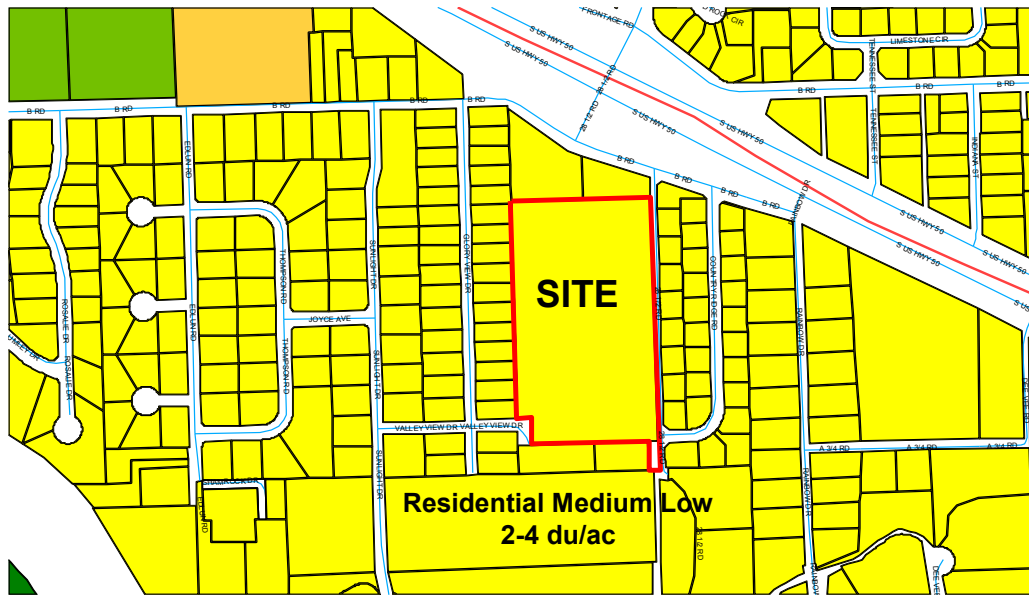
After reviewing the Burkey Park II Annexation, ANX-2006-179 for a Zone of Annexation, staff makes the following findings of fact and conclusions:

1. The requested zone is consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the CSR district to be consistent with the Growth Plan and with Section 2.6.A of the Zoning and Development Code.

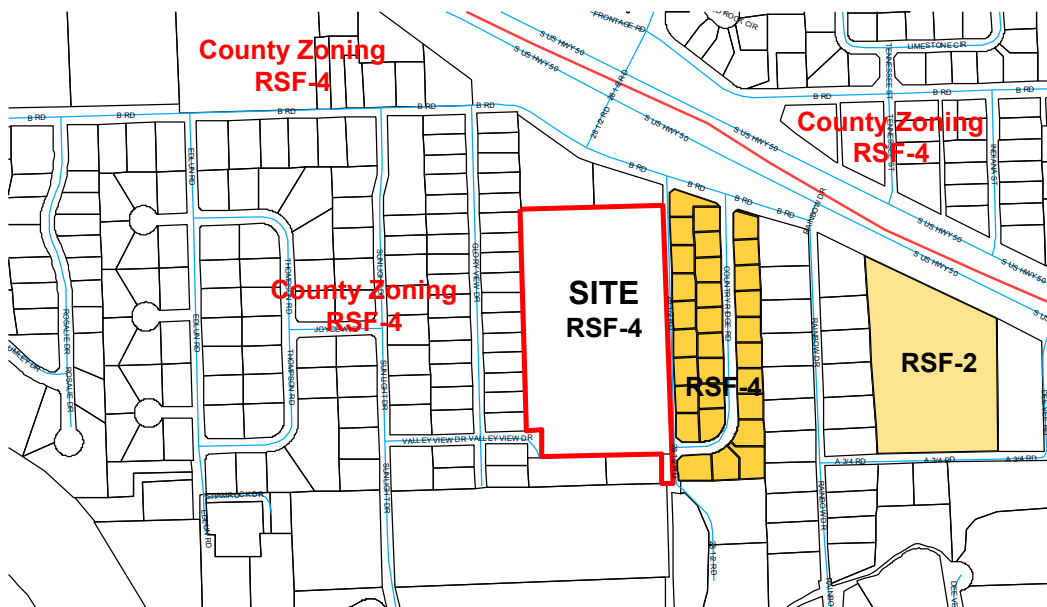
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 179 28 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 Burkey Park II Annexation to the CSR zone district finding that it conforms to 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 CSR 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 CSR.

BURKEY PARK II ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear S89°57'24"W with all bearings contained herein relative thereto; thence S89°57'24"W along the North line of the SE 1/4 NW 1/4 of said Section 31 a distance of 33.00 feet to the Southeast Corner of Lot 1 of Beezley - Hall Subdivision, as recorded in Plat Book 13, Page 149 of the Mesa County, Colorado Public Records; thence N00°00'45"W along the East line of said Lot 1 a distance of 100.00 feet to the Northeast corner of said Lot 1; thence S89°57'19"W along the North line of Lots 1 and 2 of said Beezley - Hall Subdivision, a distance of 411.51 feet to a point on the East line of a road right of way recorded in Book 1166, Page 859, Mesa County, Colorado Public Records; thence N00°00'45"W along the East line of said road right of way a distance of 91.00 feet to a point on the North line of said road right of way; thence S89°57'19"W along the North line of said road right of way a distance of 50.00 feet to a point on the East line of Alpine Acres Subdivision, recorded in Plat Book 8, Page 23, of the Mesa County, Colorado Public Records; thence N00°00'45"W along the East line of said Alpine Acres Subdivision, a

distance of 764.31 feet; thence N89°57'54"E along the South line of two(2) quit claim deeds, recorded in Book 3097, Page 261 and Book 3123, Page 804, Mesa County, Colorado Public Records a distance of 494.51 feet to a point on the East line of the NE 1/4 NW 1/4 of said Section 31; thence S00°00'45"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 955.23 feet to the Point of Beginning.

CONTAINING 9.68 Acres (421,689 Sq. Ft.), more or less, as described.

Introduced on first reading the 16th day of August, 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 Baldwin Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Baldwin Annexation, located at 2102 & 2108 Highway 6 & 50					
Meeting Date		August 16, 2006					
Date Prepared		August 7, 2006			File #ANX-2006-182		
Author		Faye Hall		Associate Planner			
Presenter Name		Faye Hall		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to zone the 3.23 acre Baldwin Annexation, located at 2102 & 2108 Highway 6 & 50 to I-1 (Light Industrial).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for September 6, 2006.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2102 & 2108 Highway 6 & 50		
Applicants:		Mars, LLC – Samuel Baldwin		
Existing Land Use:		Residential & Commercial		
Proposed Land Use:		Commercial / Industrial		
Surrounding Land Use:	North	Residential		
	South	Residential / Lake		
	East	Auto Sales – Commercial		
	West	Commercial / Industrial		
Existing Zoning:		RSF-R		
Proposed Zoning:		I-1		
Surrounding Zoning:	North	County AFT		
	South	County AFT		
	East	County RSF-R		
	West	County PUD (Commercial)		
Growth Plan Designation:		Commercial / Industrial		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan designation of Commercial / Industrial. 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 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zone is compatible with the neighborhood in that the uses of the majority of the properties in this area along Highway 6 & 50 are of a commercial or industrial nature. The proposed zone district also conforms to the goals and policies of the growth plan and the requirements of this Code.

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.

- Adequate public facilities and services area available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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.

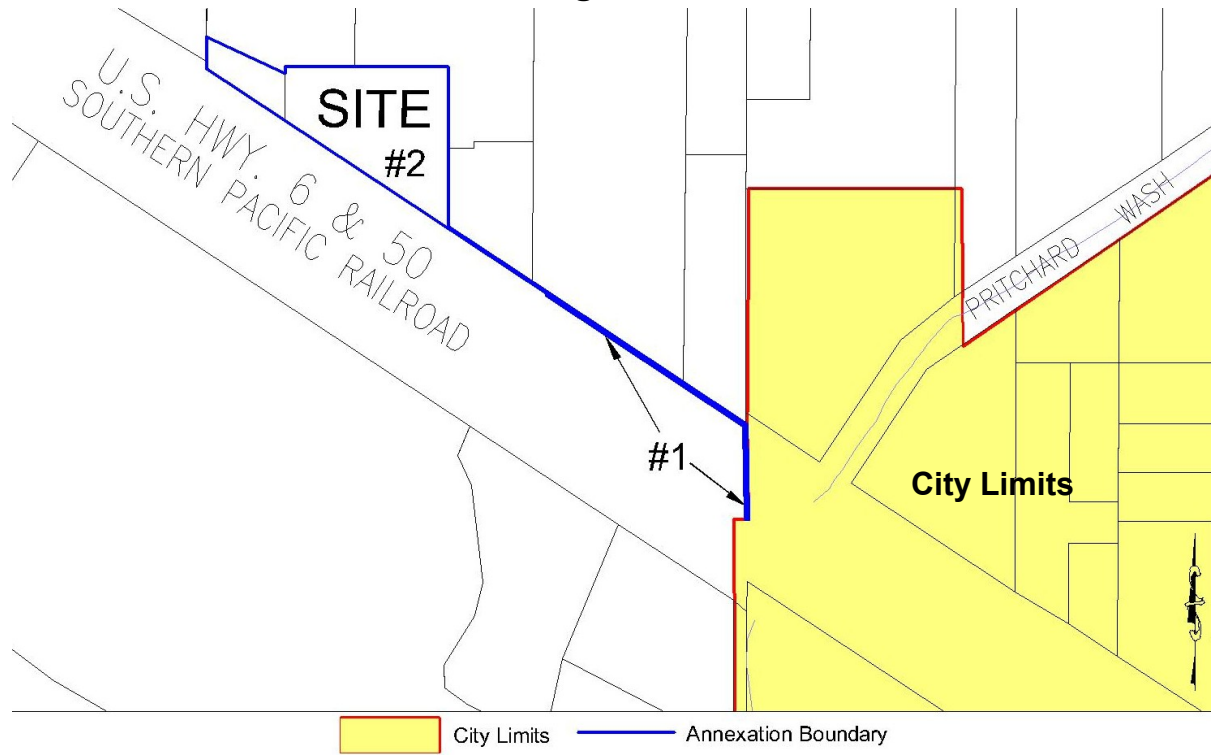
- j. C-2
- k. I-O
- l. M-U

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

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

Site Location Map

Figure 1



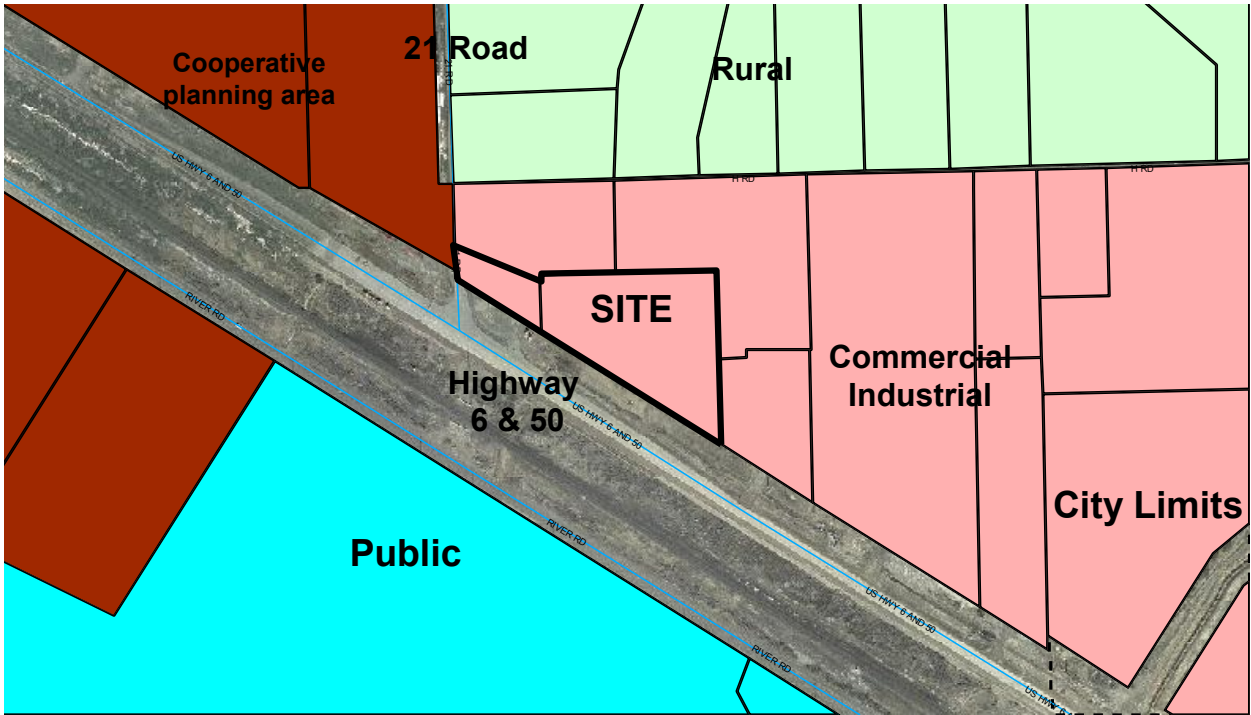
Aerial Photo Map

Figure 2



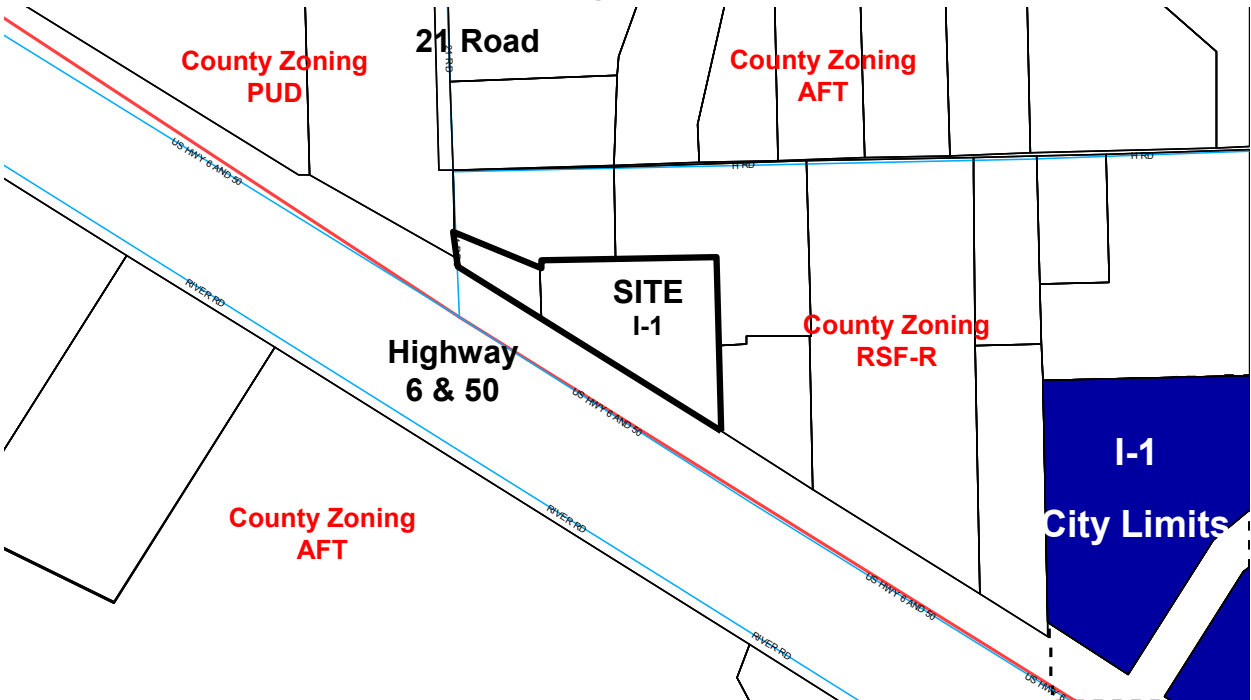
Future Land Use Map

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 BALDWIN ANNEXATION TO
I-1, (LIGHT INDUSTRIAL)**

LOCATED AT 2102 & 2108 HIGHWAY 6 & 50

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 Baldwin Annexation to the I-1 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 I-1 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 I-1, (Light Industrial)

BALDWIN ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 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 said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of said Section 36 a distance of 214.15 feet to a point on the Northerly right of way of U.S. Highway 6& 50; thence S56°38'20"E along said right of way a distance of 1007.94 feet to the Point of Beginning; thence from said Point of Beginning, continue S56°38'20"E along said right of way, a distance of 577.70 feet to the Southeast corner of that certain parcel of land as described in Book 2008, Page 635, Public Records of Mesa County, Colorado and also being a point on the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654; thence S00°04'21"W along said West line a distance of 301.77 feet to a point on the South line of said Haremza Annexation; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E along a line 5.00 feet West of and parallel with said West line a distance of 299.08 feet; thence N56°38'20"W along a line 5.00 feet South of and parallel with

said North right of way a distance of 575.00 feet; thence N33°21'40"E a distance of 5.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.10 acres (4,382 square feet), more or less, as described.

And also contains

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 36, Township 1 North, Range 2 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 said Section 36 and assuming the West line of the NW 1/4 of said Section 36 bears S00°17'30"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement S00°17'30"W along the West line of the NW 1/4 said Section 36 a distance of 100.05 feet to the Northwest corner of that certain parcel of land as described in Book 4025, Page 675, Public Records of Mesa County, Colorado and also being the Point of Beginning; thence from said Point of Beginning S56°41'20"E a distance of 230.86 feet to the Northeast corner of said parcel; thence N00°07'20"W a distance of 16.00 feet to the Northwest corner of that certain parcel of land as described in Book 4009, Page 294, Public Records of Mesa County, Colorado; thence S89°59'23"E a distance of 400.00 feet to the Northeast corner of said parcel; thence S00°07'20"E a distance of 394.54 feet to the Southeast corner of said parcel and also being a point on the Northerly right of way of U.S. Highway 6 & 50; thence S56°38'20"E along said right of way a distance of 296.38 feet; thence S33°21'40"W a distance of 5.00 feet; thence S56°38'20"E along a line 5.00 feet South of and parallel with said North right of way a distance of 575.00 feet; thence S00°04'21"W along a line 5.00 feet West of and parallel with the West line of Haremza Annexation, City of Grand Junction Ordinance No. 3654; thence N89°55'39"W a distance of 5.00 feet; thence N00°04'21"E a distance of 296.38 feet; thence N56°38'20"W along a line 10.00 feet South of and parallel with said North right of way a distance of 577.30 feet; thence N33°21'40"E a distance of 5.00 feet to a point on a line 5.00 feet South of and parallel with said North right of way; thence N56°38'20"W along said parallel line a distance of 999.69 feet to the West line of the NW 1/4 of said Section 36; thence N00°17'30"E along said West line of the NW 1/4 of said Section 36, a distance of 120.07 feet, more or less, to the Point of Beginning.

Said parcel contains 3.13 acres (136,654 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 Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-06

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Accepting the Improvements Connected with Alley Improvement District No. ST-06, Giving Notice of a Hearing, and the First Reading of the Assessment Ordinance							
Meeting Date		August 16, 2006							
Date Prepared		August 9, 2006				File #			
Author		Michael Grizenko			Real Estate Technician				
Presenter Name		Trent Prall			Engineering Manager				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda			X	Consent	Individual Consideration	

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

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

A public hearing is scheduled for September 20, 2006.

Budget:

2006 Alley Budget	\$370,000
Actual Cost to construct 2006 Alleys	<u>\$338,380</u>
Balance	\$ 31,620

Action Requested/Recommendation: Review and adopt proposed Resolution. Review and adopt proposed Ordinance on First Reading for Alley Improvement District ST-06

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

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

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

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

The second reading and public hearing is scheduled for the September 20, 2006 Council meeting. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by October 23, 2006. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

SUMMARY SHEET

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

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

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

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

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

SUMMARY SHEET

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

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

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

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

- Indicates owners signing in favor of improvements are 10/16 or 62.5% and 64.5% of the assessable footage.

SUMMARY SHEET

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

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

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

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

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

SUMMARY SHEET

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

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Virginia G. Blount	30	8.00	240.00
• Valerie Diane Swanson	54.30	8.00	434.40
• John P & William T Springer	54.30	8.00	434.40
Mary C Krasnow	54.30	8.00	434.40
Richard M & Jana C Thomas II	90	8.00	720.00
• Ronald R & Ralph B Scribner	19.9	8.00	159.20
• Jeffery B Porter	85	8.00	680.00
• Harry G & Kathleen S Gerlock Jr.	98.9	8.00	791.20
• Paul & Mickie Harshman	<u>70.1</u>	8.00	<u>560.80</u>
ASSESSABLE FOOTAGE	586.80		4,454.40
TOTAL			

Estimated Cost to Construct	\$ 28,500.00
Absolute Cost to Owners	<u>\$ 4,454.40</u>
Estimated Cost to City	\$ 24,045.60

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

- Indicates owners signing in favor of improvements = 6/9 or 67% and 68% of the assessable footage.

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



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



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



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



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



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



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



RESOLUTION NO. ____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH ALLEY IMPROVEMENT DISTRICT
NO. ST-06**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-06; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-06, and apportioning the same upon each lot or tract of land to be assessed for the same;

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

1. That the improvements connected therewith in said District be, and the same are hereby approved and accepted; that said statement be, and the same is hereby approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-06;
2. That the same be apportioned on each lot or tract of land to be assessed for the same;
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

PASSED and ADOPTED this ____ day of _____, 2006.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for September 20, 2006, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the Districts of lands known as Alley Improvement District No. ST-06, and all persons interested therein as follows:

The South 50 feet of Lots 1 through 5, inclusive, Lots 6 through 27 inclusive, and the North 75 feet of Lots 28 through 32, inclusive, Block 16, City of Grand Junction; and also,

Lots 1 through 32, inclusive, Block 109, City of Grand Junction; and also, Lots 1 through 34, inclusive, Block 110, City of Grand Junction; and also, Lots 1 through 16, inclusive, Block 3, Mesa Gardens Subdivision; and also, Lots 1 through 9, inclusive, Block 1, Elmwood Plaza Refiling and the East 35.1 feet of Lot 9, Block 1, North Sunnyvale Acres; and also,

Lots 1 through 10, inclusive, Block 3, Subdivision Del Rey Replat; and also, Lots 3 through 9, inclusive, Block 1, Linda Lane Subdivision, Amended; and also, Beginning at the Southwest Corner of Lot 1, Block 1 Linda Lane Subdivision, Amended, thence North 170 feet; thence east 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15 feet to the point of Beginning; and also,

The west 60 feet of Lot 1 and Lots 2 through 9, inclusive, Block 1, Subdivision Del Rey Replat; and also, Lots 20 through 29, inclusive, Sungold Park Annex.

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

That the improvements in and for said District ST-06, which are authorized by and in accordance with the terms and provisions of Resolution No. 173-05, passed and adopted on the 16th day of November, 2005, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Alley Improvement District No. ST-06, with the terms and provisions of Resolution No. 05-06, passed and adopted on the 4th day of January, 2006, creating and establishing said District, , all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

The City has inspected and accepted the condition of the improvements installed. The amount to be assessed from those properties benefiting from the improvements is \$65,067.65. Said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements, and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at a public hearing on Wednesday, September 20, 2006, at 7:00 p.m. in the City Auditorium, 250 N. 5th Street, Grand Junction, Colorado, before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$65,067.65 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

ALLEY 5TH STREET TO 6TH STREET, TELLER AVENUE TO BELFORD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-08-002	South 50 feet of Lots 1 through 5, inclusive, Block 16, City of Grand Junction	\$ 1,987.50
2945-142-08-003	Lots 6 & 7, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-004	Lots 8 & 9, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-005	Lots 10 & 11, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-006	Lots 12 through 14, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-007	Lots 15 & 16, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-008	Lots 17 & 18, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-009	Lots 19 & 20, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-010	Lots 21 & 22, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-011	Lots 23 & 24, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-012	Lots 25 through 27, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-013	North 75 feet of Lots 28 through 32, inclusive, Block 16, City of Grand Junction	\$ 1,987.50

ALLEY 10TH STREET TO 11TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-14-001	Lots 1 & 2, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-002	Lots 3 & 4, Block 109, City of Grand Junction	\$ 795.00

2945-144-14-003	Lots 5 & 6, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-004	Lots 7 & 8, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-005	Lots 9 & 10, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-006	Lots 11 & 12, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-007	Lots 13 & 14, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-008	Lots 15 & 16, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-009	Lots 29-32, inclusive, Block 109, City of Grand Junction	\$3,339.00
2945-144-14-010	Lots 27 & 28, Block 109, City of Grand Junction	\$1,669.50
2945-144-14-011	Lots 25 & 26, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-012	Lots 23 & 24, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-013	The West 10 feet of Lot 19 & all of Lots 20, 21 & 22, Block 109, City of Grand Junction	\$ 720.80
2945-144-14-014	Lots 17 & 18 and the East 15 feet of Lot 19, Block 109, City of Grand Junction	\$ 551.20

ALLEY 11TH STREET TO 12TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-13-001	Lots 1 & 2, Block 110, City of Grand Junction	\$ 795.00
2945-144-13-002	Lots 3 & 4, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-003	Lots 5 & 6, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-004	Lots 7 & 8, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-005	Lots 9 & 10, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-006	Lots 11 & 12, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-007	Lots 13 & 14, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-008	Lots 15 & 16, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-009	Lot 17, Block 110, City of Grand Junction	\$ 799.45
2945-144-13-010	Lots 33 & 34, Block 110, City of Grand	\$ 424.00

	Junction	
2945-144-13-011	Lots 31 & 32, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-012	West 1/3 of Lot 27 and all of Lots 28, 29 & 30, Block 110, City of Grand Junction	\$1,324.95
2945-144-13-013	West 1/2 of Lot 24, all of Lots 25 & 26, and the East 2/3 of Lot 27, Block 110, City of Grand Junction	\$1,258.80
2945-144-13-015	West 1/4 of Lot 21, all of Lots 22 & 23, and the East 1/2 of Lot 24, Block 110, City of Grand Junction	\$ 583.00
2945-144-13-017	Lots 19 & 20, and the East 3/4 of Lot 21, Block 110, City of Grand Junction	\$1,093.13
2945-144-13-018	Lot 18, Block 110, City of Grand Junction	\$ 426.37

ALLEY 17TH STREET TO 18TH STREET, HALL AVENUE TO ORCHARD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-123-01-001	Lot 5 Block 1, Elmwood Plaza Refile	\$ 254.40
2945-123-01-002	Lot 4 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-003	Lot 3 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-004	Lot 2 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-005	Lot 1 Block 1, Elmwood Plaza Refile	\$ 763.20
2945-123-01-016	The East 35.1 feet of Lot 9 Block 1, North Sunnyvale Acres, and the West 34.9 feet of Lot 9 Block 1, Elmwood Plaza Refile	\$ 168.75
2945-123-01-029	Lot 7 Block 1, Elmwood Plaza Refile	\$ 720.80
2945-123-01-030	Lot 6 Block 1, Elmwood Plaza Refile	\$ 838.67
2945-123-01-035	Lot 8 and the East 17.6 feet of Lot 9, Block 1, Elmwood Plaza Refile	\$ 594.45

ALLEY 23RD STREET TO 24TH STREET, GRAND AVENUE TO OURAY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-14-001	Lot 8, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-002	Lot 16, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-003	Lot 7, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-004	Lot 15, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-005	Lot 6, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-006	Lot 14, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-008	Lot 13, Block 3, Mesa Gardens Subdivision	\$ 508.80

2945-131-14-009	Lot 4, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-010	Lot 12, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-011	Lot 3, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-012	Lot 11, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-013	Lot 2, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-014	Lot 10, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-015	Lot 1, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-016	Lot 9, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-017	Lot 5, Block 3, Mesa Gardens Subdivision	\$ 508.80

ALLEY 22ND STREET TO LINDA LANE, ORCHARD AVENUE TO WALNUT AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-21-001	Lot 1 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-002	Lot 9 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-003	Lot 2 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-004	Lot 8 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-005	Lot 3 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-006	Lot 7 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-007	Lot 4 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-008	Lot 6 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-009	Lot 5 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-010	Lot 5 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-011	Lot 6 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-012	Lot 4 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-013	Lot 7 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-014	Lot 3 Block 1 Linda Lane Subdivision Amended	\$ 593.60
2945-121-21-017	Lot 9 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-018	Lot 8 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-019	Lot 10 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-021	Beginning at the Southwest corner Lot 1 Block 1 Linda Lane Subdivision Amended; thence North 170 feet; thence East 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15 feet to the point of beginning.	\$1,441.60

ALLEY 21ST STREET TO 22ND STREET, WALNUT AVENUE TO BOOKCLIFF AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-18-001	Lot 20, Sungold Park Annex	\$ 508.80
2945-121-18-002	West 60 feet of Lot 1, Block 1, Subdivision Del Rey Replat	\$ 864.96
2945-121-18-004	Lot 21, Sungold Park Annex	\$ 508.80
2945-121-18-005	Lot 22, Sungold Park Annex	\$ 508.80
2945-121-18-006	Lot 2, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-007	Lot 23, Sungold Park Annex	\$ 508.80
2945-121-18-008	Lot 3, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-009	Lot 24, Sungold Park Annex	\$ 508.80
2945-121-18-010	Lot 25, Sungold Park Annex	\$ 508.80
2945-121-18-011	Lot 5, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-012	Lot 26, Sungold Park Annex	\$ 508.80
2945-121-18-013	Lot 6, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-014	Lot 27, Sungold Park Annex	\$ 508.80
2945-121-18-015	Lot 7, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-016	Lot 28, Sungold Park Annex	\$ 508.80
2945-121-18-017	Lot 8, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-018	Lot 29, Sungold Park Annex	\$ 508.80
2945-121-18-019	Lot 9, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-021	Lot 4, Block 1, Subdivision Del Rey Replat	\$ 527.88

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-06 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-06 in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-06 and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-06 in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 18, 2006, and the last publication thereof appearing on August 20, 2006); and

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

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-06 duly published in the Daily Sentinel, the official newspaper of the City, and has

duly ordered that the cost of said improvements in said Alley Improvement District No. ST-06 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$65,067.65; and

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

ALLEY 5TH STREET TO 6TH STREET, TELLER AVENUE TO BELFORD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-08-002	South 50 feet of Lots 1 through 5, inclusive, Block 16, City of Grand Junction	\$ 1,987.50
2945-142-08-003	Lots 6 & 7, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-004	Lots 8 & 9, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-005	Lots 10 & 11, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-006	Lots 12 through 14, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-007	Lots 15 & 16, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-008	Lots 17 & 18, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-009	Lots 19 & 20, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-010	Lots 21 & 22, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-011	Lots 23 & 24, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-012	Lots 25 through 27, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-013	North 75 feet of Lots 28 through 32, inclusive, Block 16, City of Grand Junction	\$ 1,987.50

ALLEY 10TH STREET TO 11TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-14-001	Lots 1 & 2, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-002	Lots 3 & 4, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-003	Lots 5 & 6, Block 109, City of Grand Junction	\$ 424.00

	Junction	
2945-144-14-004	Lots 7 & 8, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-005	Lots 9 & 10, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-006	Lots 11 & 12, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-007	Lots 13 & 14, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-008	Lots 15 & 16, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-009	Lots 29-32, inclusive, Block 109, City of Grand Junction	\$3,339.00
2945-144-14-010	Lots 27 & 28, Block 109, City of Grand Junction	\$1,669.50
2945-144-14-011	Lots 25 & 26, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-012	Lots 23 & 24, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-013	The West 10 feet of Lot 19 & all of Lots 20, 21 & 22, Block 109, City of Grand Junction	\$ 720.80
2945-144-14-014	Lots 17 & 18 and the East 15 feet of Lot 19, Block 109, City of Grand Junction	\$ 551.20

ALLEY 11TH STREET TO 12TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-13-001	Lots 1 & 2, Block 110, City of Grand Junction	\$ 795.00
2945-144-13-002	Lots 3 & 4, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-003	Lots 5 & 6, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-004	Lots 7 & 8, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-005	Lots 9 & 10, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-006	Lots 11 & 12, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-007	Lots 13 & 14, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-008	Lots 15 & 16, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-009	Lot 17, Block 110, City of Grand Junction	\$ 799.45
2945-144-13-010	Lots 33 & 34, Block 110, City of Grand Junction	\$ 424.00

2945-144-13-011	Lots 31 & 32, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-012	West 1/3 of Lot 27 and all of Lots 28, 29 & 30, Block 110, City of Grand Junction	\$1,324.95
2945-144-13-013	West 1/2 of Lot 24, all of Lots 25 & 26, and the East 2/3 of Lot 27, Block 110, City of Grand Junction	\$1,258.80
2945-144-13-015	West 1/4 of Lot 21, all of Lots 22 & 23, and the East 1/2 of Lot 24, Block 110, City of Grand Junction	\$ 583.00
2945-144-13-017	Lots 19 & 20, and the East 3/4 of Lot 21, Block 110, City of Grand Junction	\$1,093.13
2945-144-13-018	Lot 18, Block 110, City of Grand Junction	\$ 426.37

ALLEY 17TH STREET TO 18TH STREET, HALL AVENUE TO ORCHARD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-123-01-001	Lot 5 Block 1, Elmwood Plaza Refile	\$ 254.40
2945-123-01-002	Lot 4 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-003	Lot 3 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-004	Lot 2 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-005	Lot 1 Block 1, Elmwood Plaza Refile	\$ 763.20
2945-123-01-016	The East 35.1 feet of Lot 9 Block 1, North Sunnyvale Acres, and the West 34.9 feet of Lot 9 Block 1, Elmwood Plaza Refile	\$ 168.75
2945-123-01-029	Lot 7 Block 1, Elmwood Plaza Refile	\$ 720.80
2945-123-01-030	Lot 6 Block 1, Elmwood Plaza Refile	\$ 838.67
2945-123-01-035	Lot 8 and the East 17.6 feet of Lot 9, Block 1, Elmwood Plaza Refile	\$ 594.45

ALLEY 23RD STREET TO 24TH STREET, GRAND AVENUE TO OURAY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-14-001	Lot 8, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-002	Lot 16, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-003	Lot 7, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-004	Lot 15, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-005	Lot 6, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-006	Lot 14, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-008	Lot 13, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-009	Lot 4, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-010	Lot 12, Block 3, Mesa Gardens Subdivision	\$ 508.80

	Subdivision	
2945-131-14-011	Lot 3, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-012	Lot 11, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-013	Lot 2, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-014	Lot 10, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-015	Lot 1, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-016	Lot 9, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-017	Lot 5, Block 3, Mesa Gardens Subdivision	\$ 508.80

ALLEY 22ND STREET TO LINDA LANE, ORCHARD AVENUE TO WALNUT AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-21-001	Lot 1 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-002	Lot 9 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-003	Lot 2 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-004	Lot 8 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-005	Lot 3 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-006	Lot 7 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-007	Lot 4 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-008	Lot 6 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-009	Lot 5 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-010	Lot 5 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-011	Lot 6 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-012	Lot 4 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-013	Lot 7 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-014	Lot 3 Block 1 Linda Lane Subdivision Amended	\$ 593.60
2945-121-21-017	Lot 9 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-018	Lot 8 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-019	Lot 10 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-021	Beginning at the Southwest corner Lot 1 Block 1 Linda Lane Subdivision Amended; thence North 170 feet; thence East 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15 feet to the point of beginning.	\$1,441.60

ALLEY 21ST STREET TO 22ND STREET, WALNUT AVENUE TO BOOKCLIFF AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-18-001	Lot 20, Sungold Park Annex	\$ 508.80
2945-121-18-002	West 60 feet of Lot 1, Block 1, Subdivision Del Rey Replat	\$ 864.96
2945-121-18-004	Lot 21, Sungold Park Annex	\$ 508.80
2945-121-18-005	Lot 22, Sungold Park Annex	\$ 508.80
2945-121-18-006	Lot 2, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-007	Lot 23, Sungold Park Annex	\$ 508.80
2945-121-18-008	Lot 3, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-009	Lot 24, Sungold Park Annex	\$ 508.80
2945-121-18-010	Lot 25, Sungold Park Annex	\$ 508.80
2945-121-18-011	Lot 5, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-012	Lot 26, Sungold Park Annex	\$ 508.80
2945-121-18-013	Lot 6, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-014	Lot 27, Sungold Park Annex	\$ 508.80
2945-121-18-015	Lot 7, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-016	Lot 28, Sungold Park Annex	\$ 508.80
2945-121-18-017	Lot 8, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-018	Lot 29, Sungold Park Annex	\$ 508.80
2945-121-18-019	Lot 9, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-021	Lot 4, Block 1, Subdivision Del Rey Replat	\$ 527.88

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

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

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

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

City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

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

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

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

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-06 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-06, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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

Introduced on First Reading this _____ day of _____, 2006.

Passed and Adopted on the _____ day of _____, 2006

Attest:

City Clerk

President of the Council

Attach 10

**Sale of Remnant Property at 635 West White Avenue
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Sale of Remnant Property at 635 West White Ave.					
Meeting Date	August 16, 2006					
Date Prepared	July 27, 2006				File #	
Author	Jim Shanks		Riverside Pkwy Program Manager			
Presenter Name	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The remnant parcel of Lot 2, Block 1 WDD Subdivision located at 635 West White is recommended to be sold to the adjacent property owner, West White Avenue Partnership, LLP located at 747 West White for \$79,860.

Budget: The Riverside Parkway project budget includes revenues from sale of remnant right-of-way parcels that are not needed for the Parkway.

Action Requested/Recommendation: Adopt a Resolution authorizing the sale of Lot 2, Block 1, WDD Subdivision.

Attachments:

Proposed Resolution

Background Information: As a part of the right-of-way negotiations for properties located at 747 West White Avenue, 721 West Grand Avenue, 635 West White Avenue and 635 West Grand Avenue, the City platted the remnant parcels as Lots 1 and 2, WDD Subdivision. Lot 1, Block 1 was traded to William D. Thompson in exchange for his commercial property and a residential house. Lot 2, Block 1 is recommended to be sold to West White Avenue Partnership, LLP (Les & Lynn Cotton) who own the two lots immediately west of the subject property on which the business EC Electric is located. The sale price is \$4.10 per square foot which is the appraised value that was used in the acquisition of the adjacent property from Mr. Thompson.

This lot is smaller (0.447 acres) than normally allowed by City Code and as such is not large enough for a stand-alone development in an I-1 zone. It was contemplated during the platting process that this lot would be aggregated with the adjacent lots to the west. Mr. & Mrs. Cotton plan to seek City approval to expand the existing business located at 747 West Grand Avenue.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE SALE OF LOT 2, BLOCK 1, WDD
SUBDIVISION TO WEST WHITE AVENUE PARTNERSHIP, LLP.**

Recitals.

A. The City has agreed to sell Lot 2, Block 1, WDD subdivision, which is a remnant parcel from the Riverside Parkway right-of-way acquisition to the adjacent property owners, West White Avenue Partnership, LLP for 79,860.

B. Based on the advice and information provided by the City staff, the City Council finds that Lot 2, Block 1 of WDD Subdivision is a remnant parcel not necessary for the Riverside Parkway and that the lot size does not meet City code to allow a development without aggregating it with adjacent land.

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

1. The above described property shall be sold for a price of \$79,860. All actions heretofore taken by the officers, employees and agents of the City relating to the sale of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$79,860 will be collected at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this ____ day of _____, 2006.

Attest:

President of the Council

City Clerk

Attach 11
Airport Improvement Program Grant
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Federal Aviation Administration Airport Improvement Program Grant 3-08-0027-31 (AIP-31) at Walker Field Airport. Supplemental Co-sponsorship Agreement					
Meeting Date	August 16, 2006					
Date Prepared	July 27, 2005				File #	
Author	Eddie F. Storer		Operations Manager			
Presenter Name	Rex A. Tippetts		Airport Manager			
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary:

AIP-31 Schedule I is for the placement of sub-base and base material for the expansion of the air cargo area west of the Mesa Maintenance Hangar. The project will place 145,000 square yards of dirt for future ramp construction. Schedule II is for the purchase of a 5-yard wheel loader. The estimated grant amount is \$1,300,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Budget:

No funds are being requested of the City of Grand Junction.

Action Requested/Recommendation:

Authorize the Mayor to sign FAA AIP-31 Grant for the capital improvements at Walker Field Airport. Also, authorize the City Manager to sign the Supplemental Co-sponsorship Agreement for AIP-31.

Attachments:

1. Grant Agreement for AIP-31.
2. Supplemental Co-sponsorship Agreement.

Background Information:

The benefits of this ramp expansion project can be summarized by stating that the project will one-third of the fill need to bring the cargo development area up to grad in preparation for placement of the ramp surface. The additional room will provide for a dedicated area for cargo carriers.

This project is covered in greater detail in the Airport Layout/Development Plan Update (January 2002), which was approved by the City of Grand Junction.



WALKER FIELD AIRPORT AUTHORITY
2828 Walker Field Drive, Suite 301 • Grand Junction, CO 81506
(970) 244-9100 • FAX: (970) 241-9103 • www.walkerfield.com

July 31, 2006

Stephanie Tuin, City Clerk
City Hall
250 N. 5th Street
Grand Junction, CO 81501

Dear Ms. Tuin:

Enclosed please find seven copies of the AIP-31 grant documents. The Airport would appreciate this document being placed on the August 16, 2006 City Council agenda. Rex Tippetts, Airport Manager will attend to explain the package.

This project is for the placement of 145,000 yards of dirt in the Air Cargo area and is the first of at least two projects. The second part of this grant is for the purchase of a 5-yard wheel loader. I have included a copy of the most current grant Assurances, along with the draft grant offer. The FAA will issue the grant after bids are received on August 12, 2006. As quickly as I receive the grants, I will bring them to the City to replace the draft grants. The Airport, County and City have to accept this grant by August 22, 2006.

Thank you for your help in getting this project started.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eddie F. Storer', with a large, stylized flourish at the end.

Eddie F. Storer
Operations Manager

SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT

This Supplemental Co-Sponsorship Agreement is entered into and effective this ____ day of _____, 2006, by and between the Walker Field, Colorado, Public Airport Authority (“Airport Authority”), and the City of Grand Junction (City).

RECITALS

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Walker Field Airport, located in Grand Junction, Colorado (“Airport”).

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration (“FAA”), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant Application No. 3-08-0027-31 (“Project”).

D. The FAA is willing to provide approximately \$1,311,214 toward the estimated costs of the Project, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreement, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA’s request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

AGREEMENT

1 By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA’s request.

2 In consideration of the City’s execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:

(a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Project contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and

(b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreement, or reasonably related to or inferred therefrom, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.

1 By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.

2 By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in accordance with paragraph 6 of the Special Assurances; the Project contemplated by the Grant Agreement is consistent with present plans of the City for the development of the area surrounding the Airport.

3 The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venturer, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above. WALKER FIELD, COLORADO, PUBLIC
AIRPORT AUTHORITY

By _____
F. Roger Little, Chairman

CITY OF GRAND JUNCTION By _____
David Varley, Interim/Assistant City Manager

ASSURANCES
Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.
3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.²

- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.¹
- r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Anti kickback Act - 18 U.S.C. 874.¹
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

- Executive Order 11246 - Equal Employment Opportunity¹
- Executive Order 11990 - Protection of Wetlands
- Executive Order 11988 – Flood Plain Management
- Executive Order 12372 - Intergovernmental Review of Federal Programs.
- Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹

- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.^{1 2}
- m. 49 CFR Part 26 - Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
- n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.¹
- o. 49 CFR Part 29 - Government wide debarment and suspension (non-procurement) and government wide requirements for drug-free workplace (grants).
- p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.¹

Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. **Public Agency Sponsor:** It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person

to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that

property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.
6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
 7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.
 8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
 9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
 10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
 11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such

reports on pavement condition and pavement management programs as the Secretary determines may be useful.

- 12. Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.
- 13. Accounting System, Audit, and Record Keeping Requirements.**
- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
 - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
- 14. Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
- 15. Veteran's Preference.** It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.
- 16. Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved

plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.

- 17. Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
- 18. Planning Projects.** In carrying out planning projects:
- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
 - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
 - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
 - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
 - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
 - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
 - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
 - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.
- 19. Operation and Maintenance.**
- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably

operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary.

In furtherance of this assurance, the sponsor will have in effect arrangements for-

- (1) Operating the airport's aeronautical facilities whenever required;
- (2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- (3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - (2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.
- 23. Exclusive Rights.** It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:
- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
 - b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.
- It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations,

aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure. It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections. It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use

agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
 - d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - (i) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - (ii) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.
27. **Use by Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that-
- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
 - b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.
28. **Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.
29. **Airport Layout Plan.**
- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such airport layout plans and each amendment, revision, or modification thereof, shall

be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. **Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or (b) the period during which the sponsor retains ownership or possession of the property.

31. **Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund, or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (2) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

- 32. Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement **prescribed** for or by the sponsor of the airport.
- 33. Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.
- 34. Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
- 35. Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.
- 36. Access By Intercity Buses.** The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.
- 37. Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure

non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).

- 38. Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
- 39. Competitive Access.**
- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
 - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date

U.S. Department
of Transportation

GRANT AGREEMENT

Federal Aviation
Administration

Part I - Offer

Date of Offer: August xx, 2006

Airport: Walker Field

Project Number: 3-08-0027-31

Contract Number: DOT-FA06NM-00-

DUNS Number: 156135394

DRAFT

To: City of Grand Junction, the County of Mesa and the Walker Field, Colorado, Public Airport Authority (herein called the "Sponsor")

From: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA").

Whereas, the Sponsor has submitted to the FAA a Project Application dated April 3, 2006, for a grant of Federal funds for a project at or associated with Walker Field, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

Whereas, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

~~Construct air cargo apron (phase I) and acquire snow removal equipment (SRE)(front end loader),~~

all as more particularly described in the Project Application.

DRAFT

Now therefore, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 95.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. The maximum obligation of the United States payable under this offer shall be \$x,yxz,abc. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47103(b) of the Act, the following amounts are being specified for this purpose:
 - \$0 for planning
 - \$x,yxz,abc for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States' share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The Sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before August 22, 2006, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgement, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or

other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

Special Conditions

9. The Sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects," dated June 15, 2005, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.
11. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
12. Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
13. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- ~~may not be increased for a planning project;~~
 - may be increased by not more than 15 percent for development projects;
 - may be increased by not more than 15 percent for land projects.
14. The FAA in tendering this Grant Offer on behalf of the United States recognizes the existence of a Co-Sponsorship Agreement between the Walker Field, Colorado, Public Airport Authority, the City of Grand Junction, Colorado and the County of Mesa, Colorado. By acceptance of the Grant Offer, said parties assume their respective obligations as set forth in said Co-Sponsorship Agreement. It is understood and agreed that said Agreement will not be amended, modified, or terminated without prior written approval of the FAA.

15. The sponsor agrees to monitor progress on the work to be accomplished by this grant. For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of the final project documentation is ten percent (10%) of the total value of the consultant services contract, and the amount will not be paid to the Consultant until acceptable final project documentation is provided.

DRAFT

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

United States of America
Federal Aviation Administration

Manager, Denver Airports District Office

DRAFT

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 20_____

CITY OF GRAND JUNCTION, COLORADO

(SEAL) By: _____
Sponsor's Designated Official Representative

Attest: _____ Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____

Signature of Sponsor's Attorney

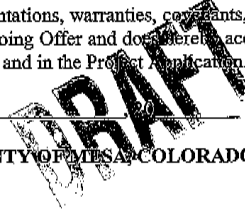
DRAFT

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____

COUNTY OF MESA, COLORADO



(SEAL)

By: _____
Sponsor's Designated Official Representative

Attest: _____ Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 20_____

Signature of Sponsor's Attorney

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 20_____.

**WALKER FIELD, COLORADO PUBLIC AIRPORT
AUTHORITY**

(SEAL)

By: _____
Sponsor's Designated Official Representative

Attest: _____

Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 20_____.

Signature of Sponsor's Attorney

Attach 12

**Carter & Burgess Contract Amendment for the Riverside Parkway Project
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Amendment #5 of Engineering Services Contract with Carter & Burgess for the Riverside Parkway						
Meeting Date	August 16, 2006						
Date Prepared	August 9, 2006				File #		
Author	Jim Shanks		Riverside Parkway Program Manager				
Presenter Name	Trent Prall		Engineering Manager				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This amendment is the fifth of five planned amendments to the existing contract with the engineering firm of Carter & Burgess. This scope of services covers the construction engineering and field inspection for the Riverside Parkway Phases 2 & 3 for the period beginning in August, 2006 through November, 2008.

Budget: The overall project budget is as follows:

Budget		
Right-of-Way & Relocations to Date not including Gen. Fund purchases		\$17,944,883
Demolition & Environmental Costs		\$507,277
Estimated Remaining R/W, Relocation, Demo & Environ. Costs		\$1,500,000
1601 study and 30% plans		\$5,485,390
Final Design		\$2,994,000
Construction Oversight Budget	\$4,100,000	
Phase I Construction Oversight / Construction Engineering		\$901,050
Phase 2 & 3 Construction Oversight/Construction Eng.		\$2,947,080
City Administration & Legal		\$3,050,000
Utility relocations / Street Lights		\$2,300,000
Utility Undergrounding		\$2,232,000
Construction		\$65,000,000
Total		\$104,861,680

This amendment:	\$2,947,080
<u>Previously authorized:</u>	<u>\$9,380,440</u>
Total Carter & Burgess Contract:	\$12,327,520

The construction oversight numbers represent 5.9% of the construction estimate. City Administrative costs represent 4.7% of the construction estimate.

Action Requested/Recommendation: Authorize the City Manager to Amend the Existing Contract for Construction Engineering and Field Inspection for the Riverside Parkway with Carter & Burgess for a total fee of \$12,327,520.

Attachments: None.

Background Information:

This is the fifth of five anticipated amendments.

The City Council approved the original contract with the engineering firm of Carter & Burgess to begin the CDOT 1601 interchange approval process for the Riverside Parkway connection at 5th Street (US-50 Hwy) in July 2003 (shown as **Task A** on table below).

In January 2004 City Council approved Amendment #1 which included:

- Task B** Completion of the 1601 process for the selected roadway alignment from 4th Street to 27 ½ Road including the 5th Street intersection
- Task C** Preliminary engineering work and preparation of 30% plans for 1601 area
- Task D** Preliminary engineering work and preparation of 30% plans for the remainder of the Riverside Parkway project from 24 Road to 4th Street and from 27 ½ Road to 29 Road
- Task E** ROW acquisition labor for area outside the 1601

As stated in the January 2004 City Council report, once the preliminary engineering was completed a Request for Proposals for a design-build contract for the entire project could be developed. Right of way acquisition and Phase II environmental assessments within the 1601 study area were withheld from the previous amendment as alignments were unknown at the time to accurately project a budget. The contract amendment approved in August 2004 covered the following:

- Task F** Right of way acquisition labor within the 1601 study area in lower downtown
- Task G** Preparation of the documents to procure a design/build team to construct the Riverside Parkway and assist/participate with the City in review of the design/build proposals
- Task H** Phase II environmental investigations inside the 1601 area and Phase I investigations on the east and west sections outside the 1601 area

The third amendment to the contract covers the following:

Task I With the change in approach from design/build to design-bid-build, this task proposes to have Carter & Burgess complete the final design and prepare bid documents and assist the City during the bid phase.

Task J Right of way acquisition labor for: 1.) increases in the number of parcels to be acquired primarily due to the addition of Mesa County's 29 Rd from D Road to the Colorado River, and 2.) acquisition of temporary construction easements. This is a final design task that was originally to be part of the design-build contractor's role.

This fourth amendment to the contract covers:

Task K Construction oversight services for Phase I construction. Carter & Burgess proposes to utilize a field engineer and an inspector to compliment the City's utility inspector for Phase I construction. Also included in the contract is time for C&B project manager, design support for field changes, and some testing.

Task L Construction oversight services for Phases 2 & 3 construction. Carter & Burgess proposes to utilize a field engineer and 4 inspectors to compliment the City's utility inspector for Phase 2 & 3 construction. Also included in the contract is time for C&B project manager, bridge engineering support, design support for field changes, and Independent Quality Assurance Testing.

The table below identifies the tasks currently under contract with Carter & Burgess, this proposed amendment, as well as potential future work that could also go to Carter & Burgess.

Engineering Task		Value	Status
A.	Begin 1601, Review Kimley-Horn Alternatives Analysis and develop and evaluate 25 Rd Alternatives	\$ 300,000	Original contract approved 7/03
B.	1601 Planning Process	\$ 906,477	Amendment #1 approved 1/21/04
C.	1601 30% Preliminary Engineering	\$ 209,208	Amendment #1 approved 1/21/04
D.	East and west sections 30% Preliminary Eng.	\$ 2,112,950	Amendment #1 approved 1/21/04
E.	ROW acquisition labor* for area outside 1601	\$ 472,977	Amendment #1 approved 1/21/04
F.	ROW acquisition labor for 1601 area	\$ 595,831	Amendment #2 approved 8/4/04
G.	Develop RFPs and solicit and assist City in review of Design/Build Proposals	\$ 691,878	Amendment #2 approved 8/4/04
H.	Phase II Environmental Assessments for lower downtown / Phase I outside 1601	\$ 195,918	Amendment #2 approved 8/4/04
I.	Final Design and bid phase assistance	\$ 2,680,407	Amendment #3 approved 4/6/05
J.	ROW acquisition labor * increase for additional parcels, 29 Rd, and temporary construction easements	\$ 313,744	Amendment #3 approved 4/6/05
K.	Project Construction Administration as City's "owners/rep" including inspection. Phase I	\$ 901,050	Amendment #4 approved 10/5/05
L	Project Construction Administration including inspection, construction engineer, bridge engineering & independent quality assurance testing, Phases II & III.	\$ 2,947,080	Considered 8/16/06
		\$ 12,327,520	

Timeline: Carter & Burgess will have completed all of the final design by August 25, 2006. Construction schedules for the various phases are as follows:

Phase I	East Section – 9 th St to D Road and 29 Rd	October 2005 -November 2006
Phase II	West Section – 24 Road to 4 th Street	June, 2006 - November 2008
Phase III	Lower Downtown – 4 th Street to 9 th St	Nov. 2006–November 2008

Attach 13

**Public Hearing – Request from New Hire Fire Pension Board
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Request from New Hire Fire Pension Board					
Meeting Date	August 16, 2006					
Date Prepared	August 10, 2006					
Author	Ron Lappi Claudia Hazelhurst John Shaver		Admin. Services and Finance Dir. Human Resources Manager City Attorney			
Presenter Name	Dave Varley Ron Lappi		Interim City Manager Admin. Services and Finance Dir			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: A Resolution authorizing an election by our sworn fire department personnel to change from the City’s Defined Contribution Retirement Plan back to one of the Colorado Fire and Police Association (FPPA) sponsored Defined Benefit Plans.

Budget: If approved by the City Council this Resolution may have a short term minimal positive impact on City costs (saving an estimated \$390 per employee annually or \$33,000) in exchange for a long-term exposure to a significant potential liability and cost to the City and its taxpayers to absorb unfunded liabilities.

Action Requested/Recommendation: Hold a Public Hearing on the proposed Resolution to change in the New Hire Fire retirement system. City Management recommends that the City Council reject the request as not being in the City’s best long-term interest, and vote NO on the Resolution.

Attachments: Report on Proposed Changes and Recommending Against It
Proposed Resolution Requesting the Change

Background Information:

The City of Grand Junction's New Hire Fire Pension Board began discussing this matter over a year ago, as the Colorado Fire and Police Pension Association (FPPA) Board proposed legislation that would allow Fire and Police Defined Contribution Money Purchase plans that had previously withdrawn from the FPPA to get back into FPPA. The adopted legislation provides the details for re-entry into the various plans offered by FPPA.

Following an informal affirmative majority vote of plan participants, the Grand Junction New Hire Fire Pension Board voted on February 28, 2006 to bring this proposed Resolution forward to the City Council. The City Manager, Administrative Services and Finance Director and the Human Resources Manager voted against the motion.

The Authors of this Staff Report oppose any group of employees moving to a Defined Benefit Plan from our current Defined Contribution Plans for many sound reasons. Our current plans attempt to balance the benefits for all employee groups and the Fire and Police Plans are some of the richest (in terms of contribution levels) in the State of Colorado. For the past 20 some years the Fire and Police employees have been receiving 33% greater City contributions than the 8% required by state law. This contribution of 10.65% will result in a very attractive retirement at the end of a career that spans 25 to 30 years.

If allowed, the re-entry into FPPA will shift the investment market risk from employees to future generations of citizens and taxpayers unnecessarily. Giving our Fire Department employees or any employee group a guaranteed benefit level without regard to market cycles is not in the City's best interest. The City's share of market risk has more than been taken into consideration in its 33% extra contributions to these plans. As is the case with all employees, the City has and will continue provide our employees with the best tools, training and long-term financial security that is reasonable and available.

The risk that is being transferred from all participants to the City taxpayers under this proposal is the inherent risk from fluctuating returns in the capital markets, and unfunded liabilities in the future that will eventually be born by the taxpayers. In the late 80's and early 90's the City was involved in litigation concerning its withdrawal from FPPA; which was supported by our Fire and Police Personnel.

As a board member of FPPA for sixteen years, Ron Lappi has heard first hand from most consultants and money managers that FPPA comes into contact with today that they may have serious difficulties achieving the 8% actuarial assumed rate of return in the long term. The world has changed and financial experts project that the next decade will not be like the decade of the 90s. Failure to achieve your actuarial assumed rate of return over time will result in unfunded liabilities. At the FPPA Board Planning Retreat on August 3, 4, and 5, 2006 the fund's Chief Investment Officer (soon to be the Chief Executive Officer as well) warned the FPPA Board of Directors again that the fund will have difficulty in future years achieving their actuarial rate of return.

The Authors of this report certainly understand the Fire Department's interest in a Defined Benefit plan. It is an attractive and safe alternative following the three year decline of the capital markets from 2000 to 2002. However, they are requesting this change at a time when public and private corporations around the country are moving away from Defined Benefit Plans and into Defined Contribution Plans such as the City provides its employees. This trend has been prompted by the burgeoning expense associated with meeting the financial obligations and end benefit promised by these Defined Benefit plans.

Our City Attorney has opined that neither the New Hire Fire Pension Board nor the City Council is obligated to change the plan as the members propose. The board has an obligation to the plan and to the solvency of that plan for the benefit of current and future participants.

The Authors respectfully recommend that the Resolution not be approved.

CITY OF GRAND JUNCTION

REPORT ON PROPOSED CHANGES TO CURRENT RETIREMENT PLAN FOR NEW HIRE FIRE

The City of Grand Junction's management and elected policy makers should "Oppose" any attempt by Fire Department personnel or any other employee groups to change the current Defined Contribution Plans to a Defined Benefit Plan. Such a move represents poor public policy for our organization by shifting the financial risk from employee to employer to ensure a guaranteed retirement benefit for these public employees.

We should oppose this change for the following reasons:

1. There is no business reason for changing or improving these benefits.
 - We have no recruitment or retention problems in our workforce that are attributable to our pay or benefit packages. Most departing employees rate the City's pay and benefits package as good to excellent.
 - Current contributions into the Police and Fire retirement plans exceed the average contributions made by cities in our Front Range market. In fact our two plans at 10.65% are some of the richest in the State of Colorado.
2. We have spent many years educating our work force on how to self-direct investments using a balanced approach in planning for their retirement.
 - Most Police and Fire employees voted to abandon the Defined Benefit Plan under which they had been covered until the early

1980's in exchange for a more flexible, self-directed Defined Contribution Plan that is now in effect.

- Only since the capital markets experienced a three year decline have some employee groups (Fire Department mainly) expressed an interest in going back to a Defined Benefit program.
 - While state law requires an 8% contribution to retirement for Police and Fire, the City of Grand Junction has contributed to the new Fire and Police Plans for many years at the 10.65% level.
 - Because of the City's contribution rate into Police and Fire retirement plans (which is 33% above the statutory contribution level), a career that spans 25 to 30 years will result in a attractive retirement balance available to the employee, their spouse, or their heirs.
3. Defined Benefit plans that fail to achieve the actuarial assumed rate of return in both the short run and long run risk creating a significant unfunded liability over time that must then be funded by the employer. In our case, the burden will fall to the taxpayers of the City of Grand Junction.
- An unfunded liability is not possible with our Defined Contribution Plans; there is no actuarially assumed rate that has to be met over time.
 - In a Defined Contribution plan, employees assume the risk associated with their own investments and with fluctuations in markets over time and receive what is achievable given their investments. There is no guarantee of a certain level of benefits as in a Defined Benefit plan.
 - In spite of the fact that we have no active employees in the plan, the City is currently required to put \$427,000 annually into our Old Hire Police plan and another \$334,000 in the Old Hire Fire plan with only two employees active in that plan. The unfunded liabilities that the City of Grand Junction taxpayers are stuck with from these old Defined Benefit plans total nine million dollars today. This is typical of the risk and exposure that moving back to a Defined Benefit system can create.

4. Changing from a Defined Contribution plan to a Defined Benefit plan will guarantee a set level of benefits to our employees, while shifting all the capital market fluctuation risk and actual changes in actuarial assumptions from employees to the taxpayers of the City of Grand Junction.
- The City's fair share of any capital market risk is being covered by the extra 33% annual contribution we make to the current Defined Contribution plans for the Police and Fire employees.
 - Further shifting of the risk to the City and its taxpayers is unnecessary and certainly would be a bad fiscal policy decision.

**A RESOLUTION REQUESTING COVERAGE UNDER THE
SYSTEM ADMINISTERED BY THE FIRE AND
POLICE PENSION ASSOCIATION (FPPA) FOR MEMBERS
CURRENTLY COVERED BY THE NEW HIRE MONEY PURCHASE
DEFINED CONTRIBUTION PLAN**

Recitals:

Pursuant to Colorado Revised Statutes, (C.R.S.) § 31-31-1101 *et. seq.*, the City of Grand Junction ("City") may elect to cover its fire department members ("Members") under the Fire and Police Pension Association (FPPA) system in lieu of maintaining coverage under the City of Grand Junction New Hire Fire Money Purchase Defined Contribution Plans ("City Plans").

The City's firefighters have expressed an interest in moving to the FPPA system and after consideration by the Fire Pension Board, the Grand Junction City Council has determined that it would be in the best interest of the members of the fire department currently covered by the City of Grand Junction Defined Contribution Plans to partially terminate coverage in the City Plans and provide that all current members of those Plans, as well as all future members, be covered under FPPA. The Council further determines that the election to participate in the FPPA defined benefit plan is irrevocable and that the contribution rates be perpetually set as established herein.

NOW, THEREFORE, the City Council of the City of Grand Junction, Colorado resolves that:

1. The City hereby sets the effective date of coverage as June 1, 2006 ("Effective Date").
2. The City elects to cover all Members hired after the Effective Date under the Statewide Defined Benefit Plan with a contribution rate as established under the Statewide Defined Benefit Plan which is currently 16% of base salary, (as defined by FPPA) and shall be split 8% member and 8% City. (Employers and members both must contribute at least 8%.)
3. The Member and City contribution rate to the FPPA Defined Benefit System for Members who are active on the Effective Date will be 20% of base salary, (as defined by FPPA) and shall be split 10% member and 10% employer.
4. The City elects to offer the Members who are active on the Effective Date the option of participating in one of two plans offered by FPPA: a) the Statewide Defined Benefit Plan; or b) the Money Purchase Component of the Statewide Hybrid Plan.

5. The City intends to transfer the active Members' account balances, the retired Members' account balances and the 100% vested Inactive Members' account balances to the Money Purchase Component of the Statewide Hybrid Plan.
6. Both the City's and Members' vested contributions to accounts shall be 100% vested upon transfer to the FPPA Defined Benefit System.
7. The City acknowledges that the election for coverage under the FPPA Defined Benefit System is irrevocable once the certification of compliance is filed by the City, the Members have voted to change and the FPPA Board of Directors approves the City's entry in to the FPPA system.
8. Clerical and other support personnel (non-sworn personnel) employed by the City's Fire Department shall not participate in the Plan.
9. In addition to this Resolution, the City understands that the following certification requirements, disclosure statement and member election will be necessary to complete the application process and must be undertaken prior to final consideration by the FPPA Board of Directors.

CERTIFICATION REQUIREMENTS

In order to comply with law it will be necessary for the City of Grand Junction to certify the following to the FPPA Board of Directors:

- a) The City of Grand Junction's New Hire Fire Money Purchase Defined Contribution Plans meet the qualification requirements of the Federal "Internal Revenue Code of 1986" that are applicable to governmental plans;
- b) By separate action, the City has adopted a Resolution to freeze the New Hire Fire Money Purchase Defined Contribution Plans in accordance with the terms of those Plans;
- c) The Resolution does not adversely affect the qualified status of the Plans;
- d) The rights of the members in the Fire Pension plans who were affected by the freezing of the Plans to benefits accrued to the date of freezing are non-forfeitable;
- e) All active Members in the New Hire Fire Money Purchase Defined Contribution Plans as of the Effective Date shall become Members in the FPPA system;
- f) The City will transfer or cause to be transferred to the FPPA system all assets of the New Hire Fire Money Purchase Defined Contribution Plans that are attributable to the vested benefits of the transferred Members, pursuant to the procedure established by the Board;

- g) All City and Employee contributions required to be made to the Fire Money Purchase Defined Contribution Plans as of the date of the freeze have been made;
- h) Members in the Fire Money Purchase Defined Contribution Plans shall not incur a reduction in their account balances determined as of the Effective Date, as a result of their transfer to the FPPA system. For vesting purposes with regard to the Fire Money Purchase Defined Contribution Plans account balances and with regard to the Money Purchase component of the FPPA Defined Benefit System, years of service in the New Hire Fire Money Purchase Defined Contribution Plans shall be combined with Years of Service in the Money Purchase Component of the FPPA Defined Benefit System. For vesting purposes with regard to the Defined Benefit component of the FPPA Defined Benefit System, Years of Service Credit shall be based upon service credit either earned or purchased while in the FPPA Defined Benefit System; and
- i) The City agrees to participate in the FPPA system and to be bound by the terms of the FPPA system and the decisions and actions of the Board with respect to the FPPA system.

DISCLOSURE STATEMENT

The City of Grand Junction will prepare and distribute a disclosure statement that compares and contrasts the main provisions of the New Hire Fire Money Purchase Defined Contribution Plans and the plans offered under the FPPA system, as applicable. The statement will be submitted to FPPA for approval. The City will submit the approved statement to all eligible voters in a plan election as hereinafter set forth as required by the Statewide Hybrid Plan Rules and Regulations.

MEMBER ELECTION

The City of Grand Junction shall hold an election for all members pursuant to the Statewide Hybrid Plan Rules and Regulations 2.02.

The City understands that if the application for coverage under the FPPA System is approved, all future members of the Fire Department who have been covered under the New Hire Fire Money Purchase Defined Contribution Plans will be covered under the Statewide Defined Benefit Plan of the FPPA Defined Benefit System.

This Resolution shall be certified and transmitted to FPPA for processing in accordance with all applicable law and regulations as part of the application process.

PASSED AND ADOPTED THIS _____ day of _____ 2006.

Jim Doody
Mayor

ATTEST:

Stephanie Tuin
City Clerk

Attach 14
Initiative Petition Regarding a Watershed Protection Ordinance
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Initiative Petition Regarding a Watershed Protection Ordinance					
Meeting Date	August 16, 2006					
Date Prepared	August 9, 2006				File #	
Author	Stephanie Tuin			City Clerk		
Presenter Name	Stephanie Tuin			City Clerk		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Initiative petitions for the adoption of a Watershed Protection Ordinance were received by the City Clerk's Office on August 1, 2006. 186 petitions sections containing 4,270 signatures were submitted. The City Clerk's Office verified 2,635 of those signatures as valid, qualified electors. This is a sufficient number to require that the City Council either adopt the ordinance as presented or refer the matter to an election.

Budget: By coordinating the election with Mesa County, the question will be placed on the November, 2006 general election ballot that City voters receive. Mesa County estimates the City's cost to be around \$40,000. There will also be some costs for publication of notices, additional labor (associated with checking the petitions) and the cost of developing the database of City electors.

Action Requested/Recommendation: Authorize the City Clerk to enter into an Intergovernmental Agreement with the Mesa County Clerk & Recorder to include the question on the November 7, 2006 ballot; determine whether the initiated measure should be referred to the ballot or schedule a public hearing on the ordinance for September 6, 2006.

Attachments:

Proposed Intergovernmental Agreement
Proposed Watershed Protection Ordinance

Background Information: Under the City Charter, Article XVI, a petition containing ten percent of the number of City voters who voted in the last election for governor requires action by the City Council. That number is 1,580 signatures. Besides requiring the City

Council to act upon an initiative petition containing the number of qualified signatures, the City Council also has the option of referring its own measure to the ballot. If Council were to refer its own question and the initiated measure was on the same ballot then the ordinance receiving the highest number of votes will prevail.

Any ordinance adopted by electoral vote, can be repealed or amended only by another electoral vote. Successful initiated measures are labeled and numbered as "People's Ordinances". Adoption of a different ordinance will not prevent the initiated measure from being on the ballot.

It is recommended that the City Clerk be authorized to enter into an Intergovernmental Agreement with Mesa County Elections for the coordination of the election. The due date for the signed intergovernmental agreement is August 29. Staff has included a contingency in the IGA to allow Council to proceed with the public hearing on September 6 and not eliminate the option of the ballot measure up until the deadline for setting the ballot title which is September 8.

**INTERGOVERNMENTAL AGREEMENT
CITY OF GRAND JUNCTION
GENERAL ELECTION - NOVEMBER 7, 2006**

The following shall represent the Intergovernmental Agreement ("Agreement") between the Mesa County Clerk and Recorder hereinafter referred to as ("Clerk") and City of Grand Junction hereinafter referred to as ("Political Subdivision"), as required by C.R.S. § 1-7-116(2).

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk will conduct a Polling Location (Vote Center) Election on Tuesday, November 7, 2006 ("General Election") subject to the duties of the Political Subdivision. The General Election may involve more than one political subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official ("CEO") for all political subdivisions involved in the General Election. Political Subdivision has appointed Stephanie Tuin as its Designated Election Official ("DEO") who will have primary responsibility for election procedures that are the responsibility of Political Subdivision. The General Election shall be held under and bound by the provisions of Title I of the Colorado Revised Statutes.
2. PRECINCTS and VOTING LOCATIONS: Voting locations will be those established by the Clerk. Precincts shall remain as currently established and locations for the deposit of voted ballots not returned through the United States Postal Service will be those designated by the Clerk. A walk-in ballot distribution site for absentee ballots will be open beginning on Tuesday, October 31, 2006 and ending on Election Day, November 7, 2006.

The ballot drop box locations for voted ballots not returned through the United States Postal Service will be those designated by the Clerk as follows:

- Elections Division at County Courthouse
- Clerk's branch at Mesa Mall
- Clerk's branch at Clifton Peachtree Shopping Center
- Clerk's branch at the Fruita Civic Center
- Clerk's branch at the Tri-River Cooperative at the Mesa County Fairgrounds, and
- Recording Office at the County Courthouse.

On Election Day all Clerk DMV branches will be closed. Ballots may be

deposited on Election Day at the Elections Division at the County Courthouse or at the Clerk's branch at the Mesa Mall.

3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk.
4. LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of Political Subdivision. Publication of legal notices concerning the General Election, which are to be published after certification of the ballot content to the Clerk, shall be the responsibility of the Clerk.

The Political Subdivision will be responsible for the publication of any additional legal notices required under the City Charter or ordinances.

If the ballot issue adopted by the Political Subdivision contemplates any type of obligation pursuant to Article X, Section 20 of the Colorado Constitution, this Agreement shall be amended to include a cost sharing provision and any required deadlines that must be met.

5. BALLOT CONTENT: In accordance with C.R.S. § 1-1-110(3) and 1-5-203(3)(a), the ballot content must be certified to the Clerk by the Political Subdivision, in its exact form, no later than 5:00 p.m. on Monday, September 11, 2006. The ballot content may be delivered to the Clerk at the Elections Division, 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501 or be mailed in sufficient time to arrive by such date to the Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009. Time is of the essence. Ballot contents shall also be submitted in electronic format in MS Word.
6. PREPARATION FOR GENERAL ELECTION: The Clerk shall be responsible for preparing and printing the sample ballot for the General Election, as well as ballot pages. The Clerk shall also be responsible for providing, preparing, and delivering voting equipment and materials to all Vote Center locations.
7. CONDUCT OF GENERAL ELECTION: The Clerk shall be responsible for the conduct of the General Election subject to the duties of the Political Subdivision. The General Election shall be conducted under and bound by the provisions of Title I of the Colorado Revised Statutes.
8. EARLY AND ABSENTEE VOTING: Pursuant to C.R.S. § 1-8-101 and 1-8-201, early and absentee voting shall be the responsibility of the Clerk.

Completed applications for absentee ballots shall be transmitted to the Clerk at the following address for processing: Mesa County Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009, or hand-delivered to the Mesa County Elections Division office at 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501.

The ballot drop box locations for voted absentee ballots not returned through the United States Postal Service will be those designated by the Clerk as follows:

- Elections Division at the County Courthouse
- Clerk's branch at Mesa Mall
- Clerk's branch at Clifton Peachtree Shopping Center
- Clerk's branch at the Fruita Civic Center
- Clerk's branch at the Tri-River Cooperative at the Mesa County Fairgrounds, and
- Recording Office at the County Courthouse.

On Election Day all Clerk DMV branches will be closed. Ballots may be deposited on Election Day at the Elections Division at the County Courthouse or at the Clerk's branch at the Mesa Mall.

9. TABULATION OF BALLOTS: All processes relating to the tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the political subdivisions upon completion of the counting of all ballots on election night.

10. CANVASS OF VOTES: Pursuant to C.R.S. §1-10-102, the canvass of votes will be the responsibility of the Clerk and will be completed no later than Friday, November 24, 2006. Official results will be provided to political subdivisions participating in the General Election. Certificates of Election of candidates, if applicable, are to be issued by Political Subdivision upon receipt of the official results from the Clerk.

11. ALLOCATION OF COST OF ELECTION: Pursuant to C.R.S. § 1-7116 (2)(b), the Clerk shall determine a reasonable cost allocation for each political subdivision participating in the General Election. Each political subdivision shall reimburse the Clerk for its proportionate share of the cost of the TABOR notice and election costs allocated to the particular political subdivision. Such reimbursement shall be made to the Clerk within thirty (30) days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.

12. TERMINATION: Political Subdivision may terminate this agreement in writing to the Clerk up until September 8, 2006. Any costs incurred shall be billed to the Political Subdivision less any credit owed to the Political Subdivision.
13. INDEMNIFICATION: Political Subdivision agrees to indemnify and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of Political Subdivision in completing its responsibilities relating to the General Election.
14. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY CLERK AND RECORDER

CITY OF GRAND JUNCTION

Janice Ward, CEO

Stephanie Tuin, DEO

Date

Date

Ordinance No.

An Ordinance Establishing Watershed and Water Supply Standards; Establishing Requirements for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; and Requiring the City Council to Adopt Implementing Ordinances or Resolutions.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF GRAND JUNCTION that the following watershed and water supply protection ordinance is hereby passed and adopted.

1. CITATION. This ordinance shall be known as the “Watershed Protection Ordinance” of the City.
2. IMPLEMENTING ORDINANCE. The City Council is encouraged to adopt an additional ordinance or resolutions to further implement the provisions of this ordinance in light of the provisions and purpose hereof.
3. PURPOSE. The primary purpose for which the Watershed Protection Ordinance is established is the fullest exercise of the powers, authorities, privileges and immunities of the City of Grand Junction in maintaining and protecting the City's water supply and waterworks from injury and water supply from pollution or from activities that may create a hazard to health or water quality or a danger of pollution to the water supply of the City. The City's authority herein shall be for the purpose of restricting any activity, or requiring changes in the way the activity or use is performed, within a watershed which creates a substantial risk of pollution or injury to the City's water supply or waterworks and/or the lands from under, or across or through which the water flows or is gathered. This purpose and authority statement shall not, however, be construed as an attempt to interfere with federal jurisdiction over federal lands within the City's watershed: This Ordinance should be construed to supplement and integrate with federal law and jurisdiction.
4. DESIGNATED WATERSHEDS.
(A) The City's primary watersheds (*i.e.*, Kannah Creek, North Fork of Kannah Creek, and Whitewater Creek) are hereby declared to extend over all the territory occupied by the City of Grand Junction's waterworks in the drainages of the City's primary watersheds and shall include but not be limited to all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over all creeks, streams, lakes, reservoirs and the City's waterworks and all water sources tributary thereto for five (5) miles up gradient (*i.e.*, obtained or used upstream) of each point from which any water is diverted for use by the City of Grand Junction or placed into any City domestic waterworks. Any ordinance or resolution implementing this Ordinance shall address the City's water rights and waterworks that are supplied by water from either the Gunnison and/or the Colorado Rivers.
5. STANDARDS. No land use activity shall be permitted in any primary watershed which creates a substantial risk of pollution or injury to the City's water supply or waterworks except in compliance with the provisions of this ordinance.

In addition:

(A) It shall be unlawful for any person to cause injury or damage to the City's waterworks, including all springs, seeps, streams, surface intakes, ditches, drains, pipelines and reservoirs used in and necessary for the construction, maintenance and operation of the same.

(B) All point and non-point sources of pollutants caused by or associated with a proposed land use activity shall not result in any measurable increase in pollution over the existing water quality of any waters of any primary watershed of the City potentially affected by the proposed land use or activity.

(C) The burden of proving the lack of substantial risk of pollution or injury, in terms of quantity and quality, to the City's water supply and/or waterworks shall be on the person proposing the land use or activity.

(D) Terms not defined herein shall be defined by the implementing ordinance and/or regulations. For the purposes of this ordinance, the following words shall have the following meanings.

(I) "Domestic Use" means: Construction of a single family residence of less than 10,000 square feet in total interior square feet; construction and maintenance of driveways, landscaping and accessory barns and sheds in connection with single family residence; the maintenance, cutting and clearing of necessary trees and vegetation to accomplish the same; and treatment of noxious weeds and fire fuels management on the single family residential property.

(II) "Drilling" or "Drilling Operations" means: Drilling for water, oil, gas or other natural resources, and includes grading, construction, and traffic activities associated with the drilling.

(III) "Excavating" means: The intentional movement of earth leaving any cut bank over three feet (3') in height or a movement of material in excess of ten (10) cubic yards.

(IV) "Filling" means: The intentional movement of earth that results in any earth bank over two feet (2') in height or filled earth over two feet (2') deep, or artificial addition of earth above a line sloping up at a grade of one (1) vertical unit to five (5) horizontal units from the ground before the filling.

(V) "Grading" means: The intentional movement of over five (5) cubic yards of material; movement of any earth or material that changes the natural flow of surface water, or affects or creates a drainage channel; pioneering of a road, cutting or clearing of trees and shrubbery that results in creating a roadway or driveway in excess of twenty-five feet (25') in length; or the use of vehicles or keeping of any animals upon any land that could reasonably lead to a movement of five (5) cubic yards of material within any five (5) year period.

(VI) "Removing Vegetation" means: The intentional cutting, burning, grubbing, dragging, chemical killing or any other manner of removing any flora or tree; any shrubs and/or trees, or combination, covering an area of more than one hundred (100) square feet; or any grasses covering an area of more than one thousand (1,000) square feet. Notwithstanding the preceding sentence, "removing vegetation" does not include: removal of clearly diseased or dead trees for domestic uses; clearing of trees in order to construct a single family residence; cutting of Christmas trees for non-commercial purposes; yard or garden work incidental to domestic uses; treatment of noxious weeds; fire fuel reduction on a single family

residential property; or, removing vegetation incidental to a lawful use existing as of the date of approval hereof.

6. HIGH RISK ACTIVITIES. Because certain activities in the City's primary watersheds pose a substantial risk of pollution or injury to the City's waterworks and/or the quality of the City's domestic water quality, it shall be unlawful for any person to engage in any of the following activities within the City's primary watersheds unless the proposed use falls under the category of a domestic use, or unless and until such person has first obtained a Watershed Permit issued by the City:
 - (A) Excavating, grading, filling or surfacing 100 cubic yards or more;
 - (B) Removing 1000 square feet or more of vegetation;
 - (C) Using, handling, storing or transmitting flammable, explosive, hazardous or radioactive materials or substances; except for domestic uses and except that above-ground fuel tanks containing 350 or fewer gallons, and storage tanks that are an integral part of a vehicle, are allowed for each farm or ranch within a primary watershed.
 - (D) Because timbering, mining, and confined animal feeding operations, have a potential to cause significant degradation of water quality in a primary watershed, each such activity is prohibited unless and until the proponent of such land use or activity has obtained a City permit, based on the applicant/proponent having established that:
 - (I) Any alteration to water drainage courses shall not increase or decrease rates of stream flow, increase sediment load and/or deposition, cause erosion to stream banks, result in an increase or decrease in stream temperature, or otherwise cause injury to the aquatic environment. The City shall issue its permit if the applicant establishes that there is not a significant risk of pollution or injury to the City's water or waterworks;
 - (II) Any timber harvesting, other than the removal of deadfall or diseased trees, or the removal of trees for incidental purposes which may be associated with an activity that is not regulated by this ordinance, shall not cause degradation of water quality in a primary watershed;
 - (III) Surface or subsurface mining operations, including the extraction of gas and/or oil, and the preparation of sites in anticipating of drilling, mining or quarrying shall not cause degradation of water quality in a primary watershed. Reclamation activities pursuant to a state-approved reclamation plan are not regulated by this provision;
 - (IV) Confined animal feeding operations involving more than two hundred animals confined to less than 100 acres shall not cause degradation of water quality in a primary watershed.
 - (E) At a minimum, the applicant for a land use or activity involving timbering, mining or confined animal feeding operations shall provide: (I) Detailed plans and specifications of the proposed land use activity; (II) Itemization of all hazardous, toxic or explosive substances or materials to be used, transported, stored or handled as a part of the proposed land use activity; (III) A detailed description of any reasonable alternative to the proposed land use activity which may result in less of an impact to the City's water works and primary watersheds; (IV) Proposed detailed mitigation measures necessary assuming that best management practices are

employed to reduce all adverse impacts to the primary watersheds, and the City's water and waterworks; (V) The existing water quality in all waters reasonably affected by the proposed activity for each parameter established by the Colorado Water Quality Control Commission; and (VI) A detailed description of the potential impacts the proposed land use activity will have on the quality and quantity of the City's water, waterworks and/or primary watersheds.

(F) Upon request of a rancher, farmer, resident of a single family dwelling or other person subject to the requirements of this ordinance, the City Manager may waive one or more of the above requirements if the City Manager determines that such information is not required in the particular circumstances to adequately evaluate risks of pollution or potential of injury to the primary watersheds, City waters or waterworks.

(G) Ongoing industrial operations (such as timbering, oil and gas drilling or confirmed animal feeding) in any primary watershed may require the hiring of a third-party monitor selected by the City the costs of which are paid by the permittee for the duration of time the operations could cause damage to a primary watershed, City waters and/or waterworks.

7. **STANDARDS FOR ISSUANCE OF PERMIT.** A Watershed Permit shall only be issued when the City finds that the applicant has sustained its burden of proof that the proposed activity, including alternatives, mitigation and best management practices, if any, as proposed or required, does not present or create a foreseeable and substantial risk of pollution or injury to the primary watersheds, City waters or waterworks.

8. **PERFORMANCE GUARANTEE INSPECTION COSTS.**

(A) Before a permit authorizing a land use or activity in a primary watershed is issued, each permittee shall provide the City, at the permittee's expense, a performance guarantee in the form of cash or a letter of credit in the amount of one hundred percent (100%) of the City Manager's estimate, based on the best available information, of the cost to ensure compliance with this ordinance and/or any implementing ordinances or regulations, including, but not limited to, the cost of maintenance, operation, re-vegetation, reclamation and other requirements of or arising out of or under the proposed activities. Such performance guarantee shall be in effect for at least one year beyond the anticipated completion and reclamation of the activity identified in the permit.

(B) Any public utility regulated by the Colorado Public Utilities Commission, any governmental agency, any mutual water company, any conservancy district or any equivalent public or quasi-public water delivery entity may provide the City with an annual letter signed by an appropriate officer of the same guaranteeing: complete performance of the conditions prescribed in the permit; and, the correction of any defect in the work which the City discovers and for which the City gives written notice to the permittee within one year after the date when the City initially approves the completed work.

(C) Each permittee shall pay for the costs of City selected inspectors and/or testers deemed necessary by the City to evaluate each permit application and ensure that compliance is had with the requirements of this ordinance and any implementing ordinances and/or regulations.

9. **SEVERABILITY.** If any section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid, unenforceable or held to be unconstitutional by a court of competent jurisdiction, the validity of the rest of this Ordinance shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

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

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

President of the Council

ATTEST:

City Clerk

Attach 15

**Public Hearing - Zoning the Arbogast Annexation, Located at 785 24 Road
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Zoning the Arbogast Annexation, located at 785 24 Road					
Meeting Date	August 16, 2006					
Date Prepared	August 7, 2006				File # GPA-2006-064	
Author	David Thornton		Principal Planner			
Presenter Name	David Thornton		Principal Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Request to zone the 18.05 acre Arbogast Annexation, located at 785 24 Road, to RSF-E (Residential Single Family Estate with a maximum of one unit per two acres) 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. May 8, 2003 letter on sewer capacity
5. Zoning Ordinance

ANALYSIS

1. Background

The property was recently annexed (Arbogast Annexation) into the City of Grand Junction pursuant to the Persigo Agreement. The property is shown as "Estate" on the Future Land Use Map. Surrounding properties in the area are generally 2 to 5 acres in size, reflective of the "Estate" land use designation. This property was previously zoned in Mesa County RSF-R (5+ acre lot sizes)

The 17 acre site is located along the west side of 24 Road between I-70 and H Road in the Appleton Area. The property is generally flat. Access to the property is from 24 Road and there is an existing single family home on the property.

The applicant recently requested a Growth Plan Amendment to change the land use designation from "Estate" to "Residential Medium Low", which was denied by both the Planning Commission and City Council.

A neighborhood meeting was held on February 9, 2006 with twelve people attending the meeting. Many letters were received from the surrounding property owners in regards to opposition to the Growth Plan Amendment. However, generally in those letters property owners expressed their desire to maintain densities at two acres per dwelling unit in this area.

A letter dated May 8, 2003 (attached) from the City's Utility Engineer discussing sewer capacity in this area supports densities at 2 acres per dwelling unit.

2. Consistency with the Growth Plan:

The requested zone district is consistent with the Future Land Use designation of Estate and is consistent with the North Central Valley Plan.

3. Section 2.6.A.3, 4, 5 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the Estate district is consistent with the Growth Plan density of 2 to 5 acres per lot. The previous County zoning was Rural. 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 Estate zoning is compatible with the neighborhood. Surrounding residential lots are generally between 2 and 5 acres in size which conform to the Estate zoning. 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 policies of the Growth Plan, the North Central Valley Plan and the requirements of the Zoning and Development Code and other City regulations and guidelines.

The amendment 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.

- 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 district would also be consistent with the Growth Plan designation for the subject property.

m. RSF-R

If the City Council chooses to approve the alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Arbogast Annexation application, GPA-2006-064 for a Zone of Annexation, staff makes the following findings of fact and conclusions:

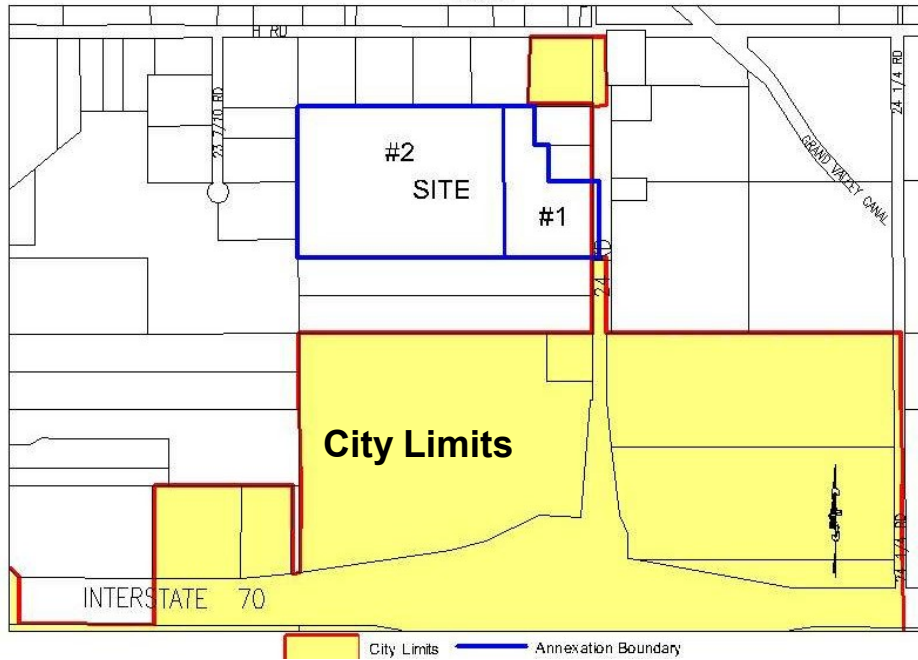
3. The requested zone is consistent with the Growth Plan
4. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of the Estate zone district (GPA-2006-064) with the findings and conclusions listed above.

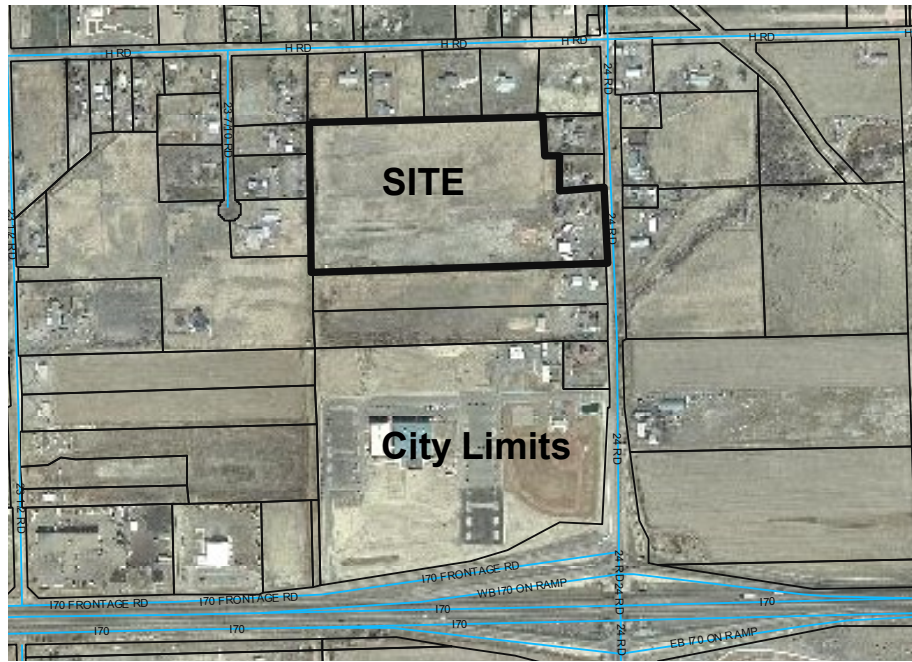
Site Location Map

Figure 1



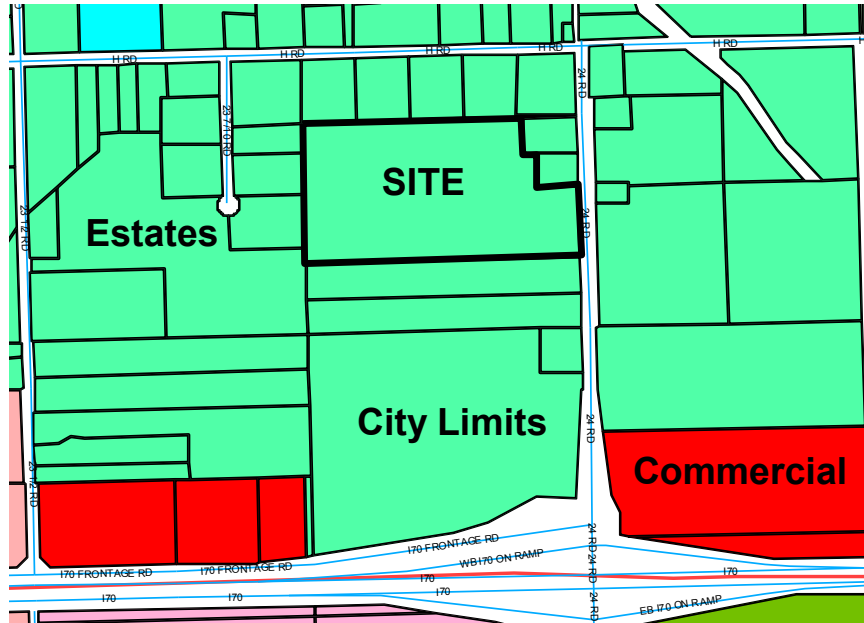
Aerial Photo Map

Figure 2



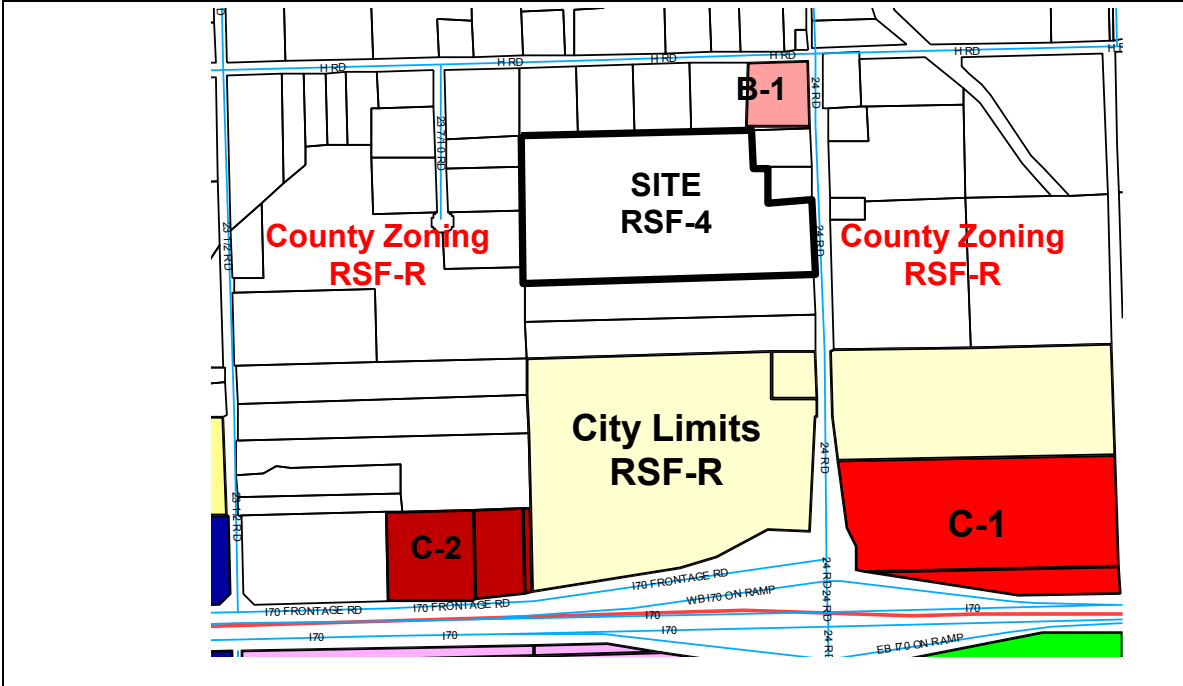
Future Land Use Map

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."

May 8, 2003

Allen Pennington
782 23 7/10 Rd
Grand Junction, CO 81505

Subject: Sewer Availability for proposed growth plan amendment
Location: Appleton Area – 23 ½ to 24 Rd south H Road

This letter is in response to your request for more information regarding sewer service in the above area and your proposal to amend the growth plan to allow a density between two and ½ units per acre.

As we discussed Wednesday, a significant amount of planning goes into a multi-million dollar piece of infrastructure such as a sewer treatment plant. The planning effort evaluates a particular area, the proposed uses based on zoning and then estimates the amount of flow that is proposed to be generated. The ultimate size of the sewer plant is based on the amount of flow that is planned. In 1979, the planning effort for the Persigo sewer treatment plant led to the pre-2000 service boundary. In 1984, the Persigo Wastewater Treatment Plant and intercepting sewer lines began serving that boundary. In managing this boundary, it is imperative that new development does not exceed planned development without making proper modifications to the overall 201 "plan".

A 1992 Sewer Basin Study conducted by HDR Engineering for the City looked at adding and deleting many areas to the Persigo 201. This was done to more accurately reflect how areas had actually developed since the original planning effort was completed 13 years earlier. Based on that study, the subject area was identified as an area that could be added to the 201, however overall densities would need to remain 0.5 units per acre (2 acres per unit) in order to maintain the "balance" of the 201 and assure adequate capacities for other property owners within the 201.

The subject area was added to the Persigo sewer service "201" boundary in 2000 in order to accommodate construction of sewer to Appleton Elementary school, and Fellowship of Excitement Church. The sewer was also made available to properties adjacent those sewer lines to resolve potential public health risks from failing septic systems which struggled due to the high groundwater table. Staff realized that the availability of sewer may lead to development, however the inclusion of this area was first to serve very large non-residential uses and secondly to serve those properties with septic system problems. This additional service area was intended to NOT be developed any denser than proposed in the 1992 HDR Study that specified an overall basin density of 0.5 units per acre.

As you pointed out yesterday there already are many existing properties within the basin that are less than 2 acres in size. Therefore, in keeping with the above goal of an **overall** basin density of 0.5 units per acre, any new development within the basin would then need to be even less dense than 0.5 units per acre. The February 18, 1998 joint City/County resolution adding the subject area to the Persigo 201 in fact limited new development in this area to only 0.42 units per acre.

In order to handle higher densities than proposed above, Community Development, the Planning Commission, and the City Council would first have to approve that the higher densities meet the overall planning goals such as those stated in the North Central Valley Plan. Once higher densities were approved, an engineering study would need to be completed on downstream infrastructure and recent development within the basin to assure that capacity is adequate for the amendment. Staff believes that capacity may be adequate in the collection and interceptor systems for the additional development, however the Railhead lift station may not have adequate capacity and therefore would have to be upgraded in order to accommodate the increased zoning. These upgrades may be accomplished with impact fees that would be determined only after City Council approval of the growth plan amendment.

One of the questions you posed Wednesday was in regards to the fairness of your development having to pay an impact fee for an upgrade that may not happen for 20 years. Please remember that the current system is sized, and capacity is reserved, for certain amount of flows to be generated from a given area. Anytime something is proposed over that reserved capacity an impact fee of some sort should apply in order to keep other beneficiaries, both existing and future, whole.

I hope the above information provides you an understanding for the issues that staff must consider when contemplating changes in our service delivery effort. If you have any questions regarding the above, please call me at 244-1590.

Sincerely,

Trent Prall
City Utility Engineer

cc: Greg Trainor, Utilities Manager
Kathy Portner, Community Development

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE ARBOGAST ANNEXATION TO RSF-E (RESIDENTIAL SINGLE FAMILY – ESTATE One Unit Per Two Acres)

LOCATED AT 785 24 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 Arbogast Annexation to RSF-E (Residential Single-family with a maximum of one unit per two 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 RSF-E 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-E (Residential Single-Family- Estate, 1 unit per 2 acres).

ARBOGAST ANNEXATION

A Serial Annexation comprising Arbogast Annexation No. 1 and Arbogast Annexation No. 2

ARBOGAST ANNEXATION NO. 1

2701-321-00-027

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning; thence N89°57'56"W along the North line and the Easterly projection of

Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County, Colorado public records, a distance of 417.58 feet; thence N00°03'00"E a distance of 660.40 feet to a point on the South line of Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 133.83 feet; thence S00°03'00"W along a line a distance of 170.00 feet, said line being a Boundary Agreement recorded in Book 4132, Pages 607 - 615 of the Mesa County, Colorado public records; thence S89°58'17"E a distance of 61.00 feet; thence S00°03'00"W a distance of 160.21 feet; thence S89°58'07"E a distance of 222.75 feet to a point on the East line of the NE 1/4 NE 1/4 of said Section 32; thence S00°03'00"W along the East line of the NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet to the Point of Beginning.

Said parcel contains 4.40 acres (191,254 square feet), more or less, as described.

ARBOGAST ANNEXATION NO. 2
2701-321-00-027

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

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 32 and assuming the East line of the NE 1/4 NE 1/4 of said Section 32 to bear N00°03'00"E with all bearings contained herein relative thereto; thence N00°03'00"E along the East line of said NE 1/4 NE 1/4 of said Section 32 a distance of 330.22 feet; thence N89°57'56"W along the North line and the Easterly projection of Parcel A, Etcheverry Simple Land Division as recorded in Plat Book 16, Page 301 of the Mesa County, Colorado public records, a distance of 417.58 feet to the Point of Beginning; thence N89°57'56"W continuing along the North line of said Parcel A, a distance of 900.49 feet to point on the West line of the NE 1/4 NE 1/4 of said Section 32; thence N00°04'03"E along the West line of the NE 1/4 NE 1/4 of said Section 32 a distance of 660.32 feet to the Southeast corner of Lot 1, Appleton Ranchettes as recorded in Plat Book 13, Page 464 of the Mesa County, Colorado public records; thence S89°58'16"E along the South line of said Appleton Ranchettes a distance of 900.29 feet; thence S00°03'00"W a distance of 660.40 feet to the Point of Beginning.

Said parcel contains 13.65 acres (594,584 square feet), more or less, as described.

INTRODUCED on first reading this 2nd day of August, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 16

**Public Hearing – Clymer Annexation, Zoning and Vacation of Right-of-Way
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Clymer Annexation, Zoning and Vacation of Right-of-Way, located at 182 27 Road					
Meeting Date	August 16, 2006					
Date Prepared	July 24, 2006				File #VR-2006-153	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: Request to annex and zone 4.58 acres, located at 182 27 Road, to RSF-2 (Residential Single Family, 2du/ac). The Clymer Annexation consists of two parcels and is a two part serial annexation. Request to vacate a portion of the 27 Road Right-of-Way.

Budget: N/A

Action Requested/Recommendation: Adopt resolution accepting the petition for annexation and hold a public hearing and consider final passage of annexation and zoning ordinances and right-of-way vacation ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

- 7. Zoning Ordinance
- 8. Right-of-Way Vacation Ordinance/Exhibit Map

BACKGROUND INFORMATION			
Location:		182 27 Road	
Applicants:		Glynora B. Clymer	
Existing Land Use:		Residential Single Family	
Proposed Land Use:		Residential Single Family	
Surrounding Land Use:	North	Residential Single Family	
	South	Residential Single Family	
	East	Residential Single Family	
	West	Residential Single Family	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-2	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4	
	West	City RSF-2	
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.58 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.

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

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

ZONING:

PROJECT DESCRIPTION: The 4.58 acres Clymer Annexation is a serial annexation consisting of Clymer Annexation No. 1 and Clymer Annexation No. 2 and consists of two parcels located at 182 27 Road, including a portion of 27 Road right-of-way. The applicant is requesting a zone district of RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). The applicant is also requesting to vacate the south half of the cul-de-sac at the south end of 27 Road. The cul-de-sac is no longer necessary due to a connection of 27 Road being created through a new adjacent subdivision.

ANALYSIS:

Background:

The subject property is zoned RSF-4 (Residential Single Family with a density of 4 du/ac) in Mesa County. The parcel is bordered to the south by the Gunnison River, to the west by the approved Spyglass Ridge Filing #2 and to the east and north by residential subdivisions. The adjacent subdivisions in Mesa County are zoned RSF-4 and the new Spyglass Ridge subdivision, being developed in the City to the west, is RSF-2.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning of RSF-2 conforms to the recommended future land use designation of Residential Medium Low (2-4 du/ac). This annexation is being reviewed concurrently with a request to vacate a portion of a cul-de-sac at the end of 27 Road. The current cul-de-sac will no longer be necessary as the road is being extended to connect with Spyglass Ridge Subdivision.

Consistency with the Growth Plan:

Policy 1.3 states that the City will use the Future Land Use Map in conjunction with other policies of the Growth Plan to guide zoning and development decisions.

The requested zone district is consistent with the Future Land Use designation of Residential Medium Low (2-4 du/ac) and therefore consistent with the Growth Plan.

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

The requested right-of-way vacation will benefit the neighborhood as the cul-de-sac will not be necessary with the right-of-way extension to the adjoining subdivision.

Section 2.6.A of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the RSF-2 zone district is consistent with the Growth Plan designation 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, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code and other City regulations;*

Response: The proposed zoning of RSF-2 is compatible with the neighborhood and conforms to the goals and policies of the Growth Plan. The surrounding zoning is RSF-2 to the west and RSF-4 to the north and east.

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

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

- *The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs, and*

Response: The subject property is being zoned with a City designation due to the annexation and is comparable with surrounding area.

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.

- n. RSF-4

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:

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

Granting the right-of-way vacation does not conflict with applicable sections of the Growth Plan, major street plan, and/or any other adopted plans and policies of the City.

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

No parcel will be landlocked by the requested vacation as the property will continue to have direct access off of 27 Road, as the subject area is only the curved segment of a cul-de-sac.

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

Access to parcel will not be restricted to the point where access is unreasonable, economically prohibitive, nor will it reduce or devalue any property. Existing access for subject property will remain unchanged.

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

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced. The existing 60' of right-of-way will be extended from the adjacent subdivision to allow extension of public utilities.

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

Provision of adequate public facilities and services will not be inhibited to any property. A 14' multi-purpose easement will be dedicated for existing and proposed utilities with a future simple subdivision.

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

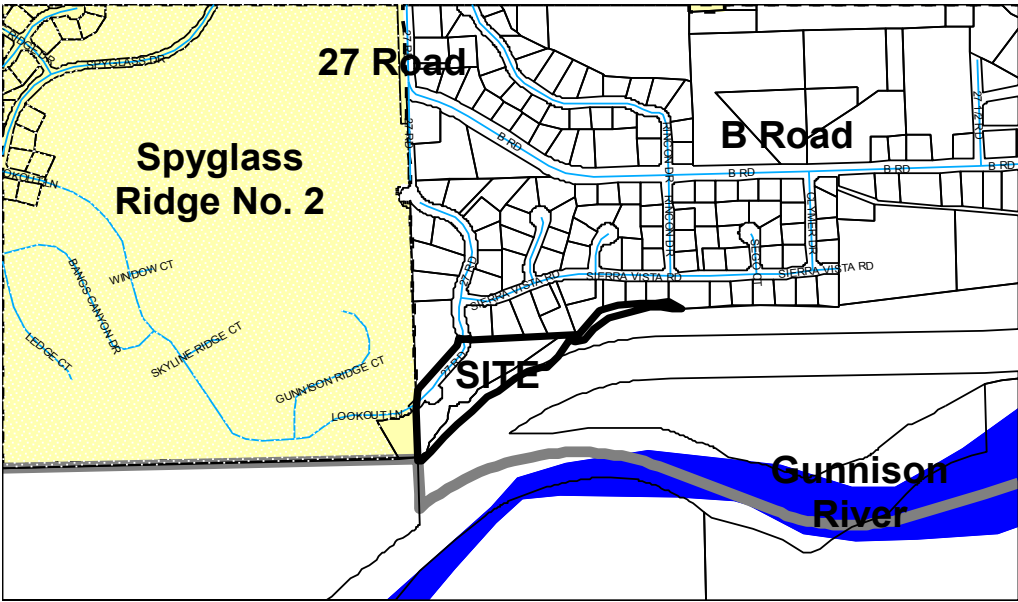
The proposal provides a benefit to the City as the vacated area will become the responsibility of the owner of the abutting property for maintenance. The remaining right-of-way is paved and will create another access to an adjacent subdivision, which improves traffic circulation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation and right-of-way vacation to the City Council, finding the zoning to the RSF-2 zone district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code; and the right-of-way vacation meets the criteria of Section 2.11.C of the Zoning and Development Code.

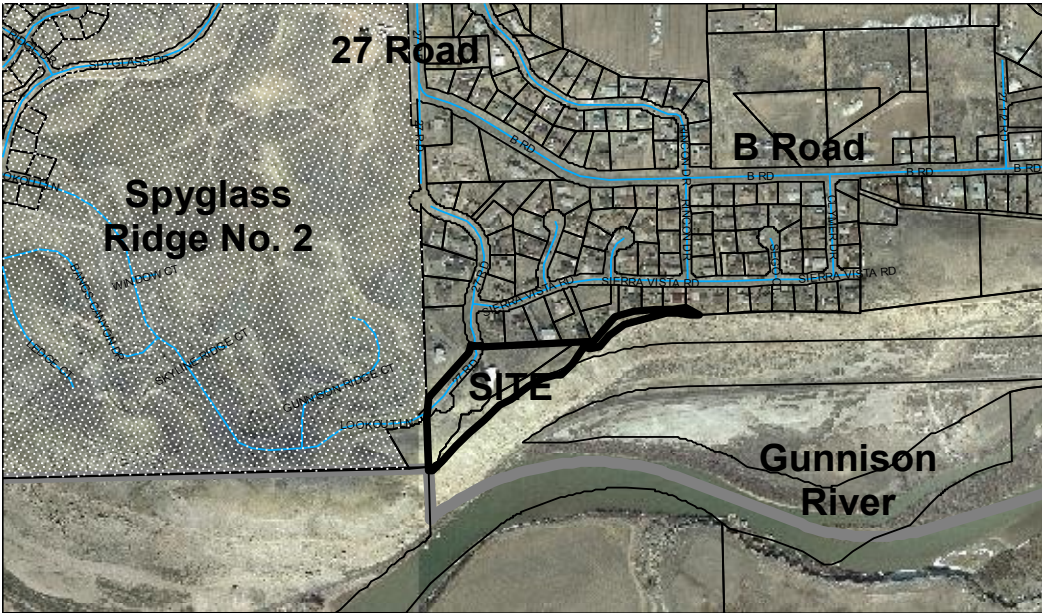
Site Location Map

Figure 1



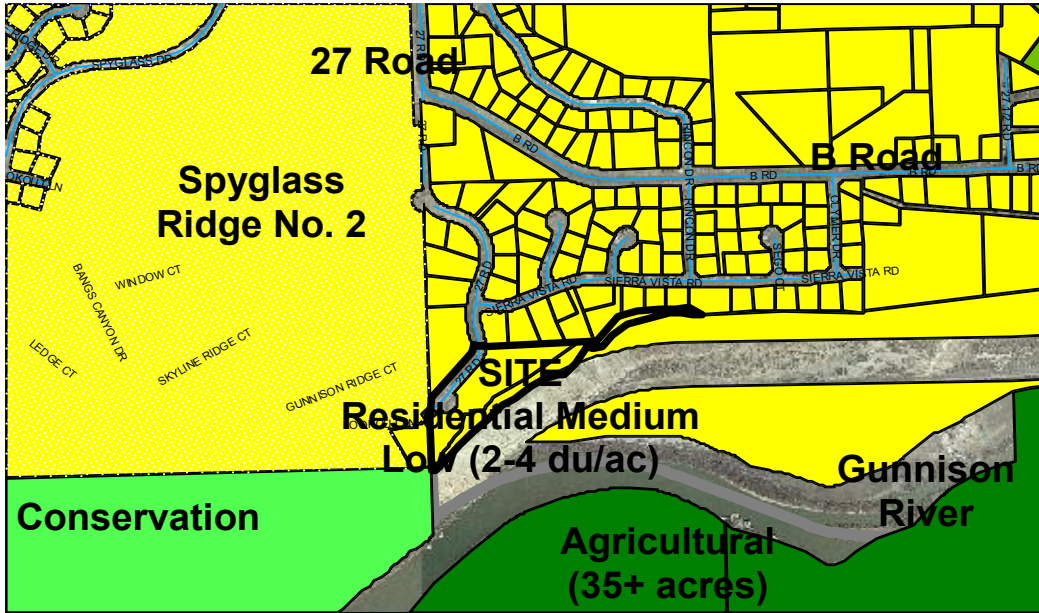
Aerial Photo Map

Figure 2



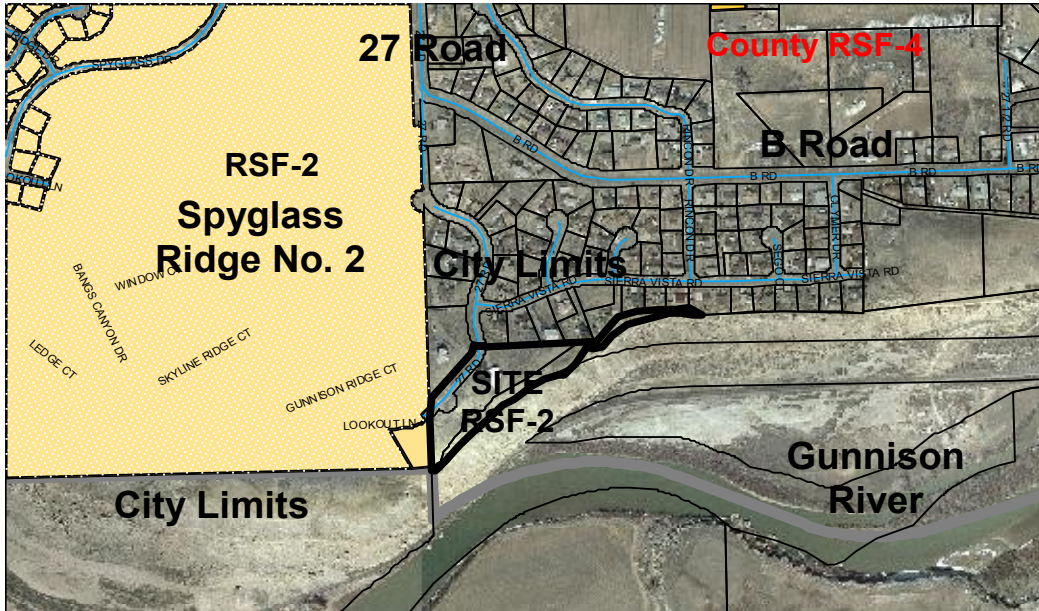
Future Land Use Map

Figure 3



Existing City and County Zoning

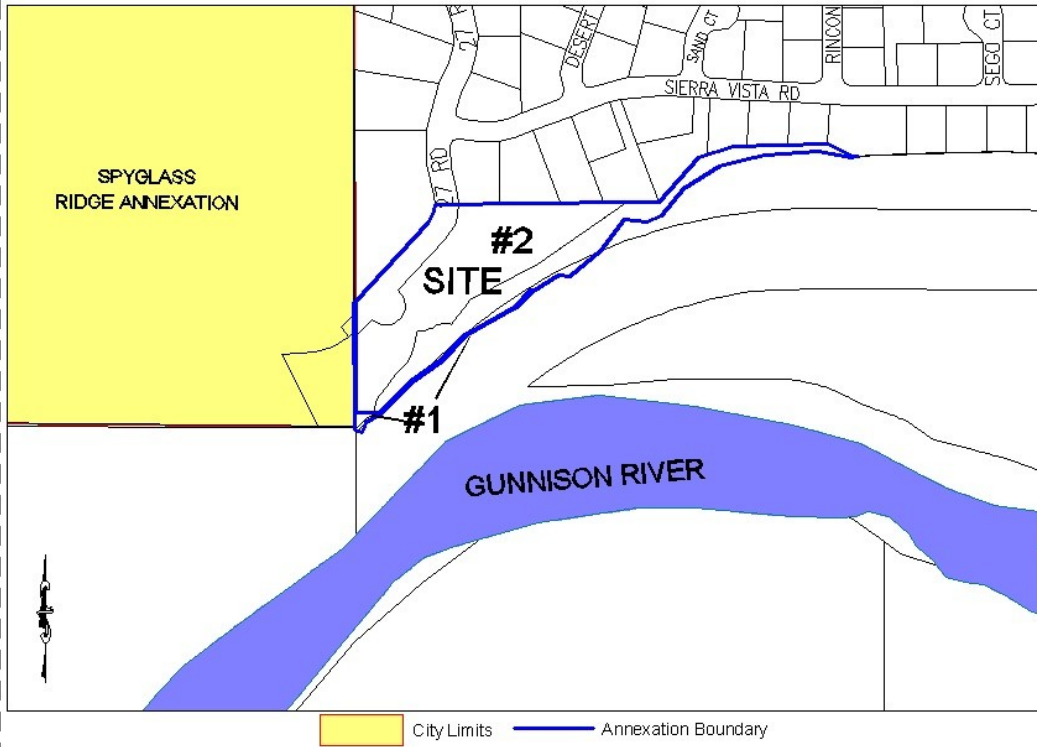
Figure 4



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."

Clymer Annexations #1 & #2

Figure 5



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE
CLYMER ANNEXATION NO. 1 AND CLYMER ANNEXATION NO. 2**

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 5th day of July, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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, a hearing on the petition was duly held after proper notice on the 16th day of August, 2006; and

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

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

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

ADOPTED this _____ 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. 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 2nd day of August, 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 2nd day of August, 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 ZONING THE CLYMER ANNEXATION TO RSF-2,
RESIDENTIAL SINGLE FAMILY WITH A DENSITY
NOT TO EXCEED TWO UNITS PER ACRE**

LOCATED AT 182 27 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 Clymer Annexation to RSF-2, Residential Single Family not to exceed two units per acre, 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 two units per acre.

CLYMER ANNEXATION

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 $N44^{\circ}18'52''E$ a distance of 113.14 feet; thence $N56^{\circ}23'21''E$ a distance of 87.34 feet; thence $N43^{\circ}09'46''E$ a distance of 90.66 feet; thence $N60^{\circ}40'06''E$ a distance of 145.35 feet; thence $N42^{\circ}38'45''E$ a distance of 54.76 feet; thence $S47^{\circ}21'15''E$ a distance of 5.00 feet; thence $S42^{\circ}38'45''W$ a distance of 55.55 feet; thence $S60^{\circ}40'06''W$ a distance of 145.37 feet; thence $S43^{\circ}09'46''W$ a distance of 90.47 feet; thence $S56^{\circ}23'21''W$ a distance of 87.39 feet; thence $S44^{\circ}18'52''W$ a distance of 113.40 feet; thence $S62^{\circ}03'45''W$ a distance of 42.07 feet; thence $S20^{\circ}30'24''W$ a distance of 27.54 feet; thence $N75^{\circ}45'45''W$ 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 $N00^{\circ}00'42''E$ 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.

AND ALSO, 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 $N00^{\circ}07'02''W$ with all bearings contained herein relative thereto; thence $N00^{\circ}07'02''W$ along the West line of the NW 1/4 NW 1/4 of said Section 36, a distance of 308.98 feet; thence $N42^{\circ}40'16''E$ 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: $N42^{\circ}40'16''E$ 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 $43^{\circ}15'52''$ and a chord bearing $N21^{\circ}02'20''E$ 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 $N89^{\circ}28'13''E$ along said North line a distance of 477.26 feet; thence $S88^{\circ}31'07''E$ 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 $N41^{\circ}38'28''E$ a distance of 151.01 feet; thence $N72^{\circ}20'40''E$ a distance of 91.08 feet; thence $N89^{\circ}03'03''E$ a distance of 235.30 feet to the Southeast corner of Lot 11, of said Block Five; thence $S64^{\circ}17'24''E$ a distance of 66.70 feet; thence $N88^{\circ}26'22''E$ a distance of 18.62 feet; thence $S79^{\circ}56'48''W$ a distance of 19.98 feet; thence $N80^{\circ}18'40''W$ a distance of 82.51 feet; thence $S86^{\circ}57'37''W$ a distance of 132.74 feet; thence $S75^{\circ}24'03''W$ a distance of 55.73 feet; thence $S76^{\circ}51'17''W$ a distance of 60.59 feet; thence $S57^{\circ}58'10''W$ a distance of 104.70 feet; thence $S38^{\circ}44'10''W$ a distance of 89.12 feet; thence $S70^{\circ}30'23''W$ a distance of 41.01 feet; thence $N84^{\circ}25'46''W$ a distance of 56.20 feet; thence $S37^{\circ}53'33''W$ a distance of 96.62 feet; thence $S49^{\circ}19'20''W$ a distance of 98.31 feet; thence $N89^{\circ}17'51''W$ a distance of 29.69 feet; thence $S59^{\circ}57'41''W$ a distance of 75.71 feet; thence $N47^{\circ}21'15''W$ a distance of 5.00 feet; thence $S42^{\circ}38'45''W$ a distance of 54.76 feet; thence $S60^{\circ}40'06''W$ a distance of 145.35 feet; thence $S43^{\circ}09'46''W$ a distance of 90.66 feet; thence $S56^{\circ}23'21''W$ 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.

Introduced on first reading this 2nd day of August, 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 VACATING A PORTION OF THE 27 ROAD
RIGHT-OF-WAY, LOCATED ADJACENT TO 182 27 ROAD**

RECITALS:

A request to vacate a portion of a cul-de-sac at the southerly side of 27 Road adjacent to 182 27 Road, which was dedicated with the platting of Sierra Vista Subdivision, has been submitted by the City of Grand Junction. The vacated area will become the responsibility of the owner of the abutting property owner.

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

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

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

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

A portion of 27 Road as shown and dedicated on the plat of Sierra Vista Subdivision, the plat of which is on file with the Mesa County Clerk and Recorder at Reception No. 1182500, in Mesa County, Colorado; said vacation being described as follows:

Beginning at a point on the southerly right-of-way line of 27 Road, being common with the westerly corner on the south line of Lot 1 Block Five of said Sierra Vista Subdivision; thence along said right-of-way line, 157.08 feet along the arc of a 50.00 foot radius curve to the right, through a central angle of 180°00'00" and a chord bearing South 42°40'16" West, a distance of 100.00 feet; thence North 42°40'16" East, a distance of 100.00 feet to the Point of Beginning.

Containing 3927 square feet, more or less.

Introduced for first reading on this 2nd day of August, 2006.

PASSED and ADOPTED this _____ day of _____, 2006

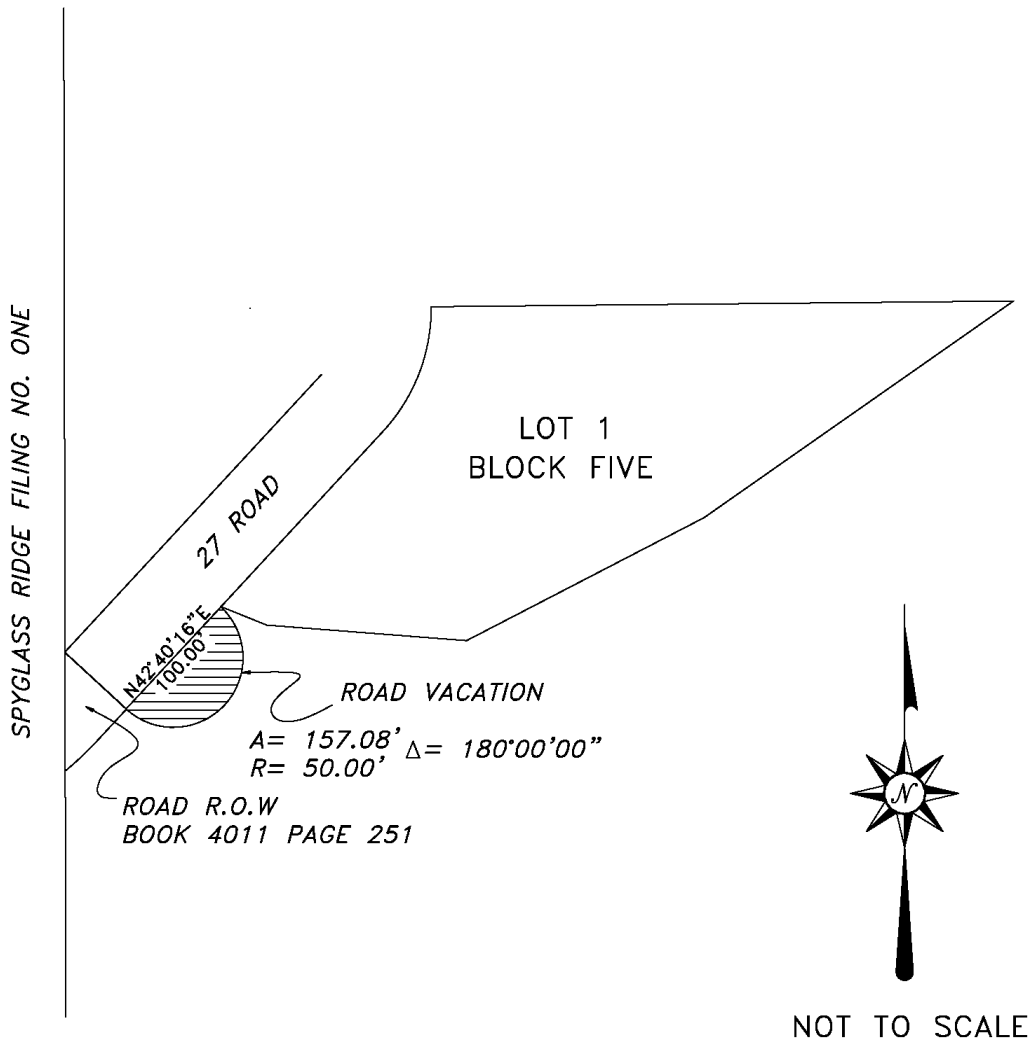
ATTEST:

President of City Council

City Clerk

Exhibit A

ROAD VACATION EXHIBIT



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

Attach 17
Public Hearing – Schroeder Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Schroeder Annexation and Zoning - located at 527 Reed Mesa Drive					
Meeting Date	August 16, 2006					
Date Prepared	August 10, 2006				File #ANX-2006-139	
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: Request to annex and zone 0.81 acres, located at 527 Reed Mesa Drive, RSF-4 (Residential Single Family 4 du/ac). The Schroeder Annexation consists of 1 parcel.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Schroeder Annexation and hold a public hearing and consider final passage of the annexation ordinance and zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		527 Reed Mesa Drive	
Applicants:		Jim & Jane Ann Schroeder	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-4 / City RSF-4	
	South	County RSF-4	
	East	County RSF-4	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low 2-4	
Zoning within density range?		X	Yes
			No

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.

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

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

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan designation of Residential Medium Low 2-4. 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 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

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 2-4 du/ac range or have the potential to be further subdivided into smaller lots. Properties directly adjacent to this site are approximately 1/3 of an acre in size and lots in the near vicinity range from 1/4 acres to 2 acres.

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.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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.

- o. RSF-2

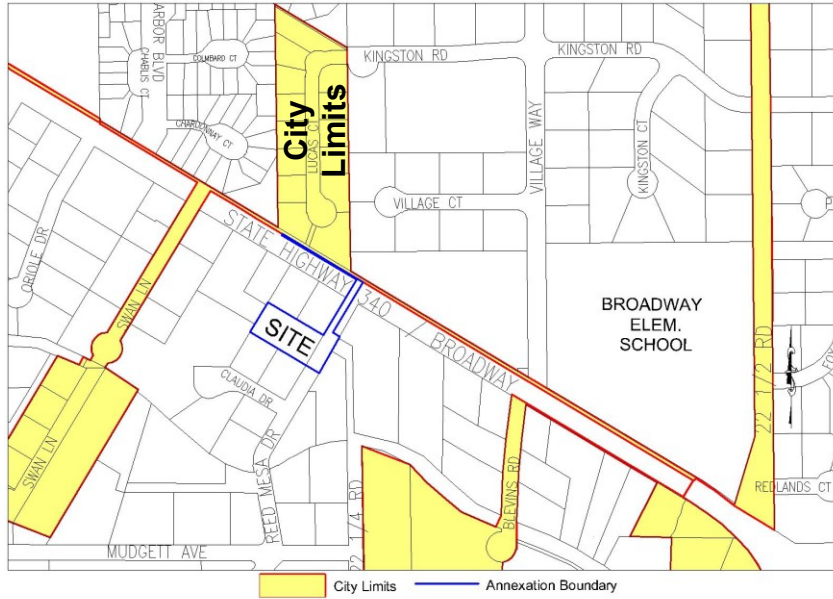
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

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

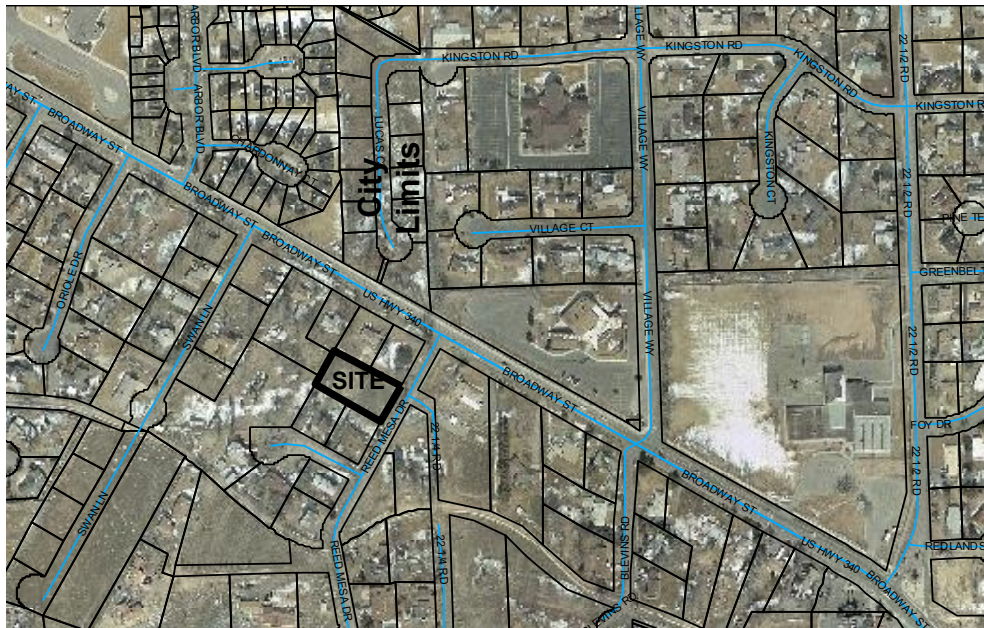
Site Location Map

Figure 1



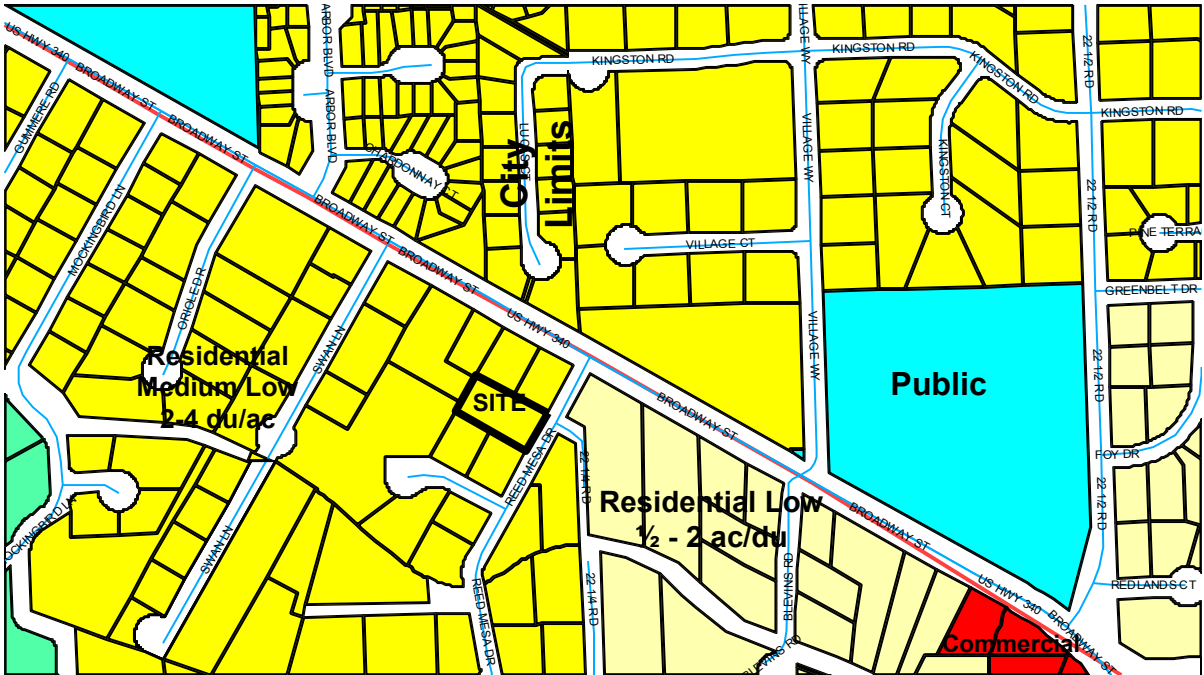
Aerial Photo Map

Figure 2



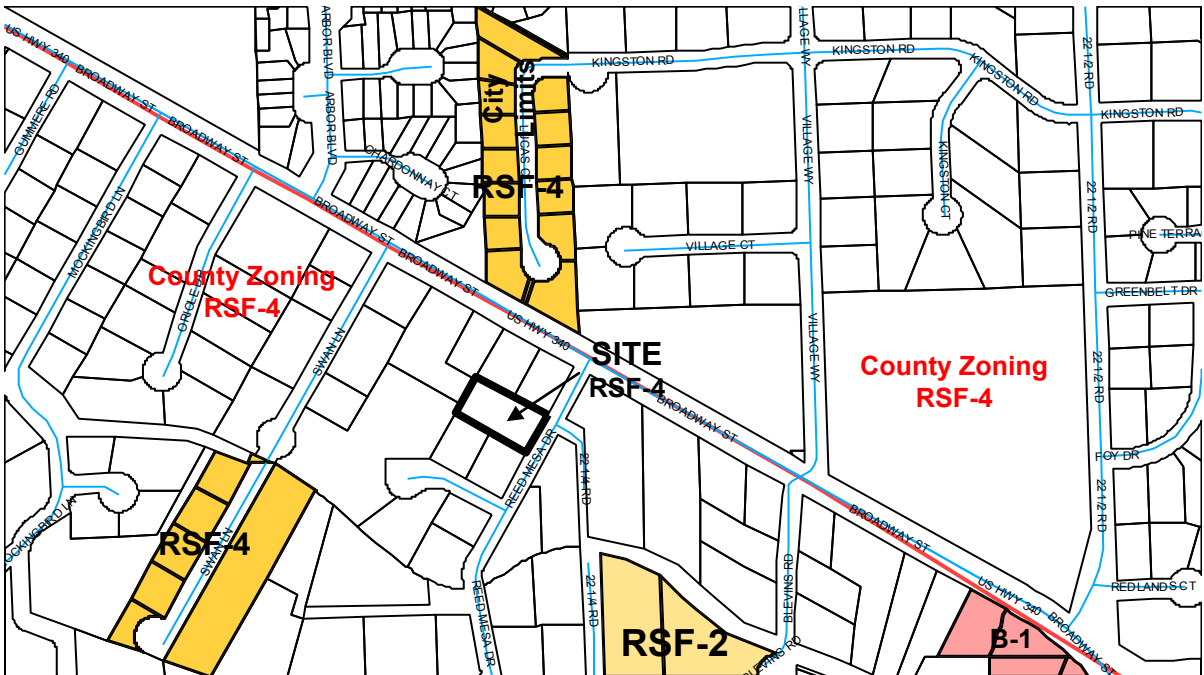
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

RESOLUTION NO. ____

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

SCHROEDER ANNEXATION

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

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 5th day of July, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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, a hearing on the petition was duly held after proper notice on the 16th day of August, 2006; and

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

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

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

ADOPTED this ____ 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**

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 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:

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 527 REED MESA DRIVE

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 Schroeder 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 (Residential Single Family, 4 units per acre).

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.

Introduced on first reading this 2nd day of August, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 18
Public Hearing - Zoning and Development Code Amendments
CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>								
Subject	Zoning and Development Code Text Amendments – Downtown Residential Density							
Meeting Date	August 16, 2006							
Date Prepared	August 10, 2006				File TAC-2006-190			
Author	Kristen Ashbeck		Senior Planner					
Presenter Name	Kristen Ashbeck		Senior Planner					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: A request to amend the Zoning and Development Code to implement the recently-approved Growth Plan Amendment that eliminated the maximum residential density requirement for downtown properties/developments.

Budget: N/A

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

Background Information: See attached Staff Report/Background Information

Attachments:

1. Existing Zoning Map – B-2 Zone District Areas
2. Planning Commission Minutes (to be provided with 2nd Reading)
3. Proposed Ordinance

BACKGROUND INFORMATION	
Location:	Downtown Area
Applicant:	City of Grand Junction – Community Development Department Staff
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 was recognized that the valley-wide residential density cap of 24 units per acre was an impediment to such projects. In response, the City recently approved a text amendment to the Growth Plan to allow for residential densities to exceed 24 units per acre in the downtown area. The intent of the amendment is that 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 the change to the Growth Plan the “Downtown area” was generally regarded as the area currently zoned Downtown Business B-2. Thus, the proposed amendments to the Zoning and Development Code pertaining to the B-2 zone district are intended to implement the policy change in the Growth Plan.

In addition to the amendment to the residential density in the downtown area, it is appropriate to make adjustments to other Code requirements in the B-2 zone district to allow for and promote well-designed, functional urban developments. The majority of the other Code requirements such as landscaping and the provision of open space contemplate developments more suburban in character. Similar to the 24 unit per acre cap on residential density, such requirements are viewed as impediments to creating a downtown urban fabric.

In particular, the amendments propose to eliminate the requirement for 200 square feet of open space per bedroom in multifamily developments in the B-2 zone district. This requirement is appropriate in such a development in a suburban setting but is typically not part of a functional multifamily or mixed-use urban development. The Code already recognizes this by the provision of section 5 in the B-2 zone district which states that the director may waive landscaping requirements for any property fronting certain streets in the downtown area. This amendment proposes to extend the boundaries of where this provision applies to include White Avenue, Ute Avenue and 8th Street to more directly correspond to the location of properties presently zoned B-2.

The Zoning and Development Code amendments to the B-2 zone district highlighted below address the elements discussed above: residential density, open space requirements and landscape requirements.

C. **B-2: Downtown Business**

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:

- a. **There shall be no maximum gross density within the B-2 zone district.**
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 8.0; and
- c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on **White Avenue**, Rood Avenue, Main Street, Colorado Avenue, or **Ute Avenue** between 1st Street and 8th Street if street-scaping exists or will be provided in the right-of-way.
- b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot (6') high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).
- c. **Mixed Use.** **There shall be no maximum residential density for Mixed Use projects in a B-2 zone district.**

B-2 Summary	
Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	8.0 FAR, No max residential density
Min. Density	8 units/acre

- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

6.. **Open Space.**

- a. **Public Parks and Open Space Fee.** The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required Parks Impact Fee .
- b. **Open Space Requirement.** Multifamily or mixed use developments in a B-2 zone district shall not be subject to the open space requirement of Section 6.3.B.7; but shall be required to pay 10% of the value of the raw land of the property as determined in Section 6.3.B.

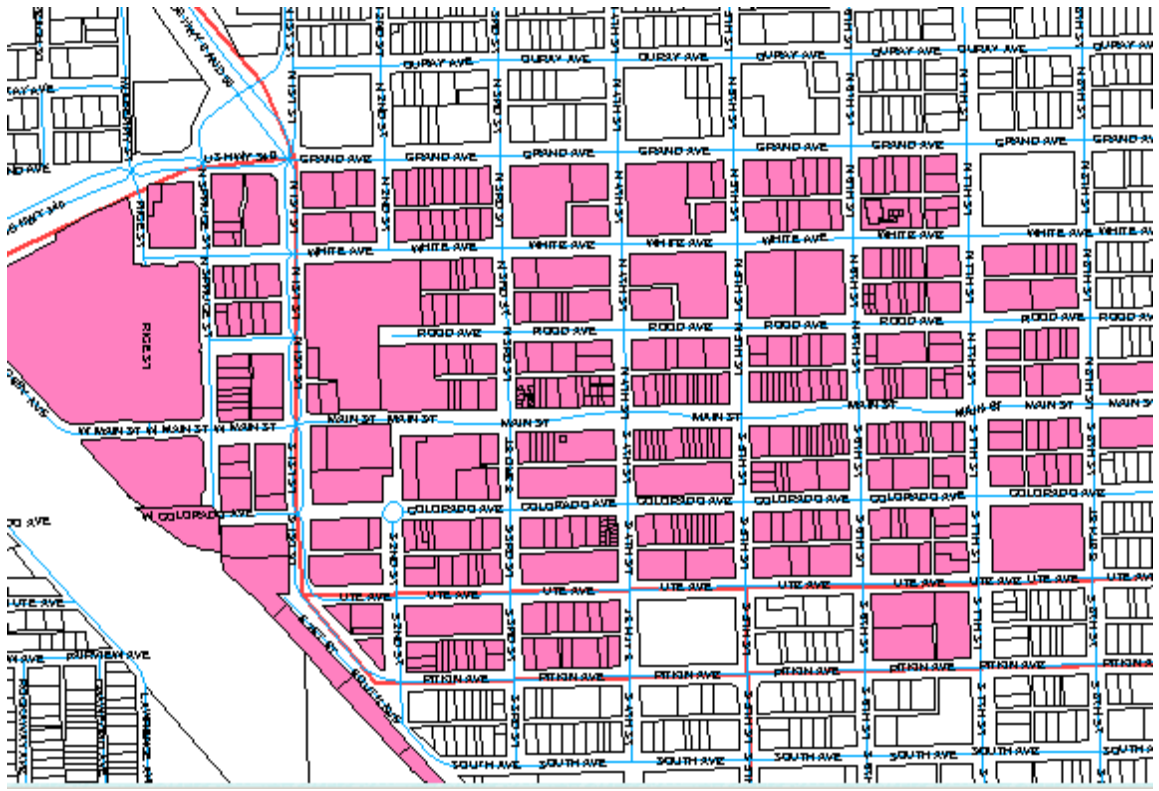
Also, the following amendment is proposed to revise note 7 in Table 3.2, Zoning and Dimensional Standards, deleting the wording with strikethrough.

- 7. Setbacks may be reduced to zero feet (0') by the Director. ~~if located within the downtown area.~~

FINDINGS OF FACT/CONCLUSIONS: After reviewing the proposed B-2 zone district amendments, staff and Planning Commission find that the proposed amendment is consistent with the purpose and intent of the Growth Plan.

PLANNING COMMISSION RECOMMENDATION (7/25/06 7-0): Planning Commission forwarded a recommendation of approval to City Council for the requested amendments (TAC-2006-190) to the Downtown Business (B-2) zone district in the Zoning and Development Code with the findings and conclusions listed in the staff report.

Existing B-2 Zoning



ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 3.2 and 3.4.C. OF THE ZONING AND DEVELOPMENT CODE

Recitals

An amendment to the text of the Growth Plan was recently approved that eliminated restrictions on maximum residential density in mixed-use and residential density developments in the downtown area.

For purposes of the change to the Growth Plan the “Downtown area” was generally regarded as the area currently zoned Downtown Business B-2. Thus, the proposed amendments to the Zoning and Development Code pertaining to the B-2 zone district are intended to implement the policy change in the Growth Plan.

In addition to the amendment to the residential density in the downtown area, it is appropriate to make adjustments to other Code requirements in the B-2 zone district to allow for and promote well-designed, functional urban developments. The majority of the other Code requirements such as landscaping and the provision of open space contemplate developments more suburban in character. Similar to the 24 unit per acre cap on residential density, such requirements are viewed as impediments to creating a downtown urban fabric.

The Grand Junction Planning Commission, at its hearing on July 25, 2006 reviewed the proposed Zoning and Development Code amendments and determined them 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 ZONING AND DEVELOPMENT CODE BE AMENDED TO READ AS FOLLOWS (proposed new language highlighted, proposed deleted language in strikethrough):

B-2: Downtown Business

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is

B-2 Summary	
Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	8.0 FAR, No max residential density
Min. Density	8 units/acre

encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:

a. **There shall be no maximum gross density within the B-2 zone district.**

b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 8.0; and

c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on **White Avenue**, Rood Avenue, Main Street, Colorado Avenue, or **Ute Avenue** between 1st Street and **8th** Street if street-scaping exists or will be provided in the right-of-way.

b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot (6') high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).

c. **Mixed Use.** **There shall be no maximum residential density for Mixed Use projects in a B-2 zone district.**

d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

6. **Open Space.**

a. **Public Parks and Open Space Fee.** The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required Parks Impact Fee .

b. **Open Space Requirement.** Multifamily or mixed use developments in a B-2 zone district shall not be subject to the open space requirement of Section 6.3.B.7; but shall be required to pay 10% of the value of the raw land of

the property as determined in Section 6.3.B.

Also, the following amendment is proposed to revise note 7 in Table 3.2, Zoning and Dimensional Standards, deleting the wording with strikethrough.

7. Setbacks may be reduced to zero feet (0') by the Director. ~~if located within the downtown area.~~

Introduced on first reading this 2nd day of August, 2006 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 19
Public Hearing – Coop/Myers Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Coop/Myers Annexation and Zoning Located at 2997 D Road					
Meeting Date	August 16, 2006					
Date Prepared	August 10, 2006				File #ANX-2006-137	
Author	Adam Olsen		Associate Planner			
Presenter Name	Adam Olsen		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>
						Individual Consideration

Summary: Request to annex and zone 5.48 acres, located at 2997 D Road, to RMF-8 (Residential Multifamily, 8 du/ac). The Coop/Myers Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Coop/Myers annexation and hold a Public Hearing and consider Final Passage of the Annexation and Zoning Ordinances.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2997 D Road	
Applicants:		Owners: David M. Coop, Lydia Myers Representative: Robert Jones	
Existing Land Use:		Residential/Agriculture	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Commercial & Residential	
	South	Residential	
	East	Residential	
	West	Residential/Agriculture	
Existing Zoning:		RSF-R	
Proposed Zoning:		RMF-8	
Surrounding Zoning:	North	PD (Commercial) & RSF-4	
	South	PD-6.3 du/ac	
	East	RSF-4	
	West	RSF-R	
Growth Plan Designation:		RM (Residential Medium 4-8 du/ac)	
Zoning within density range?		x	Yes
			No

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 professional 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.

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

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

Zone of Annexation: The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan density of 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 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

Response: The RMF-8 zone district is compatible with the neighborhood and will not create adverse impacts. Directly to the north is a commercial PD consisting of a gas station, car wash and liquor store. To the south is a manufactured home PD with an overall density of 6.3 du/ac. The property is located at the intersection of D and 30 Roads, which are classified as major arterials and 30 Road south of D Road is classified as a minor collector. The RMF-8 zone district is therefore compatible with the neighborhood and surrounding land uses.

The RMF-8 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan.

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 and County will encourage development that uses existing facilities and is compatible with existing development.

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

Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

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

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Goal 3, Pear Park Plan, Land Use & Growth: Establish areas of higher density to allow for a mix in housing options.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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.

- p. RSF-4
- q. RMF-5

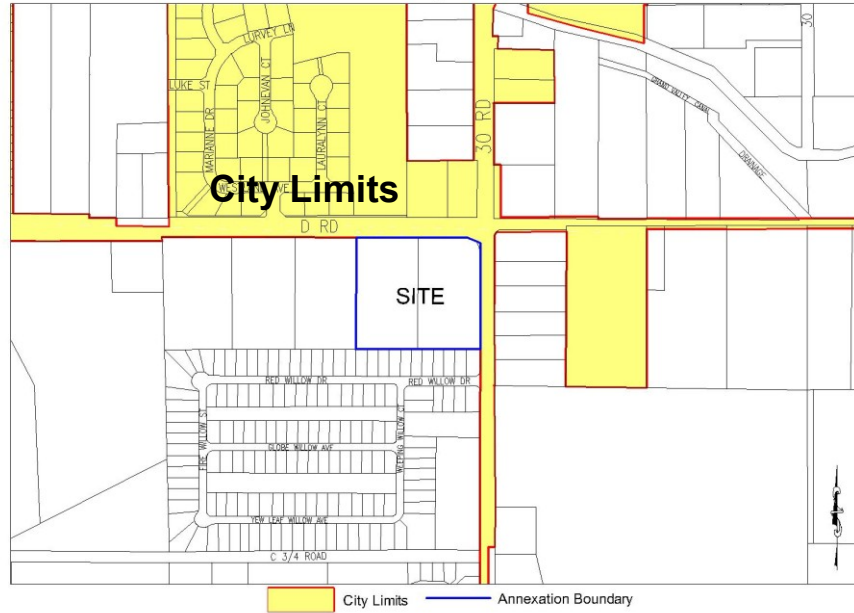
PLANNING COMMISSION RECOMMENDATION:

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

Coop/Myers Annexation
Figure 5



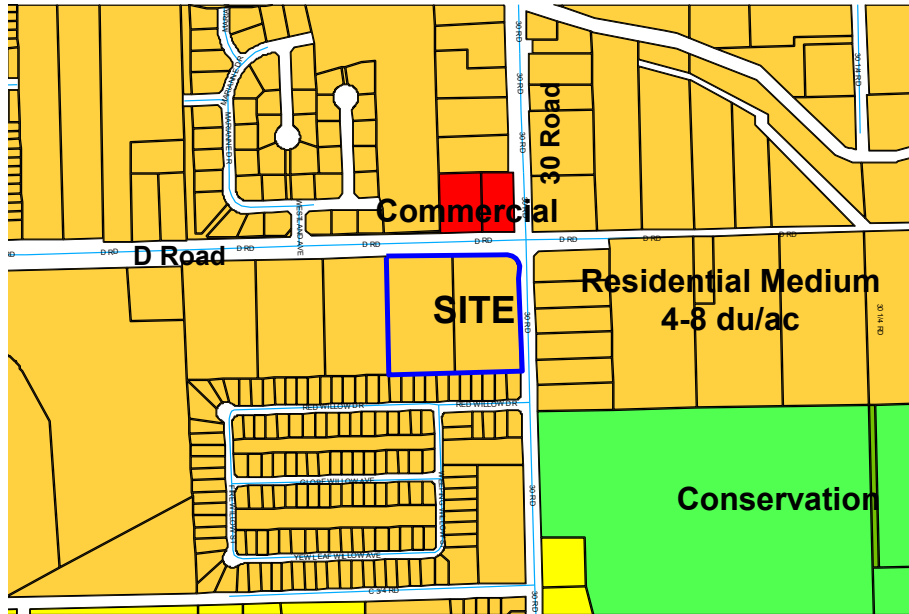
Aerial Photo Map

Figure 2



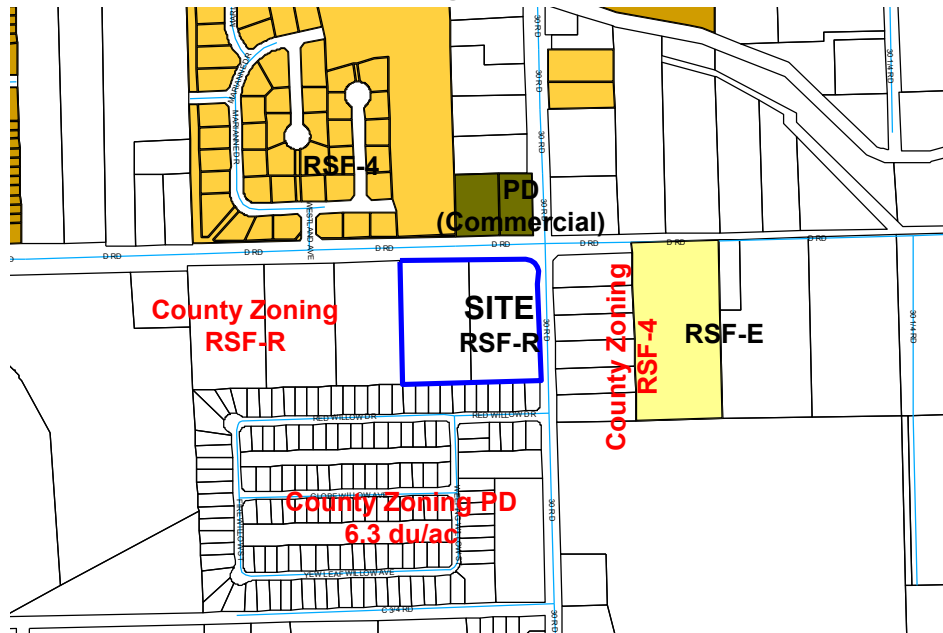
Future Land Use Map

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."

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE
COOP/MYERS ANNEXATION
LOCATED AT 2997 D ROAD
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 5th day of July, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of August, 2006; and

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

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

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

ADOPTED this ____ 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**

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 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:

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, more or less, as described.

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

INTRODUCED on first reading on the 5th day of July, 2006 and ordered published.

ADOPTED this _____ day of _____, 2006.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE COOP/MYERS ANNEXATION TO
RMF-8**

LOCATED AT 2997 D 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 Coop/Myers 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.

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

Introduced on first reading on the 2nd day of August, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 20
Public Hearing - Rezoning Property Located at 510 Pear Street
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Pear Street Rezone, located at 510 Pear Street					
Meeting Date	August 16, 2006					
Date Prepared	August 7, 2006				File # RZ-2006-172	
Author	Scott D. Peterson		Senior Planner			
Presenter Name	Scott D. Peterson		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Request to rezone 0.49 acres, located at 510 Pear Street from RMF-8 (Residential Multi-Family – 8 units/acre) to C-1 (Light Commercial).

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of the Rezoning 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 / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		510 Pear Street		
Applicant:		Scotty Investments, LLC, Owner		
Existing Land Use:		Single Family Residential (vacant)		
Proposed Land Use:		Commercial development		
Surrounding Land Use:	North	Grand Mesa Little League (baseball fields)		
	South	Proposed commercial (vacant single-family home)		
	East	Single Family Residential		
	West	Commercial (Vacant lot)		
Existing Zoning:		RMF-8, Residential Multi-Family – 8 units/acre		
Proposed Zoning:		C-1, Light Commercial		
Surrounding Zoning:	North	CSR, Community Services & Recreation		
	South	C-1, Light Commercial		
	East	RMF-8, Residential Multi-Family – 8 units/acre		
	West	C-1, Light Commercial		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

The applicant, Scotty Investments LLC, is requesting to rezone an unplatted parcel of land (0.49 acres) located at 510 Pear Street to C-1, Light Commercial, in anticipation of developing the property and adjacent properties for commercial use. This parcel contains a vacant single family home that will be removed prior to development and was also part of the properties that were associated with the former Guyton's Fun Junction.

The City Council recently approved a Growth Plan Amendment for this property changing the Future Land Use designation from Residential Medium (4 – 8 DU/Ac.) to Commercial at the May 3, 2006 meeting (City file # GPA-2006-058).

In order for the rezoning 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. as follows:

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

The existing property is located in an area of existing commercial development (former Guyton's Fun Junction) and contains a single family home that will be removed prior to any development. The applicant wishes to develop this property and the adjacent commercial properties for commercial uses. The properties to the west and south are presently zoned C-1, with the Grand Mesa Little League baseball fields located to the north and zoned CSR. To the east is zoned RMF-8. Any future commercial development adjacent to a residential zone will require an eight foot (8') wide landscaping strip with trees and shrubs and the construction of a six foot (6') tall masonry wall to meet the screening and buffering requirements between commercial and residential zoning districts. The City Council recently approved a Growth Plan Amendment for this property to a Commercial designation.

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

The proposed zoning of C-1 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion D which requires that public facilities and services are available when the impacts of any proposed development are realized. City staff has determined that public infrastructure can address the impacts of any development consistent with the C-1 Zoning District, therefore this criterion is met.

- c. 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 C-1 Zoning District implements the Commercial land use classification of the Growth Plan. The purpose of the C-1 District is to provide indoor retail service and office uses requiring direct or indirect arterial street access. This area is located at the intersection of North Avenue and 28 ¾ Road. Policy 13.2 from the Growth Plan is to enhance the quality of development along key arterial street corridors. Goal 12 from the Growth Plan is to enhance the ability of neighborhood centers to compatibly serve the neighborhoods in which they are located. Goal 13 is to enhance the aesthetic appeal and appearance of the community's built environment along high visibility corridors and Goal 28 is the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

- d. Adequate public facilities and services are available or will be made**

available concurrent with the projected impacts of the proposed development.

Adequate public facilities are currently available and can address the impacts of development consistent with the C-1 Zoning District. A Major Site Plan Review will be required at the time of development for compliance with Code requirements.

e. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

The proposed C-1 zone district implements the Future Land Use Designation of Commercial and is consistent with the adjacent zoning. If this rezone is approved the applicant will request to vacate Pear Street and combine this property with the Guyton's Fun Junction former site and develop the entire area as a new commercial center. This will allow for better infill development opportunity in this area.

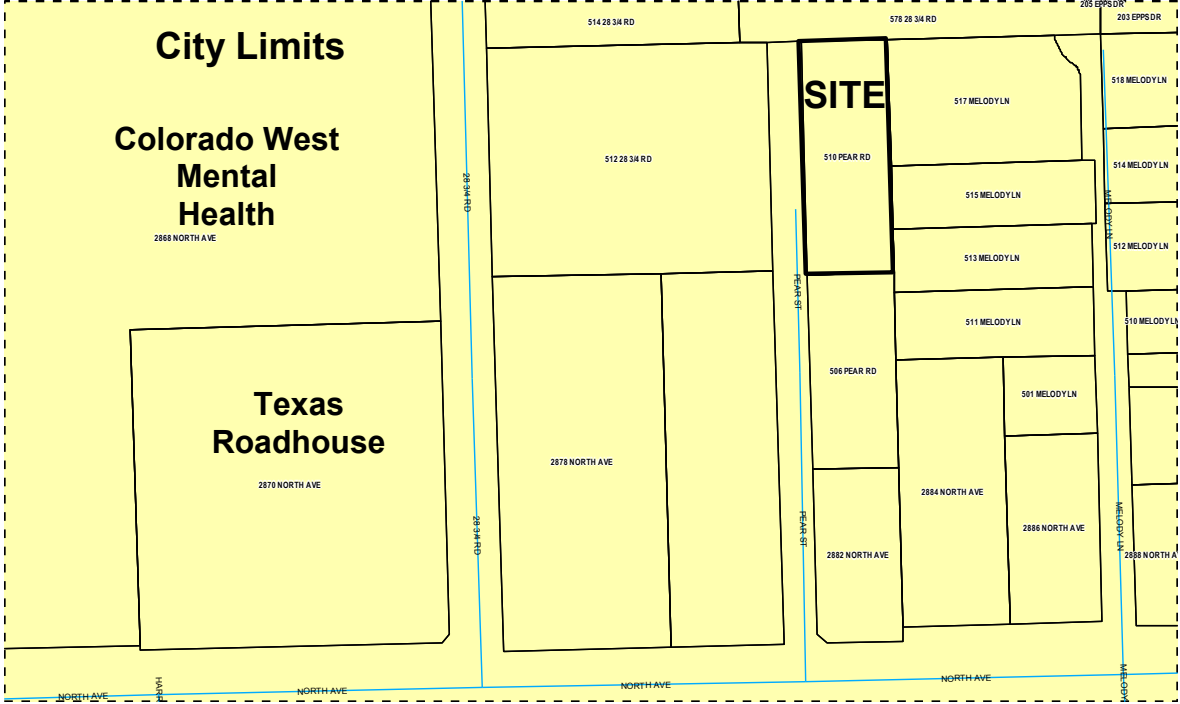
f. The community or neighborhood will benefit from the proposed zone.

Development of the property will result in appropriate infill consistent with the Growth Plan.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested rezone to the City Council, finding the rezoning to the C-1 District to be consistent with the Growth Plan and Section 2.6 of the Zoning & Development Code.

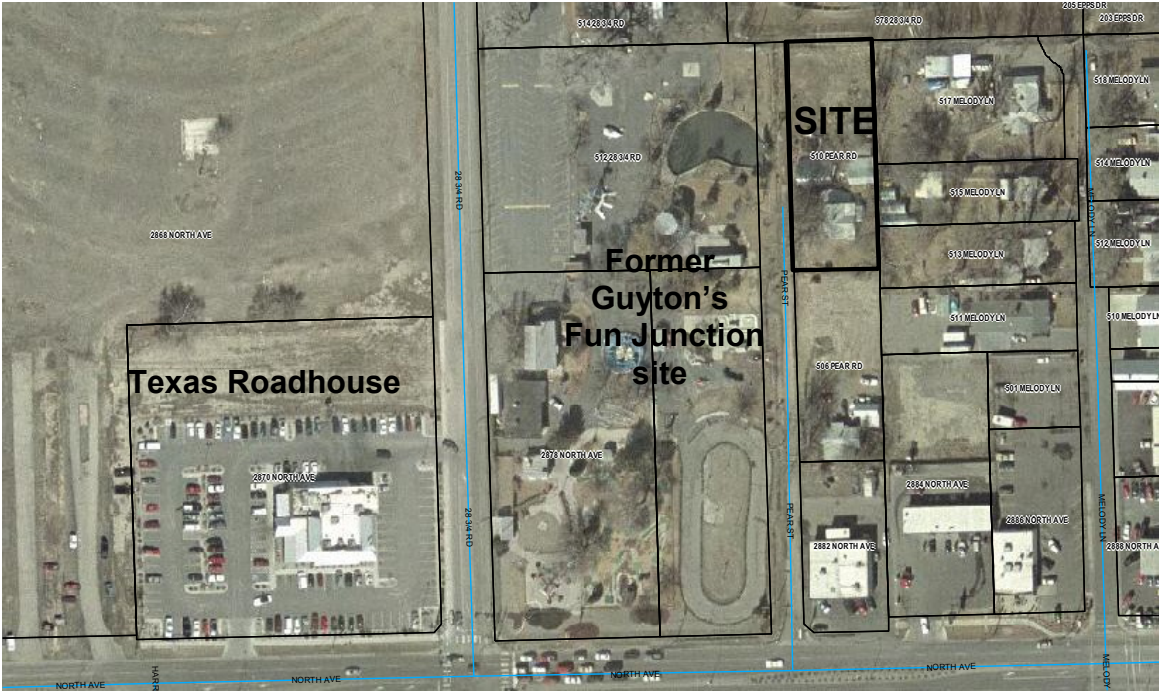
Site Location Map – 510 Pear Street

Figure 1



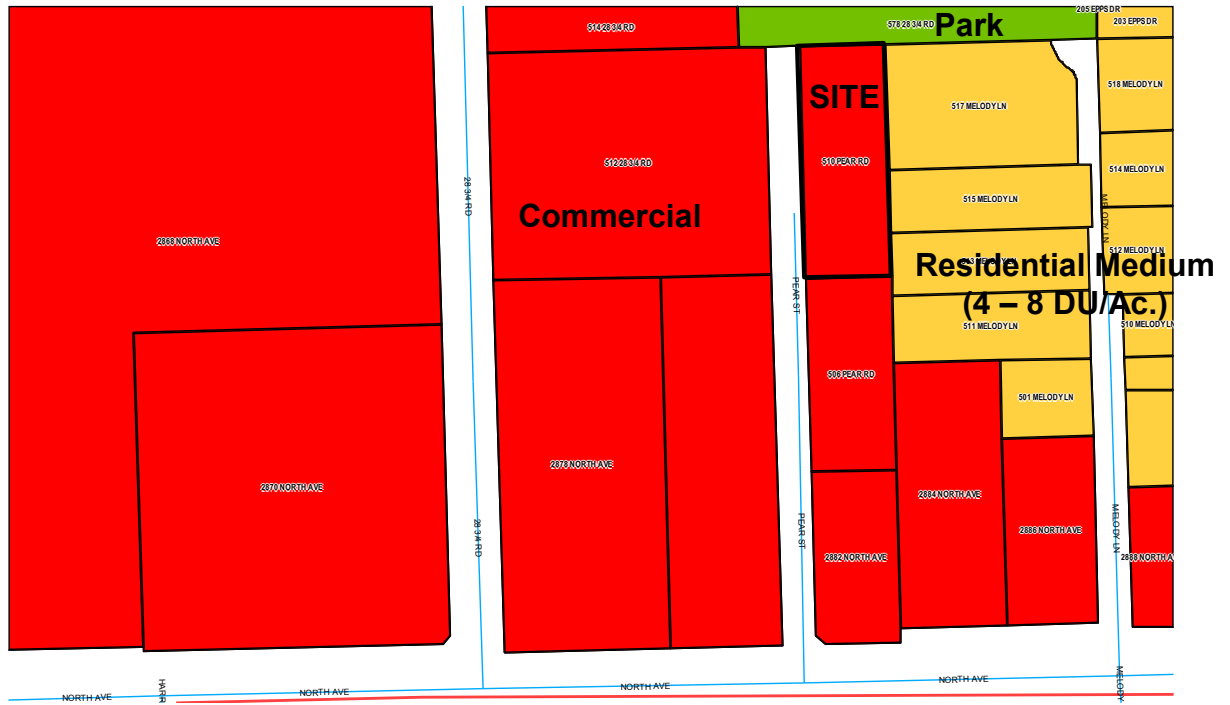
Aerial Photo Map – 510 Pear Street

Figure 2



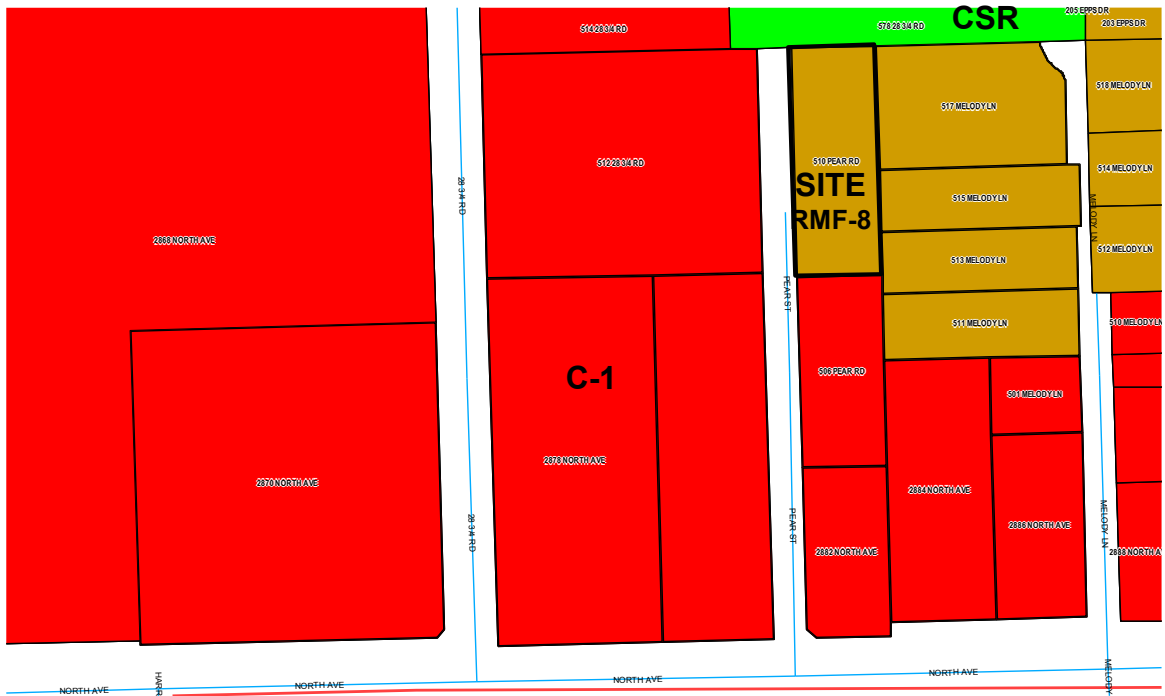
Future Land Use Map – 510 Pear Street

Figure 3



Existing City Zoning – 510 Pear Street

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS THE
PEAR STREET REZONE TO
C-1, LIGHT COMMERCIAL**

LOCATED AT 510 PEAR STREET

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Pear Street Rezone to the C-1, Light Commercial 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 & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1, Light Commercial Zone District is in conformance with the stated criteria of Section 2.6 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 C-1, Light Commercial

The North 240 feet of the West 110 feet of the E ½ SW ¼ SE ¼ SE ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian. EXCEPT the West 20 feet deeded to the City of Grand Junction, A Colorado Municipal Corporation in instrument recorded March 21, 1962 in Book 821 at Page 305.

CONTAINING 0.49 Acres (21,344 Sq. Ft.), more or less, as described.

Introduced on first reading the 2nd day of August, 2006 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 21

**Public Hearing - Vacating the Alley at Mesa Co. Corrections and Treatment Facility
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
Subject		Mesa County Corrections and Treatment Facility Alley Vacation – located at 636 South Avenue							
Meeting Date		August 16, 2006							
Date Prepared		August 10, 2006			File #VR-2006-076				
Author		Senta L. Costello		Associate Planner					
Presenter Name		Senta L. Costello		Associate Planner					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Request to amend and correct Ordinance No. 3898, vacating rights-of-way for an alleyway located at the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage and publication of the proposed ordinance amending Ordinance No. 3898.

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 / Zoning Map
4. Ordinance No. 3898
5. Proposed Vacation Ordinance
6. Exhibit A
7. Exhibit B

AGENDA TOPIC: Mesa County Corrections and Treatment Facility Alley Vacation – located at 636 South Avenue.

ACTION REQUESTED: Introduce a proposed ordinance amending Ordinance No. 3898 and set a public hearing for August 16, 2006.

<i>BACKGROUND INFORMATION</i>				
Location:		636 South Avenue - the eastern 250' of the east/west alley and the north/south alley between 6 th and 7 th Streets and Pitkin and South Avenues		
Applicants:		Owner/Developer: Mesa Co – Sue Gormley Representative: Integrated Construction Solutions – Dave Detwiler		
Existing Land Use:		Alley		
Proposed Land Use:		New Meth Treatment Facility		
Surrounding Land Use:	North	Vacant		
	South	Lumberyard		
	East	Commercial/Retail/Community Services		
	West	Office		
Existing Zoning:		N/A		
Proposed Zoning:		C-1		
Surrounding Zoning:	North	B-2		
	South	C-2		
	East	C-1/C-2		
	West	C-1/C-2		
Growth Plan Designation:		Public		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request to amend and correct Ordinance No. 3898, vacating the rights-of-way for an alley located at the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues.

RECOMMENDATION: Approval.

ANALYSIS

1. Background

The request is to vacate the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues. The 15' utility easement was dedicated in 1998 when the south half of the north/south alley was vacated and the existing building was approved.

When this application originally came before City Council, it was not known that any portion of the alley being vacated would be needed for any existing or future utilities; however, through Mesa County's design process for the proposed expansion of the site, it has become apparent that a portion of the alley does need to be retained as a utility easement.

Ordinance No. 3898, vacating the right-of-way stated the vacation would not be effective until the utilities were relocated and accepted, and necessary easements dedicated. The utilities have been relocated, including into the north and west half of the alley, adjacent to 635 Pitkin Avenue. The correcting ordinance will retain that portion of the alley as a utility easement.

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 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
 - Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.
- Goal 10: To retain valued characteristics of different neighborhoods within the community.
 - Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

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

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

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
- b. No parcel shall be landlocked as a result of the vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Staff has reviewed the project and finds that all applicable review criteria as listed above have been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Meth Treatment Facility alley and easement vacation application, VR-2006-076 for the vacation of a public right-of-way and utility easement, staff makes the following findings of fact and conclusions:

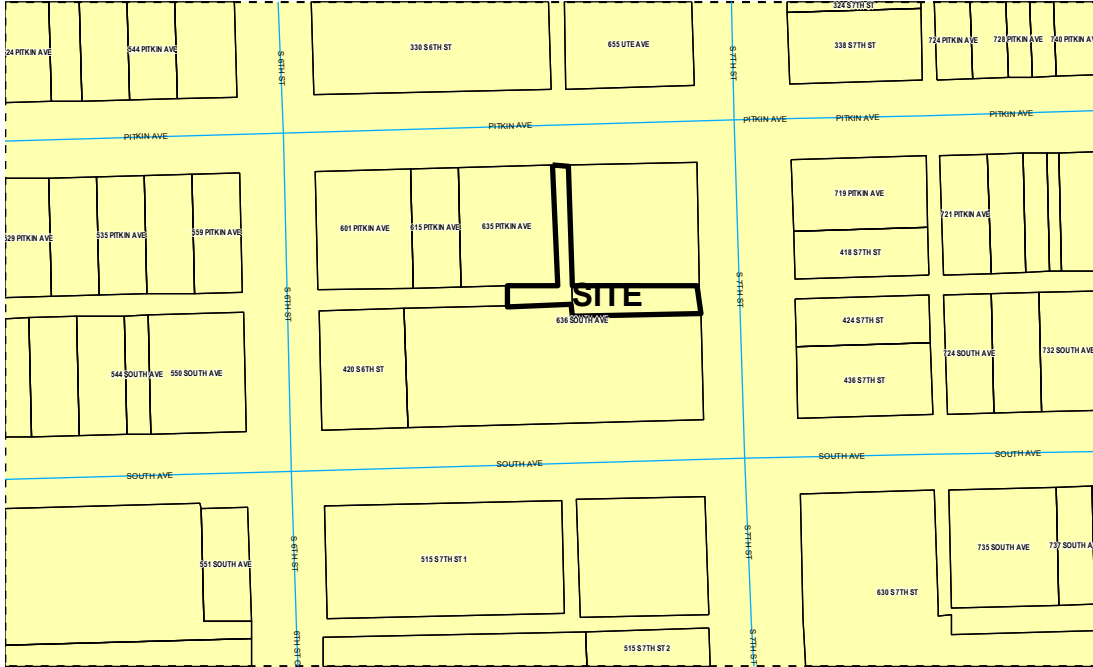
5. The requested right-of-way and utility vacation is consistent with the Growth Plan.
6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
7. The right-of-way as depicted on "Exhibit B" is necessary for utility purposes and will be retained as a Utility Easement.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested right-of-way vacation.

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



CITY OF GRAND JUNCTION

Ordinance No.

AN ORDINANCE AMENDING AND CORRECTING ORDINANCE NO. 3898

**VACATING RIGHTS-OF-WAY FOR AN ALLEYWAY
LOCATED AT THE EASTERN 250' OF THE EAST/WEST ALLEY AND THE
NORTH/SOUTH ALLEY BETWEEN 6TH AND 7TH STREETS AND PITKIN AND
SOUTH AVENUES**

MESA COUNTY CORRECTION AND TREATMENT FACILITY – 636 SOUTH AVENUE

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

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

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. The utilities within the right-of-way to be vacated are to be relocated and new easements dedicated. This ordinance is not effective until the existing utilities are relocated and accepted and the new easement deeds recorded.

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

Ordinance 3898 is amended and corrected to vacate the following described dedicated right-of-way subject to the listed following conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacating ordinance is not effective until the utilities are relocated, inspected and accepted; and, required utility easements are dedicated and deeds are recorded.
3. The right-of-way shown on "Exhibit B" will be retained as a Utility Easement.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A part of the alleys in Block 149 of the Grand Junction Colo. Second Division Survey as Amended, recorded in the Mesa County records, January 22, 1909 at Reception No. 80773; said vacation being described as follows:

Beginning at the southeast corner of Lot 15 of said Block 149;
Thence South 00°04'34" West, a distance of 20.00 feet to the southeast corner of the east-west alley in said Block 149;
Thence along the south line of said alley, North 89°50'18" West, a distance of 205.87 feet;
Thence North 00°02'59" East, a distance of 20.00 feet to the north line of said alley;
Thence South 89°50'18" East, a distance of 55.52 feet to the southeast corner of Lot 10 of said Block 149;
Thence North 00°03'43" East, a distance of 125.89 feet to the northeast corner of said Lot 10;
Thence South 89°49'01" East, a distance of 15.00 feet to the northwest corner of Lot 11 of said Block 149;
Thence South 00°03'43" West, a distance of 125.88 feet to the southwest corner of said Lot 15;
Thence South 89°50'18" East, a distance of 135.36 feet to the Point of Beginning.

Containing 0.138 acres, more or less.

AND all of a ten foot road right-of-way described in a document recorded in Book 361 at Page 211; In the City of Grand Junction, Mesa County, Colorado.

The following as depicted on "Exhibit B" is to be retained as a Utility Easement.

A parcel of land situated in Block 149 of the Grand Junction Colo. Second Division Survey as Amended, recorded in the Mesa County records, January 22, 1909 at Reception No. 80773; being a part of Lots 8, 9, 10 and the vacated alleys of said Block 149 and being described as follows:

Beginning at a point on the east line of said Lot 10, whence the southeast corner of said Lot 10 bears South 00°03'43" West, a distance of 12.56 feet;
Thence North 89°51'31" East, a distance of 7.50 feet to the centerline of the vacated north-south alley through said Block 149 as it adjoins said Lot 10;
Thence along the centerline of said vacated alley, South 00°03'43" West, a distance of 22.60 feet to the centerline of the vacated east-west alley through said Block 149;
Thence along the centerline of said vacated alley, North 89°50'18" West, a distance of 63.01 feet to the west line of said vacated alley;
Thence along said west line and its extension into Lot 8 of said Block 149, North 00°02'59" East, a distance of 10.74 feet to a point which is 0.76 feet north of the south line of said Lot 8;

Thence South 89°47'26" East, a distance of 55.27 feet to a point which is 0.69 feet north and 0.24 feet west of the southeast corner of said Lot 10;
Thence North 00°13'17" East, a distance of 11.86 feet to a point which is 0.21 feet west of the east line of said Lot 10;
Thence North 89°51'31" East, a distance of 0.21 feet to the Point of Beginning.

Containing 767 sq ft (0.018 acres), more or less.

Introduced for first reading on this 2nd day of August, 2006

PASSED and ADOPTED this _____ day of _____, 2006.

ATTEST:

President of City Council

City Clerk

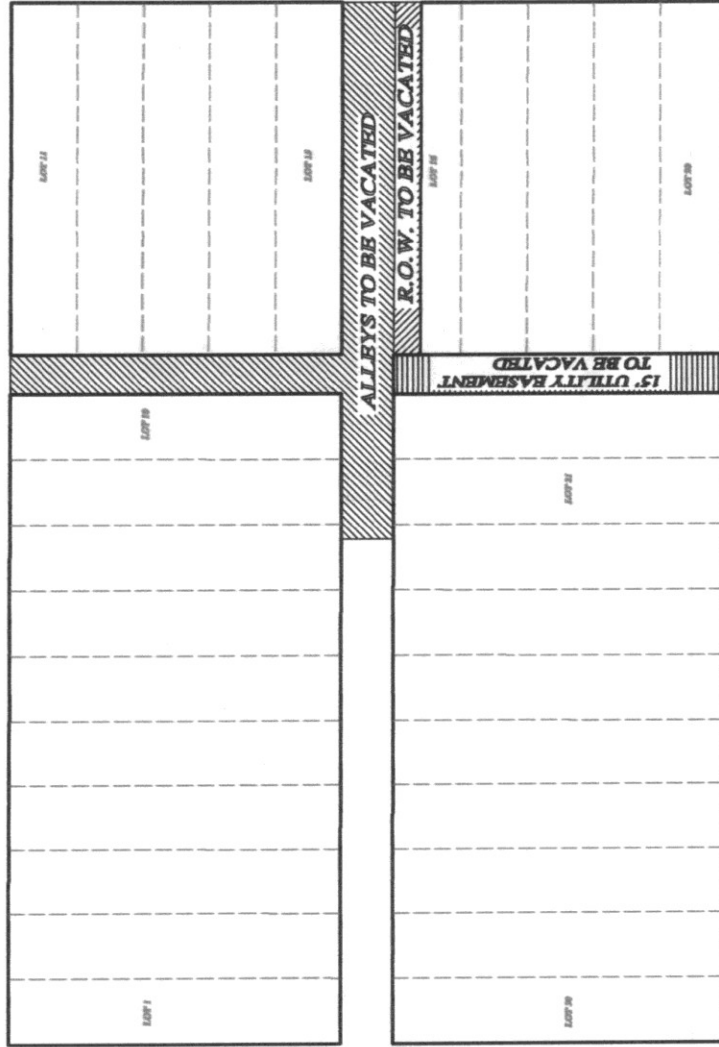
VACATION EXHIBIT "A"

PITKIN AVENUE

SOUTH AVENUE

SIXTH STREET

SEVENTH STREET



NOT TO SCALE

VACATION EXHIBIT "B"

PITKIN AVENUE

SOUTH AVENUE

SEVENTH STREET

SIXTH STREET

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8



NOT TO SCALE

Attach 22
Walker Field AIP32 Improvement Program

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Federal Aviation Administration Airport Improvement Program Grant 3-08-0027-32 (AIP-32) at Walker Field Airport. Supplemental Co-sponsorship Agreement					
Meeting Date	August 16, 2006					
Date Prepared	August 11, 2006				File #	
Author	Eddie F. Storer		Operations Manager			
Presenter Name	Rex A. Tippetts		Airport Manager			
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary:

AIP-32 is for an Airport Layout Plan Update. The project will look at a number of the Airport's more immediate projects to help us estimate the costs. The estimated grant amount is \$200,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Budget:

No funds are being requested of the City of Grand Junction.

Action Requested/Recommendation:

Authorize the Mayor to sign FAA Aip-32 Grant for the capital improvements at Walker Field Airport. Also, authorize the City Manager to sign the Supplemental Co-sponsorship Agreement for AIP-32.

Attachments:

3. Grant Agreement for AIP-32.
4. Supplemental Co-sponsorship Agreement.

Background Information:

The benefits of this ramp expansion project can be summarized by stating that the project will one-third of the fill need to bring the cargo development area up to grad in preparation for placement of the ramp surface. The additional room will provide for a dedicated area for cargo carriers.

This project is covered in greater detail in the Airport Layout/Development Plan Update (January 2002), which was approved by the City of Grand Junction.



WALKER FIELD AIRPORT AUTHORITY
2828 Walker Field Drive, Suite 301 • Grand Junction, CO 81506
(970) 244-9100 • FAX: (970) 241-9103 • www.walkerfield.com

August 14, 2006

Stephanie Tuin, City Clerk
City Hall
250 N. 5th Street
Grand Junction, CO 81501

Dear Ms. Tuin,

Enclosed please find a copy of AIP-32 Grant Documents. The Airport would appreciate this being placed on the August 16, 2006 City Council Agenda. The grant needs to be accepted and returned to the Federal Aviation Administration (FAA) by August 22, 2006.

This project is for the update of Walker Field Airport's Airport Layout Plan (ALP). This will be a 12 to 18 month process that includes a boundary survey, Terminal Area planning, and the necessary planning for the BLM land transfer. I have used a faxed copy of the grant for the packet: I am expecting the original today.

Thank you for your help in getting this project started.

Sincerely,

A handwritten signature in blue ink that reads "Rex A. Tippetts". The signature is written in a cursive style with a large initial 'R'.

Rex A. Tippetts
Airport Manager

SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT

This Supplemental Co-Sponsorship Agreement is entered into and effective this _____ day of _____, 2006, by and between the Walker Field, Colorado, Public Airport Authority ("Airport Authority"), and the City of Grand Junction (City).

RECITALS

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Walker Field Airport, located in Grand Junction, Colorado ("Airport").

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration ("FAA"), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant Application No. 3-08-0027-32 ("Project").

D. The FAA is willing to provide approximately \$200,000 toward the estimated costs of the Project, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreement, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

AGREEMENT

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.
2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:
 - (a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Project contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and
 - (b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreement, or reasonably related to or inferred therefrom, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.
3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.
4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in accordance with paragraph 6 of the Special Assurances; the Project contemplated by the Grant Agreement is consistent with present plans of the City for the development of the area surrounding the Airport.
5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venturer, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

WALKER FIELD, COLORADO, PUBLIC AIRPORT
AUTHORITY

By _____
F. Roger Little, Chairman

CITY OF GRAND JUNCTION

By _____
David Varley, Interim/Assistant City Manager

U.S. Department
of Transportation

GRANT AGREEMENT

Federal Aviation
Administration

Part I - Offer

Date of Offer: August 8, 2006

Airport: Walker Field

Project Number: 3-08-0027-32

Contract Number: DOT-FA06NM-1073

DUNS Number: 156135394

To: City of Grand Junction, the County of Mesa and the Walker Field, Colorado, Public Airport Authority
(herein called the "Sponsor")

From: The United States of America (acting through the Federal Aviation Administration, herein called the
"FAA")

Whereas, the Sponsor has submitted to the FAA a Project Application dated August 8, 2006 for a grant of Federal funds
for a project or associated with the Walker Field Airport, which Project Application, as approved by the FAA, is
hereby incorporated herein and made a part hereof, and

Whereas, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

Master Plan Study,

all as more particularly described in the Project Application.

NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 95.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

Conditions

1. The maximum obligation of the United States payable under this offer shall be \$200,000. For the purpose of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:

\$200,000 for planning
\$-0- for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
6. ~~This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the sponsor on or before August 23, 2006, or such subsequent date as may be prescribed in writing by the FAA.~~
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or

other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

- 8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

Special Conditions

- 9. The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects," dated June 15, 2005, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

- 10. The sponsor agrees to monitor progress on the work to be accomplished by this grant. For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of the final project documentation is ten percent (10%) of the total value of the engineering services contract, and that amount will not be paid to the Engineer until acceptable final project documentation is provided.

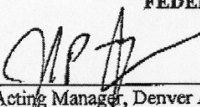
- 11. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- a. may not be increased for a planning project;
- b. may be increased by not more than 15 percent for development projects;
- c. may be increased by not more than 15 percent for land projects.

- 12. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION



Acting Manager, Denver Airports District Office

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 2006.

CITY OF GRAND JUNCTION, COLORADO

(SEAL)

Sponsor's Designated Official Representative

Attest: _____

Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 2006.

Signature of Sponsor's Attorney

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 2006.

COUNTY OF MESA, COLORADO

(SEAL)

Sponsor's Designated Official Representative

Attest: _____

Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 2006.

Signature of Sponsor's Attorney

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 2006:

**WALKER FIELD, COLORADO PUBLIC AIRPORT
AUTHORITY**

(SEAL)

Sponsor's Designated Official Representative

Attest: _____

Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this ____ day of _____, 2006.

Signature of Sponsor's Attorney

Attach 23

Appointment of Municipal Judge

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Appointment of Municipal Judge					
Meeting Date	August 16, 2006					
Date Prepared	August 15, 2006				File #	
Author	John Shaver		City Attorney			
Presenter Name	David Varley		Interim City Manager			
Report results back to Council		No	X	Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: In June of this year, long time Municipal Judge David Palmer succumbed to cancer. For many years prior to Judge Palmer's death Care McInnis-Raaum served the Court as an Associate Judge.

The Council having interviewed Judge Raaum and having received recommendations from Judge Palmer and City Attorney John Shaver has determined that Associate Judge McInnis-Raaum should be appointed as Municipal Court judge beginning immediately in accordance with the attached resolution.

Budget: The position and salary are budgeted and therefore there is no financial impact.

Action Requested/Recommendation: It is recommended that City Council adopt the resolution appointing Care McInnis-Raaum as Municipal Judge.

Resolution No. __-06

A RESOLUTION APPOINTING McINNIS-RAAUM AS
MUNICIPAL COURT JUDGE

RECITALS:

The City of Grand Junction has by Charter and Ordinance established a Municipal Court. The Charter provides that the City Council shall appoint a Judge of the Municipal Court and the Code of Ordinances allows for additional or associate judges to transact the business of the Court.

Judge Care McInnis-Raaum has been an Associate Municipal Court Judge since 1995. Judge McInnis-Raaum has capably served the community during her years on the bench. The position of Municipal Court Judge is presently vacant. Therefore, with the advice and consent of the Office of the City Attorney and the recommendation of former Municipal Court Judge David Palmer, by this Resolution, Care McInnis-Raaum is appointed as the Municipal Court Judge in and for the Grand Junction Municipal Court.

Judge McInnis-Raaum shall serve for a term of four years and may upon continued satisfactory service be re-appointed for successive terms.

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

The Honorable Care McInnis-Raaum is appointed as Municipal Court Judge in and for the Grand Junction Municipal Court, with all rights, obligations and privileges that pertain.

PASSED and ADOPTED this _____ day of _____, 2006.

Jim Doody
Mayor

ATTEST:

Stephanie Tuin
City Clerk